

TOWN OF MONTVILLE
LAND USE AND DEVELOPMENT OFFICE
310 Norwich-New London Turnpike, Uncasville, CT 06382
Telephone: (860) 848-6779

MEMORANDUM FOR THE RECORD

October 22, 2024 PZC Meeting

Prepared by *Meredith Badalaucca*, Asst. Planner on October 2, 2024

Application: PZ #24ZC4 – Amendment to Zoning Regulation Section 4.11.5.2
Applicant(s): 1758 RTE 32 LLC
Agent: George Andrews
Legal: Date of Receipt by PZC: 09/24/24. Public Hearing (PH)
Scheduled for 10/22/24. Decision Required Date (DRD): within
65 days of close of PH

Proposal: Amend Zoning Regulation (ZR) Section 4.11.5.2 to state: Buildings shall be so grouped that each façade shall face its full dimension upon a street, unless the subject parcel or parcels included in the development are collectively located within the R-20-M zone and the Route 32 Overlay Zone.

Current Regulations:

Currently ZR Section 4.11.5.2 states: “Buildings shall be so grouped that each façade shall face its full dimension upon a street.”

Our ZR define a street as follows: “Any existing state, or town highway, or a street shown (a) on a subdivision approved by the Planning and Zoning Commission; or (b) on a map or plan duly filed and recorded in the office of the Town Clerk of the Town of Montville prior to November 1963, provided such street shall have been suitably improved to the satisfaction of the Planning and Zoning Commission after October 13, 1970.”

Our ZR do not define façade, therefore you look to the common understanding of the term as expressed in a dictionary.

- *Oxford Languages*: the face of a building, especially the principal front that looks onto a street or open space.
- *Merriam-Webster*: the front of a building
- *Britannica*: the front of a building

Multi-Family Dwelling Units are currently permitted uses in the following zoning districts: R-20 with an increased side yard setback of 20 feet, R-40 with an increased side yard setback of 20 feet, R-20-M, Route 32 Overlay Zone and the Housing Opportunity Development Zone.

ZR Section 9B.1 Intent and Purpose Section of the R-20-M Section 9B states the following: “This regulation is adopted for the following purposes:

- a. To allow, on a long-term basis, for the development of diverse housing types, to help address identified housing needs, to recognize existing multi-family housing developments and clusters;
- b. To encourage the construction of housing that is consistent with design and construction standards present in the surrounding community;
- c. To promote housing choice and economic diversity;
- d. To efficiently utilize infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices, while also providing public and private open space and recreational areas;
- e. To guide a proposed development so that it helps accomplish the above purposes while being consistent with soil types, terrain and infrastructure capacity and is consistent with the statutory purpose of protecting the public health, safety, convenience and property values; and
- f. To encourage energy-efficient patterns of development;
- g. To promote housing near public transportation routes.”

ZR Section 14A.1 Purpose of the Route 32 Overlay Zone Section 14A states the following: “the intent of this Overlay Zone is to promote economic development.” Both ZR Section 9B & ZR Section 14A as well as, our current zoning map are attached.

The following parcels are located within the R-20-M zoning district, acreage and use taken from property cards:

- 590 Route 163, 1.58 acres, Single Family Residence (SFR)
- 598 Route 163, 21.71 acres, Vacant Land
- 606 Route 163, 0.29 acres, SFR
- 612 Route 163, 1.14 acres, SFR
- 618 Route 163, 1.65 acres, SFR
- 622 Route 163, 1.18 acres, SFR
- 630 Route 163, 0.51 acres, SFR
- 632 Route 163, 0.23 acres, SFR
- 030-037-00B Route 163, 0.33 acres, Vacant Land
- 636 Route 163, 8 acres, Vacant Land
- 2 Chesterfield Road, 9.79 acres, Vacant Land
- 82 Jerome Road, 12.02 acres, Multi-Family (MF) (Picture attached)
- 42 Pink Row, 10.64 acres, Multi-Family under construction
- 841 Route 32, 8.21 in the R-20-M zone, current use is nursing home with additional 2 SFR, 1 acre in the C2 zone and is currently vacant
- 1321 Route 32, 0.46 acres, MF
- 1341 Route 32, 0.42 acres, MF
- 11 Platoz Drive, 0.58 acres, MF (Picture attached)
- 12 Platoz Drive, 0.82 acres, MF (Picture attached)
- 26 Platoz Drive, 0.53 acres, Vacant Land

- 36 Platoz Drive, 0.57 acres, MF
- 45 Platoz Drive, 1 acre, MF
- 46 Platoz Drive, 0.69 acres, MF
- 1401 Route 32, 79.35 acres, currently houses a pump station on vacant land
- 1441 Route 32, 1.32 acres, Vacant Land
- 091-048-000 Route 32, 0.80 acres, Vacant Land
- 091-051-000 Route 32, 0.13 acres, Vacant Land
- 1455 Route 32, 0.35 acres, Vacant Land
- 1465 Route 32, 0.35 acres, Vacant Land
- 091-047-000 Route 32, 1.56 acres, Vacant Land
- 1523 Route 32, 14.06 acres, Vacant Land
- 1581 Route 32 Rear, 0.56 acres, Vacant Land
- 1591 Route 32, 2 acres, MF (Picture attached)
- 1758 Route 32, 9.57 acres, Vacant Land
- 1790 Route 32, 2.62 acres, Vacant Land
- 1822 Route 32, 5.11 acres, Vacant Land
- 90 Leffingwell Road, 0.84 acres, MF
- 91 Leffingwell Road, 10.75 acres, MF (Picture attached)

The Route 32 Overlay Zone consists of the following areas: all properties that abut Route 32 in Montville and all those parcels of land East of Route 32 and West of the Thames River, those parcels which have frontage on Route 163 East of I-395 in Montville; and all properties otherwise designed as such on the overlay insert map on the official Town of Montville Zoning Map.

Prior Legal Opinion:

Staff had previously obtained the opinion of Attorney Richard Cody and current Town Attorney, Mike Carey as to whether a project located within the R-20-M zone shall follow both ZR section 9B R-20-M and ZR section 4.11.5 Multi-Family Dwellings. Both attorneys agreed that both section and other pertinent sections of the regulations shall be adhered to. The opinion of both attorneys was also sought for ZR Section 4.11.5.2 and both agreed that the front of the building shall face the street.

Attorney Carey also pointed out ZR Section 4.8 which states “These Regulations are not intended to interfere with, abrogate, or annul any other ordinance, regulations, or other provisions of law, or any easement, or other private agreement or legal relationship. When these Regulations or any section thereof impose restrictions on use or dimensions different from those imposed by any other section of these Regulations, or statute, ordinance, covenant, or private agreement or legal relationship whichever provisions are more restrictive, or impose higher standards, shall control.”.

Background:

ZR Section 4.11.5.2 was formerly ZR Section 17.9.3 and was amended to the current verbiage in 2018. Effective with the 1990 Revision of the Zoning Regulations, Section 17.9 (Multi-Family Dwellings) was added. At that time ZR Section 17.9.3 read

“Buildings shall be so grouped that each façade shall face its full dimension upon a street or upon an open space which in its least dimension shall not be less than fifty feet (50’).”. The 1990 definition of open space was “A space open to the sky excluding required yards not occupied by a building or other roofed structure other than a community center on the same lot as the principal building or structure.” Section 17.9 was amended in 2008 to read “Buildings shall be so grouped that each façade shall face its full dimension upon a street or private road.” In 2018 an extensive revision to the zoning regulations was completed and Section 17.9 became ZR Section 4.11.5 as noticed. However, at that time “or private road” was removed from ZR Section 4.11.5.2. Staff is unable to find documentation as to if this change was an amendment during the public hearing or a scrivener's error.

Staff Comments:

Staff recommends the commission consider clarifying that parcel shall be in either R-20-M *or* Route 32 Overlay Zone. Staff feels that the word “and” could be interpreted to mean the parcel shall be in both the R-20-M and the Route 32 Overlay Zone.

An indicated housing goal of the 2022 Montville Plan of Conservation (POCD) is diverse housing and the action states “Allow on a long term basis for the development of diverse housing types, including affordable housing, to help address identified housing needs.”

The future land use map included in the POCD indicates parcels along the Route 32 corridor as in either the “Housing Investment Area” or “Job Investment Area”. Included in the Job Investment Area is mixed use which our regulations define as follows:

“MIXED USE: The development of a neighborhood, tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail public, and recreation, in a compact urban form. “.

The Town of Montville Affordable Housing Plan Effective Date: June 28, 2022 speaks of Future Demand and in part states: “In Montville, the majority of households are one or two people (20% and 41%, respectively), yet only 30% of units in Montville have only one or two bedrooms. About half of people living alone in Montville are over the age of 65. Many retirees and empty-nesters may be living in larger, older homes that will become increasingly hard to take care of as they age. Potential issues that they face can include a need for assistance with maintenance and repairs while living on a fixed income, or a need to eventually downsize into a more manageable home or apartment or assisted living facility. The Connecticut State Data Center’s most recent municipal-level population projections projected no increase in Montville’s school age population through 2035, but a 20% increase in the over age 65 cohort.”

As part of my research in preparing this staff report, I have reviewed Multi-Family Regulations of other area towns. I was unable to find a requirement for Multi-Family Dwelling Units to be grouped so each façade shall face its full dimension upon a street. The Town of Stonington does have the following regulation pertaining to commercial buildings: “All commercial buildings shall have a principal façade and entry facing a street.”.

Staff also took the attached photos of current Multi-Family Dwelling Unit in various parts of the town for your review. Some of these units were constructed prior to the 1990 addition of ZR Section 17.9 and some since that time.

Referrals:

The proposed text amendment has been sent to the Town Attorney, Mike Carey for review.

The application was referred to the Southeastern CT Council of Governments (SECCOG) on September 26, 2024 as required. The application was also referred to adjacent Town Clerks on the same day. No responses have been received to date.

The application was posted in the office of the Town Clerk on September 26, 2024 and as required. The public hearing will be noticed in The Day on October 9 and 16, 2024 as required.

Motions:

The following MOTION is suggested for favorable approval **AS PRESENTED:**

“I make a MOTION to APPROVE Application 24ZC4 to Amend Zoning Regulation Section 4.11.5.2 to state: Buildings shall be so grouped that each façade shall face its full dimension upon a street, unless the subject parcel or parcels included in the development are collectively located within the R-20-M zone and the Route 32 Overlay Zone. The effective date of this amendment is October 28, 2024. The proposal is consistent with the Plan of Conservation & Development and the Comprehensive Plan in that the amendments encourage housing investment areas and diverse housing.”

The following **AMENDED MOTION** is suggested for a favorable approval”

“I make a MOTION to AMEND and APPROVE Application 24ZC4 to Amend Zoning Regulation Section 4.11.5.2 to state: Buildings shall be so grouped that each façade shall face its full dimension upon a street, unless the subject parcel or parcels included in the development are collectively located within the R-20-M zone or the Route 32 Overlay Zone. The effective date of this amendment is October 28, 2024. The proposal is consistent with the Plan of Conservation & Development and the Comprehensive Plan in that the amendments encourage housing investment areas and diverse housing.”

Should the Commission vote to **deny** the application, it shall state its reasons for the record.

SECTION 9B: R-20-M

9B.1 INTENT AND PURPOSE

This regulation is adopted for the following purposes:

- a. To allow, on a long-term basis, for the development of diverse housing types, to help address identified housing needs, to recognize existing multi-family housing developments and clusters;
- b. To encourage the construction of housing that is consistent with design and construction standards present in the surrounding community;
- c. To promote housing choice and economic diversity;
- d. To efficiently utilize infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices, while also providing public and private open space and recreational areas;
- e. To guide a proposed development so that it helps accomplish the above purposes while being consistent with soil types, terrain and infrastructure capacity and is consistent with the statutory purpose of protecting the public health, safety, convenience and property values; and
- f. To encourage energy-efficient patterns of development;
- g. To promote housing near public transportation routes.

9B.2 PERMITTED USES

9B.2.1 Two-family dwellings

9B.2.2 Multi-family dwellings, including both attached single-family dwellings and attached single-family dwelling flats.

9B.2.3 Government offices, libraries, schools, public safety facilities and public utilities

9B.2.4 Nursery school, family child care home and group child care home facilities

9B.2.5 Senior housing in accordance with Section 16.11 of these Regulations

9B.2.6 Transmission tower

9B.3 DENSITY

- a. Attached Single-family Dwellings consisting of two (2) or more residential units except that there shall be no more than eight (8) units per building; and Attached Single-family Dwelling Flats containing no more than forty (40) Attached Single-family Dwelling Flats per building and Multi-family dwellings.

9B.4 PERMITTED ACCESSORY USES AND STRUCTURES

- a. On-site facilities for active and passive recreation, including community buildings and clubhouses, swimming pools, athletic fields, walking trails, bicycle routes, tennis courts, basketball courts, playgrounds and picnic areas.
- b. Uses or structures accessory to the primary uses to the extent permitted by and subject to the procedures, limitations and conditions of Section 4.10.4 of the Zoning Regulations.
- c. Uses of a residence for personal business purposes to the extent permitted by and subject to the procedures, limitations and conditions of the Zoning Regulations.
- d. Parks and Playgrounds and Community Buildings.
- e. Public utility and infrastructure uses.
- f. Water supply tanks.

9B.5 MINIMUM LOT SIZE

- a. The Minimum Lot Size shall be 20,000 square feet if the lot **IS** served by public sewer.
- b. The Minimum Lot Size shall be 40,000 square feet if the lot **IS NOT** served by public sewer.

9B.6 DENSITY, HEIGHT, AREA AND YARD REQUIREMENTS

- a. Maximum Density:
Eighteen (18) units per acre (1 unit per 2,420 square feet) of land
Total Minimum Open Space: 15%
- b. Setbacks and Height:
Minimum Setback from Existing Public Road Right-of-Way: 50 feet
Minimum Setback from Proposed Public Road Right-of-Way: 25 feet
Minimum Setback from Existing or Proposed Private Road: 20 feet
Minimum Side yard Setback: 15 feet
Minimum Rear yard Setback: 30 feet
Minimum Principal Building Separation: 30 feet
Minimum Accessory Building Separation: 10 feet
Maximum Principal Building Height: 60 feet
Maximum Accessory Building Height: 45 feet (not including utility uses)
Maximum Stories: 5
Minimum Frontage: 80 feet

9B.7 ROAD CONSTRUCTION STANDARD AND ROAD DEDICATION REQUIREMENTS

All roads within a multi-family housing project in the R-20-M Zoning District, which are proposed for dedication to the Town of Montville as municipal streets shall be constructed in conformance with the Town of Montville Road Standard and Improvement Details, as may be amended. All access drives, roads and maneuvering lanes and aisles included in a proposal for a multi-family dwelling project on any lot in the R-20-M Zoning District which are not proposed for dedication as municipal streets shall be constructed of materials required pursuant to the construction specifications and improvement details contained in the Town of Montville Road Standard and Improvement Details. However, the horizontal and vertical layout of such driveways, maneuvering aisles, roads and access ways and drainage specifications shall only be required to comply with good engineering practices and best management practices for stormwater quality and stormwater runoff management based upon the unique characteristics of each project parcel and development design. Sidewalks maybe required in accordance to Section 4.10.1.A

9B.8 PARKING REQUIREMENTS

Parking shall be provided in accordance with Section 18 of these Zoning Regulations.

9B.9 SIGNAGE

Signage shall comply with Section 19 of these Zoning Regulations.

9B.10 TRASH REMOVAL

The Site Plan shall provide information about the number, location and screening of dumpsters of trash receptacles at community facilities and for servicing dwelling units.

9B.11 DELETED

9B.12 LANDSCAPING

- a. When and where appropriate, the Commission may allow existing vegetation to be used in lieu of new landscaping materials.
- b. Landscaping of buffers and perimeters shall be achieved with native plants and trees and shall achieve an aesthetic neighborhood landscape.
- c. Landscaping and buffering shall comply with the following minimum requirements:
 1. Any lot developed for multi-family residential use shall provide a landscaped buffer area alongside the rear lot lines at least ten feet (10') wide with one shade tree planted at least three inches (3") in caliper for each fifty feet (50') or part thereof of any portion of such side or rear lot line located adjacent to a building in the multi-family housing development.
 2. Shade trees shall be deciduous shade trees planted at least three inches (3") in caliper with a mature height of at least thirty-five feet (35'). In addition to the shade trees, area requiring a landscape buffer pursuant to these Regulations shall be planted with conifers planted at not less than twelve feet (12') apart and six feet (6') in height.
 3. Existing plant materials may be used to meet all or part of the landscaping and buffering requirements.

9B.13 SIDEWALKS

Sidewalks abutting any street, driveway, access or interior circulation road on which the development is located may be required by the Commission if (1) such sidewalk interconnects with existing or proposed sidewalk system on the adjacent street and (2) the project is located within 1,000 feet of an existing commercial center, school or place of public gathering. All sidewalks shall be privately owned and maintained.

9B.14 LIGHTING

The site shall be illuminated in accordance with this Section. Lighting from the installation of outdoor lights and illuminated signs will be properly shielded so that lighting does not affect abutting property owners, public streets, or dwellings located on the parcel. The application shall include information sufficient for the Commission to make a determination that the standards required herein are satisfied. All lighting shall conform to the Town of Montville Road Standard and Improvement Details.

9B.15 UTILITIES

- a. All utilities lines shall be located underground.
- b. The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures. In accordance with Section 8-25a of the C.G.S. as may be amended from time to time, any development providing water by means of a "water company" as that term is defined in C.G.S. Section 16-262m(a), as may be amended from time to time, shall provide to the Commission a Certified Copy of a Certificate of Public Convenience and necessity issued for the development by the Connecticut Public Utility Regulatory Authority. The Town shall not be considered the water company for an approval unless it consents.

No application for Site Plan approval involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Montville Town Council waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

- c. For any site which is to be served and is capable of being served by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide evidence from the Montville Water Pollution Control Authority (WPCA) that it is willing to and capable of providing sanitary sewer service to the subject site. If the applicant proposes to utilize a community sewerage system, as defined in C.G.S. Section 7-245, as may be amended from time to time, a report from the WPCA indicating that all requirements of C.G.S. Statutes Section 7-246(f), as may be amended from time to time, have been satisfied shall be provided. For sites to be served with individual septic systems, the applicant shall provide a written report from the Town Sanitarian indicating that the site is capable of supporting the proposed development.

SECTION 14A: ROUTE 32 OVERLAY ZONE (OZ)

14A.1 PURPOSE

The intent of this Overlay Zone is to promote economic development.

14A.2 The Route 32 Overlay Zone consists of the following areas: all properties that abut Route 32 in Montville and all those parcels of land East of Route 32 and West of the Thames River, those parcels which have frontage on Route 163 East of I-395 in Montville; and all properties otherwise designed as such on the overlay insert map on the official Town of Montville Zoning Map.

14A.3 A mixture of permitted commercial uses and structures and/or residential dwelling units may be permitted in the Route 32 Overlay Zone provided that:

- a. Multifamily dwellings and apartments may be built and/or commercial structures which are allowed in any commercial zone in Montville. Multiple structures are permitted on any lot.
- b. No residential units shall be allowed in basements.
- c. Dwelling units shall have a minimum floor area of five hundred square feet (500sqft).
- d. All living units shall require two (2) parking spaces except as otherwise approved by the Commission pursuant to Section 18.2.2 of these Regulations.
- e. Plans shall be submitted in accordance with Section 17 of these Regulations.

Town of Montville Zoning Map

Effective July 15, 2024



Legend

- Land Held In Trust by the United States of America
- | | | | |
|-----------------------|-----------------------|--------|-------------|
| Annex | I | R20 | WRP-160 |
| C1 | LI | R-20-M | HOD Overlay |
| C2 | OS | R40 | Route 32 OZ |
| GOV | R120 | R80 | |
| Cannabis Overlay West | Cannabis Overlay East | | |

ROUTE 32 OVERLAY ZONE AREA (OZ)

CANNABIS OVERLAY WEST

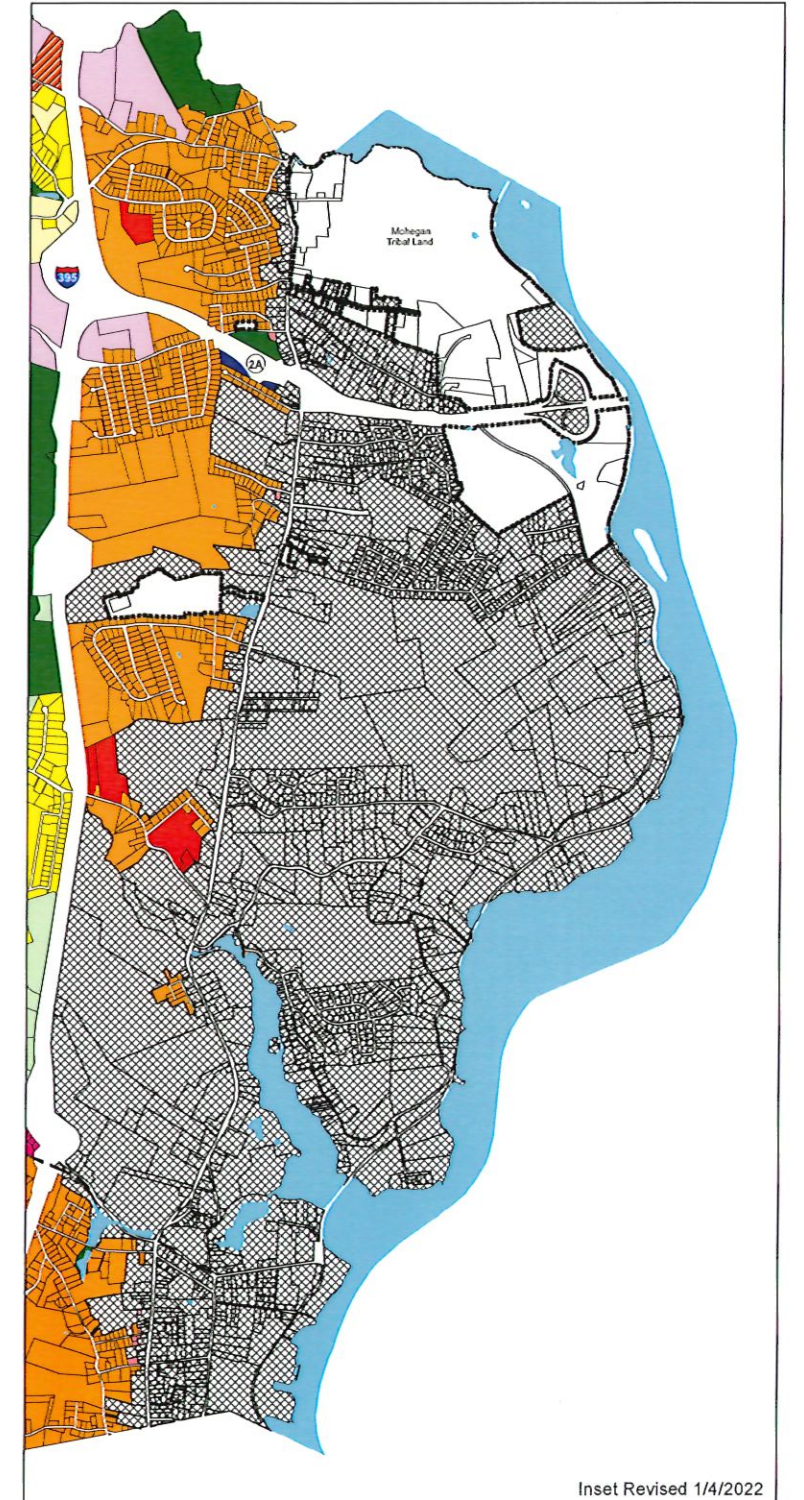
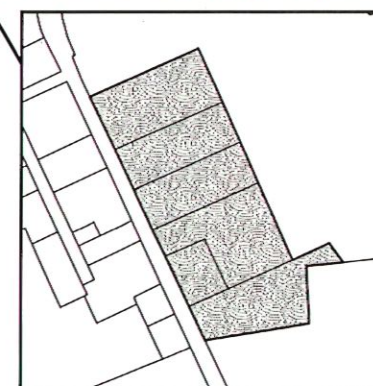


Salem

East
Lyme

Waterford

CANNABIS OVERLAY EAST



Town of Montville Inspection Report

Date: 9/30/2024 Inspection Type: Choose an item.

MS4/ Erosion and Sediment Control Inspection Yes ☐ No ☒

Location: Several Multi-Family Dwelling Units Map/Lot/Block: N/A

Parties Present Choose an item. Choose an item. Choose an item. Choose an item. Choose an item. Meredith Badalucca Stacy Radford

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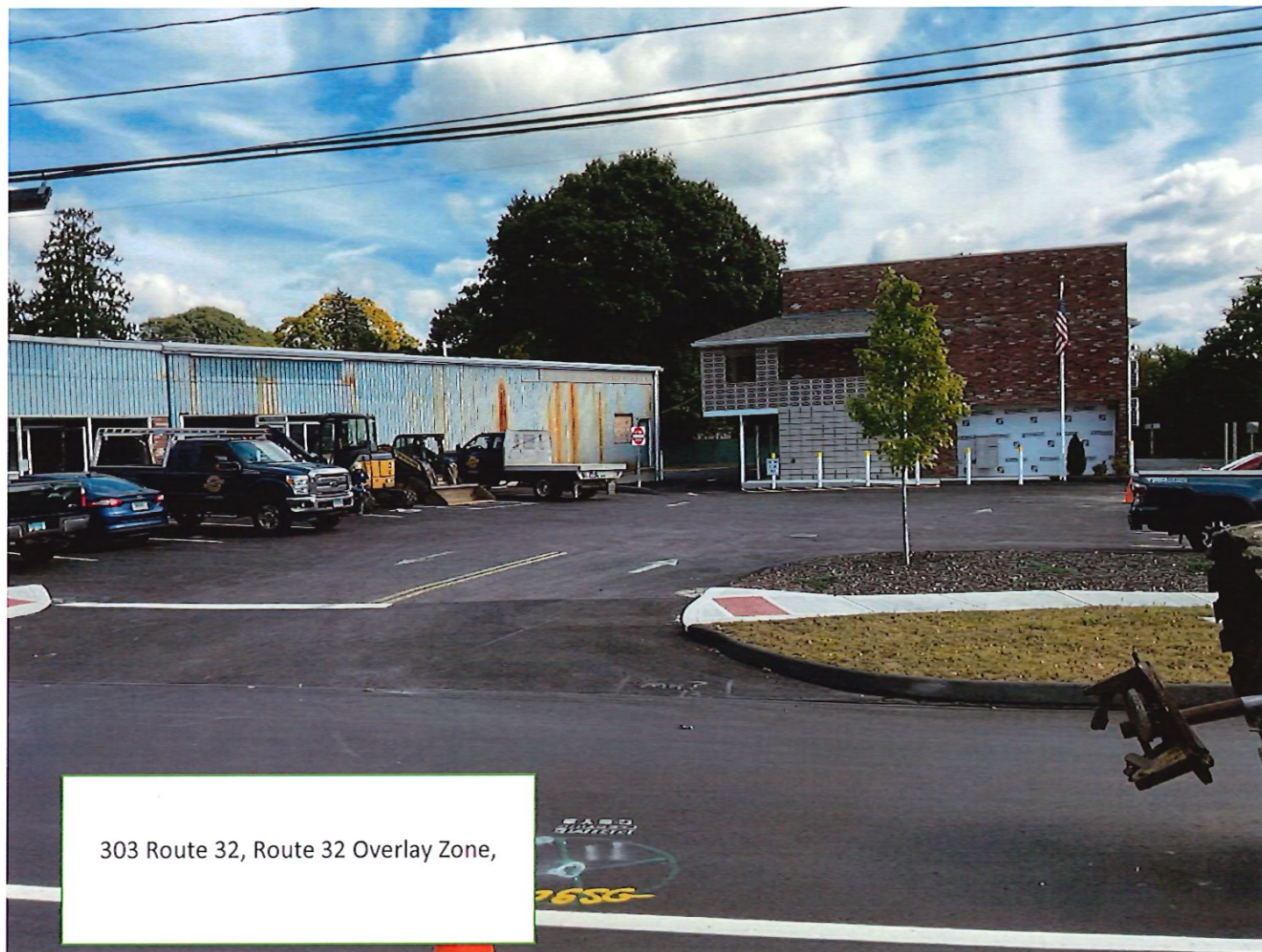
Yes No

CZC Approved ☐ ☒

Comments/Observations

In accordance with Application #: 24 ZC 4, drive-by inspections were completed on several multi-family dwelling units throughout the Town.

Town of Montville Inspection Report



303 Route 32, Route 32 Overlay Zone,

Town of Montville Inspection Report



Town of Montville Inspection Report



4 Depot Road, Industrial
Zone & within the Route 32
Overlay Zone

Town of Montville Inspection Report

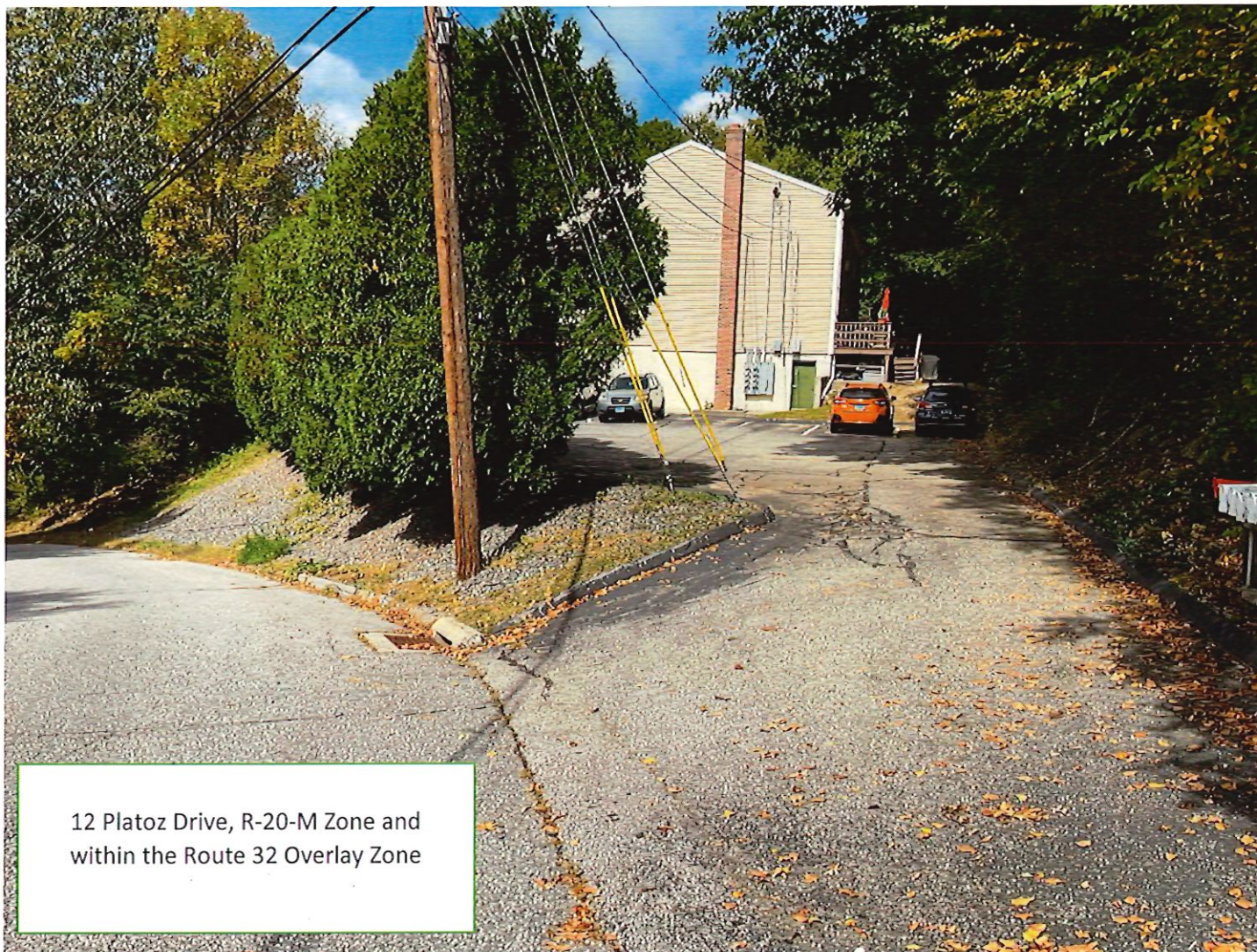


11 Platoz Drive, R-20-M
zone and within the
Route 32 Overlay Zone

Town of Montville Inspection Report



Town of Montville Inspection Report



12 Platoz Drive, R-20-M Zone and
within the Route 32 Overlay Zone