

**Montville Planning & Zoning Commission
PUBLIC HEARING/REGULAR MEETING
January 23, 2024 - 6:00 p.m.
Town Council Chambers – Town Hall
310 Norwich-New London Turnpike, Uncasville, CT 06382**

MINUTES

1. **Call to Order.** Chairperson Lundy called the meeting to order at 6:00pm.
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 Estelle, John Poole, Joshua Kobyluck, and Joseph Summers. Absent: Commissioner Chuck Longton. Also Present: Assistant Planner Meredith Badalucca and Zoning and Wetlands Officer Stacy Radford.
4. **Additions or Changes to the Agenda.** Chairperson Lundy requested a motion to add the approval of the January 9, 2024 Special Meeting minutes.

MOTION (Pike/Estelle) to APPROVE the requested amendment to item 5 to approve the meeting minutes from January 9, 2024 Special Meeting. All in favor (7-0-0). MOTION APPROVED.

5. **Minutes.**

- a. Approval of the December 12, 2023 Regular Meeting Minutes.

MOTION (Desjardins/Summers) to APPROVE the minutes of the December 12, 2023 Regular Meeting. Commissioner Estelle abstained from voting (6-0-1). MOTION APPROVED

- b. Approval of the January 9, 2024 Special Meeting Minutes

MOTION (Desjardins/Poole) to APPROVE the minutes of the January 9, 2024 Special Meeting. All in Favor (7-0-0). MOTION APPROVED

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

Doug Schwartz of 189 Thames Street, Groton, spoke regarding the proposed quarry project in Ledyard. Mr. Schwartz expressed his concerns. The blasting at the site may create issues such as increased noise levels, wildlife disturbance, and produce dust. He requested the Commission speak out against the project.

Anne Roberts-Pierson of 4 Anderson Drive, Gales Ferry, also spoke regarding the Ledyard quarry project. She stated she is a member of the Citizen's Alliance for Land Use. Ms. Roberts-Pierson highlighted the correspondence that was sent from the Town of Ledyard to the Town of Montville. She urged the Commission to speak at the Ledyard Public hearing set for February 8th, 2024, whether they are for or against the project.

7. Public Hearing/Discussion & Decision:

- a. **Public Hearing: 23 ZC 4 – Zoning Regulation Text Amendment to Add Section 4.11.14, Amend Sections 1.3, 5.2.7, 6.2.6, 7.2.5, 8.2.8, 9.2.6, 9B.2.4, 10.2.6, 11.2.5, 12.2.15, Delete Sections 5.3.3, 6.3.3, 7.3.3, 8.3.1, 9.3.1 and add “This section left intentionally blank.” regarding Family and Group Child Care Home and Child Care Center – Applicant: Town of Montville Planning & Zoning Commission. (Date of Receipt 12/12/2023 – DRD N/A – Public Hearing Opened 1/23/2024).**

MOTION (Desjardins/Summers) to OPEN Public Hearing. All in Favor (7-0-0). Public Hearing opened at 6:12pm.

Assistant Planner Meredith Badalucca read the list of exhibits into the record as follows:

1. Copy of the Application for Proposed Amendment to Zoning Regulations
2. Original Application signed by PZC Chairperson Sara Lundy, dated December 4, 2023
3. Email to Town Clerk's Office requesting Proposed Amendment to Zoning Regulations be posted in the Town Clerk's office on December 6, 2023
4. Date stamped copy of posted Proposed Amendment to Zoning Regulations, received by the Town Clerk's office on December 6, 2023 at 10:04 a.m.
5. Copy of letter to SECCOG in accordance with C.G.S. §8-7d(f), dated December 6, 2023
6. Copy of emailed letters to area Municipalities dated December 6, 2023
 - a. Town Clerk, Town of Waterford
 - b. Town Clerk, Town of Salem
 - c. Town Clerk, Town of Preston
 - d. City Clerk, City of Norwich,
 - e. Town Clerk, Town of Ledyard
 - f. Town Clerk, Town of East Lyme
 - g. Town Clerk, Town of Bozrah
7. Copy of email from Town Attorney advising additional revision dated 12/12/23
8. Revised Amended and Deleted Sections of Zoning Regulations
9. Revised Redlined Sections of Zoning Regulations
10. Email to Town Clerk's Office requesting Revised Proposed Amendment to Zoning Regulations be posted in the Town Clerk's Office on December 14, 2023.
11. Date stamped copy of posted Revised Proposed Amendment to Zoning Regulations, received by the Town Clerk's Office December 14, 2023 at 11:13 a.m.
12. Copy of letter to SECCOG with Revised Proposed Amendment to Zoning Regulations dated December 14, 2023. Carbon Copied to Town Clerks of Montville, Bozrah, East Lyme, Ledyard, Norwich, Preston, Salem, and Waterford
13. Public Hearing Notice published in The Day Newspaper on 1/12 and 1/19/24
14. Public Hearing Noticed posted to the Town of Montville Website 1/9/24

15. Assistant Planner Comments dated 1/5/24
16. Comment letter from SECCOG dated 1/16/24

Assistant Planner Meredith Badalucca read the staff report into the record, and the sections that are proposed to be updated in the regulations.

Chairperson Lundy called for public comment, for or against, three times with no responses.

MOTION (Desjardins/Poole) to CLOSE Public Hearing. All in favor (7-0-0). Public Hearing closed at 6:24pm.

- b. **Discussion & Decision: 23 ZC 4 – Zoning Regulation Text Amendment to Add Section 4.11.14, Amend Sections 1.3, 5.2.7, 6.2.6, 7.2.5, 8.2.8, 9.2.6, 9B.2.4, 10.2.6, 11.2.5, 12.2.15, Delete Sections 5.3.3, 6.3.3, 7.3.3, 8.3.1, 9.3.1 and add “This section left intentionally blank.” regarding Family and Group Child Care Home and Child Care Center – Applicant: Town of Montville Planning & Zoning Commission. (Date of Receipt 12/12/2023 – DRD N/A).**

Commissioner Poole asked if having a child care center within a residence would make it a commercial property. Assistant Planner Meredith Badalucca responded stating it would not change the type of property as Home Occupation Permits are allowed within the residential zones, and these particular Home Occupations would also come with required licenses. Commissioner Poole also asked if there would be a difference in the way the properties would be taxed if they had a child care center. Assistant Planner Badalucca stated residences with Home Occupation Permits do receive a separate tax. Commissioner Pike inquired if there were limits on who can open these establishments within their homes. Assistant Planner Badalucca responded as long as the requirements are met, the centers would be allowed.

MOTION (Desjardins/Poole) to APPROVE Application 23ZC4 to Add Section 4.11.14, Amend Sections 1.3, 5.2.7, 6.2.6, 7.2.5, 8.2.8, 9.2.6, 9B.2.4, 10.2.6, 11.2.5, 12.2.15, Delete Sections 5.3.3, 6.3.3, 7.3.3, 8.3.1, 9.3.1 and add “This section left intentionally blank.” regarding Family and Group Child Care Home and Child Care Center. The Effective date of this amendment is January 29, 2024. Roll Call Vote. All in Favor (7-0-0). APPROVED effective January 29, 2024.

8. Old Business:

- a. **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 1-Lot Resubdivision. (Submitted 7/26/23, Date of Receipt 8/22/23, DRD 2/26/23, 65 days from 12/12/23 (close of PH) -APPLICATION WITHDRAWN).**

Assistant Planner Meredith Badalucca stated the Applicant, the Nevar Company, had withdrawn their application and read the withdrawal letter dated January 16, 2024 from Dean Fiske into the record.

- b. **23SUB3 – 145 Moxley Road (Parcel ID 009-022-000), Uncasville, CT –**
Applicant/Property Owner: Sunmar/RAF Builders, LLC for a 2-Lot Subdivision.
(Approved with Conditions on 10/24/23) **REQUEST FOR 90 DAY EXTENSION OF
TIME TO FILE MYLAR PLANS.**

Assistant Planner Meredith Badalucca read a letter that was received from the Applicant's Attorney, Jon Chase, dated January 18, 2024 requesting a 90-day extension to file the subdivision mylar plans on the land records. She stated Attorney Jon Chase has been working with the town's attorney, Matt Willis, to work out finalizing the wording of the deeds before filing. She also stated this is the Applicant's first request for an extension.

MOTION (Poole/Estelle) to GRANT a 90-day extension of time to May 8, 2024 to file the approved mylar plans for Application PZ #23 SUB 3 – 145 Moxley Road (Parcel ID 009-022-000), Uncasville, CT – Applicant/Property Owner: Sunmar/RAF Builders, LLC for a 2-Lot Subdivision 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”. All in favor (7-0-0). APPROVED.

9. **New Business:**

- a. **24SITE1 – 245 Route 32 (Parcel ID 070-010-000), Uncasville, CT –**
Owner/Applicant: Western Group, LLC for Site Plan Modification of 22 SITE 2 for proposed reconfiguration of layout and elimination of phasing plan. (Submitted 1/11/24, Date of Receipt 1/23/24, DRD 3/28/24).

Assistant Planner Meredith Badalucca stated the Applicant, in a letter from its engineer, James Quill of Fuller Engineering and Land Surveying, LLC, dated January 23, 2024 has withdrawn the application. The letter was read into the record.

- b. **22SITE10 - 303 Route 32 (aka 303, 307 & 309), (Parcel ID 070-004-000),
Uncasville, CT- Owner/Applicant: Lombardi Gravel, LLC for proposed phasing plan
for multi-family development & associated site improvements. (Submitted 1/18/24, Date of
Receipt 1/23/24, DRD 3/28/24)**

Assistant Planner Meredith Badalucca stated this application was initially approved at the meeting on February 28, 2023. She stated there have been no changes to the approved plans, and the Applicant is only requesting approval to phase the plans. She recommended the Commission approve the request.

Commissioner Poole inquired if there were deadlines that could be implemented. Assistant Planner Badalucca stated the Connecticut General Statutes allow five years for approved site plans. Commissioner Pike inquired if the proposed handicap parking spaces shown in phase one would be completed due to close proximity to phase two construction area. Assistant Planner Badalucca stated yes, the handicap parking would be approved by the building

department and the Applicant will not be issued a Certificate of Zoning Compliance for Phase 1 if Phase 1 is not completed.

MOTION (Pike/Desjardins) to APPROVE the phasing plan entitled “Phase Plan, Owner: Lombardi Gravel, LLC, 303 (aka 303,307 & 309) Norwich-New London Turnpike, Uncasville, CT Prepared by Green Site Design, LLC, dated 8/12/22, revised to 1/18/24” for Application #22 SITE10 approved with conditions on 2/28/23 for 303 Route 32 (Parcel ID 070/004/000), Uncasville, CT - Applicant/Owner: Lombardi Gravel, LLC for multi-family development & associated site improvements as shown on a plan entitled “Multi-Family Development, 303 (aka 303,307 & 309) Norwich-New London Turnpike (Route 32), Uncasville, CT Prepared by Green Site Design, dated 8/12/22, Revised to 2/22/23”. All conditions of approval from 2/28/23 shall be met. Roll Call Vote. All in favor (7-0-0). Approved.

10. Zoning Matters: ZEO Report was read into the record by Zoning and Wetlands Officer, Stacy Radford.

11. Land Use Director Report: None.

12. Other Business: None.

13. Correspondence:

- a. CGS § 8-3b Referral - Town of Bozrah, Dated 12/11/2023 regarding a Zoning Regulation Text Amendment for event venue standards.

Assistant Planner Meredith Badalucca stated the referral was received as a courtesy from Bozrah as a neighboring town to Montville, and she does not anticipate any intermunicipal effect.

- b. Referral - CT Siting Council, Dated 1/8/24 regarding Smartlink letter dated 12/26/23 regarding Notice of Exempt Modification -Antenna & RRU Swap/Add at 57 Cook Drive.

Assistant Planner Meredith Badalucca explained this referral was sent to the Siting Council initially, and is for replacement of equipment already at the site as well as adding additional of the same equipment. No effect anticipated.

- c. Referral - Centerline Communications to CT Siting Council, Dated 1/9/24 regarding Notice of Exempt Modifications – 71 Moxley Hill Road.

Assistant Planner Meredith Badalucca stated this referral is similar to the one previous, and there is no effect anticipated.

- d. Referral - Robinson & Cole to CT Siting Council, Dated 1/8/24 regarding Notice of Exempt Modification – Facility Modification 71 Moxley Hill Road.

Assistant Planner Meredith Badalucca stated this referral is similar to the previous two, and there is not anticipated effect.

14. Executive Session: None.

15. Adjournment. MOTION (Desjardins/Poole) to ADJOURN the meeting. All in favor (7-0-0). The meeting was adjourned at 6:47pm.

Respectfully Submitted by:

Megan Egbert

Recording Secretary

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