

# TOWN OF LEDYARD CONNECTICUT ZONING BOARD OF APPEALS

741 Colonel Ledyard Highway  
Ledyard, CT 06339-1551  
(860) 464-3264  
FAX (860) 464-1126

Stuart Uschmann  
Chairman

## AGENDA ZONING BOARD OF APPEALS PUBLIC HEARING AND REGULAR MEETING WEDNESDAY, JUNE 18, 2008 \* \* 7:00 P.M. \* \*

TOWN COUNCIL CHAMBERS, TOWN HALL ANNEX  
741 COLONEL LEDYARD HIGHWAY, LEDYARD CONNECTICUT

### PUBLIC HEARING

**Application #881** – Mark C. Coen (applicant/property owner), 83 Inchcliffe Drive, Gales Ferry; request a variance of Section 9.2.2 a 41ft. reduction of the minimum 75ft. centerline setback requirement from a town road to construct a new single-family home. (R-20 zone).

**Application #882** – Lawrence & Evalynn Richmond (applicants/property owner), 30 Pinelock Drive, Gales Ferry, request a variance of Section 9.2.2 a 25ft. reduction of the minimum 75ft. centerline setback requirement from a town road to construct a garage with room above. (R-40 zone).

### REGULAR MEETING

1. Call to Order
2. Roll Call
3. Comments of the Chairman
4. New Business:

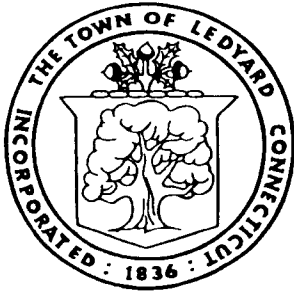
**Application #880** – Chris and Loretta Albanese (applicants/property owners), 6 Drawbridge West, Gales Ferry; request a variance of Section 9.2.2 a 45 ft. reduction of the minimum 75ft. centerline setback requirement from a town road, and Section 9.3.1 a 35 ft. reduction of the required 50ft. fall zone onto Drawbridge West, and a 25 ft. reduction of the required 50ft. fall zone to Poquetanuck Cove to construct a 50ft. monopole tower wind generator. (R-40 zone) Possible discussion and possible vote.

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**Application #882** – Lawrence & Evalynn Richmond (applicants/property owner), 30 Pinelock Drive, Gales Ferry, request a variance of Section 9.2.2 a 25ft. reduction of the minimum 75ft. centerline setback requirement from a town road to construct a garage with room above. (R-40 zone). Possible discussion and possible vote.

5. Approval of Minutes of May 21, 2008.
6. Correspondence:
  - Zoning Bulletins – May 25, 2008
7. Announcements
8. Adjournment

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Stuart Uschmann  
Chairman

## LEGAL NOTICE ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARINGS JUNE 18, 2008

The Ledyard Zoning Board of Appeals will conduct two public hearings beginning at 7:00 P.M., Wednesday, June 18, 2008 at the Town Council Chambers, Town Hall Annex, 741 Colonel Ledyard Highway, Ledyard, Connecticut to hear requests for variances to the Ledyard Zoning Regulations for the following:

**Application #881** – Mark C. Coen (applicant/property owner), 83 Inchcliffe Drive, Gales Ferry, request a variance of Section 9.2.2 a 41ft. reduction of the minimum required 75ft. from centerline of a town road. (R-20 zone)

**Application #882** – Lawrence & Evelyn Richmond (applicants/property owners), 30 Pinelock Drive, Gales Ferry, request a variance of Section 9.2.2 a 25ft. reduction of the minimum required 75ft. from centerline of a town road. (R-40 zone).

At these hearings, interested persons may appear and be heard and written communications received. Stated applications are on file in the Zoning Office, Ledyard Town Hall, 741 Colonel Ledyard Highway, Ledyard, Connecticut.

For the Commission,

Stuart Uschmann  
Chairman

**PLEASE PUBLISH IN "THE DAY"  
WEDNESDAY, JUNE 4, AND WEDNESDAY, JUNE 11, 2008**

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6/19/08



**TOWN OF LEDYARD  
CONNECTICUT  
ZONING BOARD OF APPEALS**

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Ledyard, CT 06339-1551  
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Stuart Uschmann  
Chairman

**LEGAL NOTICE  
LEDYARD ZONING BOARD OF APPEALS  
NOTICE OF DECISIONS**

At the regular meeting of the Ledyard Zoning Board of Appeals on Wednesday, June 18, 2008 the following actions were taken:

**DENIED - Application #880** - Chris and Loretta Albanese (applicants/property owners), 6 Drawbridge West, Gales Ferry; request a variance of Section 9.2.2 a 45 ft. reduction of the minimum 75ft. centerline setback requirement from a town road, and Section 9.3.1 a 35 ft. reduction of the required 50ft. fall zone onto Drawbridge West, and a 25 ft. reduction of the required 50ft. fall zone to Poquetanuck Cove to construct a 50ft. monopole tower wind generator. (R-40 zone)

**GRANTED – Application #882** – Lawrence & Evelyn Richmond (applicants/property owners), 30 Pinelock Drive, Gales Ferry, request a variance of Section 9.2.2 a 25ft. reduction of the minimum required 75ft. from centerline of a town road. (R-40 zone).

A copy of the subject applications and related materials are on file in the Town Clerk's Office, 741 Colonel Ledyard Highway, Ledyard, CT.

For the Commission  
Stuart Uschmann  
Chairman

**PLEASE PUBLISH IN "THE DAY"  
WEDNESDAY, JUNE 25, 2008**

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ZONING BOARD OF APPEALS  
LEDYARD, CT  
*Stuart Uschmann*

**ZONING BOARD OF APPEALS  
PUBLIC HEARING MINUTES  
JUNE, 18, 2008**

1. The public hearing for Application #881 was called to order at 7:03 p.m.
2. Salute to Flag.
3. Roll Call: Regular members present: Mark Bancroft, Pauline Iby, Vincent Godino, John Proctor and Stuart Uschmann. Alternate members Terry Gunnels and Wayne Magro were excused. Alternate member Chris King was absent.
4. **Application #881**, Mark C. Coen (applicant/property owner), 83 Inchcliffe Drive, Gales Ferry, request a variance of Section 9.2.2 a 41ft. reduction of the minimum 75ft. centerline setback requirement from a town road to construct a new single-family home (R-20 zone). Mark Bancroft read the legal notice into the record along with the application.
  1. Application #880
  2. Assessor's Card.
  3. Assessor's map.
  4. Site plan.
  5. Sketch of home.
  6. Letter, dated March 16, 2006 from Steve Masalin, Public Works Director/Town Engineer.
  7. Letter, dated March 20, 2006 from Michael Schaefer, Certified Professional Soil Scientist.
  8. IWWC Meeting Minutes from March 21, 2006.
  9. Memo, dated May 9, 2006, from Peter Gardner, L.S. re: flood zone
  10. Letter, dated September 22, 2006, from Ledge Light Health District re: approval of septic system.
  11. Test pit log/field notes form.
  12. As-built of septic system.
  13. Names and addresses of abutters.
  14. Statutory Warranty Deed – 83 Inchcliffe Drive
  15. Revised site plan, dated June 11, 2008.
  16. Letter, dated June 12, 2008, from Charles W. Jarvis, Jr., 3 Smith Pond Way.
  17. Letter, dated June 12, 2008, from Peter Bargmann, 7 Harvard Terrace.
  18. Letter, dated June 17, 2008, from Judy & Link Rowley, 73 Inchcliffe Drive
  19. Letter, dated June 16, 2008, from Carol A. Gardner, 72 Inchcliffe Drive
  20. Letter, dated June 14, 2008, from Joel Onorato, 109 Military Highway
  21. Letter, from Denise Simonka, 75 Inchcliffe Drive
  22. Letter, dated June 12, 2008, from Mark Branse.
  23. Packet from Mark Coen, consisting of many letters, drawings, and assessors cards.
  24. Letter, dated June 18, 2008, from Andrew Jensen, Conservation Commission
  25. Letter, dated June 16, 2008, from Gloria Standard, 84 Inchcliffe Drive
  26. Packet of letters (originals), diagrams, assessors cards (most of which have already been submitted/duplicates.)
  27. Summary of Salient Report – Appraisal report for 83 Inchcliffe Drive
  28. Photo of lot #83 Inchcliffe Drive
  29. Photo of lot #83 Inchcliffe Drive
  30. Pictures of 83 Inchcliffe Drive as well as surrounding properties.
  31. Copy of Assessor's map showing lot #83 in relation to locations of letters in favor, and properties which had variances granted for closer than 75ft. from center line of road.
  32. Letter, dated June 18, 2008 from Robert Fuller, 103 Military Highway.
  33. Letter, dated June 18, 2008, from Nathan Weiss, 23B Bittersweet Drive.
  34. Brief in opposition to variance prepared by Attorney Theodore Ladwig, dated June 18, 2008.

35. Copy of ZBA Agenda, dated February 21, 2007, with notes on back.
36. Notice of Granted Variance, 83 Inchcliffe Drive, dated February 22, 2007.
37. Notice of ZBA public hearings, February 21, 2007.
38. Certified copy of Volume 197 Page 455 and Page 456, quick claim
39. Certified copy of Volume 351, Page 263 and 264
40. Certified copy of Book 418, Page 768, Statutory Warranty Deed, 83 Inchcliffe Drive
41. Assessors Card of 83 Inchcliffe Drive.
42. Ledyard Planning and Zoning Commission minutes of regular meeting of September 2, 1964.
43. Planning and Zoning Commission minutes of regular meeting of December 2, 1964.
44. Planning and Zoning Commission minutes of regular meeting of January 6, 1965.
45. Final subdivision plan, Torrey Park Development, lots 2-4 & 6 and lots 16 to 26 inclusive, approval date April 22, 1964.
46. Final subdivision plan, Torrey Park Development, lots #9 and #13 only, approval date January 6, 1965.
47. Letter, dated June 18, 2008, from Gary Schneider, 101 Inchcliffe Drive.
48. Zoning Regulations with amendments to November 13, 1968.

Attorney Mark Branse, representing the applicant, made presentation. He submitted exhibit #26, the original signed documents of the letters from neighbors, and an appraisal report (exhibit #27), stated that without a variance this property has no value. The letter from Conservation Commission states lot size is non-conforming, that is incorrect; it is 40,000 sq. ft. by deed. The problem is much of it is under water, submitted photos (exhibit #28 & #29). Also submitted 6 pages of photos showing the diversity of the homes in the area (exhibit #30). Mr. Branse went through his letter (exhibit #22). The uniqueness of the lot is it is triangular shape, and a portion of it is under water, the 75ft. setback requirement takes all the unusable land. Gloria Standard's letter (exhibit #25) also points out the way the road is cut is another hardship. Exhibit #31 shows the lots in blue are people who have written letter in support of this variance and the lots in red are lot which have received variances.

Peter Gardner, 72 Inchcliffe Drive – stated in exhibit #15 the blue line shows the building setback, which is very close to wetlands. Mr. Branse asked Mr. Gardner questions relating to wetlands issues, which Gardner answered. He also asked Mr. Gardner that the Conservation Commission stated the house is set back 12½ ft. from shoreline of Smith Pond – is that correct? Mr. Gardner stated that was wrong. The closest portion of the home to Smith Pond is around 20ft.

Attorney Branse stated the lot was severed in 1964 – no wetlands regulations at that time. The Conservation Commission letter indicates it was indicated as not a building lot, at the time the subdivision around it, that is because it did not have public water – could not locate a septic and well on this property it was not possible. Now public water is available, so you only need a septic system. Mr. Branse teaches a lot of courses, he often draws what is a classic hardship – this is a text book example of a variance.

#### Citizens in Favor:

- Robert Fuller, 103 Military Highway – walks by that lot 3-4 times a week. Supports the variance – submitted exhibit #32.
- Nathan Weiss, 23B Bittersweet Drive – the lot is pre-existing. Significant amount of homes have had variances or built prior to zoning and lack set back if built today. There is no health, safety, and welfare problems – but a hardship created by zoning. Submitted exhibit #33.
- Mike Cherry, 5 Whippoorwill Drive – he is also the Chair of the Planning Commission. Agrees with everything being said with the citizens in favor of this application. The original subdivision indicates not as a building lot – does it need to be rectified with Planning Commission to change designation?

### Citizens Opposed:

- Attorney Theodore Ladwig, representing Lawrence Gorham, adjacent property owner – The previous denial from ZBA is currently on appeal. Submitted exhibit #34, a brief in opposition to variance. The brief is on one issue – can ZBA see an application on which they have formally denied. There is substantial law in Connecticut to the effect that “no,” it is not appropriate for the ZBA to hear or decide an application which they have formally denied unless there is new information which was not available at the time of the original application. Laurel Beach Association vs. ZBA City of Milford, vol. 166CT, page 385 decided by our State Supreme Court in 1974. Test to be applied is whether new or additional facts appear showing a change of conditions or other considerations materially affecting the merits, not the procedure, intervening since the former decision. ZBA can reverse a prior decision if there has been: 1) material change of circumstances, and 2) other considerations that intervene affecting the merits and no vested rights of interim. Once the ZBA makes a decision and is published the no reconsideration rule applies. It was published that the application was granted and then changed indicating it was not granted, it was denied, in which Mr. Coen appealed. Now Mr. Coen has brought back the same application requesting the same relief and the same conditions and same circumstances asking for a different result. A clear violation of the rule of law of the Laurel Beach Association case. It is simply not appropriate. Is asking the board, if the Laurel Beach case controls in this circumstance, then we are done.

Town Attorney Tom Collier – stated to the board Attorney Ladwig has provided you with some law and his opinion on that law, whether or not this is a successive and similar application. The applicant should be given an opportunity to respond to whether he agrees if this is an identical application or if there is a change in condition or other material changes which would distinguish this application from the former. You are not obligated to make a finding – he has made a suggestion you could do that. He thinks it would be suitable to hear from the applicant on that issue – the similarity of the application.

Attorney Branse – there is a factual and legal issue. It is correct the ZBA should not flip-flop. What is unusual here, which does not put the Laurel Beach case on all 4's; in this case his client and the board has a letter of approval of this variance. There is a legal argument as to whether that vote was valid. It is before the courts. You have an approval in the minutes, a legal notice of approval, and approval noted on file in the Town Clerks office. This should be turned around on him, to Attorney Ladwig. This is an approval – this is merely re-affirming that approval, but instead of with 3 votes, which is not sufficient to carry. The reason we are back here is to try to get a full commission. The nature of our request is to seek/ratify the decision you already made. This board never voted to deny this application. There is no letter of denial, only a legal notice that the attorney advised to publish because he correctly noted that it takes 4 affirmative votes. Mr. Branse mentioned Benson vs. ZBA, a 2005 case - involved a situation with different facts, better presentation. This variance is for 1 ft. less. In a lot that only has 1250 sq. ft. of buildable envelope, in the shape of a triangle; to reduce the variance by 1ft. is significant to this scale. Part of this variance is for steps. He submitted exhibits #35, 36 & 37.

Attorney Ladwig stated our Supreme Court said “materially the same.”

Attorney Collier stated we will continue with Mr. Ladwig's commentary on the variance application.

Attorney Ladwig submitted exhibit #38, deed Vol. 197, Page 455, dated December 28, 1989. Lot #8 Torrey Park Subdivision for “no consideration.” Submitted exhibit #39, deed Vol. 351, Page 263, dated April 3, 2003, for consideration of \$2,000. Submitted exhibit #40, deed Vol. 418, Page 768, dated February 7, 2006, for consideration of \$5,000. Attorney Ladwig submitted an assessor's card for 83 Inchcliffe Drive (exhibit #41), print date April 20, 2006, appraisal value

\$127,800; \$89,460 assessed value; shows previous assessed value in 2005 of \$1750. Attorney Ladwig submitted exhibit #42 Planning & Zoning Commission minutes of September 2, 1964, exhibit #43 Planning & Zoning minutes of December 2, 1964, and exhibit #44 Planning & Zoning Commission minutes of January 6, 1965. These minutes state lot #8 not approved – it is under sized and is now under water and beyond the building line. Mr. Garvey could never get it approved through the Planning and Zoning Commission. This was never an approved building lot. Also submitted exhibit #45, map #173 “Final Subdivision Plan of Torrey Park” lot 2,4 &6, lots 16-26 inclusive. Lot #8 not among them. Exhibit #46, map #280 “Final Subdivision Plan of Torrey Park, dated June, 1964, lots 9-13 only. No where has he found any commission or board anywhere in the Town of Ledyard that ever determined it to be a building lot. There is no Certificate of Zoning Compliance. Mr. Coen only paid \$5,000, not \$120,000 for the lot. Parcel labeled #8 was never approved. This in not a pre-existing, non-conforming lot. It is a left over lot. It is not appropriate today to leave a lot left over, but back in 1964 it was done that way – left it unapproved.

V. Godino asked how did it get to us, why didn't it go to the Planning Commission? Attorney Ladwig responded that was stated many times during the past ZBA application that this is a pre-existing lot. It is not. Attorney Ladwig stated he has a wetlands permit and septic system approval. That is putting the cart before the horse.

Town Attorney Collier stated to Mr. Godino and the board that we are here tonight for a variance application. Mr. Ladwig has given his opinion on a building lot. The board only needs to concentrate on the variance.

Attorney Ladwig stated that Mr. Branse stated that without a variance this property is denied any use and takes away the value of this property. Attorney Ladwig believes the value of this property is between 0 and \$2000. Attorney Ladwig read a statement from appraisal submitted (exhibit #27) indication of value of sales of \$380,000 if developed. If it can't be developed these numbers have no bearing. The basis of his argument is that this is not a building lot, wasn't and isn't and has never been a building lot.

- Gary Schneider, 101 Inchcliffe Drive – read letter (exhibit #47).

#### Rebuttal:

Attorney Branse held up exhibit #46 and asked Attorney Ladwig to point out his client's lot. Attorney Ladwig pointed to lot #7. Attorney Branse stated we are not claiming that this is a legal, non-conforming lot. The claim is it was severed from the balance of the property. He submitted the Zoning Regulations from 1933-1968 (exhibit #48). On page 1, R-20 zone requires 20,000 sq. ft. Definition of lot area in the regulations is width x lot depth (flagged pages). If they need to go to the Planning Commission, as was mentioned, then they will. The tax office has been taxing this lot separately for years. The assessor's card, which Attorney Ladwig submitted, (exhibit #41) shows it as a building lot. The Health District approved a septic permit for this lot. The Inland Wetlands Commission approved the lot. Attorney Ladwig stated there is no Certificate of Compliance issued for this lot – that is because Certificate of Compliances are not issued for a lot. They are issued for a building or a use – this is a vacant lot. In exhibit #46, lot #8 not approved in the minutes of January 6, 1965, his clients lot, lot #7 was never approved either. Only lots 9-13, 59&60. That lot wasn't approved either. Hardship is not based on who owns it, it is based on size, shape and character of lot.

M. Bancroft would like to continue the public hearing. Attorney Branse asked if there is something specific to let him know. Town Attorney Collier stated to the board if there is something specific now causing questions, you would like to provide on the record. Or if questions come about, you can ask

them when you continue the public hearing next time. M. Bancroft request the board send a letter, to the two attorneys, of questions by the end of the week. They way they are not coming here cold.

J. Proctor made a motion that Application #881 be rejected from being heard based on the fact it is in appeal by the court and he feels that legally they should not be hearing it, there is no change from the application he heard previously submitted than he is hearing tonight. Seconded by V. Godino.

Town Attorney Collier clarified the argument heard from Attorney Ladwig is based on the similarity of the application – not because there is a case on appeal. You stated in your motion because this case is on appeal you cannot entertain this application – that in itself is not correct.

Amended motion by J. Proctor – the application that we heard hear tonight is similar, in essence, to the one we have already voted on and is under appeal. Based on the fact that we have made a decision that has not been addressed by the court, we should reject this application. Seconded by V. Godino. Discussion – V. Godino thinks the application is very similar to the one previously. V. Godino asked for clarification on “similar applications” form the town attorney. Attorney Collier read from Judge Fuller’s briefs – Land Use Law Practice in CT. S. Uschmann stated we should be able to get a letter form the attorney regarding if application is similar. He does not think we should vote to reject it.

J. Proctor withdrew his motion, seconded by M. Bancroft.

M. Bancroft made a motion to continue the public hearing on Application #881 to July 16, 2008 at 7:00 p.m., seconded by V. Godino. Approved unanimously.

In the meantime M. Bancroft suggested the board solicit information from both attorneys on the differences and/or similarities. Attorney Collier stated it is not necessary to put it in writing. You have stated it on the record.

**Application #882**, Lawrence & Evelyn Richmond (applicants/property owners), 30 Pinelock Drive, Gales Ferry, request a variance of Section 9.2.2 a 25ft. reduction of the minimum required 75ft. from centerline of town road. V. Godino read the legal notice into the record. Also read the application into the record:

1. Application 882
2. Assessor’s card
3. Assessor’s map
4. Site plan.
5. site plan – garage addition to scale
6. Sketch of proposed garage
7. pictures of 30 Pinelock Drive
8. Letter, dated October 11, 2007, from Ledge Light Health District, re: approval of proposed addition.
9. Letter, dated April 19, 2986, from Ledyard ZBA, granting variance of Application #574 fro new home at 30 Pinelock Drive.
10. Letter, dated May 11, 2008, from Jonathan Tucker, 32 Pinelock Drive, re: no objections to variance.

Lawrence Richmond made presentation. Would like to add a garage, 24’ x 20’ to match the front of house with new garage. J. Proctor asked what the room above is going to be. Mr. Richmond stated to extend an office and bedroom.

M. Bancroft was out at the lot, if he pushes the garage back, it would be in a crick. The neighbor, Mr. Pillar, has a garage close to the road.

V. Godino – the drawing looks like the house is skewed – wants to be sure the applicant has enough room. Mr. Richmond stated he had plenty of room.

M. Bancroft made a motion to close the public hearing, seconded by Godino. Approved unanimously. Public hearing closed at 9:35 p.m.

Approved July 16, 2008

Stuart Uschmann / *g.g.*  
Stuart Uschmann

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
JUNE 18, 2008**

1. The regular meeting was called to order at
2. Roll Call: Regular members present: Mark Bancroft, Pauline Iby, Vincent Godino, John Proctor, and Stuart Uschmann. Alternate members Terry Gunnels and Wayne Magro were excused. Alternate member Chris King was absent.
3. Comments from the Chairman: None
4. NEW BUSINESS

**Application #880**, Chris & Loretta Albanese (applicant/property owners), 6 Drawbridge West, Gales Ferry, request a variance of Section 9.2.2 a 45ft. reduction of the minimum 75ft. centerline setback requirement from a town road, and Section 9.3.1 a 35ft. reduction of the required 50ft. fall zone onto Drawbridge West, and a 25ft. reduction of the required 50ft. fall zone to Poquetanuck Cove to construct a 50ft. monopole tower and wind generator. (R-40 zone).

M. Bancroft made a motion to consider Application #880, Chris & Loretta Albanese (applicant/property owners), 6 Drawbridge West, Gales Ferry, seconded by V. Godino.

J. Proctor – against the application because it is substandard – no hardship. He does not have the proper setbacks. Falling on a town road will be a situation such as a hurricane. Emergency vehicles cannot get through. If it cannot fall on his property, he cannot do it. There is no hardship. If he wants to build it in the cove that's fine.

V. Godino – has concerns. The reason we have regulations is to protect. There is a possibility town crews would need to get through, if power lines go down. Original monopole was too expensive. He believes the company of the other pole is only in business for 1 yr. There is no track record. He is sure they are structurally sound to begin with – but with age they corrode – other problems. Possibility of structure failure gets worse with time. A 50ft. monopole will just be to tree tops. The fact that it is in a turbulent region, it may be noisier.

J. Proctor stated putting them on small lots is asking for trouble.

V. Godino stated it if falls, they are 250 lbs. It will do damage to a car or other. This particular sight has negatives.

P. Iby – according to the gentlemen, it is supported with heavy cement. Does not believe it will fall – his property is open.

M. Bancroft – agrees with P. Iby, we need to look at alternative energy. Has a strong belief on public safety. If we grant the variance and it falls down, the town is assuming liability. Will it fall – don't know. They protest it won't fall – Mianis River Bridge wasn't supposed to fall, it fell. The neighbor is concerned about the noise. You do hear the noise. If it was any other place – but because of the close proximity to the street he cannot support it.

S. Uschmann – safety is very true. The base is huge, 8' x 6'. Power lines by his house can come down in a hurricane. There was talk about noise, but no one has measured. Talked about bird kill – studies show they do not put them in bird patterns. Nobody's going to see it or hear it with the trees around it.

V. Godino does not believe the block will fail – it will be the pole itself. It was tested at 140 - 180 m.p.h. – did not give any specifics.

M. Bancroft commented on power lines in front of his house. We are not depriving him of power. Fall zone is a designated fall zone – it is there for a reason. Public safety on the street.

J. Proctor made a motion to approve Application #880, seconded by M. Bancroft.

Roll call vote:

M. Bancroft	- NO	J. Proctor	- NO
P. Iby	- YES	S. Uschmann	- YES
V. Godino	- NO		

Vote 2 – 3. Application Denied.

**Application #882**, Lawrence & Evelyn Richmond (applicants/property owners), 30 Pinelock Drive, Gales Ferry, request a variance of Section 9.2.2 a 25ft. reduction of the minimum required 75ft. from centerline of town road. M. Bancroft made a motion to approve Application #882 with the site plan dated as contained in drawing dated May 13, 2008, seconded by J. Proctor. The hardship is topography of land –severe drop off in rear. No Discussion.

P. Iby – he is doing the best with what he has.

V. Godino – it is no closer than the existing house.

M. Bancroft – concurs with V. Godino, the addition will not be any closer and there are houses which are actually closer.

J. Proctor – concurs with everyone.

S. Uschmann – it will improve the neighborhood and house.

Roll Call Vote:

M. Bancroft	- YES	J. Proctor	- YES
P. Iby	- YES	S. Uschmann	- YES
V. Godino	- YES		

Vote 5 – 0. Application Approved.

5. MOTION to approve the public hearing and regular meeting minutes of May 21, 2008 made by J. Proctor, seconded by M. Bancroft. Approved unanimously.

6. Correspondence:

- Zoning Bulletins – March 10 and 25, April 10 and 25, and May 10, 2008.

7. Announcements: The proposed regulation change for small wind towers was denied by the zoning commission at their regular meeting of June 12, 2008.

8. MOTION to adjourn the meeting made by J. Proctor, seconded by M. Bancroft. Meeting adjourned at 10:20 p.m.

Approved July 16, 2008

*Stuart Uschmann*  
Stuart Uschmann