

**TOWN OF MONTVILLE
ZONING BOARD OF APPEALS**

310 Norwich-New London Turnpike, Uncasville, CT 06382
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REGULAR MEETING -- PUBLIC HEARING MINUTES

**Regular Meeting/Public Hearing
October 4, 2023, 6:00 p.m.
Town Council Chambers – Town Hall**

The Town of Montville has lifted the mask mandate effective Monday, February 28, 2022, throughout the Town facilities in coordination with the schools. Although the mask mandate has been lifted, Uncas Health strongly recommends that all individuals, both vaccinated and unvaccinated, continue to wear masks indoors. Comments will only be accepted at times designated during public hearings by the Chair of the meeting. The Zoning Board of Appeals Rules of Procedure, decorum, timeliness, and suitability shall be followed and enforced.

1. Call to Order.

Chairman MacNeil called the regular meeting of the Zoning Board of Appeals to order at 6:00 p.m.

2. Pledge of Allegiance.

All stood and pledged the flag.

3. Roll Call.

Board Members present were Douglas Adams, Joseph Berardy, Richard Gladue, John MacNeil, John Plikus and Board Alternates Arthur Montorsi and Russell Wehner. A quorum of the Board was present.

ZEO Stacy Radford and Assistant Planner Meredith Badalucca were also present.

Chairman MacNeil acknowledged the promotions of Meredith Badalucca to Assistant Planner and Stacy Radford as ZEO. Congratulations and a round of applause was extended to them by the Board. He also welcomed new Board Member John Plikus.

4. Minutes: Approve the Minutes of the April 5, 2023, Meeting.

Motion by Chairman MacNeil; seconded by Board Member Adams to approve the Minutes of April 5, 2023. Discussion: none. Voice vote, 5-0-0, all in favor. **Motion carried.**

5. Executive Session. -- None

6. Public Hearings/Applications.

- c. Public Hearing 23 ZBA 3 – 64 Old Colchester Road Ext. (Parcel ID: 057-027-000), Oakdale, CT – Owner: Norman J. Passerelli, Jr. and Kelli M. Passerelli;**

Applicant: Norman J. Passarelli, Jr. for a 17-foot variance of the minimum required 75-foot setback to regulated areas per ZR Sec. 5.8.1.i (WRP-160 Environmental Protection) to construct a new single-family residence 58-feet from regulated wetlands/waterbodies. (*App. Submitted 09/13/2023, Date of Receipt 10/04/2023. Public Hearing scheduled for 10/04/2023. PH must close by 11/07/2023.*)

Chairman MacNeil asked ZEO Radford for the Staff Report which she read into the record following the Exhibit List.

Staff Exhibits

1. Application and Plans titled “Zoning Location Survey Property of Norman J. & Kelli M. Passarelli for property located at 64 Old Colchester Road Ext. Town of Montville – County of New London – Connecticut, Dated 09/13/2023”
2. Referral to Town Clerk, Town of Salem in accordance with C.G.S. § 8-7d (f), dated September 15, 2023
3. Public Hearing Notice published in *The Day* Newspaper on September 22, 2023 and September 29, 2023
4. Abutters List and Certificate of Mailing receipts, dated September 20, 2023
5. Letter from R. Richard Snarski dated August 8, 2023
6. Revised Application dated September 13, 2023 and received on October 2, 2023
7. Staff Report dated September 29, 2023

Staff Report

The property is located in the Water Resource Protection Zone - WRP- 160 zoning district on about 2.72 acres (1 18,483 square feet) and has approximately 567 feet of frontage on Old Colchester Road Ext. The property is a legal pre-existing, non-conforming undeveloped lot with regards to its size. The minimum required lot size in this district is 160,000 square feet. The required front and rear yard setbacks are 75 feet each and the side yard setbacks are 30 feet each. Per Zoning Regulation Section 5.8.1, the following uses and/or activities are prohibited within this district: (i) The location of any building within seventy-five feet (75 of any regulated wetland, body of water, or watercourse.

Per the Town of Montville Inland Wetlands and Watercourses Regulations, Section 2. I (ii) "Upland Review Area" shall be any area within (50) feet measured horizontally from the boundary of any wetland or watercourse.

The applicant proposes to construct a Single-Family Residence with a 8' x 20' front porch and 10' x 62' rear porch and associated site improvements. The Single-Family Residence is proposed to be approximately 58' +/- from the wetlands delineated by R. Richard Snarski, Registered

Professional Soil Scientist, on February 3, 2017. Mr. Snarski reviewed the wetland boundary in the field on July 31, 2023, and stated the boundary has not changed. The location of the Single-Family Residence and wetland boundary are shown on a plan entitled "Zoning Location Survey Property of Norman J. & Kelli M. Passarelli, for property located at 64 Old Colchester Road Ext., Town of Montville — County of New London — Connecticut, dated September 13, 2023."

The applicant states the hardship is as follows: "The property is a pre-existing nonconforming lot (lot area) and of irregular shape. The minimum zoning yard setbacks significantly reduce the potential development locations for the property."

ZEO Radford noted a site inspection was conducted on September 28, 2023, with ZEO Radford and Assistant Planner Badalucca present. The report of the site inspection is included with the Staff Report in addition to photos of the pond as referenced on the site plan.

PE Jim Bernardo, who was welcomed by ZEO Radford, stated he was present to speak on behalf of the Applicants and noted Applicant Norman Passarelli was present. Mr. Bernardo praised the content of the staff report and indicated he would base his comments on the shape and location of the lot, preexisting wetlands delineated on the property, and the Applicant's intention to build a 1600-foot ranch style, modest home with three (3) bedrooms. He referenced the 75-foot setback to the front and rear of the property and 30 feet from the side and no activity within 50 feet of buffer. Mr. Bernardo also referred to Applicant's request for a waiver or variance to Zoning Regulation 5.8.1.(i) allowing 58 feet leaving an elevation of 17 feet. Chairman MacNeil looked at the existing layout for the house and remarked that it would fit by eliminating the back porches thus minimizing encroachment. He asked Mr. Bernardo whether the Applicant had considered rotating the house to make it more parallel to the street—this option was considered and determined to have an encroachment factor. Chairman MacNeil suggested removing the porch, reversing it and extending it to the other side. Having a large porch, the full length of the house is a little unusual given there are other options. Elevation changes were at 395 feet for water level and at 406 feet for the house elevation as questioned by Alternate Board Member Wehner. Chairman MacNeil asked whether the soil scientist had signed his report. Mr. Bernardo acknowledged that the soil scientist had not signed the report but did send a letter verifying that the data had not changed and then stated that he would have the soil scientist sign the report. For the record, Assistant Planner Badalucca clarified that the 75-foot setback is a zoning directive only, not a wetlands one. Board Member Adams wanted to have the home situated closer to the road that would have been a more favorable construction option for the application, per Chairman MacNeil. Board Member Plikus inquired if there was any leeway concerning the placement of the septic; Mr. Bernardo noted it impacts where the house is placed as the depth of the ground water in the area is a little deep.

Chairman MacNeil asked three (3) times if anyone wanted to speak in favor of the application and then three (3) times if anyone wished to speak in opposition of the application. There were none. He then asked if anyone had questions. Joe Danao of 69 Old Colchester Road questioned why the house could not be moved more to the left thus reducing the setback to 50 feet. He also stated his house is right at the buffer in addition to another housing development, the pond in the area is very

sensitive and referred to changes in the wetland, cresting, and mosquitos. Mr. Bernardo thanked the Board for listening and answering questions.

Chairman MacNeil noted it seemed the consensus is to have the house squared up to the street making it more palatable and thus looking for relief in the front and the side as a plan that may work better. The Applicant Norman Passarelli remarked timing would be an issue particularly putting off financing for another month. Board Member Gladue questioned whether the Applicant would be amenable to having the back yard 50 feet off the road; the Applicant said the change would have his home closer to family and would require redesigning the septic. Chairman MacNeil questioned whether the hearing should be left open for more information given the potential to turn the house and other better choices/options.

Motion by Chairman MacNeil; seconded by Board Member Adams to close the public hearing for 23 ZBA 3. Discussion: none. Voice vote, 5-0-0, all in favor. **Motion carried.**

- d. **Discussion & Decision 23 ZBA 3** – Owner: Norman J. Passarelli, Jr. and Kelli M. Passarelli; Applicant: Norman J. Passarelli, Jr. for a 17-foot variance of the minimum required 75-foot setback to regulated areas per ZR Sec. 5.8.1(i) (WRP-160 Environmental Protection) to construct a new single-family residence 58-feet from regulated wetlands/waterbodies *(DRD 65 days from close of public hearing.)*

Chairman MacNeil reviewed the options discussed by the Board and noted the Applicant’s desire to stay with the existing plan because of a time factor. Additionally, protecting the wetlands is the consensus by having front and rear setbacks rather than one (1) near the wetlands. Board Member Gladue remarked working on a front setback would require moving the house to keep it out of the wetlands and would require less changes to be made. Redesigning the setback to the rear of the house would create the same result. Pivoting the house at the back right corner as suggested by Board Alternate Wehner would also lessen encroachment. Board Member Plikus asked whether a porch is considered part of the house; Assistant Planner Badalucca confirmed that it is because it is structured and requires a building permit. Board Member Adams would be happier with having the house turned toward the Applicant’s grandchildren who reside on the abutting rear property. Mr. Bernardo inquired if staff would have time to notice, publish and put the matter on the wetlands agenda for next month. Assistant Planner Badalucca confirmed it would if revised information was received by October 16 so adverts could be placed by October 18 for publishing on October 20.

Motion by Chairman MacNeil; seconded by Board Member Adams to DENY without prejudice a 17-foot variance of the minimum required 75-foot setback to regulated areas per Zoning Regulation Sec. 5.8.1 (i) (WRP – 160 – Environmental Protection) to construct a new Single-Family Residence a distance of 58-feet to regulated wetlands/waterbodies as requested in Application #23 ZBA 3 including supporting documents and as shown on a plan entitled “Zoning Location Survey Property of Norman J. & Kelli M. Passarelli, for property located at 64 Old Colchester Road Ext., Town of Montville – County of New London – Connecticut, dated September 13, 2023. The reasons for the denial on which said decision is rendered is to give the

Applicant the opportunity to rework the site plan and resubmit it with less of an impact towards wetlands than it is shown right now.

Discussion: none. Roll Call vote: *In favor*: Board Members Adams, Berardy, Gladue, MacNeil and Plikus. *Opposed*: none. 5-0-0 vote. **Motion carried.**

7. **New Business:** -- *None*

8. **Old Business:** -- *None*

9. **Other Business:** -- *None*

10. **Adjournment**

Motion by Chairman MacNeil; seconded by Board Member Adams, to adjourn the meeting at 6:35. p.m. Discussion: none. Voice vote: 5-0-0; all in favor. **Meeting adjourned.**

Respectfully submitted by:

Gloria J. Gathers
Recording Secretary, Town of Montville

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