

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held February 6, 2006, at the Union Church.

Present: Chairman David Peterson, Pat Nielsen, Dave Burdett, Susan^Z Pierson and Joan Armstrong, regular members; Mark Winik and Fred Bortolan, alternates; and Fran Clark, CASB clerk.

Meeting called to order at 7:35 p.m.

The first item of business was a PUBLIC HEARING on an appeal by Mark Winik, 115 Highland Avenue, for a sideline variance of 4.5 ft. to extend his house for additional space. (Mr. Winik did not participate as an alternate for this hearing). Lengthy discussion produced several aspects of the application that board members felt needed revision or clarification. As a result, it was agreed to accept Mr. Winik's offer to withdraw this application and re-apply at a future date. Hearing adjourned at 8:15 p.m.

In regular business, the minutes of the December 5, 2005 meeting were accepted with the following corrections:

Spelling of Pat Nielsen's name,
Paragraph 4 under Old Business - substitute "board members"
for "Chairman" in connection with wording of new procedures.

OLD BUSINESS

The Chairman distributed the latest versions of forms and procedures previously agreed to. Additional discussion:

Appeal for a Variance - Manner of Filing

Sec. 3.3 - The date required for a Class A-2 survey as shown (after 8/13/96) is the standard used by the State and is appropriate for our regulations.

Sec. 4 - Voted to begin the last sentence with "In addition," to clarify that photographs are an option.

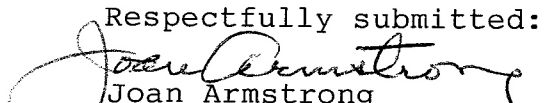
Secs. 4, 5, 6 - Change the number of copies required from 12 to 10 and voted to use a total of 10 sets for all documents related to an appeal.

Appeal for Review of Action - Manner of Filing

Following discussion it was voted to accept this procedure as written except for changing the number of sets from 12 to 10. Questions re time for taking an appeal (Sec. 1) and notification of adjoining property owners (Sec. 4) will be re-visited at the next meeting.

There being no further business, meeting adjourned at 9:15 p.m.

Respectfully submitted:


Joan Armstrong
Recording Secretary

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held March 6, 2006, at the Union Church.

Present: Chairman David Peterson, Pat Nielsen, Dave Burdett, Suzanne Pierson and Joan Armstrong, regular members; and Fran Clark, Association clerk.

Meeting called to order at 7:31 P.M.

Minutes of the February 5, 2006 meeting were accepted, with one correction: Suzanne Pierson's name.

OLD BUSINESS

The Board continued its review of Forms 30 and 31 (Manner of Filing).

Form 31

All references to the number of copies changed to 10.

Section 1 - Research has shown that the time period for taking an appeal is considered to begin when actual notice is published, either in a newspaper, by a sign on the property, or construction activity. Our provision for two months stands as written.

Section 3 - label subsections as 3.1 and 3.2 for clarity.

Section 7 - add "collated together" to the last line.

All other provisions of this form are adopted as previously agreed.

Form 30

Section 3.3 - add a second sentence specifying information to be included in a Class A-2 survey.

Section 3.6 - Discussion was held on the wording of the requirement that a "plot plan should agree with the A-2 survey." Historically, the ZBA has not required the plot plan to be part of the A-2 survey format. Do we want assurance that the plot plan is accurate, since the survey does not guarantee this? To avoid possible problems, we might attach a condition that variances with sideline setback reductions must meet "as built" standards. We will re-visit this issue at another meeting.

Section 3.6f - add "signage" to requirements for commercial uses.

It was voted to approve the revisions in Form 30 as presented at this time.

(continued)

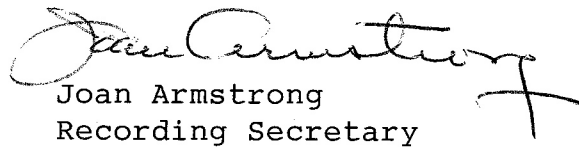
3/6/2006

NEW BUSINESS

The Chairman distributed copies of the Rules of the ZBA dated 3/17/77. It was agreed that members will review this material for comment in subsequent discussion, to include CAM review and gasoline filling station regulations.

There being no further business, meeting adjourned at 8:47 P.M.

Respectfully submitted,


Joan Armstrong
Recording Secretary

ZONING BOARD OF APPEALS OF THE CIVIC ASSOCIATION OF SHORT BEACH

APPEAL FOR A VARIANCE
MANNER OF FILING USING FORM 30

1. All applications for an Appeal For A Variance shall be contained in the official form adopted by the Zoning Board of Appeals (ZBA) for that purpose, which shall be available from the Executive Board of the Civic Association of Short Beach. An appeal shall be taken to the ZBA within six (6) months after the denial of an Application For Zoning Permit by the Executive Board of the Civic Association of Short Beach.
2. Ten (10) copies of the Application with original signatures of the applicant (or agent) and the owner shall be submitted, together with a Filing Fee of **\$175.00** (checks made payable to the Civic Association of Short Beach). All information requested on form shall be completed by applicant and be consistent with all other documents. If extra space is needed, use separate sheets of paper.
3. Applications shall be accompanied by all of the following documents:
 - 3.1. Ten (10) copies of current Deed for subject property.
 - 3.2. Ten (10) copies of denial of Application For Zoning Permit by Executive Board of CA.S.B.
 - 3.3. Ten (10) copies of a Class A-2 Survey dated after 8/13/96 and conforming to Sec. 20-300B of the Regulations of Connecticut State Agencies and bearing the seal of a Connecticut licensed surveyor. Survey should include all adjoining streets and property owners, dimensions and area of lot, and location and setbacks of all existing structures.
 - 3.4. Ten (10) copies of a Topographical Survey are required if topographical conditions are claimed as a hardship. In addition, photographs of conditions may be submitted.
 - 3.5. Ten (10) copies of Building Plans. Required for proposed new buildings as well as additions or alterations to existing buildings. All elevation drawings and floor plans need to be accurate, to scale, and include dimensions of structures.
 - 3.6. Ten (10) copies of a Plot Plan accurately drawn to scale. Plan should agree with A-2 Survey. Plot plans shall include:
 - a. Dimensions and area of the lot, including apparent width of all abutting street rights-of-way and all other easement and rights-of-way of record.
 - b. The height, dimensions, setbacks, square footage, number of stories, and location of all existing and proposed buildings and other structures on the lot.
 - c. The existing and proposed uses of each part of any building.
 - d. The number of family units the buildings are designed to accommodate.
 - e. The location, area and dimensions of all required off-street parking spaces and vehicle access.
 - f. Plot plans accompanying applications pertaining to commercial uses, including gasoline filling stations, automotive repair garages, and parking lots shall also include the location of any petroleum pumps, plantings, curbs, sidewalks, signage, area lighting with height and intensity, vehicle exits and entrances and all required parking and loading spaces.
4. Applicant is responsible for notification of all adjoining property owners, by certified mail, return receipt requested. Receipts (green cards) must be submitted at the hearing. Applicant is also responsible for recording of the variance, if granted, in the Branford Land Records.
5. The Zoning Board of Appeals at its discretion may deny an appeal (without prejudice) for a failure to comply with any of the foregoing rules. Any resubmitted application shall incur a new filing fee.
6. On an application for a rehearing the applicant must allege new facts and prove same at the hearing.
7. Applications may be submitted to the Zoning Board of Appeals at any regular monthly meeting, or by arrangement with the ZBA Chairman. Only complete applications accompanied by the filing fee and all of the required documents, collated together, will be accepted by the ZBA for a hearing.

ZONING BOARD OF APPEALS OF THE CIVIC ASSOCIATION OF SHORT BEACH

APPEAL FOR A REVIEW OF ACTION
MANNER OF FILING USING FORM 31

FOR APPEALS WHERE IT IS ALLEGED THAT THERE IS AN ERROR IN ANY ORDER, REQUIREMENT, OR DECISION MADE BY THE EXECUTIVE BOARD OR ZONING ENFORCEMENT OFFICER OF THE CIVIC ASSOCIATION OF SHORT BEACH

1. All applications for an Appeal For A Review Of Action shall be contained in the official form adopted by the Zoning Board of Appeals (ZBA) for that purpose, which shall be available from the Executive Board of the Civic Association of Short Beach. An appeal shall be taken to the ZBA within two (2) months after notice of a decision by the Executive Board or Zoning Enforcement Officer (ZEO) of the Civic Association of Short Beach.
2. Ten (10) copies of the Application with original signatures of the applicant (or agent) and the owner (if applicable) shall be submitted, together with a Filing Fee of \$100.00 (checks made payable to the Civic Association of Short Beach). All information requested on form shall be completed by applicant and be consistent with all other documents. If extra space is needed, use separate sheets of paper.
3. Applications shall be accompanied by the following documents:
 - 3.1. Ten (10) copies of Decision of Executive Board or Zoning Enforcement Officer of the Civic Association of Short Beach.
 - 3.2. Ten (10) copies of any other documents that have subject matter pertinent to applicants claim. This may include copies of deeds, land surveys, topographical surveys, building plans, plot plans, photographs, tax records, assessment records, receipts, previous zoning applications or permits, and/or any other document deemed necessary by the ZBA.
4. Applicant is responsible for notification of all adjoining property owners, (and subject property owner if applicable) by certified mail, return receipt requested. Receipts (green cards) must be submitted at the hearing. This requirement may be waived at the discretion of the Zoning Board of Appeals.
5. The Zoning Board of Appeals at its discretion may deny an appeal (without prejudice) for a failure to comply with any of the foregoing rules. Any resubmitted application shall incur a new filing fee.
6. On an application for a rehearing the applicant must allege new facts and prove same at the hearing.
7. Applications may be submitted to the Zoning Board of Appeals at any regular monthly meeting, or by arrangement with the ZBA Chairman. Only complete applications accompanied by the filing fee and all of the required documents, collated together, will be accepted by the ZBA for a hearing.

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held April 3, 2006, at the Union Church.

Present: Chairman David Peterson, Dave Burdett and Joan Armstrong, regular members; and Fred Bortolan, alternate.

Meeting called to order at 7:40 P.M.

Minutes of the March 6, 2006 meeting were accepted as written.

OLD BUSINESS

A letter has been received from Barry Beletsky, president of the Civic Association of Short Beach, stating that former ZBA chairman, Martin Hallier Jr., has informed the Association that "there are no ZBA records in his possession or custody other than those which have previously been forwarded to you." A copy of this letter has been filed with current ZBA proceedings for the record.

The Board began a review of the Rules of the ZBA adopted 3/17/77. Under the initial section, Powers and Duties, it was agreed:

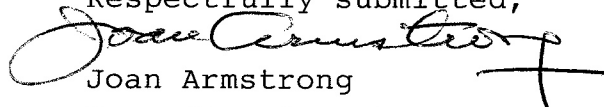
• To amend item #3 to read: "Authorize on appeal variances to the zoning regulations of the Civic Association of Short Beach."

• To add a #4, viz: That decisions on motor vehicle business locations are provided for under Sec. 14 of the Connecticut Statutes, and the ZBA therefore acts as an arm of the State government for this function. (Local ZBA provisions (as in our Sec. 8.6) are not applicable.)

In an extended discussion on Coastal Area Management reviews, it was pointed out by the Chairman that Branford's zoning enforcement officer believes we should, by law, include such reviews when considering variance applications. (See Sec. 22A-93 of the General Statutes.) Our own regulations (Sec. 8.3) also specify that a variance cannot be granted unless a CAM review has been approved by the Branford Planning and Zoning Commission. The question also arises as to whether we are knowledgeable enough to make decisions on CAM matters. In any case, as to responsibility it would appear to be up to the CASB Zoning Board to make sure this requirement is met before referring a variance application to our board. Members are to review the State statutes, if possible, before the next meeting, when discussion on this matter will continue, along with other provisions of the rules.

There being no further business, meeting adjourned at 9 P.M.

Respectfully submitted,


Joan Armstrong
Recording Secretary

CIVIC ASSOCIATION OF SHORT BEACH
P. O. Box 2012
Short Beach, Connecticut 06405-1112


March 10, 2006

David Peterson
Chairman, Zoning Board of Appeals
72 Riverview Avenue
Short Beach, CT 06405

Dear Mr. Peterson,

In response to our request, former ZBA Chairman Martin Hallier has informed us that there are no ZBA records in his possession or custody other than those which have previously been forwarded to you.

Very truly yours,


Barry P. Beletsky
President

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held May 1, 2006, at the Union Church.

Present: Chairman David Peterson, Dave Burdett, Suzanne Pierson, Pat Nielsen and Joan Armstrong, regular members; and Fred Bortolan, alternate.

Meeting called to order at 7:40 p.m.

As there were no changes to the minutes of April 3, 2006, they were approved without vote.

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NEW BUSINESS

Item 1.

The Board accepted for hearing June 5, 2006, an appeal for a variance (with supporting documents) submitted by Janet and Mark Howard-Flanders for changes to property at 114 Highland Avenue. The Chairman asked Mr. Howard-Flanders for more specific details on variances sought, inasmuch as this information must be accurate for newspaper notices. Since the Zoning Board's reasons for denying a permit were vague in several respects, it was moved and unanimously voted to have the Chairman discuss this problem with Barry Beletsky, CASB president, to clarify any issues and then communicate the results to this Board so publication of our agenda can appear in time for the June meeting.

In a related unanimous vote, it was agreed to pursue a joint meeting of this Board with the CASB zoning board to achieve better coordination between both groups in the future.

Item 2.

Doug Hanlon of 241 Clark Avenue asked if the regulation requiring an A-2 survey could be waived in the case of proposed alterations to his house, since the cost of a necessary historical survey would be prohibitive and the survey, he said, would only confirm that the size of his lot has no relevance to the building changes. (However, the Chairman pointed out that as the changes apparently include enlargement of non-conforming setbacks over an existing footprint, a survey could provide information pertinent to the project not limited to the boundaries of the lot.) Mr. Hanlon also asked that his waiver request be acted upon at this meeting so he could appear in June, because a delay to August would in effect cancel his plans. In the interest of time, it was voted to add this item to the present agenda.

Following further discussion, a motion was made and seconded to waive the A-2 requirement for Mr. Hanlon in this circumstance because it won't impact the decision that needs to be made on his application. Vote carried 3-2. (In favor, Pierson, Burdett and Nielsen; opposed, Peterson and Armstrong (abstained).) The Chairman will need to have all particulars of this appeal in time to include it with the June 5 meeting notice.

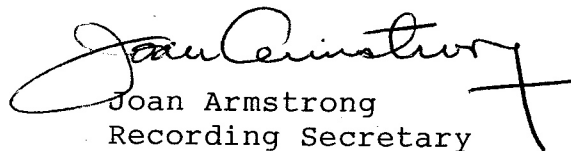
Item 2. (continued)

In lieu of a survey, Mr. Hanlon was advised to submit maps and any other relevant information to make his plot plan reasonably accurate.

After the vote a question was raised as to whether potentially precedent-setting decisions made on a case-by-case basis should be acceptable and adhered to as a matter of policy. This subject will be included as an agenda item at a subsequent meeting.

There being no further business, meeting adjourned at 9:15 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held June 5, 2006, at the Union Church.

Present: Chairman David Peterson, Dave Burdett, Suzanne Pierson, Pat Nielsen and Joan Armstrong, regular members; and Fred Bortolan, Mark Winik and Martin Hallier Jr., alternates.

Meeting called to order at 7:36 p.m.

Business of the meeting consisted of public hearings on the following variance applications:

1. #06-02. Appeal of Janet and Mark Howard-Flanders/owners, 114 Highland Avenue, seeking: Sec. 4.7.1: non-conforming; Sec. 7.2.1: interior lot; Sec. 7.1 sched A line 1: lot area (existing); line 5b & d: rear line - Farm River setback from 25 to 11 feet (existing); line 5f: sideline setback from 20 feet to 3.9 feet (existing) and to 16.1 feet (existing) to allow rebuilding and vertical expansion of a single family dwelling on existing footprint; sideline setback from 20 feet to 7 feet (existing) and to 10 feet for 2 1/2 story addition to dwelling; sideline setback from 20 feet to 7.5 feet and to 14 feet for 1 1/2 story attached garage.

Mr. Howard-Flanders outlined orally and in writing detailed plans to rebuild, enlarge and add a garage to his property (all documents on file). Hardship results from application of current regulations that supersede conditions for property developed more than 100 years ago. FEMA regulations also affect hardship status.

Public comment:

In favor: Al Marinelli, Ron Viestri

Requesting clarifications: Scott Hallier, Margaret Bratsenis

Opposed: None

The public portion of the hearing was closed at 8:35 p.m.

Board discussion included definition of interior lot and exclusivity of right of way thereto. It was subsequently moved and voted unanimously to grant the variances requested due to narrowness and typography of the lot. Approval conditioned on Coastal Site Plan Review.

At 8:55 p.m. a public hearing was opened on

2. #06-03. Appeal of Douglas and Dori Hanlon/owners, 241 Clark Avenue, seeking variance of Sec. 7.1 Sched A line 5f: Sideline setback from 6 feet to 2.6 feet (existing) to allow vertical expansion of single family dwelling on existing footprint.

Appeal #06-03 (continued)

Mr. Hanlon explained reasons for a sideline setback due to hardship resulting from lack of access for a stairway to attic space (documents on file). The footprint of his house will not change. Discussion was held on height of roof with proposed dormers apparently being more than regulations permit. Mr. Hanlon agreed the 30'3" shown on his plans can be adjusted to fit. A question was raised as to lack of a "green card" notification to a third adjacent property owner.

Public comment:

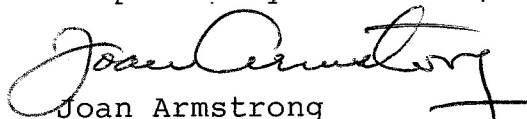
In favor: John Nicholas

Opposed: None

A motion to grant this application was denied without prejudice by a 3-2 vote (for: Armstrong, Pierson; opposed: Peterson, Burdett, Nielsen). Mr. Hanlon may apply for another hearing to offer proof of property owner notification and provide specifics as to dimensions of certain areas in question.

There being no further business, meeting adjourned at 9:48 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held August 7, 2006, at the Union Church.

Present: Chairman David Peterson, Suzanne Pierson and Joan Armstrong, regular members; alternates Martin Hallier Jr. and Fred Bortolan (acting for Pat Nielsen and Dave Burdett, out-of-town at this time) and alternate Mark Winik.

Meeting called to order at 7:35 p.m.

OLD BUSINESS

Waivers/Time Limits

As requested at the May 1 meeting, discussion was held on the acceptability of considering requests to waive certain requirements of the "Manner of Filing Appeal for a Variance" (Form 30). Courts have determined that any matter involving a decision (such as waiving requirements would be, since it would favor the applicant) necessitate a public hearing and would require four concurring votes.

Also reviewed was a list of time limits for service of process for applications. Discussion brought out the fact that these limits are set by statute and must be adhered to as to maximum periods.

NEW BUSINESS

Fee Change

The chairman provided information relating to a court ruling that processing fees are not authorized to be charged for bringing an appeal of a Zoning Enforcement Officer's decision to a Zoning Board of Appeals. In view of this, after discussion it was unanimously voted to delete the requirement for a \$100 fee in Item 2 of "Appeal for Review of Action" (Form 31) only in connection with a ZEO decision.

Appeals for a Variance for 241 Clark Avenue (continued)

Correspondence from Leslie A. Marcarelli-Naizby, representing Douglas Hanlon, owner, requested several options for reconsideration of a previously-denied appeal (without prejudice) for a variance on this property. These options included: a special session, a meeting, or a re-hearing. Atty. Marcarelli-Naizby asked chairman Peterson to recuse himself from voting because certain actions he had taken as chairman (agenda items 3 and 4, withdrawn earlier) might expose the ZBA to conflict of interest claims. After explaining his reasons, the chairman agreed to refrain from voting on items 5 -9. (Mark Winik was made an eligible voter in place of David Peterson.)

All of the above options were rejected subsequently because it was agreed a new application is needed, to provide information not included in the initial application. Also, since the previous appeal's denial has already been published in a newspaper, a re-hearing is not in order.

ZBA meeting August 7, 2006 - p. 2

A revised application (item 7) for an Appeal for a Variance was voted down for incompleteness.

All votes rejecting items 5, 6, 7, 8 were unanimous.

An application was then presented for an appeal for a variance with a request for a waiver of the A-2 survey requirement. In order to consider the waiver proposal a public hearing will be required for that purpose. It was agreed to hold such a hearing at a special session on August 28, 2006 at 7:30 p.m. The vote was four in favor (Armstrong, Hallier, Bortolan, Winik) and one abstention (Pierson).

There being no further business, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joan Armstrong", written over a horizontal line.

Joan Armstrong
Recording Secretary

Minutes of a special meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held August 28, 2006 at the Union Church.

Present: Chairman David Peterson, Suzanne Pierson, Dave Burdett, Pat Nielsen and Joan Armstrong, regular members; and Fred Bortolan, alternate.

Meeting called to order at 7:40 p.m.

OLD BUSINESS

Appeal for a Variance for 241 Clark Avenue (continued)

Although this meeting was called at the request of the property owner, Douglas Hanlon, to hear two applications previously submitted to the ZBA, they were withdrawn prior to the meeting so no public hearing was conducted.

Form 31 review

In view of the change voted August 7 to delete a \$100 filing fee in connection with a ZEO decision appeal, the Chairman noted that a review of Form 31 might be advisable to consider other possible revisions/deletions. Discussion raised questions as to who can appeal for a review of action; should we define an aggrieved party as in state statutes or have we discretion to set other criteria; should Paragraph 3.2 include a reference to a waiver as required or discretionary. It was suggested to make part 2 of Paragraph 3 into a section by itself for greater clarity.

The Paragraph 1 provision for two months in which to appeal a decision of the Zoning Board or ZEO may be too short a time, because the effective date of constructive notice could be questioned. With all of the above and possible other questions, it was agreed that members will study these issues and hold a further discussion at the next meeting.

NEW BUSINESS

Legal counsel

The Chairman noted he has been told verbally that the Zoning Board has to approve any ZBA use of legal counsel. With the necessity for legal advice occurring more frequently as issues become more involved, it is advisable to have a written policy in place that we can follow as needed. After discussion, it was voted unanimously to have Pat Nielsen draft a proposed policy that enables access to an attorney when the ZBA board or its chairman, in the course of their duties, feel such action is warranted.

NEW BUSINESS (continued)

Discretion in contacts

The Chairman advised commission members to avoid having undue contact with an applicant because this might be considered appealable if there should be an indication of bias.

Elections

The following slate was nominated to hold office for the coming year:

Chairman	David Peterson
Secretary/Clerk	David Burdett
Recording Secretary	Joan Armstrong

Since there were no other nominations, the Recording Secretary was directed to cast one vote in favor of this slate.

There being no further business, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held October 2, 2006 at the Union Church.

Present: Chairman David Peterson, Dave Burdett and Joan Armstrong, regular members; and Fran Clark, Civic Association clerk.

Meeting called to order at 7:45 p.m.

OLD BUSINESS

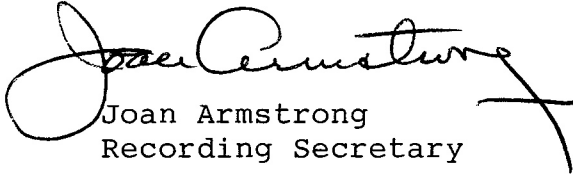
In the absence of Pat Nielsen, action on the letter she is composing re policy on ZBA use of an attorney was carried over to the November meeting.

The Chairman noted discussion is still needed on certain changes in appeal Form 31, including deleting the \$100 filing fee; adequacy of the two-month limit for appeal of a decision; and defining when construction starts within that period.

Larry Fisher, land surveyor and a member of the Branford ZBA, has questioned this board's definition of an interior lot as interpreted in approving the Howard-Flanders application on June 5. Mr. Fisher has presented evidence in a similar situation of a pre-existing ruling (not available to us in June) that could affect future cases. Therefore, we should agree on a clear understanding of appropriate regulations and how we interpret them.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held November 6, 2006 at the Union Church.

Present: Chairman David Peterson, Secretary/Clerk David Burdett, Suzanne Pierson, Joan Armstrong, regular members; Fred Bortolan and Mark Winik, alternates.

Meeting called to order at 7:35 p.m.

Minutes of the October 2, 2006 meeting were reviewed. The Chairman noted that the Secretary/Clerk can supply copies of our various forms to persons requiring them.

OLD BUSINESS

Legal advice desirability

Action will be deferred to December on a letter Pat Nielsen is drafting re ZBA approval to use services of an attorney as needed.

In light of Larry Fisher's comments on interior lots in the minutes of October 2, it would be desirable to have access to opinions from an attorney or the Zoning Board on whether current regulations can be applied to existing lots. Further study of this issue is required.

Form 31 revisions

This form is still in need of revision in certain respects, among them:

- Applicability of filing fees
- Two-month time limit for appeals
- Definition of an aggrieved party
- What constitutes constructive notice

The Chairman pointed out the need to be fair to a property owner, but also to allow others (i.e. neighbors) to question a ZBA action.

After discussion as to an aggrieved party, it was moved and seconded to use the definition in Sec. 8.8(a)(1) of Connecticut statutes, namely: "any person owning land that abuts or is within a radius of 100 feet of any portion of the land involved in the decision of the board." The vote on this motion was approved, 4-0.

Construction notice also came under discussion, including:

- When published (newspaper ad, site sign, 6 months-1 year of zoning permit date)
- Do we have to define each case separately as to time limits (e.g. denial, cease & desist order, aggrieved party, constitutionality of zoning regulation)
- Should we ask the Zoning Board to require some visible means of indicating beginning of a project.

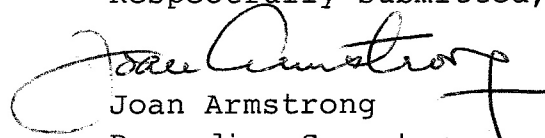
It was agreed to have Mark Winik present a definition of constructive notice for consideration at the December meeting. Meanwhile we are to study and bring conclusion on the foregoing to that meeting, with the objective of listing questions to present to an attorney or the Zoning Board.

NEW BUSINESS

The Chairman reported we must be in compliance with the law on meeting dates by adopting a schedule for 2007 for submission in December. There was general agreement on monthly meetings, except for byes for holidays. Action to be taken at the next meeting.

There being no further business, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held December 4, 2006 at the Union Church.

Present: Chairman David Peterson, Secretary/Clerk Dave Burdett, Suzanne Pierson, Pat Nielsen and Joan Armstrong.

Meeting called to order at 7:35 p.m.

Minutes of the November 16, 2006 meeting were approved as written, with four votes in favor (Peterson, Burdett, Pierson, Armstrong) and one abstention (Nielsen).

OLD BUSINESS

Meeting Dates

The Board voted unanimously to submit a schedule of regular meetings for 2007, as presented by the chairman, to the Town Clerk's office in accordance with legal requirements.

Legal Counsel

Pat Nielsen submitted a draft of a policy on consultation with legal counsel. After discussion, which included an amendment regarding possible conflict of interest questions, it was voted unanimously to present this revised policy to the CASB at a date to be decided by the chairman.

Form 31 - Manner of Filing Appeal for Review of Action

As agreed at the last meeting, Mark Winik gave the chairman some written information dealing with definitions of constructive, actual and inquiry notice. This material was distributed to members.

Discussion brought out that the ZBA could settle questions of notice if the CASB would publish results of their zoning decisions in a legal newspaper advertisement. It was unanimously voted to have Pat Nielsen draft a request for this action to the CASB prior to their meeting next week. Pat will E-mail ZBA members a copy of this proposal for consideration of any changes recommended in a final version.

NEW BUSINESS

Variance Application

The Board moved to accept an application for a variance of David Brooks and Jami Nielsen, 18 Jefferson Place, for hearing at the next regular meeting. The vote: in favor, Peterson, Burdett, Nielsen and Armstrong; opposed, Pierson. Subsequently it was agreed that this action is pending submission at the hearing of an up-dated A-2 survey to replace the one included with presentation of other necessary documents.

There being no further business, meeting adjourned at 8:30 p.m.

Respectfully submitted,



CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

P.O. BOX 2012
Short Beach, Conn. 06405

Regular Scheduled Meeting Dates for 2007

January - no meeting
February 5
March 5
April 2
May 7
June 4
July - no meeting
August 6
September - no meeting
October 1
November 5
December 3

David J. Peterson
ZBA Chairman

All regular meetings are held on the first Monday of the month at 7:30 p.m. at the Short Beach Union Church, at 11 Pentecost Street in Short Beach, Connecticut. Regular meetings may be canceled by notice from ZBA Chairman.

In most states, written documents that affect land must be recorded in the county where the land is located.

in the title to a parcel of property will know where to look to discover the various interests of all other parties. Recording acts also generally give legal priority to those interests recorded first (the “first in time, first in right” or “first come, first served” principle discussed in Chapter 10).

To be *eligible for recording*, a document must be drawn and executed according to the recording acts of the state in which the real estate is located. For instance, a state may require that the parties’ names be typed below their signatures or that the document be acknowledged before a notary public. In some states, the document must be witnessed. Others require that the name of the person who prepared the document appear on it. States may have specific rules about the size of documents and the color and quality of paper they are printed on. Electronic recording—using computers or fax machines, for instance—is permitted in a growing number of localities. Some states require a certificate of real estate value and the payment of current property taxes due for recording.

Notice

Anyone who has an interest in a parcel of real estate can take certain steps, called *giving notice*, to ensure that the interest is available to the public. This lets others know about the individual’s interest. There are three basic types of notice: constructive notice, actual notice, and inquiry notice.

Constructive notice is the legal presumption that information may be obtained by an individual through diligent inquiry. Properly recording documents in the public record serves as constructive notice to the world of an individual’s rights or interest. So does the physical possession of a property. Because the information or evidence is readily available to the world, a prospective purchaser or lender is responsible for discovering the interest.

Actual notice means that not only is the information available but someone has been given the information and actually knows it. An individual who has searched the public records and inspected the property has actual notice. Actual notice is also known as *direct knowledge*. If an individual can be proved to have had actual notice of information, he or she cannot use a lack of constructive notice (such as an unrecorded deed) to justify a claim.

Inquiry notice is notice that the law presumes a reasonable person would obtain by making further inquiry into a property. For example, if a customer is considering buying a rural lot of land and, upon inspecting it, sees a dirt road cutting across the land that is not mentioned in the public records, the customer is expected to make further inquiry into the dirt road.

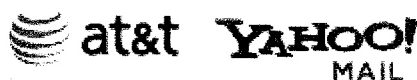
Priority

Priority refers to the order of rights in time. Many complicated situations can affect the priority of rights in a parcel of real estate—who recorded first; which party was in possession first; who had actual or constructive notice. How the courts rule in any situation depends, of course, on the specific facts of the case. These are strictly legal questions that should be referred to the parties’ attorneys.

■ **FOR EXAMPLE** In May, Betsy purchased Grayacre from Andy and received a deed. Betsy never recorded the deed but began farming operations on the property in June. In November, Andy (who was forgetful) again sold Grayacre, this time to

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I. Consultation with Legal Counsel - Zoning Board of Appeals

- A. The need for consultation with legal counsel shall be determined by a majority vote of a quorum of the Zoning Board of Appeals.
- B. The Zoning Board of Appeals shall designate a representative to notify the President of the Civic Association of Short Beach that such a determination has been made.
- C. The Zoning Board of Appeals shall designate a representative to contact the attorney of the Civic Association of Short Beach to arrange for the consultation.
 1. In the event of a conflict of interest as determined by the attorney of the Civic Association of Short Beach, the Zoning Board of Appeals may consult with a different attorney.

II. Consultation with Legal Counsel - Zoning Board of Appeals Chair (individually)

- A. The Zoning Board of Appeals Chair may request authorization for consultation with legal counsel from the Zoning Board of Appeals.
- B. The granting of such request shall be determined by a majority vote of a quorum of the Zoning Board of Appeals.
 1. If such request is granted,
 - a. the Zoning Board of Appeals Chair will notify the President of the Civic Association of Short Beach that such a determination has been made and
 - b. the Zoning Board of Appeals Chair will contact the attorney of the Civic Association of Short Beach to arrange for the consultation.
 - a. In the event of a conflict of interest as determined by the attorney of the Civic Association of Short Beach, the Zoning Board of Appeals Chair may consult with a different attorney.

2. If such request is denied, Zoning Board of Appeals Chair may request authorization from the executive board of the Civic Association of Short Beach.

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CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

**P.O. BOX 2012
Short Beach, Conn. 06405**

Regular Scheduled Meeting Dates for 2007

January - no meeting
February 5
March 5
April 2
May 7
June 4
July – no meeting
August 6
September – no meeting
October 1
November 5
December 3

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