

Town of Montville Zoning Board of Appeals
Regular Meeting Minutes of Wednesday, October 1, 2014
Town Hall – Town Council Chambers

1. Call to Order

Chairman MacNeil opened the regular meeting of the Zoning Board of Appeals at 7:02 p.m.

2. Roll Call

Present were Board members Doug Adams, alternate Carl Freeman, Wills Pike, and John MacNeil. Board Members Joseph Aquitante, Ellen Lakowsky, and alternate Elmer Wittkofske were absent. Also present was Assistant Town Planner/Zoning Enforcement Officer (“ZEO”) Tom Sanders, applicant Robert Orzechowski, and his representative Dave Martin.

Chairman MacNeil assigned Board Member Freeman to sit in place of Board Member Lakowsky with full voting rights.

3. New Business

There was no New Business.

4. Public Hearings

- a. Robert E. Orzechowski 214-ZBA-3:** An application requesting the granting of a lot size reduction variance from the requirements of Section 8.4 minimum the property located at 351 Fitch Hill Road, Uncasville, CT. As shown on Assessor’s Map 47, Lot 35.

ZEO Sanders summarized his staff report on the application for a lot reduction variance commenting that the legal notices went out and her properly done. He explained that the lot as it exists on Fitch Hill Road is a single family house with a detached garage and the variance would reduce the lot size from 1.07 acres to .8 acres. He also said that as is the house meets the requirements with one exception; the house is situated 47 feet from the street and not 50 feet as required, but the house will not be moved. ZEO Sanders explained that the applicant wants to remove the right-of-way along the side of the house that accesses the house behind it. He said that the location of the house in the rear was an old family situation where the son resided in the rear house while the parents resided in the home nearest the street. The applicant wishes to “clean up” the access situation. ZEO Sanders also referenced a hardship, a significant stream that runs behind the house and a parcel in back that will eventually be divided and where currently a bridge does not exist. His recommendation is that reducing the lot size will not impact the area nor should it adversely affect any of the other houses located in the area.

Per discussion of the Board members, ZEO Sanders clarified that there are two existing lots with no boundary line but with a driveway that extends to the house in the rear and the purpose of the variance is to eliminate the right-of-way. The variance would add 2.5 acres to the back property and if the back property is eventually subdivided a bridge will be needed over the existing wetlands. It was also clarified that the applicant owns both lots. When questioned by Chairman MacNeil how ridding the right-of-way would cause hardship, ZEO Sanders commented that the issue could cause a conflict in the future. Chairman MacNeil stated that ownership is the same now and the right-of-way covenants is now still under the applicant's control and therefore seems to make the lot nonconforming because of the right-of-way. ZEO Sanders said that the variance would create a cleaner title.

Dave Martin, the applicant's representative, explained that reducing the size of the lot would allow the area of the right-of-way to be added to the other property. He further explained that the applicant's family has owned the lots since 1917; the first house, #351 was built in 1938 and the back house, #350 in 1981. He also said that SNET had lines that went through the property since the establishment of the right-of-way; test holes were done regarding the septic; and lots of similar size were looked at in the neighborhood. Mr. Martin added that house #351 has an existing driveway that does not interfere with house #350. He summarized that the variance would be consistent with the neighborhood and also stating that the applicant's brother owns the property across the street from house #351. Mr. Martin stated that having a right-of-way as part of the rear house would alleviate future projects.

Chairman MacNeil asked three times if there was anyone present who would like to speak in favor of the application, in opposition of the application, or had any general comments/questions. The pronouncement of each was asked three times.

After deeming that there were no further comments, a motion was made by Chairman MacNeil; seconded by Board Member Adams; to close the public hearing 214-ZBA-3. Discussion, none; voice vote, 5-0; all in favor. Motion carried and public hearing closed.

5. Old Business

Robert E. Orzechowski 214-ZBA-3: An application requesting the granting of a lot size reduction variance from the requirements of Section 8.4 minimum the property located at 351 Fitch Hill Road, Uncasville, CT. As shown on Assessor's Map 47, Lot 35.

Motion made by Chairman MacNeil; seconded by Board Member Adams, to approve application 214-ZBA-3 request for lost size reduction for property located at 351 Fitch Hill Road, Assessor's Map 47 Lot 35, from 46,609 sq. ft. (existing) to 32,995 sq. ft. (proposed). File Mylar on land records along with property transfer deed. Discussion:

Chairman MacNeil added that upon taking a closer look at the Assessor's map the reason for the variance is not a significant reason since the area is flanked by trees and trees to the rear that would make a turnabout to the rear more difficult with its proximity to the garage than a reason for a right-of-way. Board member Adams stated that the variance seems to be a means of setting up for a potential sale of the property. Chairman MacNeil added that a sliver cut could be cut off from the easterly property line. Board member Pike thanked the Chairman for his explanation and added that he grew up in Vermont where rights-of-way were common. Votes in Favor: Board Members Adams, alternate Freeman, Pike, and MacNeil; 4-0; all in favor. Votes in Opposition: None. Motion carried.

6. Minutes

7. Acceptance of the minutes from the Meeting of May 7, 2014.

Motion made by Chairman MacNeil; seconded by Board Member Adams to accept the Regular Meeting minutes of May 7, 2014, as written. Discussion, none. Voice vote, 4-0; all in favor. Motion carried.

8. Communications

ZEO Sanders spoke reported on the proposed Mohegan Tribe expansion and discussion followed on the impact on the Town schools and those of surrounding towns; and the drastic increase of the number of houses for sale.

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

None

10. Adjourn

Motion made by Chairman MacNeil; seconded by Board member Adams, to adjourn the meeting at 7:35 p.m.; discussion, none; voice vote, 5-0, all in favor, motion carried.

Respectfully Submitted by:

Gloria J. Gathers
Recording Secretary, Town of Montville

**AN AUDIO RECORDING OF THE MEETING IS ON FILE IN THE TOWN
CLERK'S OFFICE.**