

**TOWN OF MONTVILLE**  
**ZONING BOARD OF APPEALS**  
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**REGULAR MEETING/PUBLIC HEARING MINUTES**

**Regular Meeting/Public Hearing**  
**November 6, 2024 -- 6:00 p.m.**  
**Town Council Chambers – Town Hall**

**1. Call to Order.**

Board Chairperson 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 Chairperson John MacNeil, Michael Butterworth, John Plikus, Joseph Socha III and Board Alternate Arthur Montorsi. Board Member Lisa Maffeo was absent. Board Alternate Montorsi was seated for this meeting as a full member by Board Chairperson MacNeil.

ZEO Stacy Radford and Mayor Lenny Bunnell (6:05 p.m.) were also present for the meeting.

**4. Minutes: Approval of the Minutes of the January 3, 2024, Meeting.**

A Point of Order was raised by Board Member Socha regarding the voting rights of Board Alternate Montorsi as discussed at the last meeting, January 3, 2024. Chairperson MacNeil noted that the matter would be discussed later.

**Motion** by Board Chairperson MacNeil; seconded by Board Member Socha to approve the Minutes of the January 3, 2024 ZBA Meeting. Discussion: none. **Voice vote: 5-0-0, all in favor. Motion carried.**

**5. Executive Session.**

**Motion** by Chairperson MacNeil; seconded by Board Member Socha to enter Executive Session at 6:02 p.m. to review procedures for the new members. Discussion: none. **Voice vote: 5-0-0, all in favor. Motion carried.**

The Board returned from Executive Session at 6:16 p.m. with no votes taken, per Chairperson MacNeil.

**6. Public Hearings/Applications.**

- a. Public Hearing 23 ZBA 1 – 12 Blais Road (Parcel ID: 047-013-000), Uncasville CT** – Owner/Applicant: Pamela J. Tracey for a variance of ZR Sec. 8.4 (Minimum Lot Size) to reduce the existing lot by 11,235 sq. ft. to be conveyed to owner of 4 Blais Road (Parcel ID: 047-012-000). *( Submitted 10/09/2024, Date of Receipt 11/06/2024, Public Hearing scheduled for 11/06/2024. PH must close by 12/11/2024.)*

**Motion** by Chairperson MacNeil; seconded by Board Member Butterworth to open **Public Hearing 23 ZBA 1 – 12 Blais Road (Parcel ID: 047-013-000), Uncasville CT**. Discussion: none. **Voice vote: 5-0-0, all in favor. Motion carried.**

Board Chairman MacNeil asked ZEO Radford for the Staff Report that was read into the record in addition to maps noted therein as part of the Board packets as follows:

**STAFF REPORT:**

This is an Application for a variance of Montville Zoning Regulations section 8.4 (Minimum Lot Size) in order to reduce the property located at 12 Blais Road by 11,235 square feet.

The property is non-conforming, located in the R-40 zoning district and is developed with a single-family residence. Section 8.4 of the Montville Zoning Regulations requires a Minimum Lot Size of 40,000 sq ft. The Applicant is requesting a variance as to the required lot size in order to make the non-conforming parcel more non-conforming by reducing its current size by 11,235 sq ft.

The Applicant and property owner, Pamela J. Tracey, of 12 Blais Road, states that for over 40 years both she and the prior owners of 4 Blais Road had been under the assumption that the area of land directly to the rear of the single-family residence located at 4 Blais Road was part of that said property. A title search conducted in conjunction with a recent sale of the property at 4 Blais Road evidenced the fact that the sellers of the property did not own a substantial portion of the rear yard of the property which had been occupied by the owners of 4 Blais Road for many, many years.

Each of these parcels are non-conforming and any said reduction or addition of the 11,235 sq ft will not make either property conforming. In fact,

- 12 Blais Road is currently 36,015 sq ft and with the reduction of 11,235 sq ft would make a new lot size of 24,780 sq ft; hence making this lot "more" nonconforming.
- 4 Blais Road is currently 13,127 sq ft and with the addition of 11,235 sq ft would make a new lot size of 24,362 sq ft; hence making this lot "less" non-conforming.

Research conducted of these lots show that the original Subdivision Map filed with the Montville Land Records in 1956 was for 25 lots (Map 137A). In 1958, the subdivision was reconfigured and a Plan of Building Lots was recorded indicating a total of 18 lots (Map 172B). On Map 172B, Lot #17 is now known as 4 Blais Road and Lots #15, 16, & 18 are now known as 12 Blais Road. Further research of the Montville Land Records show that the (3) lots are described as individual

tracts on all recorded Deeds, including Warranty Deed from Aime N. Blais and Ida Blais to Constance Adams dated February 15, 1958 and recorded in Volume 64 / Page 30 to the most current Quit Claim Deed from Donald F. Fusconi to Pamela J. Tracey (f/k/a Pamela J. Fusconi) dated March 14, 2014, and recorded in Volume 593 / Page 1011-1012.

One of the Town's Land Use Attorneys suggests that the Applicant should perhaps consider whether a variance might also or instead be required of Montville Zoning Regulations section 4.9.5, or whether per section 4.9.5 the three parcels that comprise 12 Blais Road are technically separate lots and, if they are, whether any variance is needed to adjust the boundary as is proposed with this Application.

The Applicant states the unusual hardship or exceptional difficulty existing with regard to the property is as follows: "The property known as 4 Blais Road, owner of record Cindi Freeman, has occupied that parcel shown and designated as "Area to be Conveyed from Pamela J. Tracey to Cindi Freeman and become Part of #4 Blais Road (Area 11,235 sf) on the plan submitted herewith for in excess of 40 years and is geographically located in an area which would logically be assumed to be a portion of 4 Blais Road based both on occupation and the geographical context of Fitch Hill Road at its intersection with Blais Road. ",

ZEO Radford concluded the Staff Report and noted the presence of Attorney William McCoy representing the Owner/Applicant. Attorney McCoy of 736 Norwich-New London Turnpike, Uncasville, provided details in support of the unusual hardship or exceptional difficulty associated with the proposed variance and reduction in property size to 12 Blais Road. Currently, the two (2) lots are of similar size while all other lots are one-third of an acre that makes them larger than others in the subdivision. Attorney McCoy is not aware of any opposition to the proposed rear variance, nor will there be a change of use or increase to its current non-conforming status. The Attorney responded to questions of the Board concerning the location of the septic system and determining if the second lot is official as well as the potential claim for possession that would refer back to its establishment 40 years ago. Attorney McCoy did not know the location of the septic system at 12 Blais Road; Board Chairperson MacNeil reported that he and his father built the house, and the septic is back under the shaded area. Attorney McCoy noted the location of the shed as an additional argument for variance nor would there be an impact of an old versus a new shed. As to the question concerning notification to the abutters, ZEO Radford noted they were notified per a certificate of mailing to abutters from the post office.

Board Chairperson MacNeil asked if there were any other questions to Applicant's attorney and thereafter asked three (3) times if anyone wished to speak in favor of application and then in opposition to it. The Board Chairperson asked if there were further questions by the Board to the Applicant's Attorney or staff and whether there was enough information provided to make a decision on the application.

**Motion** by Board Chairperson MacNeil; seconded by Board Alternate Montorsi to close public hearing **24 ZBA 1 – 12 Blais Road (Parcel ID: 047-013-000), Uncasville CT**. Discussion:

Approval of the motion is not warranted as the motion is to close the public hearing. **Voice vote: 5-0-0, all in favor. Motion carried.**

- b. **Discussion & Decision:** – 12 Blais Road (Parcel ID: 047-013-000), Uncasville CT -- Owner/Applicant: Pamela J. Tracey for a variance of ZR Sec. 8.4 (Minimum Lot Size) to reduce the existing lot by 11,235 sq. ft. to be conveyed to owner of 4 Blais Road (Parcel ID: 047-012-000). *(DRD 65 days from close of public hearing.)*

**MOTION TO APPROVE** a variance of Section 8.4 of the Montville Zoning Regulations pertaining to minimum lot size for the reduction of 11,235 sq. ft. from 12 Blais Road to be added to 4 Blais Road.

**Motion** by Board Chairperson MacNeil; seconded by Board Member Butterworth to make a motion to **APPROVE** the minimum lot size as requested in Application 24 ZBA 1 including supporting documents and as shown on the plan entitled “Property Survey” prepared for Pamela J. Tracey, 12 Blais Road and Fitch Hill Road, Montville, CT dated July 18, 2023, revised October 20, 2024 as follows: An 11,000 sq. ft. reduction of lot size of 12 Blais Road (Parcel ID: 047-013-000) to be conveyed to property located at 4 Blais Road.

The findings for the granting of the variances are:

The unique conditions and circumstances associated with the request are not the result of actions of the Applicant taken subsequent to the adoption of the Montville Zoning Regulations and the variance would be in harmony with the general intent & purpose of the Montville Zoning Regulations and would conserve the public health, safety, convenience, welfare and property values; and

The exceptional difficulty or unusual hardship on which the decision is based is as follows: There is none.

Discussion: Board Member Socha asked for the opinion of the Chair. Board Chairperson MacNeil noted that the lots are oddly shaped that is confusing for the owner and the reduction in size would make the two (2) lots the same, but the houses are fairly far apart. **Roll Call Vote:** *In favor:* Board Members , Socha, Butterworth, Plikus, Montorsi and MacNeil, . *Opposed:* None. **Vote: 5-0-0. Motion carried.**

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

8. **Old Business:**

Board Chairperson MacNeil spoke to the discussion at the January 2024 meeting regarding the appointment of an alternate as co-chair. An opinion was sought with an attorney and the response was that the Board should not have an alternate seated.

**9. Other Business:**

Board Chairperson MacNeil remarked that at the next Board meeting the election of officers will occur and approval of the 2025 meeting dates. In the past, if there was no business a meeting would not be held but the Chairperson stated that the public needs to know the meeting dates. ZEO Radford reported that the Board Rules and Procedures do state that the election occurs in December. As to when the Board holds its annual meeting, if there is no business it can be moved to January, but information must be supplied to the Town Clerk.

**10. Adjournment**

**Motion** by Board Chairperson MacNeil; seconded by Board Alternate Montorsi, to adjourn the meeting at 6:32 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.**