

Montville Planning & Zoning Commission
REGULAR MEETING
September 26, 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.** Present: Chairperson Sara Lundy, Vice Chairman Wills Pike, Secretary John Desjardins and Commissioners John Poole, Joshua Kobyluck, Chuck Longton, and John Estelle. Also Present: Director of Land Use & Development Liz Burdick and Assistant Planner/Interim Zoning Officer Meredith Badalucca.
4. **Additions or Changes to the Agenda.** Director Liz Burdick requested to add Item C under 9. New Business: 23 ZC 3-Zoning Regulation Text Amendment to Amend Section 21A.2.3 (Cannabis Moratorium – Effective Date). **MOTION (Longton/Desjardins) to add Item C under 9. New Business. All in favor (7-0-0).**
5. **Minutes:** Minutes of the August 22, 2023 Meeting. **MOTION: (Longton/Pike) to APPROVE the minutes of the August 22, 2023 regular meeting. All in favor (7-0-0). APPROVED.**
6. **Remarks from the public not relating to items on the agenda.** None.
7. **Public Hearings/Applications:**
 - a. **Public Hearing: 23 SUB 1 – 958 Route 163 (Parcel ID 046-008-000), Oakdale, CT –** Owner/Applicant: The Nevar Company / Dean Fiske for a proposed 2-Lot Resubdivision.
(Submitted 7/26/23, Date of Receipt 8/22/23, Public Hearing Set for 9/26/23. PH must close by DRD 10/30/23).

MOTION: (Desjardins/Longton) to open Public Hearing. All in favor (7-0-0).

Chairperson Lundy opened the Public Hearing at 6:04 p.m. Director of Land Use & Development, Liz Burdick read the Public Hearing Exhibits 1-31 into the record. She summarized her staff report and advised the Commission that there are some outstanding items pertaining to easements for (2) existing encroachments from an adjacent property onto the subject property and State of Connecticut DOT comments regarding work in the State right of way.

Robert Pryor, P.E. L.S. of Solli Engineering, on behalf of the Applicant, advised the Commission of the Chain of Title of the property and stated that although initially filed as a subdivision, it was confirmed the application was for a resubdivision and the Application was revised, to a 1-Lot Resubdivision. Mr. Pryor explained that the property is currently 30.66 acres that was formerly used for agricultural purposes. He stated the Applicant proposes to create two lots. One lot will contain 9.803 acres and will include the existing house, garage, septic system and well. The second lot will contain 20.853 acres and proposes a new single-family residence and associated site improvements. Mr. Pryor confirmed the two encroachments from the adjacent property and that a Drainage Easement and a Driveway Easement had been requested by staff and provided. He further advised that the Applicant is still awaiting response from the State of Connecticut DOT regarding the proposed driveway.

Commissioner Pike asked for clarification regarding the change to a resubdivision. Director Burdick explained that when Staff was reviewing the initial plans, they researched the map references provided and made a tentative determination that the application was a resubdivision. Staff made the Applicant aware of this determination and required a Chain of Title letter

prepared by an attorney confirming same.

Chairperson Lundy called three times for comments from the public in favor or opposed to the application.

Jon Chase, 1011 Route 163, asked if further public comment will be permitted if the hearing is continued and Director Burdick confirmed it would be allowed.

Director Burdick recommended the Public Hearing be continued pending the outcome of the outstanding issues.

MOTION (Desjardins/Longton) to continue the Public Hearing at 6:24 p.m. All in favor (7-0-0). APPROVED.

b. Discussion & Decision: 23 SUB 1 – 958 Route 163 (Parcel ID 046-008-000), Oakdale, CT – Owner/Applicant: The Nevar Company / Dean Fiske for a proposed 2-Lot Resubdivision. (Submitted 7/26/23, Date of Receipt 8/22/23, DRD 65 days from close PH). Tabled due to the Public Hearing being continued.

8. Old Business:

a. 23 SUB 2 – Old Colchester Road (Parcel ID 037-006-000), Oakdale, CT – Owner/Applicant: Watch Hill Builders, LLC for a proposed 6-lot sub-division. (Submitted 8/4/23, Date of Receipt 8/22/23, DRD 10/25/23).

Director Burdick summarized her staff report stating this Application is for a 6-Lot Subdivision on Old Colchester Road, that there no regulated wetlands activities & the Inland Wetlands Commission forwarded a favorable recommendation to the Commission and noted staff comments have been addressed.

Attorney Harry Heller of Heller, Heller and McCoy of 732 Norwich-New London Tpke., Uncasville spoke on behalf of the Owner/Applicant Watch Hill Builders, LLC. He advised that the location of this proposed 6-lot subdivision is just passed Black Ash Road as you crest the hill on the right and that the project proposes 4 standard frontage lots and 2 rear lots, all which will require on-site septic systems and private wells. Additionally, he stated that even though there is only a requirement of deeding portions of the property within 25-feet from the centerline of Old Colchester Road to the Town for highway purposes, the Applicant proposes to deed 35-feet from the centerline, so the Town can maintain a 70-foot right of way that was required by former Zoning Regulations and provide continuity along the roadway. Director Burdick stated that both the Town Engineer and Public Works Director are happy with the proposal.

Councilor Desjardins asked for the size of the proposed lots. Attorney Heller advised that 4 of the lots would be approximately 2.76-acres, $\geq 120,000$ SF and the 2 rear lots would be $\geq 180,000$ SF.

Commissioner Estelle asked if there would be 1 or 2 driveways to the rear lots. Attorney Heller said that there would be one common driveway that traverses over both properties with proposed easement documents for use and maintenance.

Commissioner Longton inquired about the end of the common driveway, if there would be enough room for emergency vehicles to turn around. Director Burdick responded the proposal was forwarded to the Fire Marshal for comment and no comments had been returned.

Commissioner Pike re-iterated Commissioner Longton's question regarding emergency vehicles

and Attorney Heller responded that there would be no cul-de-sac turn around at the end, but that the Fire Departments should be able to do a “K” turn to get out.

Commissioner Kobyluck asked if the common driveway would be paved and Director Burdick responded yes.

Director Burdick advised the Commission that she recommends approval with the conditions she outlined in her staff report.

MOTION (Pike/Estelle) to *APPROVE* Application PZ # 23 SUB 2 – Old Colchester Road (Parcel ID 037-006-000), Oakdale, CT – Owner/Applicant: Watch Hill Builders, LLC for a proposed 6-Lot Subdivision in that the application, supporting documentation and plan entitled: “Pine Grove Subdivision Prepared for D’Amato Brothers Builders, Montville, Connecticut, prepared by Bennett & Smilas Associates, Inc., Dated 07/28/2023, Revised to 9/25/23” comply with the Town of Montville Zoning & Subdivision Regulations and Road Standards with the following conditions:

- 1. Any outstanding comments of the Town Engineer shall be addressed prior to endorsement of final subdivision plan.**
- 2. LS shall certify proposed iron pins as set and street line monuments at the extreme ends of the subdivision on Old Colchester Road as set prior to endorsement of final plan.**
- 3. Wetlands placards shall be placed by a Licensed Land Surveyor at the 50’ URA on each lot.**
- 4. The Montville Dept. of Public Works Director shall be notified prior to any work within the Town right of way.**
- 5. Per SR Section 3.9 (GIS): Digital Data shall be provided to the Planning Dept. prior to endorsement of the final subdivision plan.**
- 6. Warranty Deeds for road widening strips submitted as part of this subdivision application shall be reviewed/approval by the Town Attorney prior to endorsement of the final subdivision plan.**
- 7. Final plan shall be signed & sealed by Licensed L.S. & P.E. and Certified Soil Scientist.**

Roll call vote. All in favor (7-0-0). APPROVED with conditions.

9. New Business:

a. 23 SITE 9 – 125 Depot Road (Parcel ID 071-007-000), Uncasville, CT – Applicant: KKSH2 LLC (on behalf of Marine Materials Management Limited Owner: Uncasville LLC/Gateway Montville LLC (Lessee) – Agent: Attorney Harry Heller for a Site Plan/Coastal Site Plan Review for Marine Materials Management Transloading Facility at existing Gateway Terminal. (Submitted 9/13/23, Date of Receipt 9/26/23, DRD 11/30/23).

Director Burdick reported that staff reviews of this Application have not been completed. She advised that this application is for a Phase 3C Marine Materials Management Transloading Facility at existing Gateway Terminal to be located in the area of the site previously approved as Phase 3A.

Attorney Harry Heller of Heller, Heller and McCoy of 732 Norwich-New London Tpke., Uncasville spoke on behalf of the Applicant & Gateway Montville LLC. He stated the proposed project site is located at 125 Depot Road, runs along the Thames River and was home to the former AES Thames power plant that had been demolished, but for a concrete pad was left on site. He stated the application is for an operational use and enhancement of approved Phase 3A

that will be utilized for off-loading harbor dredging material, stabilizing the material, and then transporting it off-site. Attorney Heller added that river dredging is typically done in 10-year intervals to maintain the river depths for safe navigation by ships.

Al Kovalik, P.E. of Tipping Point Resources, was present and also addressed the Commission on behalf of the Applicant. He stated that about 2000 cubic yards of non-hazardous dredge material would be brought to the site by barge, utilizing the two existing piers. There will be (3) methods for off-loading the dredge material, based on the quality of the material once it arrives on-site; a clamshell loader, a closed conveyor with spill plates under it so there is no transient loss of material back into the river and a pump through a pumping system. The material will then be amended with Portland concrete, given time to stabilize and then be transported off site either by truck or rail.

Attorney Heller stated that staff had raised issues regarding traffic and odor. Regarding traffic, he said that a traffic report had been submitted as part of the application. The roadway of travel would be Depot Road mainly to Route 163 to Route 395 and that the Applicant is proposing transport only during “non-peak, pre-storm days” of the salt facility and only between October 1st and February 28th, which are the dates allowed by the State for dredging. There would be no removal of amended dredge material when there is heavy truck traffic for the salt facility. A total of 240 trips, 120 trucks into and 120 trucks out of the site; significantly less truck traffic than the Traffic Study had anticipated. Regarding odor, Attorney Heller stated that he does not anticipate odor involved with this process and stated there is only an odor if the dredged material contains shellfish.

Commissioner Longton asked for clarification that this use would be a manufacturing because the dredge material is being mixed with cement. Attorney Heller confirmed stating the material, after amended, will be a sellable product and it will be used as an environmental cap at a property in Griswold or as structural fill.

Commissioner Estelle asked where this material is currently being processed and Attorney Heller advised at various other similar existing facilities. Mr. Kovalik responded that there are limited options at this time and the dredged material is currently going to a site in Pennsylvania. Commissioner Estelle asked if the dredged materials coming to this site only from the Thames River. Attorney Heller responded that the dredged materials will come from other CT waterways and possibly from other states, but likely from CT and not too far away as it is very expensive to move this material.

Commissioner Pike inquired about the amendment bins being water tight and Attorney Heller responded that they are constructed with non-porous materials similar to concrete “mafia” blocks with a HDPE liner. Commissioner Longton asked about any excess water. Attorney Heller advised that excess water goes to a tank to be recycled and used with cement. Commissioner Longton asked about the water being discharged into the river and Attorney Heller responded that no water would be discharged back into the river.

Commissioner Kobyluck asked how much the cubic yard bins will hold. Mr. Kovalik responded about 4,000 yards total. Attorney Heller advised that the exact information is on the plans submitted on Sheet 04 the Operations Plan Detail sheet. Receiving Bin #1 capacity is 490 cubic yards and Receiving Bin #2 is 430 cubic yards. Storage Bin #1 is 1600 cubic yards and Storage Bin #2 is 1200 cubic yards for a total of 3720 cubic yards. Each barge will bring in 2000 cubic yards. The material will be processed and moved off site to allow another barge to come in and off-load materials to the site.

Commissioner Longton asked if once the material is treated and ready for sale, where it goes.

Mr. Kovalik responded that logistically, the location is known prior to the material being received on site, so it can be processed and moved out quickly to same.

Commissioner Kobyluck asked if this finished material would be dry and Attorney Heller responded that the material will be dry, but moist and so it will not create air-borne dust.

Commissioner Poole asked for the hours of operation for the facility. Mr. Kovalik responded that dredgers want the operation to run 24/7, but that is not what is being proposed at this time. Director Burdick said that the Application proposes the hours of operation from 7am to 6 pm, Monday through Saturday and no work would be permitted on Sundays or holidays.

Commissioner Longton asked for confirmation that dredging is winter months only and Attorney Heller confirmed October 1st to February 28th due to spawning of fish.

Commissioner Pike asked if barges would show up only during business hours. Attorney Heller advised that a barge may show up at the pier, but if it is not during the set hours of operation, the material will not be off-loaded, but stated he is uncertain if they will be able to dock on the pier or remain at sea while waiting and he will find out the answer to that question.

Director Burdick asked for clarification about what was being done with the “rocks” that were mentioned earlier by Mr. Kovalik and Attorney Heller that he had been referencing the operation of the property as a trans modal shipping and receiving facility. He stated that the barges, once the dredged material has been off loaded, may then take other cargo, such as rocks, from the site. Director Burdick asked for confirmation that the site is not processing rock and Attorney Heller confirmed.

Director Burdick inquired about storing amended material on site and Mr. Kovalik responded that none will be stored on site and that well planned logistics and communication regarding shipping and trucking of materials hipping is important. He stated both will be determined prior to the material being brought into the site. Director Burdick asked what would happen if weather impeded the moving of the amended material due to the trucking restriction relative to the peak hours of the salt facility and Attorney Heller responded that there is not an expectation of many days of extreme winter that would affect same.

Director Burdick recommended that this Application be tables to the October 24, 2023 regular meeting to allow time staff to complete its reviews.

MOTION (Longton/Desjardins) to TABLE the application until next meeting. All in Favor (7-0-0). Motion carried.

b. Commission discussion of regulation of cannabis establishments in the Town of Montville.

Chairperson Lundy suggested that this matter be tabled until after the Public Hearing on New Business Item C that was added to the Agenda.

MOTION (Longton/Poole) to POSTPONE this discussion until next month. All in favor (7-0-0). APPROVED.

c. 23 ZC 3 – Zoning Regulation Text Amendment to Amend Section 21A.2.3 (Cannabis Moratorium – Effective Date) – Applicant: Town of Montville Planning & Zoning Commission. (Date of Receipt 09/26/23 – DRD N/A – Set PH for 10/24/23).

Director Burdick advised the Commission that the deadline for the Moratorium is quickly approaching and as the Commission will need review additional time, she recommends the moratorium be extended for an additional six months. She advised this requires a text amendment with the required public hearing and recommended setting a public hearing date for its next meeting on October 24, 2023.

MOTION (Longton/Desjardins) to set a public hearing for Application #23 ZC 3 – Zoning Regulation Text Amendment to amend Section 21A.2.3 (Cannabis Moratorium – Effective Date) for October 24, 2023. All in Favor (7-0-0). APPROVED. Public Hearing to be held on 10/24/2023.

10. Zoning Matters: ZEO Report. Director Burdick advised the Commission that Stacy Radford is the new Zoning & Wetlands Officer, but that Asst. Planner Meredith Badalucca would be giving her final report as Interim Zoning Officer. Ms. Badalucca reviewed her September 2023 staff report with the Commission. A brief discussion was held regarding matters on the report.

11. Land Use Director Report: Director Burdick reported that the Town has closed on a State of CT DECD Brownfields Grant to be passed through to Dakota Partners for remediation work at 42 Pink Row for the Oxoboxo Lofts program and the work is estimated to be completed by late summer 2024. Further, she reported that first steps have been taken to begin construction of the new fishing pier at the Town's boat launch facility at 55 Dock Road has started. A RFP for geotechnical and structural engineering services is out to bid and once the work has been completed, the project can go out to bid for construction. Lastly, she advised the Commission that she has been appointed Chairman of the CT Mobile Manufactured Home Sdvisory Council, which she has been a member of since January 2023.

12. Other Business: None.

13. Correspondence: An email letter of resignation from Commissioner Bruce Dushesneau, dated 9/22/23, was read into the record. Director Burdick advised the letter was sent to the Town Clerk's office on the same day and it will be forwarded to the Town Council to formally accept it.

14. Executive Session: None.

15. Adjournment. MOTION (Desjardins/Longton) to ADJOURN the meeting. All in favor (7-0-0). The meeting was adjourned at 7:50 p.m.