

From: [Jon](#)
To: [Liz Burdick](#)
Cc: [Casey Burch](#); jmm@mielelaw.com; [Dean Fiske](#); [Robert Pryor](#); [Anthony Capuano](#); [Matthew J. Willis](#); [Meredith Badalucca](#); [Stacy Radford](#)
Subject: Re: 23SUB1- 958 Route 163 - 1-Lot Resubdivision
Date: Wednesday, October 25, 2023 4:06:27 PM

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Good afternoon, Liz.

Yes, I'm aware that the Montville Zoning Regulations define "Lot Line, Front" and "Yard, Required Front" in the manner you've highlighted. However, as I've pointed out earlier, the Regulations also define "Lot Line, Side" as "*A side lot line is any lot line not a front lot line, or a rear lot line, bounding a lot and extending from the street toward the rear in a direction approximately perpendicular to the street.*"

Whether the setback line in question runs "parallel to Route 163" as I described it earlier, or "parallel to proposed Lot 1's rear boundary line" as you've put it, is a distinction without a difference, because either way this line is being described, it isn't "approximately perpendicular to the street" and therefore does not meet the definition of a "Yard, Required Side." Webster's Dictionary defines "perpendicular" as "being at right angles to a given line or plane."

It may be that some of the relevant definitions are in conflict here.

Unfortunately, the Montville Zoning Regulations do not appear to contain a typical conflict-resolution clause (such as "in cases of conflict the greater requirement shall apply", or vice versa). This is something Montville may wish to consider adopting in the future, as leaving such matters for courts to resolve may result in unpredictable outcomes. What is certainly clear is that the Commission itself lacks power to vary the express requirements of any of its own Regulations, as only the Zoning Board of Appeals has statutory authority to grant variances.

In regard to the proposed easements in favor of my clients, the Mostowys, I will look forward to Attorney Willis' comments, and will be in a position to provide my own comments once the plans have been revised as you've indicated.

Thanks,
Jon

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From: Liz Burdick <lburdick@montville-ct.org>

Sent: Tuesday, October 24, 2023 12:38 PM

To: Jon <jchase100@hotmail.com>

Cc: Casey Burch <Casey@sollllc.com>; jmm@mielelaw.com <jmm@mielelaw.com>; Dean Fiske <DBFiske.Ravenswood@att.net>; Robert Pryor <rpryor@sollllc.com>; Anthony Capuano <Anthony@sollllc.com>; Matthew J. Willis <willis@halloransage.com>; Meredith Badalucca <mbadalucca@montville-ct.org>; Stacy Radford <sradford@montville-ct.org>

Subject: RE: 23SUB1- 958 Route 163 - 1-Lot Resubdivision

10/24/23 Good morning, Jon, I have reviewed your email sent to me at 10:11 pm on 10/23/23 and offer the following comments:

1. The easement documents and your email have been forwarded to Montville Town Attorney Matt Willis for review And comment.
2. With respect to the stone walls referenced in your email, the Applicant shall revise the plans accordingly.
3. With regard to your "P.S." regarding setbacks, the setbacks are shown correctly on the plan set. The boundary that you opine should be a front yard setback, is in fact proposed Lot 2' side yard setback. The setback in question that you state "runs parallel to Route 163" in fact runs parallel to proposed Lot 1's rear boundary line, which is not a front lot line

separating a lot from a street in accordance with the Montville Zoning Regulations Section 2 (Definitions) as follows:

LOT LINE: A boundary line of a lot.

LOT LINE, FRONT: The lot line separating a lot from a street right-of-way (R.O.W.).

LOT LINE, REAR: A rear lot line is any lot line, other than another front lot line on another street, which is the farthest lot line from the street.

LOT LINE, SIDE: A side lot line is any lot line not a front lot line, or a rear lot line, bounding a lot and extending from the street toward the rear in a direction approximately perpendicular to the street.

YARD, REQUIRED: The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as provided in these Regulations.

YARD, REQUIRED FRONT: Required unoccupied space between the building line and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

YARD, REQUIRED REAR: Required unoccupied space between the building line and the rear lot line and measured perpendicular to the building closest point of the rear lot line.

YARD, REQUIRED SIDE: Required unoccupied space between the building line and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Please contact me with questions or comments. Thank you.

Regards,

Liz Burdick

Director ~ Dept. of Land Use & Development
Town of Montville

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