

**TOWN OF MONTVILLE
ZONING BOARD OF APPEALS**

310 Norwich-New London Turnpike, Uncasville, CT 06382

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REGULAR MEETING MINUTES

Regular Meeting

June 3, 2026 -- 6:00 p.m.

Town Council Chambers – Town Hall

1. Call to Order.

Chairperson MacNeil called the regular meeting of the Zoning Board of Appeals to order at 6:00 p.m.

2. Pledge of Allegiance.

All stood and pledged the flag.

3. Roll Call.

Present were Chairperson John MacNeil and Vice-Chair Doug Adams, Board Members Michael Butterworth, Lisa Maffeo and Arthur Montorsi. Board Alternate Meracus Hernandez was absent from the meeting. A quorum of the Board was present.

Also present was Zoning Enforcement Officer (ZEO) Stacy Radford, Mayor Lenny Bunnell, Attorney Matthew Willis, and Attorney Michael Carey.

4. Minutes: Approve the Minutes of the May 6, 2026, Meeting.

Motion by Board Member Montorsi; seconded by Vice-Chair Adams to approve the ZBA Meeting May 6, 2026 minutes. Discussion: Chairperson MacNeil noted a correction on Pg. 3, half-way down the page that should refer to “*lofts*” not lifts. **Voice Vote: 5-0-0. Motion Approved as Amended.**

5. Executive Session: -- None

6. Public Hearings/Discussion & Deliberation:

- a. **Discussion & Decision: 26 ZBA 1** -- Owners: Thomas DeMorro & Stacy Wroblinski; Applicant: Thomas DeMorro; for Appeal of the January 13, 2026 Cease & Desist letter of the Zoning Enforcement Officer regarding the property located at 836 Route 163 (Parcel ID: 037-022-000) (02/12/2026, Date of Receipt 03/04/2026, Public Hearing scheduled for 04/01/2026PH must close within 35 days of receipt).

Chairperson MacNeil reported continued discussion by the Board that originated at the Public Hearing on May 6, 2026 and the request to have the Board’s Attorney Michael Carey draft a deciding motion. The Chairperson summarized the information presented at the Public Hearing of this matter outlining steps taken by the ZEO Radford pertaining to the Cease & Desist Order.

He also noted that the Board is being asked by the Applicant to overturn the order by the ZEO. Steps taken by the ZEO were referenced by Chairperson MacNeil as follows:

- A complaint received of roaming chickens observed by the ZEO per a drive-by on 10/23/2026;
- ZEO issuance of a Notice of Violation and a request for voluntary conformance on 10/30/2025;
- ZEO site inspection conducted on 12/05/2025—animals found were 30 chickens (only 12 are allowed); 4 sheep (not allowed); 2 pot belly pigs (not allowed); 4+ roosters (not allowed); 6+ ducks (not allowed); 3 goats (not allowed) and 1 rabbit that can be considered a pet;
- Notice of Violation issued that required compliance within 30 days on 12/08/2025;
- ZEO issuance of a Cease & Desist for compliance within 30 days on 01/13/2026;
- Applicant's Counsel Attorney Chase met with the ZEO, Department of Land Use Director Goderre, and Assistant Planner Badalucca on February 3, 2026 and he provided an arial picture of the Applicant's property for a potential change of outcome.
- ZEO sent a letter to Applicant's Counsel dated February 12, 2026 that addressed that five (5) acres or more are acquired to have farm animals which this property does not have. An aerial photo of the property was included in addition to photos of animals currently housed there. Also addressed was the affidavit of former owner Mr. Marsh who resided on the property from February 16, 2016 to September 30, 2011 and the lack of information as to the owner of the property who resided on it for 10 years thereafter and its use during that period of time.

Chairperson MacNeil then referred to a memorandum drafted by Board Counsel Attorney Carey that includes a draft Board motion and procedures for acting on appeal of a ZEO order. The memorandum cites caselaw on factors to consider on claims for legal nonconforming uses and abandonment; elements of said claims and pertinent CT statutes and Montville Zoning Regulations regarding the same. For the purposes of voting, the memorandum also clarifies that four (4) "aye" votes by the Board are required to vote for the pending appeal of the in favor of the Applicant otherwise a "nay" vote would uphold the decision of the ZEO as explained by Attorney Carey. Also responded to by Commissioner Butterworth, Attorney Carey and Chairperson MacNeil was closing the hearing without having asked questions of the Board. In addition, there is no information on record that registers the property as a farm that has always been illegally used, and that abandonment has to be intentional. Discussion was had about all the information presented at hearing. **Motion** by Chairperson MacNeil; seconded by Vice-Chair Adams to appeal 26 ZBA1 by Thomas Demorro from the Cease and Desist Order issued to him by Montville ZEO, Stacy Radford, dated January 13, 2026 and thereby reverse said Order. **Roll Call Vote: In favor (Aye): Board members Butterworth, Montorsi. Opposed (Nay): Board Member Adams, MacNeil, Maffeo. 2-3-0. Appeal denied.**

- b. **Public Hearing: 26 ZBA 2** – Owner: Drive-In LLC; Applicant: Sammy P Inc.; for location approval of CT DMV Recycler License at 1080 Route 32, Uncasville, CT (Parcel ID: 086-004-000) (*Submitted 04/27/2026, Date of Receipt 05/06/2026, Public Hearing scheduled for 06/03/2026; PH must close within 35 days—by 07/08/2026*).

STAFF COMMENTS:

The Zoning Board of Appeals is acting in its capacity as an Agent for the State of Connecticut in reviewing this Application for a Certificate of Location Approval for a Motor Vehicle Recycler License K-91 per CT General Statutes Section 14-67g and 14-67i (copies attached). A Public Hearing is being held for this Application, but there is no requirement for a hearing in either the CGS or the Montville Zoning Regulations.

This property is located at 1080 Route 32, which operated as a drive-in theater for a number of years. In September 2025 the Planning & Zoning Commission approved a change of use to an auction facility, with conditions of approval. All conditions of approval were met, and a Zoning Permit was subsequently issued. In April 2026 a Certificate of Zoning Compliance was issued and the Applicant held its first auction in conformance with the PZC approval. The Applicant is now applying for the above referenced location approval to allow "salvage" vehicles to be auctioned off, not dismantled. Pursuant to the Application and Plan submitted, the Applicant has not provided a timeline that these "salvage" vehicles will be allowed to remain on the property and the Plan submitted does not depict an area on the property where said vehicles would be stored.

Although the Applicant has stated that he only intends to "auction off salvaged vehicles", the K-91 form from the State of Connecticut for a Motor Vehicle Recycler License and more specifically CT General Statutes Section 14-67g, defines "Motor vehicle recycler's business" or "motor vehicle recycler's yard" as "shall include any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Said terms shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to cut up the parts thereof." Thus not allowing for conditioning a Permit for one specific use, such as the use which the Applicant has intended, "auction off salvaged vehicles".

CT General Statutes Section 14-67i states:

"(a) No person, firm or corporation shall establish, operate or maintain a motor vehicle recycler's yard or motor vehicle recycler's business unless a certificate of approval of the location to be used therefor has been procured from the board or authority designated by local charter, regulation or ordinance in the town, city or borough wherein such yard or business is located or is proposed to be located, except that in any town or city having a zoning commission, combined planning and zoning commission and a board of appeals, such certificate shall be obtained from the board of appeals."

This property is located in the Commercial-2 (C-2) Zoning District. Permitted uses allowed in this Zone are clearly defined in the Zoning Regulations.

This property is also located in the Overlay Zone (OZ) Zoning District. To utilize the OZ, an Applicant must refer back to the underlying Zone for bulk standards. Commercial uses allowed in the OZ Zoning District are any "commercial uses and structures" that are allowed in the C-1 and C-2 Zone. Copies of the permitted uses allowed in these Zones are attached for your reference. Further review of the Zoning Regulations shows the "Automobile and heavy equipment dealers" as a permitted use under Section 12: Light Industrial (LI) District and not in either Commercial

Zoning District. Therefore Staff does not believe that this intended additional use would be in conformance with the Montville Zoning Regulations.

To re-iterate CT General Statutes Section 14-67g and the definition of “Motor vehicle recycler’s business” or “motor vehicle recycler’s yard” is as follows:

““Motor vehicle recycler’s business” or “motor vehicle recycler’s yard” shall include any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Said terms shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to cut up the parts thereof.”

By the above described definition, if this Board were to approve this location approval, this property, by way of a Permit issued by the State of Connecticut, would allow for this property to become a junk yard, which is NOT allowed in any Commercial Zoning District under the current Zoning Regulations.

Staff has consulted with the Town Attorney who has advised that the ZBA should consider the following when considering a location approval under CT General Statutes Section 14-67i:

- Is there an Ordinance or Regulation specifically prohibiting motor vehicle recycler’s in the proposed Zoning District? If there is, the analysis stops and the location may not be approved.
 - Staff has reviewed the Town of Montville Ordinances and current Zoning Regulations and there is no prohibition.
- Is the property in a Zoning District where the proposed use is permitted by right or Special Permit? If the proposed use is not permitted, the location may not be approved.
 - As Staff mentioned previously, automobile and heavy equipment dealers is a permitted use under Section 12: Light Industrial District, not under the Commerical-1 or Commerical-2 Zoning Districts.
 - It is Staff’s opinion that this proposed use is not listed as a Permitted Use under the Zoning District the property is in, nor specifically listed in the Overlay Zone, which would revert back to the underlying zone.
 - The proposed use is not specifically listed as a use by Special Permit.
 - Therefore this location approval cannot be approved.

Staff further recommends and the State of Connecticut requires the following be considered, pursuant to Part B – Certificate of Approval for Proposed Location. The form states the following: “In issuing the certification, the following was considered, and no basis or sufficient reason was found for disapproval of this application. The board has taken into consideration:” Staff has added comments on each of the following:

1. That the location is not in an established district restricted against such use as provided in Section 14-67s, C.G.S.

Staff: The Town of Montville has not enacted an ordinance creating restricted districts within which any motor vehicle recycler’s yard or motor vehicle recycler’s

business shall not be permitted to be established. The Town of Montville, through Zoning Regulations, have designated Zoning Districts with separate “permitted uses”. This use would not be permitted in the underlying or Route 32 Overlay Zone.

2. The nature and development of surrounding property.

Staff: Route 32 is primarily a Commercial District whereas the zones are intended for businesses that provide day-to-day convenience goods and services to nearby residents.

3. The proximity of churches, schools, hospitals, public buildings or other places of public gatherings.

Staff: There are no churches or hospitals, however the following schools and public buildings are in close proximity this property:

- **St. Bernard High School is a private, high school located within approximately 1.5 miles of the property. Education is offered to students from all faiths in grades 6-12 from New London, Middlesex and Windham Counties.**
- **The Bradley School is located within approximately 1.8 miles of the property and serves students with behavioral health challenges.**
- **Mohegan Elementary School part of the Montville Board of Education, serving local students from grades K-5 and is located approximately 2 miles from the property.**
- **The Palmer Academy is the Montville Alternative High School serving students from grades 9-12 and is located within 3 miles of the property.**
- **The Montville Public Safety Complex is less than ½ mile from this property. The Public Safety Complex allows for the rental of a Community Room for trainings and seminars for other municipalities. These non-residents visit any number of businesses operating along the Route 32 corridor.**

4. The sufficiency in number of other such dismantlers or businesses in the vicinity.

Staff: Pursuant to review of the State of Connecticut Website, there are currently (2) “recycler” businesses licensed to operate within the Town of Montville. One is Ski’s Garage which is located at 996 Route 32; literally next door to the Applicant’s property and the other is Yales, Inc. DBA Three Mad Men which operates at 430 Maple Avenue, approximately 3 miles from the Applicant’s property.

5. The health, safety, and general welfare of the public.

Staff: The operation of a “recycler” business can directly undermine the public health, safety and general welfare of the public causing environmental contamination of leakage of motor oil, antifreeze and/or gas or diesel from salvaged vehicles. Salvaged vehicles can become safety hazards by having rusted, sharp metal; if they have been involved in an accident and these vehicles can be a cause for a breeding ground of disease carrying mosquitoes, rats and snakes because of stagnant water which might accumulate in or around the damaged vehicles. The Applicant has not shown where he intends to store these “salvaged vehicles”, nor has he shown any type of screening or fencing which would prevent blight or distraction from the neighboring public.

The Land Use & Development Director, Dennis Goderre has submitted his comments for review and consideration by this Board, a copy of which is attached to this Staff Report as follows:
RE: Application #26 ZBA 2 (1080 Route 32, Uncasville, CT) / Request for Certificate of Location Approval for CT DMV Recycler License by Sammy P Inc.

Dear Members of the Zoning Board of Appeals,

As the Director of Land Use and Development, I am writing to convey my concurrence with the findings and recommendations detailed in the staff report, 26ZBA2 - Staff Report 1 6-3-2026 DGG.docx, prepared by Zoning Enforcement Officer Stacy Radford. I would like to emphasize two facts.

First, under the current Town of Montville Zoning Regulations, a "junk yard" use is not explicitly defined or specifically listed. Such a situation is common in municipal planning, as an exhaustive list of every conceivable use type cannot be fully anticipated or codified within any zoning regulation. To that end, it is a generally accepted practice in land use administration that when a use is not specifically listed, it is categorized under the most closely aligned use classification, as determined by staff.

In this case, Section 13 (Industrial District), subsection 13.2.1 (Permitted Uses) lists activities such as "...construction, manufacturing..." and "...sanitary services, wholesale trade...". These industrial categories represent the closest alignment to a junk yard within our regulations. Junk yards are inherently wholesale operations not intended for the general retail consumer, as in a Commercial district. Furthermore, by Connecticut statute, a motor vehicle recycler's yard allows for vehicle disassembly—activities closely related to "manufacturing" or "construction" where the physical manipulation of heavy parts occurs. By its very nature, a junk yard contains automotive waste and fluids that require special environmental handling, similar to "sanitary services." The storage of junked, piled, or stacked vehicles presents a distinct risk of environmental contamination and severe negative visual impacts that will damage the surrounding properties and the neighborhood. These are activities and characteristics of uses that require separation from commercial and residential uses and is the basis of why we divide land into zoning districts, to separate incompatible land uses.

Conversely, commercial districts are intended for the common consumer, characterized by lower-impact operations that provide retail goods and services to the public. Our Commercial zoning regulations make no mention of the industrial-type uses listed in Section 13. This clear divide between commercial and industrial classifications is a critical distinction because the Route 32 Overlay Zone (OZ) strictly limits utilization to a specific framework: uses that are permitted include "*14A.2 A mixture of permitted commercial uses and structures.....*" Because no similar industrial or recycler use type is permitted within the underlying Commercial districts of the Town of Montville, this use is therefore strictly prohibited in the Overlay Zone.

From a broader planning and community development perspective, approving this location would severely disrupt and undermine the critical work currently being executed under our "*Revive and Renew Routes 163 and 32*" initiatives. Through extensive teamwork and public outreach, the Montville community has articulated a clear, unified vision for these corridors: the cultivation of an inviting, walkable "sense of place" that attracts sustainable investment and enhances public welfare.

An active vehicle salvage and storage operation at this highly visible gateway is entirely incompatible with a vibrant commercial zone, nor is it compatible with an Overlay Zone explicitly

designed to promote mixed-use development with residential housing of varying density. Approving this application would establish a detrimental precedent, damaging the nature and development of surrounding properties and directly contradicting the community's economic development goals.

Respectfully,

Dennis Goderre, AICP, PLA

Director of Land Use and Development

ZEO Radford read into the record the Staff Report and the letter by Director Goderre into the record. Present was licensed Land Surveyor John Faulis on behalf of the Applicant as well as the Applicant Mr. Piotrkowski owner of Sammy P. Inc, and Driver, LLC. J. Faulis reported on the approval by Planning & Zoning in September 2025 for permitted use under C.G.S. Sec. 11.2.1 for certification of zoning compliance prior to the first auction on the property. This statute is a catchall for types of businesses including auction facilities and location approval would allow the operation of as a recycle licensed location. To satisfy DMV, a recycler license is required for salvage items. It was explained that salvage vehicles are not sold to the general public creating larger oversight and a Certification of Environmental Compliance must be had for salvaged items per C.G.S. Sec. 14.67.1. The Land Surveyor explained that the location encompasses 23 acres west of Route 32 on Raymond Hill and per C.G.S. 11.1.2 the Town has the means to determine restrictions. This statute allows for goods and services for profit including an auction as approved by Planning & Zoning as the location is not a restricted use. The surrounding property will not be a junkyard as salvage vehicles will be whole vehicles that will be sold and the Applicant will agree not to disable the vehicles. It was also reported that there are no schools in the proximity of the property that is fenced and has an interior fence to keep the public out and as a DMV requirement. This location will be the only property to sell whole, salvaged vehicles. Another DMV requirement is that the public will not be visiting the location for purchase. Per health and safety, the property was vetted for permit concerning security, landscaping, public access, ADA compliance etc. Attorney Dorian Reiser was consulted and a memorandum from the Attorney was read into the record. The Land Surveyor concluded that the site approved under C.G.S. 11.1.2. Responses to Board questions were answered by Applicant Piotrkowski concerning the following:

1. Vehicle limits—there is no limitation on available space;
2. The property will not be an eyesore as it will not be a scrapyard location;
3. Certification is needed to confirm the vehicles as salvaged as they will not be dismantled;
4. Concern that the site will not become worse—an 8-foot fence that is not see-through is required by the State;
5. There will be no changes to the site plan;
6. Does approval of the property as a salvage location convey with the property—the license is not transferable;
7. The location will not look like a junkyard;
8. Salvage vehicles must be cleaned and drained of fluids per the DMV.

Applicant Piotrkowski noted that the Town has been more than welcoming and the intent is not to hurt the Town; it is to acquire the certificate required by the DMV. Resident Bill Pieniadz represented himself as a resident, taxpayer and investor and voiced support for brick and mortar locations, the creation of a tax base and being in favor of revival and renewal of the Town that requires a CT license but noted conditions or restrictions is an option for the Town. The Applicant agreed to conditions.

The Chairperson asked if anyone wished to speak in favor and/or opposition. A **Motion to Continue** the public hearing by Board member Butterworth; seconded by Chairperson MacNeil to the next scheduled meeting. Discussion: At the July 8th meeting the hearing will need to be closed; Attorney Carey did not think it was that kind of application. Conditions were discussed to have the LLC come forward every two (2) years which Attorney Carey deemed was not in the nature of the Board for approval by the State. The Attorney also noted that the ZWO can monitor the location, but Planning & Zoning must approve enforcement. It was noted as well that the ZWO must approve change of use. Attorney Carey reported that these statutes were changed every five (5) years and a case he reviewed was over 20 years old and there no conditions. Conditions would be referred to the Board as enforcement by the State is unknown. The DMV issues and assumes enforcement and since vehicles are not being taken apart the DMV but are for salvage the Town enforces the condition. Resident Pieniadz remarked that the DMV will issue a license to an address, and the Applicant is required to make a request for modification for site plan approval for the Town. **Motion to Continue Withdrawn. Motion** by Chairperson MacNeil; seconded by Vice-Chair Adams to close Public Hearing 26 ZBA 2. **Voice vote: all in favor. Motion Approved.**

- c. **Discussion & Decision: 26 ZBA 2** – Owner: Drive-In LLC; Applicant: Sammy P Inc.; for location approval of CT DMV Recycler License at 1080 Route 32, Uncasville, CT (Parcel ID: 086-004-000) *(Decision required within 65 days of the close of PH)*.

Motion by Board Member Butterworth; seconded by Chairperson MacNeil to approve a modified plan for 26 ZBA 2. Discussion: If the condition is presented to Planning & Zoning and it is denied, the Board will only approve the location plan. Otherwise, a site plan modification must be submitted to Planning & Zoning or a change of use for location approval per the ZEO. Attorney Carey noted that the conditions will not have legal weight as this is not a zoning decision. If the location is limited for a salvage yard only then the DMV will limit the license accordingly. The Board noted that the license is for the DMV and limited to motor vehicles. A site plan modification will identify 8-foot fences, dismantling, and hours of operation. Attorney Carey added that ZBA will have signed off on the condition before the DMV and Board action is required to move forward. **Roll Call Vote: In favor: Board members Butterworth, Adams, MacNeil, Montorsi, Maffeo. Opposed : none. Motion Approved.**

- 7. **New Business:** -- None
- 8. **Old Business:** -- None
- 9. **Other Business:** -- None

10. Adjournment

Motion by Chairperson MacNeil; seconded by Board Member Maffeo to adjourn the meeting at 7:59 p.m. Discussion: none. **Voice Vote: 5-0-0. Meeting Adjourned.**

Respectfully submitted by:

Gloria J. Gathers
Recording Secretary
Town of Montville

**AN AUDIO RECORDING OF THE MEETING IS AVAILABLE UNDER
“RESOURCES” ON THE TOWN OF MONTVILLE WEBSITE.**