

**TOWN OF MONTVILLE  
ZONING BOARD OF APPEALS**

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**REGULAR MEETING MINUTES**

**Regular Meeting**

**May 6, 2026 -- 6:00 p.m.**

**Town Council Chambers – Town Hall**

**1. Call to Order.**

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.**

Present were Chairperson John MacNeil and Vice-Chair Doug Adams, Board Members Michael Butterworth, Lisa Maffeo and Arthur Montorsi. Board Alternate Meracus Hernandez was absent from the meeting. A quorum of the Board was present.

Also present was Zoning Enforcement Officer (ZEO) Stacy Radford, Mayor Lenny Bunnell, Attorney Matthew Willis, and Attorney Michael Carey.

**4. Minutes: Approve the Minutes of the April 1, 2026, Meeting.**

**Motion** by Chairperson MacNeil; seconded by Vice-Chair Adams to approve the ZBA Meeting Minutes of April 1, 2026. Discussion: **Voice Vote: 5-0-0. Motion Approved.**

**5. Executive Session: -- None**

**6. Public Hearings/Discussion & Deliberation:**

- a. **Public Hearing: 26 ZBA 1** -- Owners: Thomas DeMorro & Stacy Wroblinski; Applicant: Thomas DeMorro; for Appeal of the January 13, 2026 Cease & Desist letter of the Zoning Enforcement Officer regarding the property located at 836 Route 163 (Parcel ID: 037-022-000) (02/12/2026, Date of Receipt 03/04/2026, Public Hearing scheduled for 04/01/2026PH must close within 35 days of receipt).

Attorney for the Applicant Jon Chase reported having mailed notices to all adjacent property owners. ZEO Radford stepped down as her decision on the matter is the subject of the appeal. Chairperson MacNeil spoke to the nature of his full-time job and indicated having no conflict with proceeding with the public hearing. Attorney Chase expressed no objection and proceeded to explain competing procedures regarding the appeal. Noted was the pending Board decision whether to grant or deny a variance and its appropriateness.

The appeal of the cease and desist order alleges that the decision by the ZEO was made in error per Attorney Chase upon his discussion with the ZEO and the Applicant/Owner individually for the right to appeal. The Attorney discussed with the ZEO about changing the order that the animals occupying the property were not allowed. He presented his Exhibit \_\_, correspondence from the ZEO to establish that use according to C.G.S. Section 8-13a and Zoning Reg. Pg 36, Section 4.9. that addresses “if a property was put in a particular use it must continue.” The Board questioned if animals were occupying the property by the Applicant/Owner and whether they were abandoned by the previous property owner. Attorney Chase reported that even though structures are on the property nonconforming came into use in 1985 and the owner at that time sold the property and took property, the animals. He concluded that the former property owner, Ralph Marsh, now 79 years old, resided at the property from 1983 until moving to North Carolina where he currently resides and who provided Attorney Chase with an affidavit regarding that occupancy. Portions of the affidavit were read into the record by Attorney Chase which stated that Mr. Marsh had up to 90 varieties of animals on the property and had them as long as he occupied the property. Mr. Marsh did not abandon the property although removal of the animal structures and his affidavit establishes evidence of intent. Zoning regulations were further amended in 2021 and Zoning Reg. 1.3. describes a farm as having five (5) acres, the current Applicant/Owner has 2.3 acres—the zoning regulation precedes the order of the ZEO. Attorney Chase reported that since he met with the ZEO in February 2026, there now is enough information to change the decision as legal conforming use that was established nor is there an allegation in the order concerning abandonment. The history of the change of the regulation was presented by timeline from 1970 when the Town regulation defined that the keeping of domestic/farm animals was allowed although no definition of domestic animals was rendered at that time. Reference was made to Black’s Law, 4<sup>th</sup> Edition published in 1950 that described farm animals as horses, goats, cattle according to case citations. Attorney Chase searched the land records and found nothing in zoning regulations regarding a change of use or discontinuance of nonconforming use. It is also not known whether Roger Edwards, who purchased the property from Mr. Marsh, kept animals on the property. Attorney Chase concluded that information was provided to the ZEO that would be outstanding if nonconforming use exists and to reading something into the matter given no subsequent contact. As to the appeal, the affidavit of Mr. Marsh establishes use and nothing in it refers to abandonment of property given the extensive search of zoning and land records establishing zero intent. Zoning Reg. 4.9.4 addresses the voluntary use to not reestablish.

Attorney Chase responded to questions of the Board concerning physical structures on the property—barn, fence post, beams, posts, chicken wire—but not a riding rink. No new structures were built according to the Applicant/Owner. Currently, the Applicant/Owner has 30 animals on the property that includes sheep, goats, roosters, chickens, etc. There is also no intent by the Applicant/Owner to discontinue nonconforming use. These responses were asked by Attorney Chase of the Applicant/Owner. The following exhibits were entered into the record: (1) Cease & Desist Order from the ZEO to the Applicant/Owner, (2) C.G.S. Section 8-13a, (3) Zoning Reg. Pg 36, Section 4.9, (4) Marsh Affidavit.....

Attorney Matthew Willis, representative for ZEO Radford, reported that the ZEO had no status of the animals that occupied the property until her visit. Certain animals that are not allowed, such as roosters, were present. Referenced was the RA-120 Zone rendered in 1970 for farm animals on 5.0 acres and presented as of right that was not established. As to the missing property owner, it is not a job to create intent. No legal evidence was found in 1971 or 2011. The ZEO did her job to determine nonconforming legal or use that did not have basis of appeal. ZEO Radford conducted an inspection of the Applicant/Owner property on December 5, 2025 and reported on the magnitude of animals—rabbits, sheep, roosters that are not allowed in Town. No permits were found at the Building Department for a barn-like structure. The Tax Assessor records of 1977 indicated no animals legally existed on the property. The 1977 Regulation was submitted as an exhibit. The Marsh affidavit does not allow for confirmation of prior use of the property. Questions were asked via the Chairperson to Attorney Willis about nonconforming use, abandonment and the ZEO consult with the Tax Assessor. Attorney Willis responded that no exemption was found nor how the tax is incurred and why. Questions do not have to be considered unless it refers to what the statutes say. If taxes are levied against a property owner or assessment is taxed was information sought by the ZEO. No legal authority, evidence or lack thereof, has any bearing on this matter according to Attorney Willis and as to the 1970 regulation, the ZEO was doing due diligence by seeking information from the Building Department and the Tax Assessor. Attorney Willis also noted that nothing has been said, nor can activities be confirmed about the uses of the property prior to 1970.

Attorney Chase referenced the RA-120 Zone that refers to the keeping or raising of animals on 5.0 acres or more and domestic animals or 4-H projects that provide a definition of domestic animals. The current regulations treat domestic animals in terms of milk, food, use and commerce. In 1970, animals and 4-H projects were allowed uses. Uses were not ceased or abandoned. As to continuity, regulations do not reference having discontinuance unless evidence of abandonment, according to Attorney Willis. See Zoning Reg. Section 5-4. Information concerning the property card that indicates the number of animals, detached garage, framed utility (1995), a cottage built in 1952 but no indication of a barn according to ZEO Radford. Per the inspection report from the ZEO, photos of barns and a hayloft are visible, and Attorney Chase questioned whether a barn was synonymous with a garage in 1936. It was noted that there are garage doors on the ZEO photos and is shown on the Tax Assessor GIS. Attorney Chase withdrew his comment regarding garage doors vs. a barn as it was deemed not an obligatory question by Attorney Carey.

Chairperson MacNeil asked the Board if it was ready to close the hearing or if further information was required to render a decision. Per Attorney Carey noted that no one had indicated otherwise and that legal advice can be given outside of the hearing.

**Motion** by Chairperson MacNeil; seconded by Vice-Chair Adams to close Public Hearing 26 ZBA 1. **Voice Vote: 5-0-0. Motion Approved.**

b. **Discussion & Decision: 26 ZBA 1** -- Owners: Thomas DeMorro & Stacy Wroblinski; Applicant: Thomas DeMorro; for Appeal of the January 13, 2026 Cease

& Desist letter of the Zoning Enforcement Officer regarding the property located at 836 Route 163 (Parcel ID: 037-022-000) (*Decision required within 65 days of the close of PH*).

**Motion** by Chairperson MacNeil; seconded by Vice-Chair Adams to deny the Applicant's request to overturn 26 ZBA 1. Discussion: Attorney Carey deemed a new question posed by the Board was inadmissible. The Board questioned whether its counsel, Attorney Carey, could give an opinion on the matter as its representative on how the regulations regarding the matter were enforced. Per Attorney Carey, the arguments of the ZEO are not relevant nor does the Board need to consider things not included in the appeal. The question is who has the burden of proof. Does the lapse of the previous owner and no viable proof of legal conforming use constitute abandonment? There is no evidence as to use prior to 2011 and the ZEO did not have the obligation if the use was stopped. Intent can still be clarified by evidence. The former property owner Mr. Marsh did not have to confirm abandonment and there is no denying that declaration is required. As to the lifts in the garage, it was not his job to find evidence. The property activity between 2011-2025 is also sketchy regarding Mr. Marsh. As to a question posed about use of the property prior to 1936, any land at that time could be considered a farm. Abandonment and a nonconforming timeline began at its start and/or termination of use from 2011-2025. The Board has 65 days to make a decision as the hearing is now closed. Board discussion included whether there was (1) illegal use of the property for years, (2) that roosters, sheep, goats and potbelly pigs cannot be pets, (3) if legal nonconforming use can include these animals, (4) is the property legal, nonconforming and was it in previous years, (5) should owner content be confirmed and did the ZEO legally do her job regarding farm intent, (6) there is no evidence that use continued from 2011-2025 although the ZEO deemed the property nonconforming, (7) is there any legal basis for dispute of anything prior to this owner, and (8) was statute reestablished—it was changed in the last 4-5 years. The decision of the ZEO was based upon legal nonconforming standard. Proposal by Attorney Carey was to reverse the order of the ZEO but not deny it as to make it clear. **Motion Amended** by Vice-Chair Adams; seconded by Chairperson MacNeil was made to reverse the 26 ZBA 1 decision by the ZEO. Discussion: A question as to what the property was used for prior to 1993 was new information deemed not admissible by the Board Attorney. Can the Board now make a decision or have its Attorney draft a motion on the same? Attorney Carey agreed to draft a motion. **Amended Motion Revised** by Chairperson MacNeil; seconded by Vice-Chair Adams to have Board Counsel Attorney Carey draft a motion for appropriate decision by the Board for 26 ZBA 1. **Voice Vote: 5-0-0. Motion Approved, as amended and revised.**

7. **New Business:**

a. **26 ZBA 2** – Owner: Drive-in LLC; Applicant: Sammy P Inc.; for location approval of CT DMV Recycler License at 1080 Route 32, Uncasville, CT (Parcel ID: 086-004-000) (*Submitted 04/27/2006, Date of Receipt 05/06/2026, PH must be scheduled within 65 days of receipt*).

**Motion** by Chairperson MacNeil; seconded by Vice-Chair Adams to receive **26 ZBA 2** – Owner: Drive-in LLC; Applicant: Sammy P Inc.; for location approval of CT DMV

Recycler License at 1080 Route 32, Uncasville, CT (Parcel ID: 086-004-000) *(Submitted 04/27/2006, Date of Receipt 05/06/2026, PH must be scheduled within 65 days of receipt)*. Discussion: none **Voice Vote: 5-0-0. Motion Approved.**

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

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

10. **Adjournment**

**Motion** by Chairperson MacNeil; seconded by Board Member Maffeo to adjourn the meeting at 7:49 p.m. Discussion: none. **Voice Vote: 5-0-0. Motion Approved.**

Respectfully submitted by:

Gloria J. Gathers  
Recording Secretary  
Town of Montville

**AN AUDIO RECORDING OF THE MEETING IS AVAILABLE UNDER  
“RESOURCES” ON THE TOWN OF MONTVILLE WEBSITE.**