

Montville Planning & Zoning Commission
REGULAR MEETING
October 24, 2023 - 6:00 p.m.
Town Council Chambers – Town Hall
310 Norwich-New London Turnpike, Uncasville, CT 06382

MEETING MINUTES

1. **Call to Order.** Acting Chairman Pike 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: Vice Chairman Wills Pike, Secretary John Desjardins and Commissioners John Poole, Joshua Kobyluck, Chuck Longton, John Estelle and Joseph Summers. Absent: Chairperson Sara Lundy. Also Present: Director of Land Use & Development Liz Burdick and Assistant Planner Meredith Badalucca. Acting Chairman Wills Pike welcomed new member Joseph Summers to the Commission.
4. **Additions or Changes to the Agenda.** Director Burdick requested that Item 8A under new business be taken before the public hearings as there was a request by the Applicant to table the application and the Applicant's attorney had another commitment. Acting Chairman Pike polled the audience of citizen's and asked if anyone had an issue with moving the Item as requested and there were no objections.

MOTION (Longton/Estelle) to move Item 8.a, PZ#23SITE9 – 125 Depot Road for review prior to the opening of the public hearings. All in favor (7-0-0).

5. **Minutes:** Approval of the September 26, 2023 Regular Meeting Minutes. **MOTION: (Desjardins/Longton) to APPROVE the minutes of the September 26, 2023 Regular Meeting. All in favor (7-0-0). APPROVED**

6. **Remarks from the public not relating to items on the agenda.**

7. **Public Hearing/Discussion & Decision:**

- 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 Opened 9/26/23, Cont. to 10/24/23. PH must close by 10/30/23).*

Director Burdick read the list of new exhibits into the record and updated the Commission stating DOT comments were still outstanding. She read an email from Attorney Jon Chase, dated 10/23/23 & received on 10/24/23, regarding stone walls on the site and required setbacks.

Casey Burch, P.E. of Solli Engineering addressed the Commission stating he would revise plans accordingly with respect to existing stone walls. He stated that plans would be revised to address DOT comments as needed.

Acting Chairman Pike called for public comment either in favor or opposed 3 times and there was none.

Director Burdick stated the Applicant had granted the Commission an extension of 16-days to close the public hearing and recommended continuing it to November 14, 2023 pending receipt of DOT comments & revised plans.

MOTION: (Estelle/Longton) to continue public hearing to November 14, 2023. All in favor (7-0-0).

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).

MOTION: (Longton/Summers) to table due to public hearing being continued. All in favor (7-0-0).

c. Public Hearing: 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 - PH set for 10/24/23 – PH must close by N/A).*

Director Burdick read the list of exhibits into the record and read the proposed text amendment for a six-month extension of the current moratorium on cannabis establishments to April 30, 2024 in order to give the Commission more time to review proposed regulations.

Acting Chairman Pike called for public comment either in favor or opposed 3 times and there was none.

MOTION: (Longton/Kobyluck) to close Public Hearing at 6:32. All in favor (7-0-0).

d. Discussion & Decision: 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).* There was no Commission discussion.

MOTION: (Longton/Estelle) MOTION to APPROVE Application 23ZC1 to amend Section 21A.2.3 (Cannabis Moratorium) to the Montville Zoning Regulations to extend the moratorium on cannabis establishments to April 30, 2024 to allow the Commission additional time to review possible regulations regarding same. The Effective date of this amendment is October 30, 2023. All in favor (7-0-0). APPROVED.

8. Old 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, Tabled from the 10/24/23 meeting).*

Director Burdick stated that staff is still reviewing revised plans & new documents and recommended the application be tabled to the November 14, 2023 meeting.

Attorney Harry Heller confirmed that there is a discrepancy between the application and the DEEP Demonstration permit for the proposed operation and that the Applicant is still working to sort out.

MOTION (Longton/Desjardins) to table to the November 14, 2023 meeting. All in favor (7-0-0)

9. New Business:

a. 23SUB3 – 145 Moxley Road (Parcel ID 009-022-000), Uncasville, CT –
Applicant/Property Owner: Sunmar/RAF Builders, LLC for a 2-Lot Subdivision. (*Submitted 10/04/23 – Date of Receipt 10/24/23 – DRD 12/27/23*).

Director Burdick addressed the Commission and reviewed the proposal for a 2-lot subdivision to construct two new single-family residences. She stated the Applicant had revised plans to address previous staff comments, which are now addressed. She recommended approval with conditions and advised recommended conditions.

Commissioner Summers stated there is a catch basin at elevation 119.3 that should be shown on the plan.

Commissioner Longton asked if the sites would be served by public sewer and Director Burdick advised the location of the proposed on-site septic systems.

MOTION (Longton/Desjardins) to APPROVE Application 23SUB3 – 145 Moxley Road (Parcel ID 009-022-000), Uncasville, CT – Applicant/Property Owner: Sunmar/RAF Builders, LLC for a 2-Lot Subdivision. in that the application, supporting documents and a plan entitled “Subdivision Plan Prepared for Sunmar/RAF Builders, LLC, #145 Moxley Road, Montville, CT, Prepared by Advanced Surveys, LLC, dated 6/22/23, revised to 10/16/23” comply with all applicable sections of the Montville Zoning Regulations and Subdivision Regulations, with the following conditions:

- 1. Revise plan to delete “IWC approval” and duplicate “date of completion” blocks on both sheets.**
 - 2. LS shall certify proposed iron pins as set and street line monuments at the extreme ends of the subdivision on Moxley 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 proposed Lot 22.**
 - 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/Quit Claim Deeds for road widening strips shall be submitted to the Land Use Dept. for review & approval by the Town Attorney and/or Director of Land Use prior to endorsement of the final subdivision plan.**
 - 7. Final plan shall be signed & sealed by Licensed L.S. & Certified Soil Scientist.**
 - 8. Final plan shall be revised to show catch basin in the area of elevation 119.3.**
- All in favor (7-0-0). APPROVED with conditions.**

b. 23SITE10 – 225 Maple Avenue (Parcel ID 077-041-000), Uncasville, CT –
Applicant/Property Owner: Town of Montville for Site Plan Review for a proposed Animal Control Facility and associated site improvements. (*Submitted 10/06/23 – Date of Receipt 10/24/23 – DRD 12/27/23*).

Director Burdick reviewed the application with the Commission. She stated that this is an application for site plan approval for a proposed Animal Control Shelter, but not an approval to construct it. She stated that the Montville Town Council appropriated \$800,000 in funding for architectural and engineering work, with remaining funds to be used for the actual construction.

She stated that Silver & Petrucelli Architects has worked to bring the project to RFP stage, after which bids will be accepted so actual costs for constructing the facility would be determined. Director Burdick stated that if the site plan application were to be approved, it does not mean it *shall* be built. She stated the approval is good for 5-years, with another 5-year extension that may be approved by the Commission. At a minimum, there would be 10-years to begin construction without having to return to the Commission for any new approval.

She stated the site contains 11.77 acres total and it is located in the Government zoning district, which zone is for municipal uses and there are no minimum bulk requirements. 225 Maple Avenue is the site of the Town of Montville Public Works complex, including the public works buildings, salt shed and existing animal shelter. The proposal is to construct a new animal shelter with associated site improvements in the field at the front of the site.

The application and plans were referred to the Asst. Planner, Town Engineer, Fire Marshal, Building Official, Uncas Health, WPCA and the Animal Control Officer Christian Swanson on October 10, 2023 and some staff comments are pending. Mike Kirby, Chief Sanitarian at Uncas Health District responded that he had no comments because the property is served by municipal water and sewer. No bond estimate was submitted as this is a Town project. Any contractor hired by the Town for the project will have to carry insurance that meet Town requirements.

Director Burdick introduced Paul Jorgensen of Silver Petrucelli Architects and their team, who made a presentation on the smart board.

Paul Jorgensen, Silver Petrucelli Associates Architects & Engineers with offices in New London and Donald Smith Jr., P.E. addressed the Commission.

Donald Smith, Jr., P.E. with an office at 56 Greenwood Circle, Seymour, CT addressed the Commission. Mr. Smith reviewed the proposed location of the shelter in the field on about 1.25-acres of the site and he described existing conditions at the Public Works Complex. He stated the new shelter is 3,350 SF, which includes the outdoor run. There is about 0.86 acres of impervious surface proposed on the plan. Current stormwater run-off is to a pipe to the east, that is not in good shape, and that goes under the garage and outlets at the back of the property. For said reason Public Works Director John Carlson requested that an infiltration basin, sized for a 100-year storm, be constructed to capture new runoff from the proposed building and impervious surfaces. A generator and heat pumps will be located on the westerly side of the building. There will be a new utility pole on Maple Avenue and new underground utilities will run from it to the new building. Sewer will be connected to the existing pump station and will increase the existing flow by 200-300 gallons per day. These calculations were determined by the number of proposed runs for 20-gallons per day per run. The project proposes to continue to use the existing pump station as opposed to adding a separate pump station for the animal control facility. A simple drainage system is proposed with two catch basins that will discharge into the detention basin. An old baseball backstop fence will be removed, as well as a large tree.

Commissioner Poole asked why the whole complex was not shifted closer to Maple Avenue and what would be the usefulness of the land between the animal control facility and the road. Mr. Smith responded that the location was proposed at the back of the field for aesthetic reasons.

Director Burdick advised that one of the reasons for it was shifted back from Maple Avenue was for protection of the dogs and because barking/noise would be shifted from residential houses.

Further, Mr. Smith advised that behind the baseball fence, there was a large drop off and the current fuel tanks, by placing the facility here would give some separation from residential uses.

Commissioner Longton questioned the water use increase from 200 gallons per day and Commissioner Pike asked what the increase was based upon. Mr. Smith replied the projected increase is about 500-gallons per day and stated it was based on the expected use per run.

Acting Chairman Pike questioned why the physical space was about 2400SF, but the total facility was about 3300 SF. Mr. Smith advised that the physical space does not include the outside roofed dog runs, which would account for an impervious footprint of about 3300 SF. Acting Chairman Pike asked about the necessity of a new utility pole. Mr. Smith said that there is a lot of power already into the complex and the electrical engineer suggested the new pole, but that he will inquire further.

Commissioner Summers inquired about the location of the generator and heat pumps facing Maple Avenue and Mr. Smith indicated that it was the only location for them. Acting Chairman Pike inquired about privacy fencing to hide the utilities and Mr. Smith stated they could carry the spruce trees around to include that area.

Commissioner Longton inquired about the use of the topsoil stockpile shown on the plan and Mr. Smith advised that when excavation begins, the top soil is removed and stockpiled to be re-used. Commissioner Longton asked if new sewer and water lines would need to be run and Mr. Smith confirmed new would be installed. Commissioner Longton asked for an estimated cost for WPCA to install the lines and Mr. Smith responded there are no cost estimate for the lateral connection at this time.

Mr. Jorgenson presented the architectural drawing and interior layout of the proposed new animal shelter. He indicated that the building is a one-story building with a ridge height of 25'6" with one of the gable roofs facing south for future solar installation. Mr. Jorgenson explained the layout of the interior of the building/kennel area and indicated that the proposed new animal control facility must meet the State of Connecticut Dog Pound Regulations which are overseen by the Department of Agriculture. He stated the plan has been forwarded to the State for review and comments that it meet all of Its requirements, such as the construction of the kennel areas needing to be built of concrete block, an appropriate wash down area, and trench drains throughout the building. There will also be an attic area which may house some of the mechanical equipment such as heat pumps. He explained the purpose of the different roof styles, and that it was designed with the initial concept that this would have an "agriculture" feel to the building, which will with indoor/outdoor kennel areas and proposed outdoor lighting.

Commissioner Longton inquired about a triage area for the animals and why there was not a separate room designed for that and Mr. Jorgenson confirmed it had not been requested and the utility room could be used for that purpose. He stated the initial design was discussed with the current Animal Control Officer who expressed the needs for certain rooms, such as the utility room, storage, etc. Acting Chairman Pike indicated that hopefully any animal that is coming to the facility does not require veterinary care. Councilor Robert Yuchniuk, who works as a full-time Animal Control Officer, was in attendance and, at the request of Acting Chairman Pike, stated that, in his experience, if an animal needs immediate veterinary care, it is brought to one of the two 24-hour veterinarians in the area.

Commissioner Summers inquired about Public Act 23-138, effective 10/1/23, which has a requirement of space for kennels. Director Burdick asked Commissioner Summers to provide more information about what Public Act he was referring to. Commissioner Summers did not have the actual Act in front of him but advised that it deals with the care and treatment of kennels/animal shelters and has space requirements that went into effect 10/1/23. Mr. Jorgenson again stated that the plan is before the Department of Agriculture for their review and comments.

Commissioner Poole inquired about the process of being able to come to adopt a pet and/or where would the staff take a break. Mr. Jorgenson responded that the facility is very efficient in terms of its layout. There is not a lot of space that is not really dedicated for the day to day activities. The public would enter the facility and go into a vestibule area where the pets would be brought to them as the public is not generally allowed into the kennel areas. Director Burdick added that the door would be locked so the public could not enter the facility past the vestibule area unaccompanied by staff. Asst. Planner Meredith Badalucca added that there are no volunteers at this time and that Town staff includes Animal Control Officer and two part-time Asst. Animal Control Officers.

Director Burdick recommends that this Application be tabled until the November 14, 2023 meeting and staff will get answers to questions posed this evening, as well as to obtain the reviews from other Town staff.

MOTION (Poole/Estelle) to table to the November 14, 2023 meeting. All in favor (7-0-0)

10. Zoning Matters: ZEO Report was read into the record by Meredith Badalucca, Asst. Planner, in the absence of Stacy Radford.

11. Land Use Director Report: Director Burdick advised that the RFP went out on the Fishing Pier for the Geotechnical and Structural Engineering and the contract was awarded to Race Engineering, who will start work as soon as possible. When its work is done, the Town can put out an RFP for the construction. She stated the Fishing Pier is funded by DEEP and the Boat Launch improvements are funded by the Town; that the money has already been appropriated per preliminary cost estimates and that she hopes that construction will start in 2024.

Burdick stated an Invitation to Bid and RFP has been advertised for costs for general construction of the facility based on the written specifications and has been posted on the Town Website, in The Day legal classifieds and on the CT Department of Administrative Services Website.

12. Other Business: None.

13. Correspondence: None.

14. Executive Session: None.

15. Adjournment. MOTION (Kobyluck/Desjardins) to ADJOURN the meeting. All in favor (7-0-0). The meeting was adjourned at 7:40 p.m.