

Montville Planning & Zoning Commission
REGULAR MEETING
March 26, 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 (Arrived at 6:06pm), and Commissioners Chuck Longton, Isaac Tait, John Estelle, Joshua Kobyluck, and Joseph Summers. Absent: Commissioner John Poole. Also Present: Director Matthew Davis, Assistant Planner Meredith Badalucca and Zoning and Wetlands Officer Stacy Radford.
4. **Additions or Changes to the Agenda.**
5. **Minutes:** Approval of the January 23, 2024 Regular Meeting Minutes.

**MOTION (Longton/Summers) to APPROVE the minutes of the January 23, 2024 Regular Meeting. Commissioner Desjardins was not present at the time of this vote (7-0-0).
MOTION APPROVED.**

6. **Remarks from the public not relating to items on the agenda.** None.
7. **Public Hearing/Discussion & Decision:** None.
8. **Old Business:** None.
9. **New Business:**

- a. **24SUB1 – 581 Route 163 (Parcel ID 030-024-000), Montville, CT –**
Owner/Applicant: James Morosky for proposed 2-Lot Subdivision. *(Submitted 2/29/24,
Date of Receipt 3/26/24, DRD 5/30/24).*

Assistant Planner Meredith Badalucca highlighted a few sections from her staff report including explaining the application is to divide one parcel of land into two lots, and the proposal of a new single-family residence on the proposed second lot. She stated there was a favorable report from the Inland Wetlands Commission received March 21, 2024 and a Site Walk had been done by herself and Stacy Radford, the Zoning and Wetlands Officer. Assistant Planner Badalucca stated the application had been referred out to staff and all comments had been received and addressed by the Applicant.

Attorney Harry Heller of 736 Route 32, Uncasville, representing the Applicant, stood to speak about the application. Attorney Heller explained that this application is straight forward, both lots would be able to connect to municipal sewer, and it complies with all zoning regulations.

MOTION (Longton/Estelle) to APPROVE Application 24SUB1 – 581 Route 163 (Parcel ID 030-024-000), Montville, CT – Applicant: James E. Morosky, Property Owner: James E. Morosky & Kristin Morosky, for a 2-Lot Subdivision in that the application, supporting documents and a plan entitled “Subdivision Plan Prepared for James E. Morosky & Kristin Morosky, #581 Route 163 – (AKA – Oakdale Road), Montville, CT, Dated 5/28/23, Revised 3/11/24” comply with all applicable sections of the Montville Zoning Regulations and Subdivision Regulations with the following conditions:

- 1. LS shall certify proposed iron pins and street line monuments as set prior to endorsement of final subdivision plan.**
- 2. Per Subdivision Regulation Section 3.9 (GIS): Digital Data shall be provided to the Land Use Dept. prior to endorsement of the final subdivision plan.**
- 3. A “Declaration of Joint Driveway Easement and Maintenance Agreement” shall be filed on the Land Records with the final mylar plans.**

Commission Desjardins abstained from voting (7-0-1). MOTION APPROVED.

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

Commissioner Pike asked if one of the zoning complaints being handled was regarding chickens very close to the road on Route 163. Zoning and Wetlands Officer Radford responded stating that was not a current complaint, but that she would look into it.

Commissioner Estelle asked why there had been a zoning permit denied. Zoning and Wetlands Officer Radford explained that the proposed deck did not meet the setback requirements. Commissioner Estelle followed up asking if the applicant of this permit was able to appeal the decision to the Zoning Board of Appeals. Radford stated that yes, the applicant would absolutely have the opportunity to appeal to the Board if they chose to.

Commissioner Kobyluck asked what was being done at the old drive-in property on Route 32. Radford stated there is a current zoning permit for clearing and cleaning up the property. Commissioner Kobyluck followed up to ask if the grading being done was allowed in the scope of the permit. Radford stated the work being done is within the approved permit.

Commissioner Kobyluck asked about a property on Route 85. Radford was able to recognize the property in question and stated they do have a permit to clear the land and they will be installing a sedimentation basin.

11. Land Use Director Report.

Director Matthew Davis stated in the last three weeks in this position he has been focused on meeting with staff and the Mayor to go over operational procedures and prepare the budget for the next fiscal year. Director Davis said he would like to hear from the Commission if there is anything specific they would like to hear reported in the future. He also stated in the future he would like to implement a work study for the Commission as he has done in previous positions.

12. Other Business:

- a. Commission Discussion of Draft Regulations regarding Adult Use Cannabis.

13. Correspondence:

- a. Letter from Montville Economic Development Commission dated March 19, 2024 regarding recommendation for Cannabis Zoning Regulations.

Chairperson Lundy opened the discussion of Adult Use Cannabis by reading the letter from the Montville Economic Development Commission into the record. Director Davis then stated he spoke with Mayor Bunnell regarding a referral to the Town Council on this issue. It was stated that at this time no referral will be sent out, and the Council will have the opportunity to speak on the issue when a public hearing is set to discuss the zoning regulations.

Commissioner Summers expressed concern for how the number of establishments would be able to be regulated.

Commissioner Longton expressed concern for how hybrid retail establishments would separate medical use versus recreational use.

Director Davis spoke on both concerns stating the separation of medical and recreational usage is subject to state regulations. He then referenced the memo he prepared for the Commission. He mentioned the idea of taking a different approach to the regulations than what was previously done. In order to limit the number of establishments, an overlay zone specific to this matter is being proposed to allow one establishment in the east overlay zone and one establishment in the west overlay zone. Director Davis also suggested the approach of assigning classes to different uses and establishments where each class would have different zoning requirements such as retail establishments being in a class requiring special permits. He stated the draft of the regulations he prepared for the Commission was mostly cut and pasted from previous drafts, with the addition of some definitions and the implementation of the classes and overlay zones. He suggested the Commission hold a Public Hearing to decide on regulations at April's Planning and Zoning meeting as the current moratorium expires April 30th.

Commissioner Tait expressed concern of the impact another retail establishment would have on the traffic in the area of the west overlay. Director Davis stated that would be addressed by taking a look at the use and impact of the establishment and creating a mitigation plan in the permit process.

Commissioner Summers asked if the CT Department of Transportation could be added to the list of mandatory referrals for the permits. Director Davis agreed they could be added.

Commissioner Summers also expressed concern of the issues a drive-thru could cause such as traffic backed up to the road, or even into the road. Director Davis stated there is a section in the proposed regulations that would prohibit a drive-thru for retail establishments.

Chairperson Lundy asked the Commission if there was any opposition.

Commissioner Pike stated he felt the moratorium should continue to be extended and that there was no need to rush on the matter.

Director Davis responded stating it was a legal recommendation not to continue extending the moratorium. He said many moratoriums strung together over a period of time will create a "de facto" prohibition. It is his recommendation that if the Commission is not ready to move forward

with regulations to allow the use, that regulations to prohibit the use should be put forward for the time being.

Chairperson Lundy inquired if there was enough time to resolve the issue before the moratorium expires. Director Davis stated that it can be done. Chairperson Lundy expressed her recommendation to move forward with the public hearing. Director Davis mentioned that the Commission can make changes to the draft as they see fit.

Commissioner Longton inquired if the commissioners should come prepared to vote at the next meeting. Chairperson Lundy said they should come prepared. Commissioner Longton also asked if the set of prohibition regulations can also be prepared for the hearing to be ready depending on the outcome of the votes. Director Davis stated both sets of regulations would be prepared.

14. Executive Session: None.

15. Adjournment. MOTION (Longton/Desjardins) to ADJOURN the meeting. All in favor (8-0-0). The meeting was adjourned at 6:51pm.

Respectfully Submitted by:
Megan Egbert
Recording Secretary

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