

**TOWN OF MONTVILLE
ZONING BOARD OF APPEALS**

310 Norwich-New London Turnpike, Uncasville, CT 06382
Telephone: (860) 848-6779 – Fax: (860) 848-2354
Email: planningdept@montville-ct.org

REGULAR MEETING – PUBLIC HEARING MINUTES

**Regular Meeting/Public Hearing
September 7, 2022, 6:00 p.m.
Town Council Chambers – Town Hall**

The Town of Montville has lifted the mask mandate effective Monday, February 28, 2022, throughout the Town facilities in coordination with the schools. Although the mask mandate has been lifted, Uncas Health strongly recommends that all individuals, both vaccinated and unvaccinated, continue to wear masks indoors. Comments will only be accepted at times designated during public hearings by the Chair of the meeting. The Zoning Board of Appeals Rules of Procedure, decorum, timeliness, and suitability shall be followed and enforced.

1. Call to Order.

Board Chairman MacNeil called the regular meeting of the Zoning Board of Appeals to order at 6:18 p.m.

2. Roll Call.

Board Members present were Douglas Adams, John MacNeil, and Alternates Arthur Montorsi and Russell Wehner. Absent were Board members Joseph Berardy, Vincent Attwater-Young, and Richard Gladue. A quorum was present.

Board Chairman MacNeil seated Board Alternates Montorsi and Wehner to vote.

Also present for the meeting were ZEO Meredith Badalucca, Town Planner Liz Burdick, WPCA Superintendent Derek Albertson, and Wright Pierce Professional Engineers Marius Jedrychowski and Barry Parfitt.

3. Minutes: Approve the Minutes of the July 6, 2022, Meeting.

Motion by Board Chairman MacNeil; seconded by Board member Adams to approve the Minutes of July 6, 2022, as written. Discussion: none. Voice vote: 4-0, all in favor. Motion carried.

4. Executive Session. -- None

5. Public Hearings/Applications.

- a. Public Hearing. 22 ZBA 2 - Owner/Applicant:** Town of Montville for a variance of Zoning Regulations 9.6 (front, rear and side yard setbacks) to construct a water tower and ancillary structures a distance of 1.7 feet to 17.4 feet from property lines at 50 Cook Drive (099-009-001), Uncasville CT (*App. Submitted 08/24/2022, Date of Receipt 09/07/2022. Public Hearing must open by 11/11/2022, 35 days to close from date of open.*).

Board Chairman MacNeil asked for the Staff Report. ZWO Badalucca reported the Exhibit List and Staff Report into the record as follows:

Staff Exhibits

1. Application and Plans titled “Town of Montville, Connecticut Contract Drawings for Cook Hill Tank Replacement Project, Montville Water Supply, August 2022, Permitting Review”
2. Public Hearing Notice posted to the Town of Montville Website on August 25, 2022
3. Public Hearing Notice published in The Day Newspaper on August 26, 2022 and September 2, 2022
4. Abutters List and Certified Mail receipts
5. Staff Report dated August 26, 2022

Staff Report

The property is located in the R20 zoning district on about 0.2472 acres (10,768 square feet) and is accessed by means of a town owned easement from Cook Drive. The property is currently developed with a water tank which houses communication equipment and antennas for the Town of Montville Emergency Services. The property was inspected by New England Environmental Services for wetlands or water courses and none were identified. This parcel is not within a FEMA flood hazard zone and is located outside of the Natural Diversity Data Base preliminary screening area.

The applicant states the project will include the construction of a new 531,200 gallon glass-fused-to-steel water storage tank that will be constructed adjacent to the existing 590,000 gallon welded steel tank built in 1999. The existing tank will remain in place pending a future project to demolish the tank and construct a dedicated antenna tower and equipment building on site.

The setback requirements for the R20 zoning district are 40 feet front yard, 10 feet side yard and 40 feet rear yard.

The existing water tank on the property was constructed 15.9 feet from the front property line, 80 feet & 68 feet from the west/east side property lines and 13.7 feet from the rear property line.

The proposed tank will be located on the western side of the property a distance of 17.4 feet from the front property line, 12 feet from the west side property line and 12 feet from the rear property line.

The Applicant states proposed ancillary structures, located along the western side of the property consist of equipment control enclosures, a hydrant, a standby generator and site lighting. The site lighting & hydrant are not structures and therefore do not require variances.

There are five equipment boxes that are located a distance of 15 feet from the front boundary, a distance of 2.2 feet from the west boundary line and 21 feet from the rear property line.

The standby generator will be located a distance of 44 feet from the front property line, 7 feet from the west side boundary line and 6 feet from the rear yard.

All structures comply with the required 10' setback from the east side property line.

The Applicant states the hardship is “Due to the small size of the parcel, needed access for maintenance to the existing and future infrastructure and the connection point to the existing Town of Montville water distribution system.”

ZWO Badalucca noted the project engineers were present to speak in favor of the application.

PE Barry Parfitt of Wright-Pierce, the WPCA engineers, explained construction of a new water tower would strengthen the existing, district water system of the Town. The existing water tower at site is badly corroded so why not reroute the existing system. Repair of the existing tower would be costly; it would be less expensive to construct a glass/steel tower (the glass would be on the interior) that is proposed next to the existing tower. The hardship for the site is it is a small parcel but is owned by the Town and has excess to a water pipe. As to the setbacks, variances are being requested to accommodate the structure and a new generator for standby electricity for the tank. PE Parfitt responded to Chairman MacNeil about the difference between the existing tower versus the proposed new one. The new tower will be steel encapsulated and is one piece that can be assembled on site with glass panels bolted together on the interior. The life expectancy for it is 100 years. Chairman MacNeil noted the new tower capacity is five times the current one. Board Member Adams inquired about the structure testing; PE Parfitt reported the manufacturer guarantees 50 years and it can be less. PE Parfitt responded the existing tower does not have an agitator, to Chairman MacNeil. The location of the existing tower was explained to Board Alternate Montorsi by Chairman MacNeil and Board Alternate Wehner. As to how long the existing tower will stay online, PE Parfitt responded it is beyond the scope of this project.

WPCA Superintendent Albertson spoke in favor of the project, a cost effective solution of a failing tank. The older tank was reviewed, is sound, and has the opportunity for funds from the Department of Public Health through the American Rescue Plan Act (ARPA). The new structure has a glass ceramic cover—the Mohegan Sun Casino has had one for 15 years it shows no corrosion. Water treatment must be done to treat and control methane and the new tower would be a signature investment for water supply in the Town. Superintendent Albertson responded to Chairman MacNeil the existing tower will stay in place for now but can continue to operate for 20 years. As to the purpose of the new tower, it will be used for storage and create more pressure to fight fires and will be used as needed, per questions by Board Member Wehner. Superintendent Albertson and PE Parfitt met with samples at a trade show and viewed a structure in Massachusetts.

Board Chairman MacNeil asked three times if anyone wanted to speak in opposition of the application. There were no responses.

As to questions by the Board, Chairman MacNeil confirmed for Board Member Adams that neighbors to the project were all notified as reported by ZWO Badalucca.

Motion by Chairman MacNeil; seconded by Board Member Adams to close the Public Hearing, 22 ZBA 2. Voice vote: 4-0, all in favor. Motion carried.

- b. Discussion & Decision 22 ZBA 2** – Owner/Applicant – Town of Montville for a variance of Zoning Regulations 9.6 (front, rear and side yard setbacks) to construct a water tower and ancillary structures a distance of 1.7 feet to 17.4 feet from property lines at 50 Cook Drive (099-009-001), Uncasville, CT (*DRD 65 days from close of public hearing*).

Motion by Chairman MacNeil; seconded by Board Member Adams to APPROVE the following variances as requested in Application #22 ZBA 2 and as shown on a plan entitled “Town of Montville, Connecticut Contract Drawings for Cook Hill Tank Replacement Project, Montville Water Supply, August 2022, Permitting Review” as follows:

1. Tank: A 22.6’ variance of the required 40’ R20 front yard setback; and a 27’ variance of the required 40’ R20 rear yard setback.
2. Equipment boxes: A 25’ variance of the required 40’ front yard setback; a 7.8’ variance of the required 10’ west side yard setback; and a 19’ variance of the required 40’ rear yard setback.
3. Standby Generator: A 3’ variance of the required 10’ side yard setback and 34’ variance of the required 40’ rear yard setback.

to allow the construction of a required new 531,200 gallon water storage tank and ancillary structures. The hardship is the existing 10,768SF lot utilized for the Town of Montville water distribution system is undersized and limits any location of the structures on the lot that meet R20 required setbacks.

The findings for the granting of the variances are the variance would be in harmony with the general intent & purpose of the Montville Zoning Regulations & would conserve the public health, safety, convenience, welfare. Discussion: Board Chairman MacNeil commented the construction is obviously critical for the Town water supply and fire protection. Board Member Adams commented positively on the revolving/backup water plan. The construction will also increase capacity for development, a good thing, per Board Chairman MacNeil. Roll Call Vote: *In favor*: Board Members/Alternates Adams, MacNeil, Montorsi, and Wehner. *Opposed*: None. 4-0 vote. Motion carried.

6. New Business: -- None
7. Old Business: -- None
8. Other Business: -- None
9. Adjournment

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Motion by Board Chairman MacNeil; seconded by Board Member Adams, to adjourn the meeting at 6:43 p.m. Discussion, none. Voice vote: 4-0; all in favor. Meeting adjourned.

Respectfully submitted by:

Gloria J. Gathers
Recording Secretary, Town of Montville

**AN AUDIO RECORDING OF THE MEETING IS AVAILABLE ON THE
TOWN WEBSITE.**