

Montville Planning & Zoning Commission
REGULAR MEETING
April 25, 2023 - 6:00 p.m.
Town Council Chambers – Town Hall
310 Norwich-New London Turnpike, Uncasville, CT 06382

Meeting Minutes

1. **Call to Order:** Chairperson Lundy called the meeting to order at 6:00 p.m.
2. **Pledge of Allegiance:** All rose for the Pledge of Allegiance.
3. **Roll Call:** Chairperson Sara Lundy, Vice Chairman Wills Pike, Secretary John Desjardins and Commissioners Anthony Siragusa, John Estelle, Chuck Longton, John Poole, Joshua Kobyluck and Bruce Duchesneau; were all present. **Also Present:** Director of Land Use & Development, Liz Burdick and Zoning Officer, Meredith Badaluca.
4. **Additions or Changes to the Agenda:** Addition of “8b. 22SUB4-1108 Old Colchester Road, Oakdale, CT- Applicant Watch Hill Builders, LLC for a 3-Lot Subdivision.”
Motion (Longton/Desjardins) to add 8b under Old Business. All in favor (9-0-0). APPROVED.
5. **Minutes:** Minutes of the March 28, 2023 meeting. **MOTION: (Desjardins/Longton) to APPROVE the minutes of the March 28, 2023 regular meeting. All in favor (9-0-0). APPROVED.**
6. **Remarks from the public not relating to items on the agenda:** None.
7. **Public Hearings/Applications:**
 - a. **Public Hearing: 23 ZC 1 – Zoning Regulation Text Amendment to Add Section 21A (Moratorium - Cannabis Establishments/Uses)** - Applicant: Town of Montville Planning & Zoning Commission. *(Date of Receipt 3/28/2023 – DRD N/A – Set PH for 4/25/23).*

Director of Land Use & Development, Liz Burdick read the public hearing Exhibits “1-10” into the record. Additionally, she summarized in her staff report that all the legal requirements for the application had been met and she advised that Attorney Matt Willis suggested that a six-month moratorium was the most prevalent time period used for moratoriums and lessens the chances of litigation. Attorney Harry Heller of Heller, Heller & McCoy, Uncasville, CT stated that a moratorium means you can draft regulations within that six month time frame, otherwise it could be thought of as a prohibition.

Chairperson Lundy asked if there was any public comment in favor of the application. There was none. Chairperson Lundy asked if there was any public comment in opposition of the application. There was none. Chairperson Lundy asked if there was any general questions from the public and Director of Land Use & Development, Liz Burdick read into record an email she had received from the owner of The Botanist asking that the word “new” be added before “cannabis establishments” to distinguish the moratorium does not apply to the existing cannabis establishment, The Botanist. **MOTION (Poole/Pike) to close the public hearing. All in favor (9-0-0). APPROVED.**

- b. **Discussion & Decision: 23 ZC 1 – Zoning Regulation Text Amendment to Add Section 21A (Moratorium - Cannabis Establishments/Uses)** - Applicant: Town of

Montville Planning & Zoning Commission. Commission held discussions regarding the time period to review proposed draft regulations regarding cannabis establishments.

MOTION (Longton/Poole) to APPROVE Application 23ZC1 to add Section 21A (Moratorium/Cannabis Moratorium) to the Montville Zoning Regulations with an Effective Date of May 1, 2023 and that the Cannabis Moratorium shall be effective May 1, 2023 for a period of six (6) months until November 1, 2023 with the following amendment: Add the word “new” to appropriate sections. Roll call vote. All in favor (9-0-0). APPROVED.

8. Old Business:

- a. 23 SITE 2 – 410-412 Maple Avenue (Parcel ID 031/002/0A0), Uncasville, CT –**
Applicant/Owner: Advanced Associates for industrial building and associated site improvements.

Director of Land Use & Development, Liz Burdick read her staff report, dated 4/28/2023 into the record as follows in relevant part:

Application is for development of a pad site in an existing Industrial Park approved by the PZC. Applicant proposes a 4000SF building typical of the development, associated parking, site grading, extension of an existing driveway & stormwater improvements. The application and plans were reviewed previously by Town staff in January, 2022. It was determined at that time the stormwater improvements were oversized for the development of the site and revisions should be made. The Applicant withdrew the 2022 application and resubmitted the plan with appropriately sized improvements. In this application, the Applicant proposes 2 rain gardens to capture & treat stormwater runoff. Rain Garden “A” required storage capacity is 337 CU. FT. Storage Capacity is provided at 631 CU. FT. Rain Garden “B” required storage capacity is 1936 CU. FT. Storage Capacity is provided at 1961CU. FT.

Attorney Harry Heller of Heller, Heller & McCoy, Uncasville, CT addressed the Commission on behalf of the Applicant. He stated that this property is part of the Oxoboxo River watershed basin, which encompasses 9.7 square miles. He stated that as this is one of the lowest properties in the basin, that stormwater should not be retained, but treated. He stated the rain gardens will filter out 80% of the solids from the stormwater runoff. Commissioner Pike asked who maintains the rain gardens and inspects them. Attorney Heller said that they are inspected on a yearly basis. Director Burdick stated the maintenance schedule was shown on the plan and that it was a condition of approval that the Applicant comply with said schedule.

MOTION (Pike/Poole) to APPROVE Application #23 SITE 2- 410-412 Maple Avenue (Parcel IDs 031/002/00A & 031/002/0A), Uncasville, CT, Applicant/Owner: Advanced Associates, LLC, for site plan approval for an industrial building & associated site improvements within an existing industrial park in that the application, supporting documents and a plan entitled “Stormwater Management Plan, New Industrial Development, 412 Maple Avenue, Uncasville-Montville, CT 06382, Prepared for

Advanced Associates, LLC, Prepared by HH Engineering Associates, Dated 11/1/22, Revised to 4/20/23” comply with all applicable sections of the Montville Zoning Regulations, *with the following conditions:*

1. Applicant shall meet all of the requirements of the Montville Building Department, Office of the Fire Marshal, Uncas Health District for required permitting and inspections.
2. All drainage structures proposed for the project shall be constructed and maintained post construction in accordance with the approved Plan Set.
3. Prior to issuance of a zoning permit to start work, a soil erosion & sediment control bond shall be posted in the amount of \$5,000 in a form acceptable to the Finance Director
4. Final revised plan sets, along with a digital copy of the final plan, shall be submitted to the Land Use Dept. & shall be signed and sealed with original (wet) signatures by P.E. & L.S
5. An approved Zoning Permit is required prior to the start of any work.
6. The ZEO must be contacted and a pre-construction meeting shall be held at least 24- hours prior to start of any work. Soil Erosion and Sediment Controls shall be installed in accordance with the approved plan set and inspected by the ZEO prior to the start of any work.
7. After work has commenced, any substantive changes to the approved site plan require review and approval by the Land Use Director and/or the Planning & Zoning Commission.

Roll call vote. All in favor (9-0-0). APPROVED.

- b. **22SUB4- 1108 Old Colchester Road, Oakdale, CT-** Applicant Watch Hill Builders, LLC for a 3-Lot Subdivision. Subdivision approved by the PZC on 12/13/22. Request for 90-day extension of time to file mylars. Director of Land Use & Development, Liz Burdick advised the Commission the Applicant was requesting a 90-day extension of time to file subdivision mylars so that they had time to make revisions per approval.

MOTION (Longton/Desjardins) to grant a 90-day extension of time to file the subdivision mylars for Application #22SUB4. All in favor (9-0-0). APPROVED.

9. New Business:

- a. **23 SITE 5 - 2040 Route 32 (Parcel ID 103/001/01A), Uncasville, CT -** Applicant/Owner: Hassan/Hussain, LLC for commercial development of proposed gasoline/convenience store facility and associated site improvements.

Director of Land Use & Development, Liz Burdick stated that this application was submitted on 4/24/23 and staff has not yet reviewed.

MOTION (Siragusa/Longton) to postpone application #23 SITE 5 to the May 23, 2023 meeting. All in favor (9-0-0). APPROVED.

b. Commission review of FY24 Capital Improvement Budget:

The Commission reviewed the FY24 Capital Improvement Budget and held discussion.

MOTION (Siragusa/Longton) to send a favorable report to the Town Council for the FY24 Capital Improvement Budget. All in favor (9-0-0). APPROVED.

10. Zoning Matters: ZEO Report. ZEO/WEO Meredith Badalucca reviewed her March 2023 staff report with the Commission.

11. Land Use Director Report: Director Burdick stated that she has received 3 referrals for projects from adjoining Towns.

East Lyme, CT referred an application for an 8-30-G affordable housing development for 43 new residences. The homes will be accessed via Route 85 to Salem Turnpike to Holmes Road to the Town line and then about 500-feet to the homes. There is a public hearing for the conceptual plan on 5/11/23. Director Burdick may attend the hearing to determine impact to the Montville roads to the development and will forward comments to East Lyme, if any.

Salem, CT referred an application for a multi-family housing development at 496 New London Road, which is just north of the Montville Town line. Director Burdick stated she had no concerns with regard to any adverse impacts to the Town of Montville as a result of the development and she will forward same to Salem.

Ledyard, CT referred an application for an industrial building/use at the Dow Chemical site. Director Burdick has not yet reviewed the proposal but will forward comments, if any.

12. Other Business: None.

13. Correspondence: None.

14. Executive Session: None.

15. Adjournment: MOTION (Kobyluck/Estelle) to ADJOURN. All in favor (9-0-0). The meeting was adjourned at 7:32 p.m.

Respectfully Submitted,
Beth Welles
Recording Secretary