

TOWN OF MONTVILLE
Land Use & Development Department
310 Norwich-New London Turnpike, Uncasville, CT 06382
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Staff Report Prepared by Meredith Badaluca, Asst. Planner on March 20, 2026

Application: 26 ZC 1 – Zone Change with respect to 50 Cook Drive
Parcel ID: 099-009-001, 0.25 Acres, 10,771.25 square feet
Applicant: Town of Montville Water Pollution Control Authority (WPCA)
Agent: Barry Parfitt, PE – Wright Pierce
Legal: Date of Receipt by PZC: 1/27/26. Public Hearing Scheduled for 2/24/26.
Public Hearing shall close within 35 days of opening. Decision Required
Date (DRD): 65 days from close of PH.
Site Visit: ZEO Radford and myself inspected the site on December 30, 2025.

Proposal: Zone Change from current zone of R-20 to proposed zone of Government

Background:

Per Assessor records, the parcel was obtained from WICH Inc in April of 1999 and the original water tank was installed in 2000.

A variance was granted by the ZBA on September 7, 2022 in order to construct a new water tower and ancillary structures.

A site plan for a new 531,2000 gallon glass-fused-to-steel water storage tank adjacent to the existing 590,000 gallon tank was approved by this commission on November 8, 2022.

Zoning permit number 23 ZP 129 was issued on August 18, 2023 in accordance with the above site plan approval.

Staff Comments:

This application before the commission is a legislative action. Legislative decisions establish the foundation for policy implementation through zoning, the Capital Improvement Plan, CGS 8-24 reviews, etc.

The applicant, Town of Montville WPCA, has stated they are requesting this zone change from R-20 to Government for water utility purposes. The application further states “The parcel is currently utilized by the Town of Montville as the site of a water storage tank that serves the public water system, which is operated by the Water Pollution Control Authority. The existing residential zoning does not reflect the actual and intended municipal utility use of the property. Therefore, this zone change is requested to accurately align the zoning designation with its current and long-term public utility function.”

This parcel is abutted to the north and east by 48 Cook Drive, owned by K2 Towers III LLC which currently has a tower and utility building on the property. The parcel to the

south is 1758 Route 32 which is zoned R-20-M and has an approved site plan for a 200 unit multi-family development. To the west is 57 Cook Drive, zoned R-20 with a current residential use with a single family residence.

Our Zoning Regulations Section (ZR) 14 Government District stated purpose is listed as follows: This zone is intended for state, local government, and utility land uses, such as schools, fire stations and municipal buildings. These uses may be site specific depending on the needs of the community. ZR 14.2.1 states permitted uses as: Government offices, libraries, schools, public safety facilities and public utilities. There are no minimum requirements for lot size, frontage nor setbacks in the Government Zoning Districts.

The current zoning district of R-20 has a minimum lot frontage of 80 feet and a minimum lot size of 20,000 square feet. This parcel is 10,771.25 square feet with no frontage. The property is accessed via an easement in favor of the Town of Montville. Therefore, this is considered a non-conforming lot.

The POCD existing land use map shows the current use of this parcel as utility. The future land use map indicates this parcel in the Housing Investment Area which includes lots less than or equal to 20,000 square feet, within a sewer district boundary, neighborhood conservation areas, infrastructure area, and municipal uses.

The applicant has provided as part of the zone change application, the "Zone Change Evaluation Criteria" outline. This outline is not part of our regulations, however is included with the application documents on the Town of Montville website. Listed below are the six criteria that should be considered by the Commission. Staff comments are indicated in italic.

1. Is the proposal in conformance with the Plan of Conservation and Development, but more importantly, is it in conformance with the intent of the Zoning Regulations (aka Comprehensive Plan) and, if not;

Staff feels that this zone change is in conformance with the intent of the zoning regulations, as outlined above and consistent with the existing and future land use maps provided in the 2022 POCD.

2. Was the original classification given to the land inappropriate or improper?

This parcel was not originally owned by the town nor had a utility use until 1999/2000. Therefore, the original classification given would have been appropriate. However, given the historic use of the property for a government utility the proposed classification is more appropriate.

3. Have there been major changes within the area involved which were not anticipated in the adopted Plan of Conservation and Development and Comprehensive Plan (Zoning Maps and Regulations), and which have substantially altered the basic character of the area?

No, the POCD indicates an existing utility use of the property and the future land use map shows municipal use.

4. Is the proposal going to benefit the community as a whole, and not solely a particular individual or group of individuals?

Staff feels the proposed change to Government will benefit the community as a whole, as the parcel will continue be used as a public utility and will provide flexibility for any future infrastructure needs.

5. Is the area suitable for the use and other uses permitted by right in the new zone and will the change encourage the most appropriate use of the land in the public interest?

Yes, the area is suitable for the established public utility use that benefits the public interest.

6. Does the proposal represent spot zoning?

No, the purpose stated in the Government District reads in part: These uses may be site specific depending on the needs of the community.

Referrals: The application was referred to the Building Department, Fire Marshal, Public Works, Assessor, Police Department and DEEP on January 14, 2026.

The application and map entitled "Zone Change Map, 50 Cook Drive, Montville, CT, Prepared by Wright-Pierce, dated 1/7/26" was posted in the office of the Town Clerk on January 14, 2026. The revised Zone Change Map dated 2/2/26 was posted in the Town Clerk's office on February 2, 2026. This map was revised to show the proper zoning district for 67 Cook Drive and 8 Fielding Drive.

The applicant mailed a notice of the public hearing to abutters on February 5, 2026 via Certificate of Mailing. Copies of which were provided to our office on February 9, 2026. The public hearing was noticed in The Day on February 11 and 18, 2026, as required.

Due to Town Hall being closed for a blizzard on February 24, 2026, the scheduled Public Hearing could not be held. An additional Notice of Public Hearing for March 24, 2026 was sent to The Day on February 25, 2026 for publication on March 11 and 18, 2026. The same was sent to the applicant on February 26, 2026.

The applicant provided copies of the notice of public hearing for March 24, 2026 to the abutters in a letter dated February 26, 2026 sent via Certificate of Mailing on March 3, 2026. Copies of the letters were received in our office on March 11, 2026.

Comments received:

Police Dept: Comments dated 1/14/26: "The Police Department has no comment on this change."

DEEP: Comments dated 1/14/26 in part: "Because the parcel lies outside the coastal boundary, the Division lacks jurisdiction and therefore offers no comment on the proposal."

Building Dept: Comments dated 1/14/26: "The Building Official has no adverse comments for this proposal."

Public Works: Comments dated 1/15/26: "Public works has no comment on this zone change."

Town Attorney: Staff spoke with Attorney Rich Cody on January 13, 2026 regarding this application and he reviewed both ZR 14 (Government), ZR 9 (R-20) and the GIS and did not have any concerns with the requested change to Government.

No comments were received from the Assessor or Fire Marshal.

Suggested Motion and findings for APPROVAL:

"I make a MOTION to APPROVE application 26ZC1 with the following findings, reasons for approval and effective date of April 13, 2026:

- The government use as a government utility use per Zoning Regulation Section 14.2.1.
- Historic use of the property has been government utility.
- Making a non-conforming lot (R-20) a conforming lot (Government) as there is no minimum lot size and no frontage requirement.
- The application is consistent with the existing and future land use maps in the Town of Montville POCD.
- The zoning map amendment will not conflict with or undermine the Town's comprehensive plan or otherwise compromise orderly development objectives.

FOR A DENIAL:

Should the Commission vote to deny the application, it shall state its reasons for the record.

