

Town of Montville
Planning and Zoning Commission
310 Norwich New London Turnpike
Uncasville, Ct 06382

Meeting Minutes of
Tuesday October 27, 2020 Hybrid Regular/Public Hearing Meeting

1. Pledge of Allegiance: All rose to salute the flag
2. Call to Order: Commissioner Pieniadz called the meeting to order at 6:05 p.m.
3. Roll Call: Present were Commissioners Pieniadz, Pike, Siragusa, Desjardins, Longton and Lundy. Also present was Town Planner Marcia Vlaun. Absent were Commissioners Estelle and Dushesneau. (Due to technical problems the recording started at this time)
4. Executive Session: None:
5. Public Hearing / Application:
 - a. (220 SITE 1) Owner: Asif Choudhry Applicant: Deer Run Stables, LLC, 1499 & 1505 Route 85 (Map 5 Lots 23-A & 24-A) Special Permit/Site Plan review for a gasoline/convenience store facility

The Town Planner entered the following exhibits into the record.

Staff Exhibits:

1. Copy of legal ad published on the Town Website on August 11, 2020
2. Application and Plans titled “Improvement Location Survey Prepared for Deer Run Stable, LLC 1499 & 1505 Hartford New London Turnpike Oakdale/Montville Ct Prepared by Angus McDonald Gary Sharpe & Associates, Inc. dated January 10, 2019 and revised to 10/21/2020 Sheets 1-11”, Underground Storage Tank Installation Proposed Filling Station 1499 & 1505 Hartford New London Turnpike, Oakdale, CT Prepared by CMG Owner Deer Run Stable LLC Prepared For Service Station Equipment, Inc Sheets T-1.0, UST-1.0.UST-2.0 dated 12/17/19 and revised to 8-4-2020”, Architectural Plans titled “New Bestway Convenience Store 1499-1505 Hartford New London Turnpike, Oakdale, Ct Sheets P1-P2 Prepared by W.W. Craven & Sons Inc dated October 20-2020”
3. Copy of the Uncas Health comments dated October 7, 2020
4. Copy of Fire Marshall comments dated September 8, 2020 & September 10, 2020
5. Copy of Building Dept. comments dated June 4, 2020
6. Copy of Town Engineer comments dated March 20,2020
7. Inland Wetlands Permit 219IWC6 dated July 16, 2020

8. Zoning Board of Appeals Certificate of Notice of Decision dated March 6, 2019
9. Copy of the CT DOT letter dated September 17, 2020
10. Copy of the minutes from the September 27, 2020 Planning and Zoning Meeting
11. Staff Report dated September 22, 2020
12. Staff Report dated October 27, 2020
13. Complete Project Folder

Applicant Exhibits:

1. Site Development Plan prepared by Angus McDonald Gary Sharpe & Associates updated to 10/21/2020.
2. Drainage analysis prepared by Angus McDonald Gary Sharpe & Associates.
3. Petroleum storage transmission and dispensing plans prepared by CMG Environmental Services.
4. Building elevation plans prepared by W.W. Craven & Sons, Inc. 10/20/2020
5. Traffic impact study prepared by Milone & MacBroom.
6. Watershed notice to the City of New London Department of Public Utilities.
7. Watershed notice to the State of Connecticut Commissioner of Public Health.

The Town Planner read the staff report and explained the comments of the CT DOT. Attorney Heller, who spoke on behalf of the applicant, gave a brief description of project. Chairman Pieniadz asked twice if there was anyone from the public from public who would like to speak in favor of or opposition to this application. There were none.

A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER DESJARDINS to close the public hearing.

ALL in FAVOR 6-0-0 Motion Carried
Public Hearing closed at 6:50pm

- b. Discussion and Decision: Owner: Asif Choudhry Applicant: Deer Run Stables, LLC, 1499 & 1505 Route 85 (Map 5 Lots 23-A & 24-A) Special Permit/Site Plan review for a gasoline/convenience store facility

A MOTION was made by COMMISSIONER PIKE and seconded by COMMISSIONER DESJARDINS that the Commission finds that the special permit /site plan meets the requirements of Section 10, Section 16 and Section 17 of the Zoning Regulations and approves the application of Deer Run Stable, LLC as depicted on the plans titled

“Improvement Location Survey Prepared for Deer Run Stable, LLC 1499 & 1505 Hartford New London Turnpike Oakdale/Montville Ct Prepared by Angus McDonald Gary Sharpe & Associates, Inc. dated January 10, 2019 and revised to 10/21/2020 Sheets 1-11”

“Underground Storage Tank Installation Proposed Filling Station 1499 & 1505 Hartford New London Turnpike, Oakdale, CT Prepared by CMG Owner Deer Run Stable LLC Prepared For Service Station Equipment, Inc Sheets T-1.0, UST-1.0.UST-2.0 dated 12/17/19 and revised to 8-4-2020”

Architectural Plans titled “New Bestway Convenience Store 1499-1505 Hartford New London Turnpike, Oakdale, Ct Sheets P1-P2 Prepared by W.W. Craven & Sons Inc dated October 20-2020

In doing so the Commission has considered the application, the staff report, the public testimony and the expert testimony and finds that

1. The proposed use is in harmony with the appropriate and orderly development of the neighborhood and will not hinder or discourage the development of adjacent properties nor impair property value.
2. The location and size of the proposed use, the nature and intensity of operations involved in connection therewith, its site layout and its relation to access streets will not be such that both pedestrian and vehicular traffic to and from the use and the assembly or persons in connection therewith will not be hazardous or inconvenient, nor incongruous with any residential district or conflict with the normal traffic of the neighborhood.
3. The nature and intensity of the operations involved in connection with the proposed use and the site layout and development will not have a negative impact on the environment.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval

is void. The applicant may re-file another application review. The conditions of approval are:

1. The ZEO must be contacted 24 hrs prior to start of construction. A Zoning Permit must be filed for prior to start of construction.
2. An E&S Bond in the amount of \$35,000.00 must be posted prior to the issuance of a Zoning Permit.
3. The lots must be combined prior to the issuance of a Zoning Permit. The deed must be recorded in the land records
4. All comments of the Fire Marshal must be addressed
5. Prior to the issuance of a Zoning Permit the applicant must provide the office with an approval from the Department of Public Health.
6. The applicant shall install, and permanently maintain, a groundwater monitoring well in the location delineated as “Proposed Monitoring Well” on a plan entitled “Site Development Plan Prepared For Deer Run Stable, LLC 1499 & 1505 Hartford New London Turnpike Oakdale/Montville, Connecticut Date: July 10, 2019 revised to 10-21-2020 Angus McDonald Gary Sharpe & Associates, Inc. P.O. Box 608 233 Boston Post Road Old Saybrook, Connecticut 06475 Tel. (860) 388-4671 Fax (860) 388-3962”, which monitoring well shall be installed in accordance with the “Groundwater Monitoring Well Detail” as delineated on said plan.
7. Commencing on a date prior to the commencement of commercial operations of the gasoline/convenience store facility, the applicant shall cause water withdrawn from the monitoring well to be tested by a certified testing laboratory for semi-volatile and volatile organic compounds. Subsequent to the initial testing of water from the monitoring well, the monitoring well shall be tested on a quarterly basis for the duration of the operation of the gasoline/convenience store facility.
8. Monitoring well test results shall be provided, within fifteen (15) days subsequent to the date of receipt of such test results, to the Town of Montville Land Use Department and the City of New London Department of Public Utilities.
9. Applicant shall post behind the register the phone numbers of the following entities in case of a spill and/or leak: CT DEEP, City of New London WWPCA, Town of Montville Dispatch, Tank Company and monitoring company if different then tank company.
10. Under the Permanent Maintenance Schedule the following should be revised to say: “#2 All Catch basin sumps should be inspected 3 times annually and cleaned when the level of sediment reaches 1’ below the invert of the discharge pipe of the catch basin. Any removed sediment shall be treated as regulated waste and disposed of in accordance with law by a duly authorized regulated waste hauler and #3 each oil water separator shall be inspected 3

times annually and cleaned as necessary. Any material removed from the oil water separators shall be disposed of in accordance with law. The oil water separators shall be cleaned by a licensed environmental waste management company.”

11. Under the Permanent Maintenance Schedule the following should be added“ Condition #5 to state that all inspection reports shall be submitted to the Commission as well as The City of New London WWPCA”
12. Prior to the signature of the Chairman the applicant shall submit a sealed plan copy and digital data to the office as required by Section 17.3 of the Zoning Regulations
13. Post- Construction Requirements note shall be added to the plans that reads as follows:

After construction is completed and accepted by the Owner, it shall be the responsibility of the Owner to maintain all drainage structures. In addition, the following inspection and maintenance guidelines shall be the responsibility of the Owner, beginning the first year period following construction completion and acceptance, and shall be followed each year thereafter:

1. **Drainage and other Paved Areas:** Inspect on a regular basis not to exceed weekly for litter and debris. Sweep at least twice a year, with the first occurring as soon as possible after first snowmelt and the second not less than 90 days following the first.
2. **Catch Basin Sumps:** Inspect semi-annually and cleaned when the sump is one half full of silt and/or debris.
3. **Landscaped Areas:** Inspect semi-annually for erosion or dying vegetation. Repair and stabilize any bare or eroded areas and replace vegetation as soon as possible.

Roll Call Vote ALL in FAVOR 6-0-0 **Motion Carried**

6. Old Business:

- a. 220 SITE 8 (005-008-000) Owner: The Past, LLC Applicant: Roger L. Phillips, 902 Grassy Hill Rd A Site application for construction of a 3,700 sq foot workforce housing unit

The Town Planner explained how the Workforce Housing section had been added to the regulations to address temporary housing for seasonal help. The proposed project would create 3 townhouses within 500 feet of Nature’s Art. Discussion was held.

A MOTION was made by COMMISSIONER LUNDY and seconded by COMMISSIONER DESJARDINS that the Commission finds that the site plan meets the requirements of Sections 4.11.13, 10 and Section 17 of the Zoning Regulations and approves the application of Roger Phillips and the plan titled “Improvement Location & Topographic Survey “Workforce Housing Site Development Plan Prepared for Roger Phillips 902 Grassy Hill Rd Montville, CT prepared by Boundaries, LLC dated February 2020 and revised to 10/22/2020”

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void. The applicant may re-file another application review. The conditions of approval are:

1. The ZEO must be contacted 24 hrs prior to start of construction and a Zoning Permit must be filed for prior to construction.
2. A Bond in the amount of \$2,000.00 must be posted prior to the issuance of a Zoning Permit for Erosion and Sediment Control and Site Plan Compliance.
3. The caretaker may occupy one unit on a full time basis.
4. Prior to the signature of the Chairman the applicant shall submit digital data to the office as required by Section 17.3 of the Zoning Regulations and a signed and sealed copy of the plan.
5. Post- Construction Requirements note shall be added to the plans that reads as follows:

After construction is completed and accepted by the Owner, it shall be the responsibility of the Owner to maintain all drainage structures. In addition, the following inspection and maintenance guidelines shall be the responsibility of the Owner, beginning the first year period following construction completion and acceptance, and shall be followed each year thereafter:

1. **Drainage and other Paved Areas:** Inspect on a regular basis not to exceed weekly for litter and debris. Sweep at least twice a year, with the first occurring as soon as possible after first snowmelt and the second not less than 90 days following the first.
2. **Landscaped Areas:** Inspect semi-annually for erosion or dying vegetation. Repair and stabilize any bare or eroded areas and replace vegetation as soon as possible.

Roll Call Vote ALL in FAVOR 6-0-0 **Motion Carried**

7. New Business: None

8. Zoning Matters:

- a. 435 Chapel Hill Rd (092-030-000) Owner: Ronald Arner – Home Occupation Firearm sales

Town Planner Marcia Vlaun explained the sale of firearm and went through the specific conditions of the permit. Discussion was held.

A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER SIRAGUSA to approve the Zoning Permit for Ronald Arner's request to operate a firearms sales business under the name RSA FFL located at 435 Chapel Hill Road, Oakdale with the following terms and conditions:

1. In accordance with Federal Law 18 U.S. Code § 921(a) (3) The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
2. The applicant shall not be a dealer in firearms as defined in Federal Law 18 U.S. Code § 921 (a)(11)(A), a person who devotes time attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms.
3. The Applicant shall comply with all Federal, State and local laws regarding the sale and secure storage of firearms
4. There shall be no direct sales from the home. All sales shall be done off-site at a legal location, through a mail order catalogue or online.
5. The applicant shall convey the firearm directly from the home in accordance with applicable Federal and State firearms regulations, only after the actual sale has been completed.
6. Any exchange of payment which takes place at this residence will be for the sole purpose of a conveyance fee. Such payment will not include, under any circumstances, the cost of the firearm itself.
7. This Home Occupation Permit is not transferable to any other location or address.
8. It is the Applicants responsibility to secure all necessary Federal, State or Local permits or registrations pertaining to RSA FFL

9. Any violation of the terms and conditions of this permit shall result in the immediate termination of this permit. This initial Home Occupation Permit is valid for one (1) year of the date of issuance. The Applicant may request a permit renewal.
10. There shall be no exterior sign associated with this Home Occupation.

ALL in FAVOR 6-0-0 Motion Carried

- b. 8 Laurel Point Dr. (105-003-000) Owner: Jason Bronson – Violation

Mr. Jason Bronson requested to speak to the Planning and Zoning Commission about his violation. Chairman Pieniadz reread the complaint. A lengthy discussion was held. The Commission decided to lift the Cease & Desist. Mr. Bronson needs to get a six (6) month temporary zoning permit for his storage containers and report to the ZEO every month of the progress of the agreement. The ZEO will report to the commission. In six (6) months' time Mr. Bronson should have removed the two (2) storage container.

9. Town Planner:

The Town Planner reported on 2020 POCD and 2022 Affordable Housing

10. Communications: None
11. Other Business: None

12. Minutes:

A MOTION was made by COMMISSIONER LONGTON and seconded by COMMISSIONER DESJARDINS to accept the meeting minutes of the September 22, 2020 meeting.

ALL in FAVOR 6-0-0 Motion Carried

13. Adjourn: 8:12 pm

Respectfully submitted,

Tiffany Williams, Recording Secretary