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June 15, 2023

Town of Montville Planning and Zoning Commission  
Attn: Ms. Elizabeth Burdick, Director of Planning  
310 Norwich-New London Turnpike  
Uncasville, CT 06382

Re: Application of N Silver Brook Holdings, LLC for special permit and site plan approval for a riding stable, building addition and other improvements  
486 Fitch Hill Road, Montville, Connecticut

Dear Liz:

This response is written to address issues raised in your preliminary staff report for the above referenced application dated June 2, 2023.

Notwithstanding the fact that the Uncas Health District submitted comments dated June 13, 2023 which indicates that additional investigation and documentation is required for the bathroom in the stable, you should note the fact that a new bathroom was installed in the existing portion of the barn within the last year. In conjunction therewith, a new septic system was installed and test pits were witnessed by the Uncas Health District and approved by the Uncas Health District. A 2,000 gallon septic tank was installed and the septic system design contemplated the interconnection of the bathroom in the proposed addition to the existing septic system (no different from a two bathroom single family dwelling house). It is therefore our position that the approvals noted by the Uncas Health District have already been received.

As noted in our prior correspondence to your department, the property at 486 Fitch Hill Road has been the site of the Nelson farm for over 100 years. It is one of only two remaining working farms in the Town of Montville. The use of the barn (and the expansion thereof) for the boarding of horses is consistent with the historic use of the building as a facility for the boarding of farm animals. The application is an application for de minimis improvements to the property. In light of the nature of the application and the information required by the Town of Montville Planning and Zoning Commission to evaluate the impact of the proposed use on the surrounding neighborhood, we are requesting a waiver of multiple elements of the site plan ingredients contained in Section 17.4 of the Town of Montville Zoning Regulations. In particular, we are requesting a waiver of the requirements of Sections 17.4.4<sup>1</sup>, 17.4.11, 17.4.12, 17.4.13,

<sup>1</sup> No waiver is requested from the provisions of Section 17.4.5 as the construction of the stable addition will not require any meaningful regrading of the property.

17.4.14, 17.4.15, 17.4.16<sup>2</sup>, 17.4.18, 17.4.20 and 17.4.24. The waivers are requested due to the fact that the expense required to provide the information mandated by the enumerated sections, most of which are inapplicable to the proposed use which is essentially a farming use, will provide no meaningful information for the Montville Planning and Zoning Commission to reach a determination on this application.

Compliance with the special permit evaluation criteria contained in Section 16.5 of the Montville Zoning Regulations is as follows:

- (a) The application, as submitted and as supplemented by this correspondence is complete in the event that the site plan ingredient waivers requested are granted by the Montville Planning and Zoning Commission. Giving due consideration to the nature of the use proposed for a portion of the former Nelson farm, the information submitted is adequate for the Montville Planning and Zoning Commission to make a determination as to compliance with the Zoning Regulations of the Town of Montville and the Special Permit General Evaluation Criteria.
- (b) The use proposed for a portion of the property of the applicant is a use permitted by special permit pursuant to the provisions of Section 7.3.2 of the Montville Zoning Regulations. A review of the site plan evidences the fact that the proposed stable addition is set back approximately 165 feet from the southeasterly street line of Fitch Hill Road and is located in excess of 300 feet from the nearest side lot line and thousands of feet from the rear property line. Therefore, the proposed site improvements far exceed the minimum setback requirements contained in Section 7.6 of the Montville Zoning Regulations. I further note the fact that Section 7.6.4 of the Montville Zoning Regulations provides “no farm building or manure pit may be located within 150 feet of any property line.”

As set forth above, the existing barn and proposed stable addition far exceed this requirement. Manure is not stored, but is rather spread on the farm fields for fertilizer as has been the practice for over 100 years.

- (c) The use proposed is essentially a farming/agrarian use of the property. It is anticipated that this use will generate no more than thirty (30) vehicle trips per day. Therefore, road improvements are not warranted by the proposed use of the property.
- (d) The criteria contained in subsection 16.5(d) are largely inapplicable to this use. Again, the use is an agrarian use and based upon the location of the proposed improvements on the property and the location of the property in an R-80 Zoning District bordered both to the north and south by single family residential uses, no interconnection with adjacent facilities is feasible or warranted.
- (e) Emergency access is currently available. The property abuts the easterly shoulder of Fitch Hill Road. The area between Fitch Hill Road and the proposed stable is a currently existing

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<sup>2</sup> No waiver is requested from the provisions of Section 17.4.17 since all sewage disposal facilities on the property are currently existing.

gravel surface which can accommodate unrestricted vehicular movement. As depicted by the site plan, the existing driveway from Fitch Hill Road (located southerly of the dwelling house) provides immediate access to the stable area.

- (f) The improvements contemplated by the application are a building addition only. Other than the excavation of the footings, there is no proposed regrading in conjunction with the application and there is no propensity for the migration of sediment on the site.
- (g) The use is agrarian and is consistent with the historic farming use of the Nelson farm property. No changes are proposed from the use which has existed on the property for over 100 years which could have an adverse impact on groundwater or the potential for a public water supply.
- (h) Not applicable.
- (i) Public health and safety parameters have been addressed above. The proposed use is a minor addition to an existing building and contemplates the keeping of farm animals which is consistent with the historic use of the property as an operating dairy farm. No adverse consequences are anticipated.
- (j) The use, as proposed, is consistent with the historic use which has been made of the property as an operating dairy farm. The boarding of horses has, for all practical purposes, the same impact as the keeping of dairy and beef cattle on the property which has existed for over 100 years; other than the fact that the scale of the operation will be greatly reduced from the historic use of the property as a dairy farm. The traffic generation from the boarding of horses and use of the riding rink is so minor that it warrants no discussion.

In short, the use proposed is (i) consistent with the historic use of the property in consideration of the impact of that use on the surrounding residential neighborhood and (ii) consistent with the requirements of the special permit evaluation criteria contained in Section 16.5 of the Montville Zoning Regulations. The applicant submits that there will be no negative impacts to the community resulting from the proposed use.

Very truly yours,  
**N SILVER BROOK HOLDINGS LLC**

By:   
Harry B. Heller, its attorney

HBH/rmb  
Enclosures

Cc: Mr. Lynn Nelson