

TOWN OF MONTVILLE
ZONING BOARD OF APPEALS
310 NORWICH NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
PHONE (860) 848-8549 x379- FAX (860) 848-2354

Meeting Minutes
Wednesday, December 7, 2011 at 7:00 P.M.
LOCATION: MONTVILLE TOWN HALL – *Council Chambers*

1. Call to Order

Chairman MacNeil called the regular meeting of the Zoning Board of Appeals to order at 7:02 p.m. after establishing quorum.

2. Roll Call

Present were Board Members Adams, Bassetti, Freeman, Lakowski (7:05 p.m.), McNally and MacNeil. Also present was Zoning Officer/Assistant Planner Tom Sanders.

3. New Business:

4. Public Hearings:

- a.) Estate of James A. Hill / Richard C. Cullen: 211-ZBA-4: An application for variances of Section 11.A.6.1 front yard setback from 50' to 27.3'; 11.A.6.2 side yard setback from 30' to 2' on the south boundary line and from 30' to 12' on the northbound line on the property located at 1605 Route 85, Montville, CT As shown on Assessor's Map 5 Lot 15a.

Chairman MacNeil opened the public hearing and asked Staff to give a report.

Mr. Sanders stated all the proper mailings are in place for the application and distributed copies of the site plan for the Board to review. He stated the applicant will require DOT approval if the variances are granted. The Health Department reports the testing has been completed and will meet requirements for occupancy. Mr. Sanders stated the property is currently a vacant residential structure built in the mid 1940's and due to the location and a heavily travelled road and commercial zoning requirements the property is nearing the end of its functional life as a single family residence. Approval of the request will allow for the construction of a 40 x 50' garage to house the applicants equipment from his business. The existing residential structure could remain as residential or be converted to commercial/office use. Staff recommends approval of the variances as requested.

Chairman MacNeil asked if there was anyone from the public who would like to speak in favor of the application.

Mr. John Paul Mereen, Registered Land Surveyor, representing the applicant reviewed the map of the property with the Board and discussed the request of Mr. Cullen for his property located at 1605 Route 85, Oakdale.

Mr. Richard Cullen, 467 Chesterfield Road, was present to discuss the variance request with the Board. He explained the structure will house the equipment and trucks he uses for his business and the building will have electricity but will not have water hookup.

Chairman MacNeil asked three times if there was anyone present who would like to speak in opposition to the application.

Chairman MacNeil closed the public hearing at 8:20 p.m.

5. Old Business

- a. Estate of James A. Hill / Richard C. Cullen: 211-ZBA-4: An application for variances of Section 11.A.6.1 front yard setback from 50' to 27.3'; 11.A.6.2 side yard setback from 30' to 2' on the south boundary line and from 30' to 12' on the northbound line on the property located at 1605 Route 85, Montville, CT As shown on Assessor's Map 5 Lot 15a.

Motion made by Chairman MacNeil, seconded by Board Member Adams to approve application #211-ZBA-4 for a reduction of a side yard setback from 30' to 2' on the south side yard and 12' on the north side yard with the condition that the location of the access drive be approved by the Connecticut Department of Transportation. The reasons for granting the approval are as follows;

The specific conditions on the site are unique to the applicants land and does not generally affect the district in which the property is located; the literal enforcement of the provisions of the regulations would result in an unusual hardship or exceptional difficulty and would deprive the applicant of the reasonable use of the land; 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 Zoning Regulations; and the variance would be in harmony with the general intent and purpose of the Zoning Regulations and would conserve the public health, safety, convenience, welfare and property values.

Discussion; Chairman MacNeil stated the lot is a pre-existing, non conforming lot that would require variances for any activity and this is a hardship for the property owner.

Roll call vote: 5-0, all in favor, motion carried, variances granted.

6. Minutes:

- a.) Acceptance of the minutes from the Regular meeting of August 3, 2011.

Motion made by Board Member Adams, seconded by Board Member Bassetti, discussion, none, roll call vote, 4-0-1 (Board Member McNally abstained as he was not present at the meeting), meeting minutes approved.

7. Communications

Motion made by Board Member MacNeil, seconded by Board Member Adams to add agenda item 8 (c) a discussion regarding the 2012 Commission budget and agenda item 8 (d) discussion regarding a violation complaint and to move the discussions of agenda item #7 after agenda item 8 (d). Discussion, none, voice vote, 5-0, all in favor, motion carried, agenda amended.

8. Other Business and Applications to come before the Zoning Board of Appeals:

- a. Approval of 2011 meeting calendar.

Motion made by Board Member Adams, seconded by Board Member Bassetti to approve the following 2012 meeting dates for the Zoning Board of Appeals; January 11, February 1, March 7, April 4, May 2, June 6, July 11, August 1, September 5, October 3, November 7, and December 5. Discussion, none, voice vote, 5-0, all in favor, motion carried.

- b. Election of Officers.

Board Member Bassetti nominated Board Member MacNeil as Chairman of the Zoning Board of Appeals and Board Member MacNeil accepted the nomination. Board Member McNally seconded the nomination. There being no more nominations, the nominations for Chairman of the Zoning Board of Appeals were closed. Voice vote, 5-0, all in favor, motion carried and Board Member MacNeil was appointed.

Board Member McNally nominated Board Member Adams as Vice Chairman of the Zoning Board of Appeals and Board Member Adams accepted the nomination. Board Member Bassetti seconded the nomination. There being no additional nominations for the Vice Chairman position, the nominations were closed. Voice vote, 5-0, all in favor, motion carried and Board Member Adams was appointed.

- c. Discussion regarding the 2012 Commission budget.

Mr. Sanders explained the Zoning Board of Appeals budget consists of secretarial support only and suggested the Board submit a six hundred dollar budget this year. A discussion was held regarding the budgeted amount in past years and it was the consensus of the Commission the six hundred dollars should be sufficient. Motion made by Board Member Bassetti, seconded by Board Member Adams, discussion, none, voice vote, 5-0, all in favor, motion carried.

- d. Discussion regarding a Zoning Board of Appeals application.

Mr. Sanders discussed a violation complaint regarding farm animals with the Commission. He explained he has been to the site and recommended the Board schedule a public hearing on Wednesday, January 11, 2012 at the regularly scheduled meeting to discuss the issue.

Motion made by Chairman MacNeil, seconded by Board Member Adams to schedule a public hearing for ZBA-2011-05 on Wednesday, January 11, 2011 at 7:00 p.m. Discussion, none, voice vote, 5-0, all in favor, motion carried.

7. Communications

Mr. Sanders discussed a Court Appeal with the Board and stated he will keep them updated on its progress.

9. Adjournment

Motion made by Board Member Adams, seconded by Board Member Bassetti to adjourn the meeting at 8:00 p.m., discussion, none, voice vote, 5-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.