

**Montville Planning & Zoning Commission**  
**REGULAR MEETING**  
**May 28, 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 6:00 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 Isaac Tait, John Poole, Joshua Kobyluck, and Joseph Summers. Absent: Commissioners Chuck Longton and John Estelle. Also Present: Director Matthew Davis, Assistant Planner Meredith Badalucca, and Zoning and Wetlands Officer Stacy Radford.
4. **Additions or Changes to the Agenda.** Director Davis requested item 14 (Executive Session) be moved to before the Public Hearing.
5. **Minutes:** Approval of the April 23, 2024 Regular Meeting Minutes.

**MOTION (Pike/Summers) to APPROVE the minutes of the April 23, 2024 Regular Meeting. Commissioner Poole abstained from voting (6-0-1). Motion APPROVED.**

6. **Remarks from the public not relating to items on the agenda.** None.
14. **Executive Session:** Active litigation Stacy Radford Zoning Official, Town of Montville, CT v. Lombardi Gravel, LLC and James E. Wray, Et Al – Docket No. KNL-CV24-6067450-S.

**MOTION (Pike/Desjardins) to ADJOURN to Executive Session at 6:04 p.m. All in Favor (7-0-0). The Commissioners and Invited Parties (Director Matthew Davis, Assistant Planner Meredith Badalucca, Zoning and Wetlands Officer Stacy Radford, and Town Attorney Michael Carey) left the Town Council Chambers to Conference Room 102 and returned at 6:32 p.m. to resume the meeting. Commissioner Tait recused himself from the Executive Session for personal reasons. No votes were taken or motions made during Executive Session.**

7. **Public Hearing:**
  - a. **24 SUB 2 – Black Ash Estates (970 Old Colchester Rd) (Parcel ID 037-001-000), Oakdale, CT – Owner/Applicant: Pachaug Capital, LLC for proposed 13-Lot Re-subdivision. (Submitted 3/28/24, Date of Receipt 4/23/24, PH must open by 6/27/24, DRD 35 days from close of PH)**

**MOTION (Summers/Desjardins) to OPEN Public Hearing. All in Favor (7-0-0). Public Hearing opened at 6:33 p.m.**

Assistant Planner Badalucca stated staff has issued comments to the Applicant and are waiting for responses. Director Davis stated the project is a simple frontage subdivision. He explained this project has been proposed in the past and received wetlands approval that was litigated, but resulted in favor of the town. He mentioned the prior wetlands permit has been transferred to the new applicant with some objections, but staff has received legal counsel to continue with the Planning and Zoning application.

Attorney Harry Heller with an office at 736 Route 32, Uncasville, representing the Applicant spoke briefly. Attorney Heller stated the comments received entailed engineering changes that have taken some time to address. He believed the revised plans to have been complete, but felt it was “not fair” to staff to submit revised plans the same day of the meeting. Attorney Heller stated the revised plans will address all staff and engineering comments. He asked for the Public Hearing to be continued to the next meeting where he will give a full presentation of the application.

Chairperson Lundy call for public comment in favor of the application.

Raymond Occhialini of 7 Anderson Lane spoke stating he is neither for or against the application. He stated his concerns are with the shared driveways meeting fire code O-A-3, meaning the house numbers will be clearly marked at the end of the driveway and on the house. Mr. Occhialini also mentioned that he agreed with a comment from Public Works Director John Carlson regarding on the lots having a Black Ash address with the driveway on Old Colchester Road. He stated both of his concerns are for safety and making the houses easier to locate during any emergency responses.

Chairperson Lundy called for public comment against the application.

Richard George of 974 Old Colchester Road stated he would be “greatly affected” by the proposed project. He stated there are currently woods on all sides of his home, and if the application is approved he would have houses on all sides instead. Mr. George stated when this project was proposed the last time he had objected as well. He has concerns for the water runoff from surrounding driveways coming onto his property and if new neighbors use chemicals or fertilizer that it will get into his wells. Mr. George mentioned his sewer and not all of his wells are indicated on the plans. He asked that the Public Hearing stay open to give him a chance to see the revised plans and hear Attorney Heller’s presentation.

Arline Rivera of 65 Black Ash Road stated her concerns are for the excess waterflow that would be going downhill and potentially onto her property. Ms. Rivera also mentioned the location of her well is not correct on the plans.

Heather Battersby of 950 Old Colchester Road stated she is concerned of the potential excess water runoff as she already has issues with flooding. She stated she is also concerned about the wetlands next to her property being disturbed.

Nicholas Brothers of 85 Black Ash Road stated his property and surrounding wetlands are shown incorrectly on the plans. He stated additional driveways next to and behind his property would be an issue for him and he has concerns of his stone wall being damaged. Mr. Brothers asked that the Public Hearing stay open to the next meeting.

Jeffrey Dombrowski of 59 Black Ash Road stated his concerns include the additional water runoff down the hill damaging his retaining wall that is already washing away from the rainwater. He noted the engineering shown on the plan to mitigate the runoff, but stated things are “built to break.” Mr. Dombrowski mentioned there used to be a dump in the area and is concerned there might be pollution. He stated his concern for the potential of disturbing vernal pools and the creatures living there such as salamanders. He also stated he has multiple shallow wells on his property and they are not all indicated on the plans. Mr. Dombrowski asked that the Public Hearing stay open.

Chairperson Lundy called for public comment both in favor and against the application twice more with no response.

Commissioner Tait asked about the Right of Way trail as shown on page 43 of the POCD on the property. Chairperson Lundy stated to hold questions for after Attorney Heller’s presentation at the next meeting.

**MOTION (Desjardins/Kobyluck) to CONTINUE Public Hearing to June 25, 2024 Regular Meeting. All in Favor (7-0-0) Public Hearing CONTINUED at 6:54 p.m.**

**8. Old Business:**

- a. **24 SITE 3 – 1492 Hartford New London Turnpike (Parcel ID 005-027-000),** Oakdale, CT – Owner/Applicant: Jeff Daniels for proposed processing, material storage and equipment storage facility and associated site improvements (*Submitted 4/10/24, Date of Receipt 4/23/24, DRD 6/27/24*).

Director Davis stated staff have been in contact with the Applicant who asked that the application be continued to the June meeting at which time he will give the Commission details about the application.

Commissioner Summers mentioned the plans did not appear to show parking or building accessibility.

**MOTION (Desjardins/Pike) to CONTINUE to next meeting. All in Favor (7-0-0). Application CONTINUED to June 25, 2024 Meeting.**

**9. New Business:**

- a. **24 ZC 3 – Cricket’s Corner (879 Chesterfield Rd & 1665 Route 85) (Parcel ID**

**005-015-00C/012-007-000)** – Owner: Cricket’s Corner LLC, Applicant: Roger L. Phillips and Rachel M. Belardo for proposed zone change. *(Submitted 5/9/24, Date of Receipt 5/28/24, Set PH for 6/25/24)*

**MOTION (Summers/Tait) To SET Public Hearing for June 25, 2024. All in Favor (7-0-0). MOTION APPROVED.**

- b. 24 SITE 4 – 339 Oxoboxo Dam Rd (Parcel ID 044-005-00B)** – Owner/Applicant: David Warzecha for proposed 1440sq. ft. garage and outdoor kitchen. *(Submitted 5/24/24, Date of Receipt 5/28/24, DRD 8/1/24).*

Director Davis mentioned a future conversation with the Commission about potentially changing the Zoning Regulations that require a garage over certain dimensions needing to be brought before the Commission. He stated at this time staff requests the Application to be continued.

**MOTION (Desjardins/Kobyluck) to CONTINUE to next meeting. All in Favor (7-0-0). Application CONTINUED to June 25, 2024 Regular Meeting.**

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

**11. Land Use Director Report.**

- a. Community Investment Fund Grant Application Status

Director Davis stated the 1<sup>st</sup> draft of the application is done, some endorsements have been received, and he is on track to meet the June 21<sup>st</sup> deadline.

- b. 2024 Legislation

Director Davis stated there are two new items including a mandate to update the Zoning Regulations for Solar Canopies and for Building Officials to not issue any Certificates of Occupancy (CO) without a Certificate of Zoning Compliance (CZC), and if a CO is issued without a CZC, the Building Official can be made to revoke the CO.

- c. Discussion Re: Potential Zoning Regulation/Map Amendments

Director Davis stated the POCD suggests regular checks of Zoning Regulations and Maps. He stated he has some ideas of general cleanup and making the regulations more “user friendly”

- d. GIS Working Group

Director Davis stated previously staff within the Town of Montville took care of the updating the GIS, now it is outsourced. He stated a group is being put together compiled of relevant departments to work with the company to ensure accuracy.

e. Fishing Pier/Boat Launch Status

Director Davis stated the Fishing Pier and Boat Launch are on track and necessary DEEP Permits are in process.

Commissioner Poole inquired what the schedule is for the project.

Director Davies stated the project is on track and he is hoping the permits will be complete by the end of summer. After permits are obtained the project will have to go through the process of getting an RFP and finding contactors, so there is no set schedule.

f. Animal Control Facility Status

Director Davis stated there are no new updates, but he believes it will be discussed at the June Town Council Meeting.

g. Community Connectivity Grant Status

Director Davis stated this project is for the Route 32 sidewalks and it previously had design issues that are being reworked.

h. Housing Update

Director Davis explained staff had done research to compile a list of what housing projects have been approved, what is or is not currently under construction, and roughly what has been preliminarily discussed.

i. Mohegan Dam Removal

Director Davis stated the project is under technical review from DEEP.

j. Norwich Golf Course Dam Removal

Director Davis explained the office was contacted for a letter of support of the removal of this dam, and he is looking into it more.

k. Oxoboxo Lofts Brownfield Grant/Project

Director Davis stated this is a “great project” and the grant is going well.

l. Commission Budget 2024/2025

Director Davis stated there is nothing to report with the budget it is “pro forma.”

m. Municipality Permit System

Director Davis explained this is an online system and there are some issues that need to be

worked out such as the potential manipulation of permit information that can affect approvals.

n. Development Team Implementation

Director Davis stated this is an idea to get a group of technical staff together to meet regularly to have pre-application meetings.

**12. Other Business:**

- a. Town of Ledyard - PZ#24-3 SUP & PZ#24-4 CAM; Applicant: Gales Ferry Intermodal, LLC; Public Hearing 6/13/24

Director Davis stated staff did not receive a referral from the Town of Ledyard for this project. He stated he does have some concerns for the noise the project would produce on the shoreline. He explained he thinks the noise issue would be more from the rock crushing than the blasting. Director Davis stated he has not seen any documentation regarding a noise study being complete. He stated his intent is to make suggestions on how the project would directly impact the Town of Montville only. He asked if the Commission has any other input or opinions they would like conveyed for them to reach out to the office within the next week.

- b. Draft Regional Open Space Plan

Director Davis stated the draft was given to the Conservation Commission for review and he is waiting for their comments.

- c. Draft State Conservation & Development Plan

Director Davis stated this plan is at the state level and was previously determined by Priority Funding Areas. This update has a new method that does not appear to accurately reflect current or planned conditions. He stated he has some input he would like to convey to the Office of Policy and Management on the Commission's behalf.

Commissioner Summers asked if it can be suggested to the state to break the plan down by county to better show the highlighted areas.

**13. Correspondence:** None.

**15. Adjournment. MOTION (Poole/Desjardins) to ADJOURN the meeting. All in Favor (7-0-0). The meeting was adjourned at 7:37 p.m.**

Respectfully Submitted by:  
Megan Egbert  
Recording Secretary

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