

STAFF EXHIBIT LIST
Opt Out of Public Act 21-29

Applicant/Owner: **Montville PZC**

Proposed Action: **Opt Out of Public Act 21-29 Accessory Dwelling Units**

Public Hearing: **January 25, 2022**

Staff Exhibits:

1. December 14, 2021 Meeting Minutes
2. Copy of legal ad published on the Town Website on January 14, 2022
3. Copy of legal ad published in The Day on January 14, 2022 & January 21, 2022
4. Email from Town Attorney, M. Willis dated January 21, 2022
5. Planner Staff Report dated January 25, 2022
6. The entire project folder.

Town of Montville
Planning and Zoning Commission
310 Norwich New London Turnpike Uncasville, CT 06382
Meeting Minutes of Tuesday, December 14, 2021, Public Hearing/Regular Meeting

1. Call to Order: Chairperson Lundy called the meeting to order at 6:00 p.m.
2. Pledge of Allegiance: All rose to salute the flag.
3. Roll Call: Present were Commissioners, Lundy, Pike, Siragusa, Desjardins, Estelle, Longton, Duchesneau and Kobyluck. Also present were Planning Director Liz Burdick, Assistant Planner Colleen Bezanson. Absent was Commissioner Pieniadz
4. **Public Hearings/Applications:**
 - a. **Public Hearing. PZ# 221-1 POCD** – Application of the Montville Planning & Zoning Commission for 2021 Proposed Amendments to the 2010 Montville Plan of Conservation and Development. (*PH open 12/14/21 – Continue to 1/25/22*).

Chairperson Lundy opened the Public Hearing at 6:02 p.m.

The Assistant Planner entered the following exhibits into the record:

1. Copy of the Proposed Amendment to POCD
2. Referral Letter to Southeastern Connecticut Council of Government (SCCOG) dated October 6, 2021
3. Referral Letter to Town Council dated October 6, 2021
4. Referral Letter to Office of Long Island Sound Programs (OLIS) dated October 13, 2021
5. Proposed Amendment to POCD posted on the Town Website on October 13, 2021
6. Referral Letter to Conservation Commission dated October 14, 2021
7. Referral Letter to Economic Development Commission dated October 14, 2021
8. Proposed Amendment to POCD posted in the Town Clerks office on October 14, 2021
9. Referral Letter to Inland Wetlands Commission dated October 14, 2021
10. Copy of legal ad published in The Day on December 3, 2021
11. Copy of legal ad published on the Town Website on December 3, 2021
12. Comment Letter with attachment from Samuel Alexander of Southeastern Council of Governments dated December 9, 2021
13. Copy of legal ad published in The Day on December 10, 2021
14. Referral Email to Parks and Recreation Director dated December 13, 2021
15. Planner Staff Report
16. Entire Project Folder
17. Comment Letter from Eimy Quispe of Long Island Sound Programs (OLIS) dated December 14, 2021

The Planning Director gave an update on Referrals. Discussion was held. Chairperson Lundy asked three times if there was anyone from the public who would like to speak in favor of or opposition to this application. There were none.

A MOTION was made by COMMISSIONER ESTELLE and seconded by
COMMISSIONER SIRAGUSA to continue the Public Hearing to January 25, 2022
ALL in FAVOR 8-0-0 Motion Carried

- b. **Discussion & Decision. PZ# 221-1 POCD** – Application of the Montville Planning & Zoning Commission for 2021 Proposed Amendments to the 2010 Montville Plan of Conservation and Development. (*Table to 1/25/22*).

A MOTION was made by COMMISSIONER SIRAGUSA and seconded by
COMMISSIONER LONGTON to table to January 25, 2022
ALL in FAVOR 8-0-0 Motion Carried

5. **Old Business:**

- a. 221 SITE 4 – 1967 – 1981 Route 32 (099-061, 062, 064, 066, 067 & 068) Applicant: Garrett Homes, LLC Owner: Deborah Parker, Trustee of the Doris Antonino Family Trust - Proposed Retail Development including construction of an about 10,700SF retail building (*Submitted 10/29/21, Date of Receipt 11/9/21, Decision Required Date 1/12/22*). The Planning Director read her staff report and gave an update on comments received and stated STCT DOT encroachment permit approval is outstanding and recommended application be tabled until received. Matthew Bruton of BL Companies spoke on behalf of the applicant, and requested DOT approval be made a condition of approval. Discussion was held.

A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER ESTELLE to table until January 25, 2021 meeting. Discussion was held and

A MOTION to amend the motion was made by COMMISSIONER LONGTON and seconded by COMMISSIONER ESTELLE to table until STCT DOT comments are received or next meeting.

ALL in FAVOR 8-0-0 Motion Carried

6. **New Business:**

- a. Discussion of Montville Affordable Housing Plan with Carly (Myers) Holzschuh, AICP, Planner II, Southeastern CT Council of Governments. The Planning Director introduced Ms. Holzschuh who gave a brief description of the process of the Affordable Housing Plan.

7. **Zoning Matters.**

- a. December Zoning Officer Report – Report was provided to Commissioners

8. **Town Planner Report.**

- a. Continued Discussion of Public Act 21 and Legislation Impacting Development & Land Use Procedures. The Planning Director discussed ADU's and Adult Use Cannabis. She stated the Town Council would like a joint meeting with PZC to discuss Adult Use Cannabis further. She stated town attorney had confirmed commission could opt out of ADU's in order to have time to write new regulations.

A MOTION was made by COMMISSIONER SIRAGUSA and seconded by COMMISSIONER LONGTON to opt out of the requirements of Public Act 21 regarding accessory dwelling units so that this commission can evaluate how to thoughtfully and intentionally draft regulations regarding accessory dwelling units and set a Public Hearing for 1/25/2022.

ALL in FAVOR 8-0-0 Motion Carried

9. **Other Business:** None

10. **Correspondence:** None

11. **Minutes:**

- a. A MOTION was made by COMMISSIONER SIRAGUSA and seconded by COMMISSIONER PIKE to accept the meeting minutes of the November 9, 2021 Regular Meeting SIX (6) in FAVOR TWO (2) Abstention (Commissioner Estelle & Duchesneau) 6-0-2

Motion Carried

12. **Executive Session:** Richard George, Et Al v. Montville Planning & Zoning Commission, Docket No. KNL-CV21-6054450-S.

A MOTION was made by COMMISSIONER DESJARDINS and seconded by COMMISSIONER SIRAGUSA to enter into Executive Session.

ALL in FAVOR 8-0-0 Motion Carried

Invited parties stayed in Council Chambers for Executive Session at 7:12 p.m. Chairperson Lundy resumed the meeting at 7:17 p.m. No votes were taken during Executive Session

13. **Adjourned** 7:19 p.m.

Respectfully submitted,

Meredith Badaluca, Recording Secretary

TOWN OF MONTVILLE
NOTICE OF PUBLIC HEARING

The Montville Planning & Zoning Commission will hold a Public Hearing on January 25, 2022 at 6 pm in Council Chambers, Montville Town Hall, 310 Norwich New London Turnpike, Uncasville, CT for the following application: 221 6 PA21 ADU – Applicant: Montville PZC to opt out of the requirements of PA21 regarding accessory dwelling units. At this Public Hearing, persons may be heard & written communications will be received. COVID-19 Rules apply. Copies of the application are in Planning Dept. & on the Town of Montville Website at <https://www.townofmontville.org/form-repository/opt-out-accessory-dwelling-units/>

Dated at Montville, CT this 12th day of January, 2022. Sara Lundy, Chairperson

Published the Town of Montville Website on January 14, 2022.

RECEIVED
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Sara Lundy
TOWN CLERK

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Dated at Montville, CT this 12th day of January, 2022. Sara Lundy, Chairperson

To be published in the New London Day on January 14th and January 21, 2022.

Purchase Order #210064 and Account #10610-53008 on Invoice

Liz Burdick

From: Matthew J. Willis <willis@halloransage.com>
Sent: Friday, January 21, 2022 1:46 PM
To: Liz Burdick
Subject: RE: PA-21 ADU Opt-Out - Draft Staff Report 1/25/22 PZC

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Liz:

I have advised all Zoning Commission to opt out due to the fact the Public Act is vague.

This doesn't mean that they don't adopt some of the provisions. It only means that they retain autonomy so they can pick and choose.

The Commission should also opt out of the parking requirements (which is a different section).

A 2/3 vote of the legislative body is also required.

Matt

From: Liz Burdick <lburdick@montville-ct.org>
Sent: Friday, January 21, 2022 11:42 AM
To: Matthew J. Willis <willis@halloransage.com>
Subject: PA-21 ADU Opt-Out - Draft Staff Report 1/25/22 PZC

1/21/22 Good morning, Matt, Attached please find my staff report for the application of the PZC to Opt-Out of PA-21 reqs. re ADUs. First, please review it for me as if the Commission were to vote to Opt-Out at the 1/25/22 meeting. Next, I think a bunch of new stuff came out regarding ADUs regulations, etc. Do you think we should hold off while doing further research? Please let me know. Thanks.

Regards,

Liz Burdick

Planning Director ~ Town of Montville
310 Norwich-New London Turnpike, Uncasville, CT 06382
Telephone: (860) 848-6725 (Direct), (860) 848-6779 (Planning Dept. Main)
Email: lburdick@montville-ct.org

Application #221 6
Opt Out PA21-29
Accessory Dwelling Units
Staff Report - 1/25/2022
PZC Meeting
Prepared by Liz Burdick, Planning Director

APPLICATION #PZ 221 6 PA21-29 ACCESSORY DWELLING UNITS (ADUs)

P.A. 21-29 Accessory Dwelling Unit (ADUs)

Public Hearing Opened 01/25/2022

GENERAL INFORMATION

Applicant: Montville Planning & Zoning Commission
Requested Action: Opt Out of PA21-29 ADUs

STAFF COMMENTS:

ACCESSORY DWELLING UNITS (ADUs):

ADUs allowed by default, with ability to opt out: PA 21-29 establishes default provisions that allow construction of ADUs (referred to in the Act as “accessory apartments”) on lots accompanying single-family homes, unless a municipality chooses to opt out of this provision by January 1, 2023. To opt out, the Zoning Commission (or joint Planning & Zoning Commission) must hold a public hearing, approve the opt out with a 2/3 majority, and publish notice of the decision. The governing body must also vote to opt out with a 2/3 majority (Board of Selectmen in town meeting towns). In municipalities whose ADU regulations conflict with the new State requirements and who do not opt-out by January 1, 2023, the applicable state provision will override any conflicting local requirement.

The PZC, at its December 14, 2021 regular meeting, voted unanimously to hold a public hearing to opt out of the requirements of Public Act 21 regarding accessory dwelling units (ADUs).

ATTORNEY MATT WILLIS COMMENTS: I have advised all Zoning Commission to opt out due to the fact the Public Act is vague. This doesn’t mean that they don’t adopt some of the provisions. It only means that they retain autonomy so they can pick and choose. A 2/3 vote of the legislative body is also required.

PZC ACTION REQUIRED:

1. Opt-Out of this provision of the Act (similar to the recent opt-out of Reduced Parking requirements).

THE FOLLOWING MOTION IS RECOMMENDED FOR ANY FAVORABLE APPROVAL:

I make a MOTION to APPROVE Application #221 6 to Opt-Out of PA21-29 (“Act”) ADU requirements so that it can evaluate how to thoughtfully and intentionally draft regulations regarding accessory dwelling units requirements more compatible with the Act