

**TOWN OF MONTVILLE
ZONING BOARD OF APPEALS
310 NORWICH NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
PHONE (860) 848-8549 - FAX (860) 848-2354**

Minutes of Meeting

Wednesday, April 7, 2010 at 7:00 P.M.

LOCATION: MONTVILLE TOWN HALL – *Council Chambers*

- 1. Call to Order:** Chairman MacNeil called the meeting to order at 7:02pm.
- 2. Roll Call:** A quorum was present. In attendance were Board Members Gregg Bassetti, Ellen Lakowsky, and John MacNeil, as well as Alternate Board Members Carl Freeman and Chuck Longton. Staff present was Thomas Sanders, Zoning Enforcement Officer. Alternates were seated. **Motion to seat** Alternates Freeman and Longton by Board Member MacNeil, seconded by Board Member Bassetti. **5-0 favor, Motion carried.**
- 3. New Business:** none.
- 4. Public Hearings:**
 - a.) 210-ZBA-2 Christian & Hope Case:** An application for a variance of Section 9.5 frontage reduction from 100 feet to 65.1 feet on the property located at 41 Cook Dr., Uncasville, CT As shown on Assessor's Map 99 Lot 11. Mr. Sanders explained that the applicant had problems obtaining certain permits and that they had requested that this be continued until next meeting. **Motion to continue** by Board Member MacNeil, seconded by Board Member Freeman. **5-0 favor, Motion carried.**
 - b.) To rehear: 205-ZBA-7: Charles & Willmeta Cockerham:** An application for an appeal of an error in an order, requirement, or decision made by the Zoning Enforcement Officer for property located at 4 Glen Road, Uncasville, CT. As shown on Assessor's Map 106 Lot 6A. Attorney Michael Carey spoke giving summarization of the case which was referred back to the Zoning Board of Appeals by the Superior Court. Attorney Jon Chase spoke, representing the Cockerhams. Attorney Theodore Harris spoke, representing Mr. Bialowans. By request of Attorney Harris, Attorney Harry Heller spoke with regards to the regulations concerning this case. The following exhibits were entered into record:
**205-ZBA-7: Charles & Willmeta Cockerham
Public Hearing April 7, 2010**

List of Exhibits:

Applicant's Exhibits: (submitted by Attorney Chase)

1. List of abutters, etc. that were notified of the Public Hearing via certified mail along with the proof of mailing and receipts for the same.
2. Copy of the Legal Ad as published in the New London Day for the February 3, 2010 Public Hearing.
3. Memorandum of Decision from Judge Purtill re: CV-05-4003702 and CV-05-4004221 dated September 30, 2009.
4. Transcript of Charles Cockerham v. Town of Montville CV05-4004221S as heard in New London District Court on March 16, 2010.
5. Transcript of Town of Montville Zoning Board of Appeals Meeting held on May 4, 2005 relative to 205-ZBA-6 and 205-ZBA-7 for property located at 4 Glen Road and 6 Glen Road, Uncasville, CT.
6. Notice of Denial of Contempt Motion per Judge Purtill dated 3/16/10.
7. Town Clerk certified copy (September 30, 2005) of the Town of Montville Zoning Regulations as amended thru August 10, 2005.
8. Plaintiff's Consolidated brief CV-05-4003702-s and CV-05-4004221-s dated February 27, 2008.
9. Copy of the section of the Town of Montville Zoning Regulations Definition of Lots and Lot, Non Conforming.
10. Documentation packet including previous Public Hearing Exhibits as follows:
Connecticut Practice by Judge Fuller pages 577-580; 25 Conn. App. 85 – Ianucci v. Trumbull ZBA; Assessor's Streetcard for 4 Glen Road, along with copies of deeds, letter from Deputy Building Official and copy of Zoning permit for 4 Glen Road; copies of photos (8), Affidavit of Alfred A. Raab; Copy of tax map 106; March 18, 2005 letter from Thomas Sanders to Charles Cockerham; copy of Alfred Raab subdivision map; Copy of assessor's Streetcard for 6 Glen Road along with copies of deeds; Copy of Memorandum of Decision re: Vichi v. Stonington ZBA; Lexis printout of Murphy v. Stonington ZBA.

Staff Exhibits: (submitted by Attorney Carey)

1. Transcript of Charles Cockerham v. Town of Montville CV05-4004221S as heard in New London District Court on March 16, 2010.
2. Transcript of Town of Montville Zoning Board of Appeals Meeting held on May 4, 2005 relative to 205-ZBA-6 and 205-ZBA-7 for property located at 4 Glen Road and 6 Glen Road , Uncasville, CT.
3. Transcript of Town of Montville Zoning Board of Appeals Meeting held on July 6, 2005 relative to 205-ZBA-11 for property located at 4 Glen Road, Uncasville, CT.
4. Transcript of Town of Montville Zoning Board of Appeals Meeting held on June 1, 2005 relative to 205-ZBA-6 and 205-ZBA-7 for property located at 4 Glen Road and 6 Glen Road , Uncasville, CT
5. List of suggested pages of transcript to be reviewed by the Board.

Public Exhibits: (submitted by Attorney Heller)

1. Letter from Thomas Sanders to Attorney Harry Heller dated January 16, 2007 re: Srednicki, for property located at 19 Frances Street.

Discussion was held.

Motion to continue by Board Member MacNeil in order to give Board Members time to review the exhibits that were presented, seconded by Board Member Freeman. **5-0 favor, Motion carried.**

5. Old Business: none.

6. Minutes:

a.) Acceptance of the minutes from the Regular meeting of March 3, 2010. **Motion to accept** by Board Member MacNeil, seconded by Board Member Longton. **5-0 favor, Motion carried.**

7. Communications: none.

8. Other Business and Applications to come before the Zoning Board of Appeals: none.

9. Adjourn: Motion to adjourn at 9:45pm by Board Member MacNeil, seconded by Board Member Longton. **5-0 favor, Motion carried.**

**For complete record, refer to audio recording.*

Respectfully submitted,

Pamela Church, Recording secretary