

**TOWN OF MONTVILLE
ZONING BOARD OF APPEALS**

310 Norwich-New London Turnpike, Uncasville, CT 06382
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Email: planningdept@montville-ct.org

REGULAR MEETING -- PUBLIC HEARING MINUTES

**Regular Meeting/Public Hearing
November 1, 2023, 6:00 p.m.
Town Council Chambers – Town Hall**

1. Call to Order.

Chairman 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 Douglas Adams, Joseph Berardy, Richard Gladue, John MacNeil, John Plikus and Board Alternate Arthur Montorsi. Board Alternate Russell Wehner was absent. A quorum of the Board was present.

ZEO Stacy Radford was also present.

4. Minutes: Approve the Minutes of the October 4, 2023, Meeting.

Motion by Chairman MacNeil; seconded by Board Member Adams to approve the Minutes of October 4, 2023. Discussion: ZEO Radford noted for the record that the meeting date should read as October 4, 2023, and not April 5, 2023. Voice vote, 5-0-0, all in favor. **Motion carried.**

5. Executive Session. -- *None*

6. Public Hearings/Discussion & Applications.

- a. **Public Hearing 23 ZBA 4 – 64 Old Colchester Road Ext. (Parcel ID: 057-027-000), Oakdale, CT** – Owner: Norman J. Passerelli, Jr. and Kelli M. Passerelli; Applicant: Norman J. Passarelli, Jr. for a 13-foot variance of the minimum required 75-foot setback to regulated areas per ZR Sec. 5.6.3. (WRP-160 Minimum Setbacks) for a new single-family residence 58-feet from regulated wetlands/waterbodies. (*App. Submitted 10/16/2023, Date of Receipt 11/01/2023. Public Hearing scheduled for 11/01/2023. PH must close by 12/05/2023.*)

Chairman MacNeil asked ZEO Radford for the Staff Report which she read into the record following the Staff Exhibit List.

Staff Exhibits

1. Application and Plans titled “Zoning Location Survey Property of Norman J. & Kelli M. Passarelli for property located at 64 Old Colchester Road Ext. Town of Montville – County of New London – Connecticut, Dated 9/13/2023, and revised on 10/11/2023.”

2. Referral to Town Clerk, Town of Salem in accordance with C.G.S. § 8-7d (f), dated October 16, 2023.
3. Copy of Public Hearing Notice published in The Day Newspaper on October 20, 2023 and October 27, 2023.
4. Copy of Public Hearing Notice published on the Town of Montville website on October 18, 2023.
5. Abutters List and Certificate of Mailing receipts, dated October 20, 2023.
6. Staff Report dated October 18, 2023.

Staff Report

The property is located in the Water Resource Protection Zone – (WRP-160) on about 2.72 acres (118,483 square feet) and has approximately 567 feet of frontage on Old Colchester Rd. Ext. The property is a legal pre-existing, non-conforming undeveloped lot with regards to its size. The minimum required lot size in this district is 160,000 square feet. The required front and rear yard setbacks are 75 feet each and the side yard setbacks are 30 feet each.

The applicant proposes to construct a Single Family Residence with a 8' x 20' front porch and 10' x 62' rear porch and associated site improvements. The Single Family Residence is proposed to be approximately 62' +/- into the required 75' rear yard setback, requiring a 13' variance. The location of single family residence and required minimum yard setbacks, pursuant to the requirements of the WRP-160 Zoning District are shown on a plan entitled "Zoning Location Survey Property of Norman J. & Kelli M. Passarelli, for property located at 64 Old Colchester Road Ext., Town of Montville – County of New London – Connecticut, dated September 13, 2023 and signed by James Bernardo, Licensed Land Surveyor on October 11, 2023."

The applicant states the hardship is as follows: "The property is a pre-existing non-conforming lot (lot area) and of irregular shape. The minimum zoning yard setbacks significantly reduce the potential development locations for the property."

Applicant Norman J. Passarelli, Jr. of 1132 Hartford Turnpike, Waterford CT, reported to the Board the decision made by the surveyor to rotate the house to make it more parallel to the street thus looking for relief in the front and the side, a plan suggested by the Board as a better solution to meet the setback requirement of 13'.

Chairman MacNeil asked three (3) times if anyone wanted to speak in favor of the application. John Gadbois of 40 Old Colchester Road, Salem, CT commented on the more favorable position of the proposed house from the wetlands. The Chairman then asked three (3) times if anyone wished to speak in opposition of the application. There were none. He then asked if anyone had questions. There were none. No questions were directed to ZEO Radford. Chairman MacNeil noted the decision made by the Applicant to comply with squaring up the house to the street making it more palatable thus looking for relief in the front and side as a better location for the house.

Motion by Chairman MacNeil; seconded by Board Member Adams to close the public hearing for 23 ZBA 4. Discussion: none. Voice vote, 5-0-0, all in favor. **Motion carried.**

- b. Discussion & Decision: 23 ZBA 4 – 64 Old Colchester Road Ext., (Parcel ID: 057-027-000) Oakdale, CT – Owner: Norman J. Passarelli, Jr. and Kelli M. Passarelli; Applicant: Norman J. Passarelli, Jr. for a 13-foot variance of the minimum required 75-foot rear yard setback per ZR Sec.**

5.6.3 (WRP-160 – Minimum Setbacks) for a new single-family residence. (*DRD 65 days from close of public hearing.*)

Motion by Chairman MacNeil; seconded by Board Member Adams to GRANT a 13-foot variance of the minimum required 75-foot rear yard setback per Zoning Regulation Sec. 5.6.3 (WRP-160 – Minimum Setbacks) to construct a new single-family residence a distance of 62-feet to the rear property line as requested in Application #23ZBA4 including supporting documents and as shown on a plan entitled “Zoning Location Survey Property of Norman J. & Kelli M. Passarelli, for property located at 64 Old Colchester Road Ext., Town of Montville – County of New London – Connecticut, dated September 13, 2023 and signed by James Bernardo, Licensed Land Surveyor on October 11, 2023.”

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: “The property is a pre-existing non-conforming lot (lot area) and of irregular shape. The minimum zoning yard setbacks significantly reduce the potential development locations for the property. Discussion: Chairman MacNeil recognized the favorable decision by the Applicant to concur with the Board recommendation. He noted the hardship as shown on the map is irregularly shaped property with a lot of wetlands. He appreciated the decision to stay out of the wetlands as being satisfactory given the irregularity of the property as described in the Staff Report. Roll Call vote: *In favor*: Board Members Adams, Berardy, Gladue, MacNeil and Plikus. *Opposed*: none. 5-0-0 vote. **Motion carried.**

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

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

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

10. **Adjournment**

Motion by Chairman MacNeil; seconded by Board Member Gladue, to adjourn the meeting at 6:12. 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.**