

TOWN OF MONTVILLE
Department of Land Use & Development

Staff Report for August 27, 2024 PZC Meeting

Prepared by Meredith Badalucca

Property Address: 1080 Route 32 Parcel ID: 086-004-000
Application: 24SITE6
Property Owner: Drive-In LLC
Applicant: Sammy P Inc., Principal Sammy Piotrkowski
LS/PE: Boundaries LLC, John Faulise Jr., LS, David McKay, PE
Lot Size: Entire property: 1,012,051 SF 23.23 acres. However, this application proposes for 0.8 acres of disturbance. The activity related to this application is shown on the plan as the area indicated within the gray dash marks as well as, the compacted access route. The construction trailer location and stock piles are outside of the gray dash marked area.
Lot Frontage: 362 +/- feet on Norwich-New London Turnpike (CT Route 32).
Zoning District: C-2 (Commercial) and Route 32 Overlay Zone (OZ).
Public Water/Sewer: This proposed development will not be connecting to public water or sewer and will use existing on-site well and septic. Both Uncas Health and the WPCA have review the application materials and provided comments.
Flood Hazard Zone: Yes. A portion of the property is in Zone A. The work associated with this application is not proposed within this area.
CAM Zone: Yes. A portion of the property is located within the Coastal Area Management Zone however, there is no proposed work within this area as part of this application.
Public Water Supply Watershed: No.
Proposed Public Improvements: Applicant is proposing to use the existing curb cut that served the previous drive-in theater use. No modifications or improvements are proposed to the existing curb cut nor any work within the DOT right of way.
Legal: Submitted to Land Use Dept. on 7/29/24. Date of Receipt by PZC 8/27/24, Decision Required Date – 10/2/24.

Proposal: The applicant is proposing to renovate the existing building that was previously used to house the concessions and projector for use as office space and accessory storage space for the owner Drive-In, LLC and applicant Sammy P, Inc. This includes the construction of a sidewalk around the building, concrete parking spaces, loading/unloading space, dumpster enclosure, compacted asphalt millings for the parking area circulation drive and additional spaces, a freestanding sign as well as, a temporary construction trailer.

Background: The prior use of this property was a drive-in theater with two screens, two ticket booths and a building that housed the concessions and projector. The current owner, Drive-In LLC, purchased the property in February of 2024. On February 9, 2024 a zoning permit number 24ZP24 was issued for site clean up per “Schedule A”. A request was made on August 22, 2024 for a revision to said zoning permit to include processed stone. This request was granted by the ZEO on August 23, 2024. On June 14, 2024

zoning permit number 24ZP98 was issued for the temporary stockpiling of millings with conditions per attached schedule A. These millings are proposed to be used as part of this application for the proposed parking area. Copies of both zoning permits are attached.

Staff Comments/Review:

The property is located in the C2 zoning district and is included within the Route 32 Overlay Zone. The C2 zone does not permit business and professional offices, however, the OZ district allows for commercial structures which are allowed in any commercial zone in Montville. The C1 zoning district ZR section 10.2.3 list business and professional offices as a permitted use. Per the applicant's response letter dated August 20, 2024, the proposed office space will be used for the administrative aspects of the business, Sammy P Inc. The applicant is also proposing to use part of the building as an accessory dry storage area for records and office materials/equipment. The applicant has stated they are aware that any additional use beyond the administrative office space and accessory storage requested as part of this site plan application may require additional zoning permits and/or Planning and Zoning Commission site plan approval.

The applicant has included 1,578 SF of landscaping as part of the proposed plan. This area includes landscaped islands at the existing building and proposed landscaped strip between the proposed parking area and Raymond Hill Road.

There are several call outs on sheet 1 of the plan "Property Line as Depicted on Reference Map 1" and "Boundary Line Agreement Recommended". There is no proposed work in this area. This will need to be addressed for any work proposed in the future should it include this area.

The applicant has addressed all of my technical review comments dated August 15, 2024 in a response letter dated and received on August 20, 2024. Both documents are part of the application record.

Staff did a site inspection of the property on August 21, 2024. A copy is attached to the staff report. The applicant's engineer and contractor met us on site on August 22, 2024 to discuss the proposed use of the office building and site. Revisions to the plans were made such as, the temporary office trailer and sign.

The applicant is requesting a determination of applicability per ZR Section 17.5 from the Commission for the items listed below. The commission will need to determine if these site plan ingredients are necessary or required to reach a decision on the application.

1. 17.4.5 "Existing and proposed contour lines at five foot (5') intervals. The Town Planner or Town Engineer may require a two foot (2') contour interval in order to clearly show topography and drainage. "

Applicant states: Contours at an interval of 1' are shown in the area of the proposed improvements only. The only grading proposed is in order to ensure that ADA accessible slopes are maintained for the sidewalks and parking areas. A topographic survey of the remainder of the 23.23 acres has not been completed as

they are not required to be modified in order to accommodate the proposed improvements.

2. 17.4.7 “Location of all existing watercourses, wetlands, public water supply watershed boundaries, bedrock, outcrops, and where appropriate, the mean high water line, flood hazard areas, and channel encroachment lines.”

Applicant states: Inland wetlands are known to exist in the westerly corner of the property adjacent to Stony Brook. They have not been delineated as part of this site plan because all activity proposed on the site plan is located within the formerly paved limits of the drive-in theater and is at least 300 feet from the wetland areas.

3. 17.4.15 “The stormwater drainage system, including the location and evaluations of all existing and proposed street drainage facilities within one hundred feet (100’) of the property. The Town Planner or Town Engineer may require additional information and / or details regarding off-site drainage features affected by, or impacting upon the proposed development. Stormwater management systems shall be designed in accordance with the 2004 Connecticut Stormwater Quality Manual as may be amended from time to time.”

Applicant states: Evaluation of the stormwater drainage system on-site and within 100 feet of the property has not been completed. The proposed site plan is a reduction in impervious coverage of approximately 11.6 acres over the conditions that existed prior to 2024. All work is located interior to the formerly paved limits and wood chip berms are located at the downgradient perimeter of the site. Runoff from the proposed impervious surfaces will flow by sheet flow into the adjacent pervious materials. Overall drainage patterns are not modified as a result of the proposed improvements and there will be a significant reduction in runoff volume and flow rates due to the removal of the formerly paved areas.

4. 17.4.18 “Building elevations or preliminary architectural drawings showing the general type of building proposed for construction.”

Applicant states: Building elevation drawings have not been prepared as this proposal consists of the reuse of an existing building. The only proposed exterior modifications to the existing building are to install doors and windows in the current locations of the cased openings.

Agency Comments

Town Engineer:	Comments dated 8/5/24 “I have reviewed the application materials and have no comments at this time.”
Fire Marshal:	See comments dated 8/23/24 & 8/26/24.
Building:	Comments dated 8/22/24 “No further comments on the revised plan.”
WPCA:	Comments dated 7/31/24 “Don’t have any comments as they plan to use well and septic.”
Uncas Health:	See comments dated 8/9/24, 8/23/24 & 8/26/24.

SUGGESTED MOTION FOR ANY FAVORABLE APPROVAL:

I make a MOTION to APPROVE with conditions, Application 24 SITE 6 for an administrative office and accessory dry storage area for records and office materials/equipment at 1080 Route 32 (086/004/000) in accordance with the Montville Zoning Regulations and the application, supporting documentation and a plan set entitled "Property Survey, Overall Property Plan Prepared for Sammy P Inc, 1080 Route 32 – Montville, Connecticut, Dated July 2024, Revised 8/19/24 and 8/23/24, Prepared by Boundaries, LLC".

CONDITIONS:

General Conditions:

1. This approval is for the specific use, site and structure(s) identified in the application. Any change in the nature of use, site or the structure will require new approvals from the Planning and Zoning Commission.
2. This project shall be constructed and maintained in accordance with the referenced plans.
3. Soil erosion and sediment controls shall be installed in accordance with the approved plan set and inspected by the Zoning Officer prior to the start of any work.
4. An approved Zoning Permit is required prior to the start of any work.
5. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
6. No business/use under this permit/approval shall be initiated until a Certificate of Zoning Compliance is approved by the Zoning Officer.

Site Specific Conditions:

7. All landscaping shall be maintained post construction.
8. Site signage not shown on plan shall require an approved zoning permit prior to installation.
9. Outdoor storage of materials and equipment is not included as part of this site plan approval.

Conditions to be met prior to signing of plans:

10. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
11. The applicant shall also submit final plans as approved by the Commission in a digital format per ZR section 17.3.
12. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
13. A list outlining all changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.

Conditions to be met prior to the issuance of zoning permits:

14. Four (4) sets of paper plans with any required revisions incorporated, shall be submitted to the Land Use Department for signature of the Commission.
15. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and submitted to the Land Use & Development Office. Any changes to the plans required by such entities may require a plan modification from the Planning and Zoning Commission.
16. A soil erosion & sediment control and Site Restoration bond shall be posted in the amount of \$10,000 in a form acceptable to the Finance Director. No bond, or portion thereof, shall be released without prior approval of the Zoning Officer and/or Director of Land Use & Development.
17. A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.

Conditions which must be met prior to Issuance of a Certificate of Zoning Compliance:

18. Complete as-built plans certified to Class A-2 accuracy shall be submitted prior to the issuance of any certificate of zoning compliance. The as-built plan shall also contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.
19. No Certificate of Occupancy or other final approval may be issued until the Zoning Officer has signed off on the final work.

Note: The Conditions of Approval do not take the place of other requirements found in the Town Codes, Regulations, and Application Instructions.

Should the Commission vote to **DENY** the application, it shall state its reasons on the record.

Address: 1080 Route 32 Montville Conn Zoning Permit # 24 ZP24
Map: 086-004-000 Lot: _____ Zone: C2 Expiration date: 2/9/2024
Setbacks: Front/Rear: _____ Sides: _____

Town of Montville Zoning Permit

Proposed Project: see schedule A attached
Property Owner: Drive-In LLC
Applicant: Sammy Piotrowski member
Applicant Address: 12 Willow ST. Mystic Conn 06355
Phone # 860 884-2600 Cell # 860 884-2600
Email: Sammy@sammy.com

Provide the following:

Copy of plans drawn to scale of at least 1" = 40' showing: dimensions of lot, size and location of existing, proposed structures, driveways, sanitary facilities and water supply, parking facilities, and adjacent streets; distances of proposed structures from property lines and wetlands. (A copy of plan prepared by a Connecticut Registered Land Surveyor may be required).

The Owner/Agent is responsible for and agrees to:

1. Notify the Zoning Officer of any alteration in the plans.
2. An E&S cash bond of \$2000 may be required and must be posted prior to approval of Zoning Permit. This bond may be held for up to one (1) year after Compliance Sign-off.
3. Prior to start of construction all E&S measures must be inspected by the Zoning Officer.
4. Contact the Zoning Officer (860-848-6779) upon completion of project.

I hereby certify that the information provided is true and correct and further attest the proposed project is authorized by the owner in fee and I am authorized to make application for a permit for such described work. The undersigned hereby authorizes the Montville Planning & Zoning Commission or its agents to enter the subject property for the purposes of inspection and/or enforcement.

Owner/Agent Signature: [Signature] Date: 02/09/2024
Applicant Signature: William J. Piering Date: 2/09/2024

OFFICE USE ONLY Fee: \$110.00 Cash / Check # _____
Stacy Blodgett 2/9/2024
Commission Agent Date Certificate of Zoning Compliance (CZC) Date

☒ As Built required prior to issuance of CZC. Received on: _____

☒ Bond # & Date #1023159402 - \$20,000 Released: _____

Site/Special Permit # _____

Wetlands Permit # _____

Conditions & Notes E&S Controls shall be installed prior to start of any work and maintained in good working order. All other necessary permits will be obtained from other departments. TE agreed 2P for cleanup of property with 20K Bond. Any work not specified on Schedule "A" as attached, may require additional permitting.



410 Maple Avenue
PO Box 164
Uncasville, CT 06382
860-848-2372
Pandhconstruction.com

February 1, 2024

Town of Montville
Land Use and Development Department
310 Norwich New London Turnpike
Uncasville, CT 06382

SCHEDULE "A"

Attention: Meredith Badalucca Assistant Planner
Stacy Radford Zoning and Wetlands Officer

Re: 1080 Route 32/ Norwich New London Turnpike, Drive-In, LLC

Subject: Site Clean-up and Grading Narrative

Dear Ms. Badalucca and Ms. Radford:

As a follow up from our meeting of January 22, 2024, the above referenced property is being purchased with the intent to make it available for future development. In order to have the property in a clean presentable state, the new owner is requesting permission to clean the site and have it available for viewing by prospective developers, businesses, the Town of Montville Land Use Department and Economic Development Commissions.

The following conditions are agreed to and shall be applicable to comply with a general property clean-up zoning permit:

- 1) Post a \$20,000.00 Erosion and Sediment Control bond per bond letter dated 1/24/24.
- 2) Trees along perimeter of street lines and trees and vegetation that has grown within the property will be removed along with stumps and ground for mulch.
- 3) Wood chip/ mulch shall be used for erosion control berms and barriers in locations near the wetlands.
- 4) All former Drive-In speaker and heater poles shall be removed of and disposed of properly off site.
- 5) The areas of former roadways, interior driveways and parking lots shall have remaining pavement pulverized, regraded, and compacted in place.
- 6) The graded areas will remain pervious.
- 7) There will be no work within 75 feet of wetlands.
- 8) The building shall be cleaned of damaged materials, entry boarding and work to allow for securing entry to building will be performed. Any further work to the building will require building plans, building permits and site plans for building improvement or modifications. It is the intent at this time to use the building for a site office consistent with its previous use.
- 9) An A-2 survey is in progress and copy of the same will be provided to the department upon completion.
- 10) The existing property entrance on Route 32 will remain in used at this time. Repairs to potholes and other deficiencies to the entrance may be corrected during this clean-up stage. It is understood that any further work requires site plan approval and State of Connecticut D.O.T. permits and approvals.

Principal Project Contact: Sammy Piotrkowski Cell # 860-884-2600

Respectfully,

William J. Pieniadz
Assistant Project Manager,
Drive-In, LLC

John U. Faulise, Jr., L.S.
Gerald J. Stefoni, L.S. (1952-2021)

David C. McKay, P.E.
Jacob S. Faulise, E.I.T.



Boundaries LLC
179 Pachaug River Drive
P.O. Box 184
Griswold, CT 06351
T 860.376.2006 | F 860.376.5899

www.boundariesllc.net

August 22, 2024

Ms. Stacy Radford
Zoning & Wetland Officer
Town of Montville
310 Norwich-New London Turnpike
Uncasville, CT 06382

Re: 24ZP24 – Drive In, LLC.
1080 Route 32
Uncasville, CT

Dear Ms. Radford,

During the course of construction related to pulverizing and regrading the former parking areas at 1080 Route 32 the Owner encountered unsuitable materials that were removed from the site. The materials are in the process of being replaced with imported processed stone. The processed stone is being spread at an approximate thickness of 2-inches. The stone will help with dust control, erosion prevention and constitutes a pervious surface in place of the former bituminous concrete surfaces.

This letter is a request to consider the import and placement of the processed stone material as part of Item 5 on Schedule A of the above referenced Zoning Permit as it is necessary for proper stabilization of the site at this time.

Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. McKay", written in a cursive style.

David C. McKay, P.E.



Address: 1080 Route 32, Uncasville Zoning Permit # 24 ZP 98
Parcel ID: 086-004-000 Zone: C-2 Expiration date: 8/13/2024
Setbacks: Front/Rear: Sides: 10/1/2024
de

Town of Montville Zoning Permit

Proposed Project: Temp Permit for Stockpiling of Millings from Project #: DOT01720536CN - Route 32 ONLY
Property Owner: Drive-In LLC
Applicant: Sammy Piotrkowski
Applicant Address: 1080 Route 32, Uncasville, CT 06382
Phone # Cell # 860-884-2600
Email: sammy@sammyp.com

Provide the following:

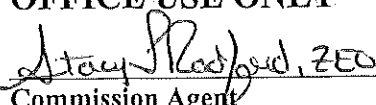
Copy of plans drawn to scale of at least 1" = 40' **showing:** dimensions of lot, size and location of existing, proposed structures, driveways, sanitary facilities and water supply, parking facilities, and adjacent streets; distances of proposed structures from property lines and wetlands. (A copy of plan prepared by a Connecticut Registered Land Surveyor may be required).

The Owner/Agent is responsible for and agrees to:

1. Notify the Zoning Officer of any alteration in the plans.
2. An E&S cash bond of \$2000 may be required and must be posted prior to approval of Zoning Permit. This bond may be held for up to one (1) year after Compliance Sign-off.
3. Prior to start of construction all E&S measures must be inspected by the Zoning Officer.
4. **Contact the Zoning Officer (860-848-6779) upon completion of project.**

I hereby certify that the information provided is true and correct and further attest the proposed project is authorized by the owner in fee and I am authorized to make application for a permit for such described work. The undersigned hereby authorizes the Montville Planning & Zoning Commission or its agents to enter the subject property for the purposes of inspection and/or enforcement.

Owner/Agent Signature:  Date: 06/14/2024
Applicant Signature:  Date: 06/14/2024

OFFICE USE ONLY Fee: \$110.00 Cash / Check # #8215
 6/14/2024
Commission Agent Date Certificate of Zoning Compliance (CZC) Date

☐ As Built required prior to issuance of CZC. Received on: _____
☐ Bond # & Date _____ Released: _____
Site/Special Permit # _____
Wetlands Permit # _____
Conditions & Notes See Conditions of Approval on attached Schedule A (email from ZEO to Sammy: Rich) dated 6/12/2024 @ 3:45 pm.

RECEIVED

JUN 14 2024

BY: _____

Stacy Radford

From: Stacy Radford
Sent: Friday, June 14, 2024 4:13 PM
To: Stacy Radford
Subject: 1080 Route 32, Uncasville - Conditions of Zoning Permit
Attachments: Zoning Permit APP Rev 01-29-2024.pdf; Bond Request Letter 6-12-2024.pdf

From: Stacy Radford
Sent: Wednesday, June 12, 2024 3:45 PM
To: Sammy@sammyp.com; richc@sammyp.com
Cc: Matthew Davis <mdavis@montville-ct.org>; Meredith Badalucca <mbadalucca@montville-ct.org>
Subject: RE: 1080 Route 32, Uncasville

Good Afternoon:

The purpose of this email is to confirm our conversation and agreement with Rich this afternoon concerning the property at 1080 Route 32.

Rich explained to us that Boundaries is working diligently at completing the Survey of the property and same will be submitted upon its completion.

It has been agreed as set forth below:

1. Temp/Durational Zoning Permit for Millings Stockpiling from Project # DOT01720536CN – Raffety Fine Grading – 2024 VIP Milling of Section 23, on Route 32, in the Town of Montville
- In order to assist both you and the contractor, we have agreed to the following:
 - You will submit an Application for a zoning permit (attached), with a Plan, use narrative, \$110 Application fee and bond
 - You will provide a \$25,000 surety bond (see attached Bond Request letter)
 - Staff will process this application and advise the Planning & Zoning Commission on 6/25/2024 of its purpose and scope
 - The approval will be subject to the following conditions:
 - The permit will be valid for a period not to exceed 60 calendar days from date of our approval, renewable at the discretion of the ZEO, subject to compliance with the terms herein and subject to substantial progress on the change use site plan application discussed at our meeting on 6/12/2024.
 - This permit will be for the storage of no more than 2,000 cyds of bituminous millings from the above referenced project only.
 - These millings will not be spread or compacted, only stored.
 - No processing or use of processing equipment is permitted.
 - No storage of construction equipment or vehicles is permitted.
 - No use of the existing structure on site is permitted.
 - Hours of operation/days (7:00 am to 6:00 pm / Mon - Fri).
 - Location of stockpiles to be shown on plan.
 - Agreement/acknowledgement from contractor.
 - Not to be dumped/stored within Wetlands or upland review area (URA).
 - No permit will issue until the Surety Bond is provided in a form acceptable to the ZEO

- All materials will be removed no later than 10/1/2024 and the area loamed and seeded, or the surety bond will be forfeited.
- Failure to comply with the terms and conditions of the Zoning Permit will result in immediate forfeiture of the Surety Bond.

2. Rock Burial

- You will show the location of the existing borrow pit and existing rock to be covered with soil, compacted and seeded. No additional rock shall be buried on site.

3. Site Plan Application for Future Use

- As discussed on 5/3/2024 and again on 6/12/2024, you will submit a completed site plan Application for Planning & Zoning Commission review/action prior to any use of the site, with the express limited exception of the scope approved under this temp/durational zoning permit. This limitation will include any change in use of the existing building on site currently being rehabbed for future office/storage use. No Certificate of Zoning Compliance (CZC) will be issued for the use of said structure until the Planning & Zoning Commission has approved a site plan Application for the change in use and all site improvements required by that site plan are completed and a certified As-Built has been provided confirming same.

Finally, we are willing to discuss any site use options you would like to discuss at your convenience and we hope you understand and appreciate the scope and intent of the CIF Planning Grant initiative we described and how that process might encourage, promote and otherwise facilitate use options we believe will accomplish mutually beneficial objectives and reflect the potential of this high value and strategically important site.

Please feel free to contact our office should you have any questions.

Thank You!

Stacy Radford

Zoning & Wetland Officer – Dept. of Land Use & Development

Town of Montville

310 Norwich-New London Tpke., Uncasville, CT 06382

Telephone: (860) 848-6779

Town of Montville Inspection Report

Date: 8/21/2024 Inspection Type: Zoning Permit Inspection/CZC

	Yes	No
MS4/ Erosion and Sediment Control Inspection	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Location: 1080 Route 32 Map/Lot/Block: 086-004-000

Parties Present	Choose an item.	Choose an item.	Choose an item.	Choose an item.	Choose an item.	Stacy Radford Meredith Badalucca Click here to enter text.
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	Yes	No
CZC Approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments/Observations

Did on-site inspection of property in accordance with Site Plan Application #: 24 SITE 6, as well as Zoning Permit #: 24 ZP 24.

Town of Montville Inspection Report



Town of Montville Inspection Report



Town of Montville Inspection Report



Town of Montville Inspection Report

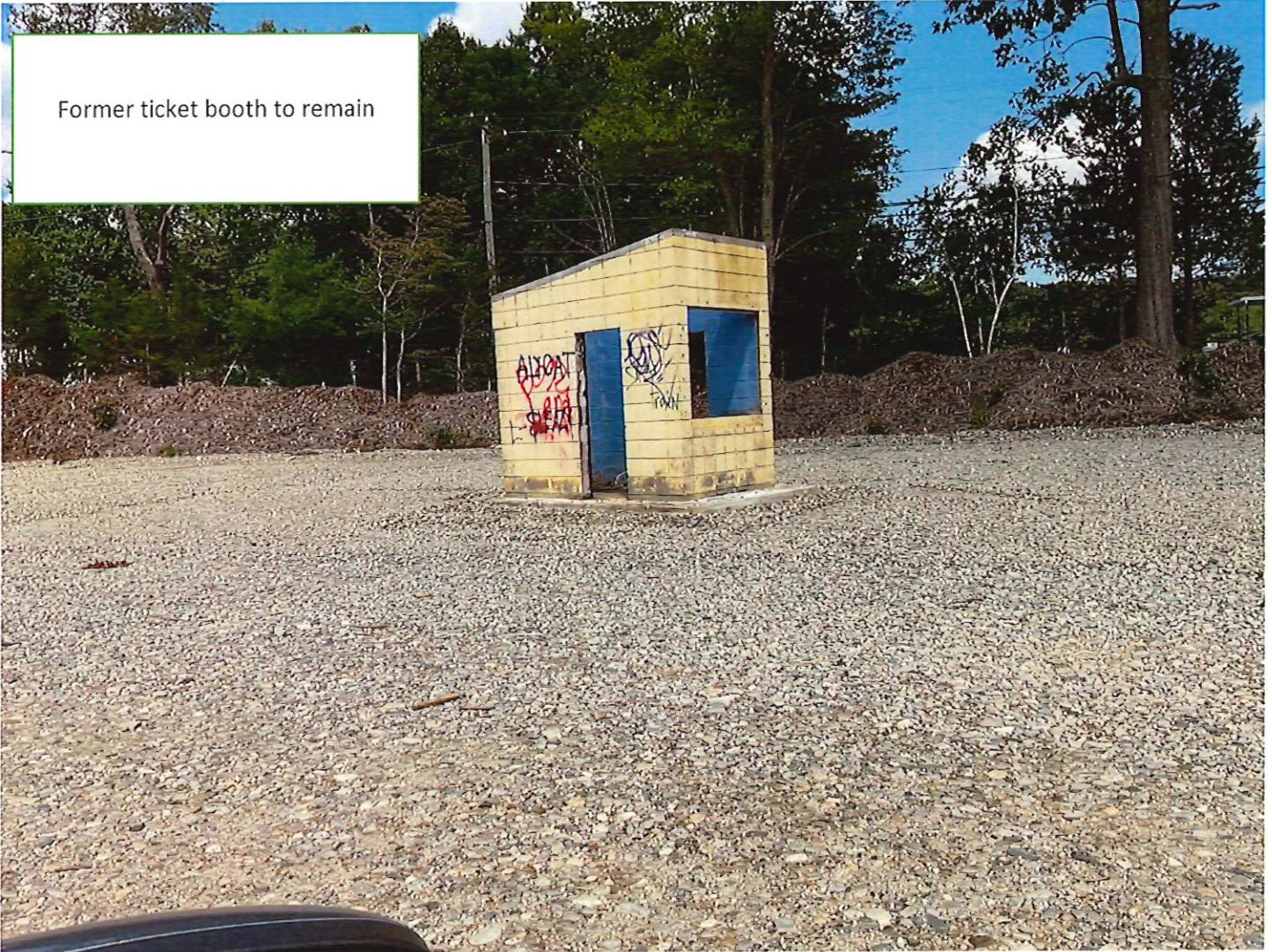


Town of Montville Inspection Report



Town of Montville Inspection Report

Former ticket booth to remain



Town of Montville Inspection Report



Town of Montville Inspection Report

Construction equipment being used to complete 24ZP24. Equipment will be removed from site once completed.

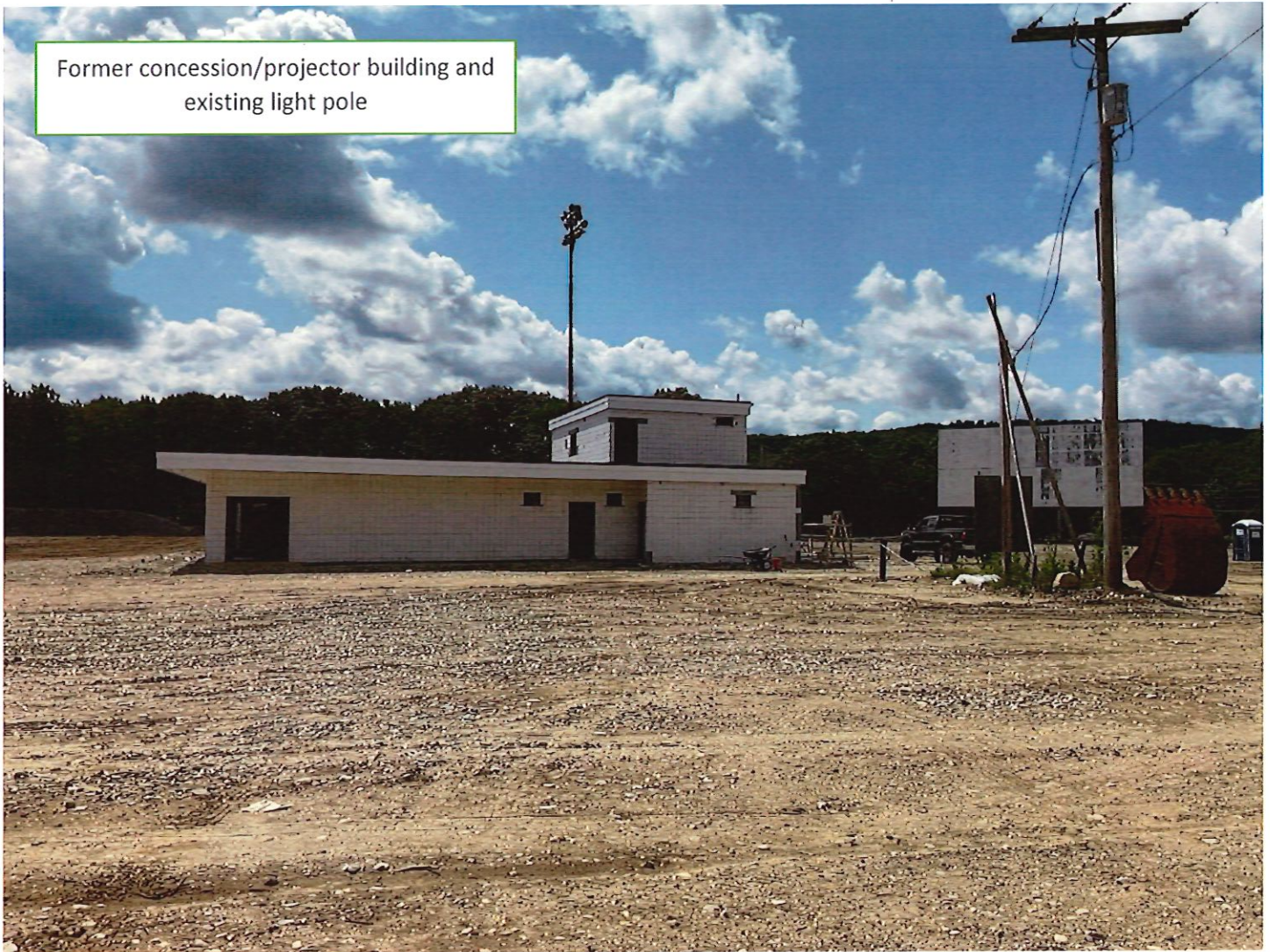


Town of Montville Inspection Report



Town of Montville Inspection Report

Former concession/projector building and
existing light pole



Town of Montville Inspection Report



Town of Montville Inspection Report



Town of Montville Inspection Report

Drive in screen to remain



Town of Montville Inspection Report



Town of Montville Inspection Report

Location of Millings and topsoil stockpile



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