

MINUTES OF A REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE CIVIC ASSOCIATION OF SHORT BEACH HELD FEBRUARY 5, 2007, AT THE UNION CHURCH.

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

Meeting called to order at 7:35 P.M.

Minutes of the December 4, 2006 meeting were approved as written.

OLD BUSINESS

Application for a Variance

At the request of the applicant, David Brooks, a hearing on property at 18 Jefferson Place has been postponed until March 5.

Legal Counsel

The Chairman reported our request to make use of legal counsel (Peter Cooper) has been approved by the Executive Board, with due consideration to be given to financial constraints. We have agreed that any such use will be transparent. Questions to be raised with Atty. Cooper, preferably at a special meeting with him, will be submitted at the next meeting and then compiled into one list.

Interior Lots

In a recent decision re a case on Little Bay Lane, the Zoning Board ruled that pre-existing lots cannot be designated as interior lots. However, properties new since the 1990 regulations were adopted do qualify for this designation. The question, therefore, is no longer an issue for the ZBA. (See minutes of Zoning Board's January 2007 meeting.)

Updated Documents

The Chairman reported it is acceptable to update information prior to a public hearing if agreed to by the Board. It was voted unanimously to allow such changes up to one week before the scheduled hearing date. It was also agreed the public and the Board could benefit from being able to view all information to be presented if displayed at the hearing prior to its starting time.

NEW BUSINESS

Application for a Variance

After review the Board unanimously voted to accept for hearing on March 5 an appeal from Alison Wittenberg for additions to 252 Shore Drive. Approval conditioned on her updating Zoning Board denial record and submission of additional measurements as suggested.

NEW BUSINESS (continued)

Applications for Appeal for a Review of Action

Two such appeals have been received from William Davis and Thomas and Susan Tolisano re property at 274/284 Shore Drive. Cited in both as reason for action: "Lifting of the cease and desist order imposed by the Executive Board of the Civic Association of Short Beach relating to an incomplete application for a zoning permit which has not been issued to date."

These appeals are to be delivered to the Zoning Board which, in turn, must supply the ZBA with pertinent documents relevant to their decision. Lengthy discussion on options available to us included provision for the ZBA of authority to review actions of the Zoning Board and Zoning Enforcement Officer under CASB regulations and Connecticut statutes. It was agreed that at this time all we can decide on is whether revoking a cease and desist order by the Zoning Board was proper. Other information contained on the applications is not relevant.

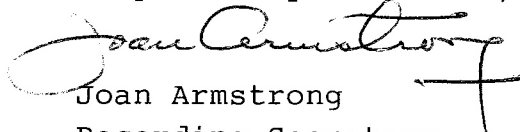
By accepting the appeals we must notify the Zoning Board of its responsibility to enforce a stay of action by requiring that the cease and desist order be reinstated. It was unanimously voted to do so and to schedule a public hearing, if needed, on March 5.

The approved vote: The ZBA is to notify the Zoning Board to issue a stay of all activity (Per Sec. 8-7 of Connecticut Statutes) and that action be taken on all proceedings appealed within 48 hours of receipt of ZBA notice, which the Chairman will write.

In a related issue, it was unanimously voted to have Pat Nielsen submit a memo to the Zoning Board requesting it take up with the Town of Branford why an expired building permit was approved for the property in question.

There being no further business, meeting adjourned at 9:44 P.M.

Respectfully submitted,


Joan Armstrong
Recording Secretary

CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

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

Executive Board
Civic Association of Short Beach
P.O. Box 2012
Short Beach Conn.
Sent by certified mail 2-8-2007, return receipt requested

Dear Executive Board,

This is an official notice that at the Zoning Board of Appeals (ZBA) regular meeting on February 5, 2007 the ZBA received an Appeal for a Review of Action regarding the termination of the cease and desist order imposed on the property located at 274 a.k.a 284 Shore Drive, Carla Maravalle owner. The ZBA has decided by a 5-0 vote to require the Executive Board of the Civic Association of Short Beach to enforce a stay of all proceedings as authorized by the Connecticut General Statutes Section 8-7. The ZBA further requires the Executive Board to execute the stay of all proceedings within 48 hours after receipt of this notice.

David J. Peterson
ZBA Chairman
2-8-2007

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held March 5, 2007 at the Union Church.

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

Meeting called to order at 7:33 p.m.

Minutes of the February 5, 2007 meeting were approved as corrected as to meeting date.

OLD BUSINESS

Appeal for a Variance

At the request of the applicant, David Brooks, his appeal re 18 Jefferson Place was withdrawn.

Appeals for Review of Action

William Davis and Thomas Tolisano have withdrawn their appeals re property at 274/284 Shore Drive. Both offered reasons in more detail (from Feb. 5 meeting) for requesting ZBA action and subsequent decisions to withdraw. In light thereof, the ZBA will take no further action.

NEW BUSINESS

Appeal for a Variance

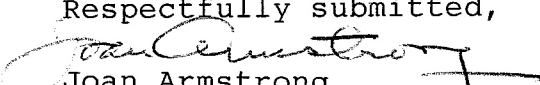
Alison Wittenberg, owner of 252 Shore Drive, presented a revised application providing additional information (as agreed Feb. 5) for additions to her home. She requested approval to vary Schedule A 5b -- rear line setback -- to permit a second floor addition and enclosure of an existing porch, both on an existing non-conforming footprint. She noted that her need for additional interior space can be met by vertical expansion to the present building without changing its footprint or height. The lot size (smaller than neighbors) and rock ledge at rear of lot do not make other alternatives feasible.

There was no public commentary from the audience. After discussion, it was voted unanimously to grant the application, citing vertical limit as hardship criterion.

In other business, a general discussion was held on CAM review procedure in light of current town and state regulations. It was agreed to ask the Executive Board to include CAM information as a requirement for their zoning permit hearings. We may also want to obtain legal advice in determining ZBA obligations on this question prior to continuing discussion.

There being no further business, meeting adjourned at 8:35 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 April 2, 2007 at the Union Church.

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

Meeting called to order at 7:35 P.M.

Minutes of the March 5, 2007 meeting were approved as written.

No new applications were presented, so the meeting was devoted to a review of old business:

The interior lot issue has been resolved by a statement of the Zoning Board.

Our request to use legal counsel as needed apparently is agreed to by the Executive Board.

General discussion was held on the issue of updating material prior to a public hearing. We want to avoid criticism of any requirements.

274/284 Shore Drive questions -- no further action is needed.

ZBA membership -- Proposed changes by the Executive Board for filling vacancies is scheduled for action at the next annual meeting. We have submitted suggestions to the wording. Also discussed was procedure for nominating regular and alternate members.

Form 31 (manner of filing appeal for review of action) -- The chairman distributed a currently "final" version (10/6/06) incorporating revised language and other changes as previously discussed. The review raised questions on guidelines for re-hearing appeals (item #6 on form). The chairman will refer this matter to our attorney.

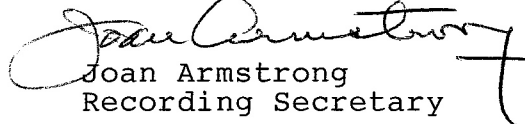
The board also agreed to list the following questions for review with legal counsel:

1. Options on requirements for notice to abutting property owners (e.g. 100 ft.?).
2. What ranges can we set for fees on applications?
3. What are ZBA's legal obligations re CAM requirements?
4. In determining street lines for setbacks on lot coverage, Executive Board uses asphalt/sidewalk as measurement criterion. ZBA uses property line as defined by survey. Which is correct?

5. What constitutes constructive notice?
6. Can the Executive Board hold meetings not announced in advance (e.g. telephone contact)?
7. Can the Executive Board issue permits to enlarge multi-family dwellings? Is this not legal without a variance?
8. Can the ZBA issue a variance re non-conforming use outside of our regulations and, if so, under what justification?

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

Respectfully submitted,


Joan Armstrong
Recording Secretary

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. 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. These requirements may be waived at the discretion of 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 ZBA.
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.
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 all of the required documents, collated together, will be accepted by the ZBA for a hearing.
8. The ZBA will hear appeals only when submitted by the owner (or agent) of a subject property, or any property owner that owns land within 100 feet of any portion of the subject property, or any officer, department, board or bureau of any municipality aggrieved by an action of the Executive Board or the Zoning Enforcement Officer of the Civic Association of Short Beach.

Proposed by Executive Board

10.6 Vacancies: All vacancies in the Zoning Board of Appeals shall be filled as follows:

10.6.1 In the event a regular or alternate member of the Zoning Board of Appeals shall die, resign, become incapable of acting as a Board member or be removed as provided in 10.6.2 below, the President of the Executive Board of the Civic Association of Short Beach shall appoint a freeman of the Association to fill the unexpired term of said member. In the event it is a regular member whose vacancy is to be filled, said appointment shall be from the panel of alternates ** or alternate*

10.6.2 In the event any regular ~~member~~ of the Zoning Board of Appeals has failed to attend three monthly meetings of said Board within a single calendar year, said member may be removed by a majority vote of remaining members of said Board. The ensuing vacancy shall be filled as provided in 10.6.1 above.

**Who have attended meetings regularly in order
to indicate interest in all functions of the board.
JL suggestion*

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held May 7, 2007 at the Union Church.

Present: Chairman David Peterson, Pat Nielsen, Suzanne Pierson and Joan Armstrong, regular members; Fred Bortolan, alternate; and Fran Clark and Connie Smith, Civic Association executive board.

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

Minutes of the April 2, 2007 meeting were approved as written.

OLD BUSINESS

None

NEW BUSINESS

Appeal for a Variance

A new application for variances for property at 18 Jefferson Place was presented by architect Matthew Schoenherr for owners David Brooks and Jami Nielsen. Changes are sought for reduction of rear property line setback from 20' to 16.5' and reduction of street line setback from 20' to 7.0' to allow for construction of addition to dwelling (Sec. 7.4, Sched. A, lines 5a and 5b). All documents required were reviewed and subsequently unanimously accepted for hearing at the June 4 meeting.

ZBA Membership Clarified

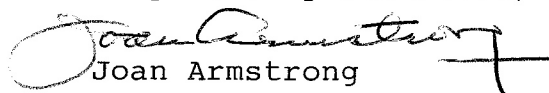
As a follow-up to last month's question on the procedure for nominating regular and alternate members, Suzanne Pierson requested clarification of her status (regular or alternate) be made prior to the CASB annual meeting in June. Discussion revealed that different interpretations of her status were confused because in actuality she was filling an unexpired term of a regular member and therefore was serving in that capacity. To resolve the situation this year, it was agreed she can be a nominee as a regular member (term to be determined by the Executive Board) along with Dave Burdett, and that alternate status continue to apply to Martin Hallier Jr. and Fred Bortolan.

Procedure for filling vacancies in ZBA

After discussion the Executive Board's proposed revision of Regulation section 10.6.1 and 2, considered previously, was unanimously accepted as read.

There being no further business, meeting adjourned at 8:40 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

6.7 NOISE CONTROL

6.7.1. Title.

This article shall be known as the "Noise Control Ordinances."

6.7.2. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety, welfare, or quality of life. This chapter is enacted to protect, preserve and promote these values for the citizens of Short Beach through the reduction, control and prevention of unlawfully excessive noise.

6.7.3 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Ambient noise or background noise means a noise of a measurable intensity which exists at a point as a result of a combination of many distant individually indistinguishable sources. In statistical terms, it is the level which is exceeded ninety percent (90%) of the time (L90) in which the measurement is taken.

Collection means the act of picking up refuse at its point of generation or storage, placing it in a vehicle and completing the process at each location.

Compression release type braking system means any device equipped on certain commercial vehicles, including but not limited to, tractors, semi-trucks, motor carriers and buses that utilize engine compression release or engine retardants as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes. These devices are also known as Jake brakes.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property. This term does not encompass demolitions.

Construction equipment means any equipment or device operated by fuel, electric power, air or hydraulic pressure, used in construction or demolition work.

Daytime hours means the hours between 7:00 a.m. and 10:00 p.m. Mondays through Saturdays, and the hours of 9:00 a.m. through 9:00 p.m. Sundays and federal and state holidays. Unless otherwise provided, all other hours shall be construed as nighttime hours.

Decibel means a logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB. SPL (sound-pressure level) is defined as:
 $SPL = 20 \log P \text{ in dB/Po}$
Where $Po = 0.0002$ microbars

Demolition means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Domestic power equipment means power saws, drills, grinders, lawn and garden tools and other similar devices.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency vehicle means any motor vehicle authorized by Connecticut General Statutes sect. 14-283 as amended from time to time to have sound-warning devices such as sirens and bells which can lawfully be used when responding to an emergency.

Emergency work means work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

Impulse noise means a sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Loud amplification device or similar equipment shall include, but not be limited to, a radio, television, stereo, record player, tape player, cassette player, compact disc player, loud speaker or sound amplifier which is operated in such manner that it creates noise.

Motor vehicle is defined as per Section 14-1 (51) of the Connecticut General Statutes as amended from time to time.

Muffler means a device for abating sounds such as those produced by escaping gases.

Noise means any sound, the intensity of which exceeds the standards set forth in this chapter as it is amended from time to time.

Noise level means the sound-pressure level in decibels as measured with a sound-level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Person means any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

Premises means any building, structure, land or portion thereof, including all appurtenances, yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person. The emitter's "premises" includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state.

Property line means that real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right-of-way.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

Recreational vehicle means any internal-combustion-engine-powered vehicle which is being used for recreational purposes.

Refuse means municipal solid waste, bulky waste and yard waste, garbage, household rubbish, ashes and any organic wastes normally produced from the handling and use of foods, except dishwater and wastewater.

Sound means a transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.

Sound-level meter means an instrument used to take sound-level measurements and which should conform, at a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters, S1.4--1971 (Type S2A) as amended from time to time.

Sound-pressure level means twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} newtons/meter²) and which is expressed in decibels (dB).

6.7.4 Noise level measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall apply:

- (1) all personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation;

- (2) instruments used to determine sound-level measurements shall conform to the performance standards as defined in the section captioned "Noise levels" as amended from time to time;
- (3) the general steps listed below shall be followed when preparing to take sound-level measurements;
 - (i) the instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed;
 - (ii) the sound-level meter shall be calibrated before and after each set of measurements;
 - (iii) when measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound-level meter as per the manufacturer's instructions;
 - (iv) the sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions, and be at least four (4) feet above the ground. The meter shall be placed as to not be interfered with by individuals conducting the measurements; and
 - (v) measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises and within the receptor's premises. The emitter's premises include his/her individual unit of land, or ground of contiguous parcels under the same ownership as indicated by public land records.

6.7.5 Noise levels.

(a) It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these regulations as amended from time to time.

(b) Noise level standards.

(1) No person in a residential zone shall emit noise beyond the boundaries of his/her premises that exceeds the levels stated herein, and applies to adjacent residential or business zones.

Emitter's Zone:

Residential

Receptor's Zone: Maximum Level:

Business..... 55 dBA
Residential/Day . . . 55 dBA
Residential/Night . . . 45 dBA

(2) No person in a business zone shall emit noise beyond the boundary of his/her premises that exceeds the levels stated herein and applies to adjacent residential or business zones.

Emitter's Zone:

Business

Receptor's Zone: Maximum Level:

Business.....62 dBA
Residential/Day . . . 55 dBA
Residential/Night . . . 45 dBA

(4) Any non-conforming use shall be deemed to be in the zone which corresponds to the actual use.

6.7.6 High background noise levels and impulse noise.

(a) If background noise levels caused by sources not subject to these regulations exceed the standards contained herein as amended from time to time, a source shall be considered to cause excessive noise if its emission exceeds the background noise levels by five (5) decibels, provided that no source subject to this article shall emit noise in excess of eighty (80) decibels at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter as amended from time to time.

(b) No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound-pressure level during the nighttime to any residential noise zone.

(c) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound-pressure level at any time in any zone.

6.7.7 Exclusions.

The above restrictions of sound levels shall not apply to noise emitted by or related to:

(1) natural phenomena;

- (2) any bell or chime from any building clock, school or church;
- (3) any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful. Notwithstanding the foregoing, repetitive activation of any alarm system due to malfunction or lack of proper maintenance shall not be excluded. However, the owner of an alarm mechanism will not be held liable if it is activated without his/her fault or negligence;
- (4) warning devices required by Occupational Safety and Health Administration or other state or federal safety regulations; and
- (5) farming equipment or farming activity.

6.7.8 Exemptions and special conditions.

The following shall be exempt from these regulations, subject to special conditions as provided herein:

- (1) noise generated by any construction equipment which is operated between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays. The zoning enforcement officer must approve the operation of the same during hours other than those allowed by this section. The person requesting such approval must apply for it at least seven (7) days before the date for which approval is sought. Approval may be granted if the requesting person makes an advanced payment for the actual cost of such inspection services as may be required under applicable rules and regulations as amended from time to time;
- (2) noise created as a result of or relating to an emergency;
- (3) noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, provided that noise discharge from exhaust is reasonably muffled;
- (4) noise from snow removal equipment, provided it is maintained in good repair and exhaust is reasonably muffled;
- (5) noise from demolition work conducted between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, provided that demolition shall be exempted at all times from the noise levels set in this regulation when it is considered emergency work;

- (6) noise created by any aircraft flight operations, which the Federal Aviation Administration specifically preempts;
- (7) noise created by any lawful recreational activities, and for which the city has granted a license or permit, including but not limited to parades, sporting events, outdoor concerts, firework displays and non-amplified religious activities;
- (8) noise involving blasting other than that conducted in connection with construction or demolition activities, provided that the blasting is conducted between the hours of 7:00 a.m. and 10:00 p.m. on Mondays through Saturdays, and 9:00 a.m. and 9:00 p.m. on Sundays, at specified hours previously announced to the local public, or provided that a permit for such blasting has been obtained from local authorities;
- (9) noise created by products undergoing tests, where one (1) of the primary purposes of the test is to evaluate product noise characteristics, and where practical noise control measures have been taken;
- (10) noise generated by transmission facilities, distribution facilities and substations of public utilities providing electrical power, telephone, cable television or other similar services, and located on property which is not owned by the public utility, and which may or may not be within utility easements; and

6.7.9 Motor vehicle noise.

- (a) All motor vehicles operated within the limits of the Civic Association of Short Beach shall be subject to the noise standards and decibel levels set forth in the regulations authorized in federal, state and local laws and regulations, including but not limited to Conn. regulation sections 14-80a-1a through 14-80a-10a as amended from time to time.
- (b) No motor or recreational vehicles shall emit noise from a loud amplification device or similar equipment which exceeds noise level standards for residential zoned areas.

6.7.10 Refuse collection noise

All refuse collectors shall comply with the noise level standards as established in this article while engaging in refuse collection at each location. For purposes of this article, the term "refuse collectors" shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

6.7.11 Inspections.

For the purpose of determining compliance with the provisions of this article, the following provisions shall apply:

(a) The Zoning Enforcement Officer of the Civic Association of Short Beach or his/her designee is hereby authorized to make inspections of stationary or fixed noise sources, and to take measurements and make tests whenever necessary to determine the quantity and character of noise.

(b) The Zoning Enforcement Officer of the Civic Association of Short Beach or his/her designee is hereby authorized to make inspections of mobile noise sources including refuse collection, demolition, construction and vehicular activities, and to take measurements and make tests whenever necessary to determine the quantity and character of noise.

(c) In the event that any person refuses or restricts local authorized officials from entry and free access to any part of a premises, or refuses to allow such officials to inspect, test or measure noise generated from any activity, device, facility or process, said officials may seek an administrative warrant from an appropriate court to obtain such access for the aforesaid purposes.

(d) It shall be unlawful for any person to refuse to allow or permit local authorized officials free access to any premises when they are acting in compliance with a warrant for inspection that is issued by the appropriate court.

(e) It shall be unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise sources.

(f) No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this chapter as amended from time to time.

6.7.12 Violations and penalties.

Any person violating this article shall be fined one hundred dollars (\$100.00) per occurrence. Each day such violation continues shall constitute a separate violation.

6.7.13 Variances.

(a) Any person residing or doing business in the territorial area of the Civic Association of Short Beach who is negatively affected by the application of this article's provision(s), may seek a variance to engage in the prohibited activity. An applicant for a variance must supply the following information:

- (1) location and nature of activity;
- (2) the time period and hours of operation of said activity;
- (3) the nature and intensity of the noise that will be generated; and
- (4) any other information required by the appropriate city authority.

(b) No variance from these regulations shall be issued unless it has been demonstrated that:

- (1) the proposed activity will not violate any Connecticut Department of Environmental Protection regulation(s) as amended from time to time;
- (2) the noise levels generated by the proposed activity will not constitute a danger to public health, safety, welfare or quality of life; and
- (3) compliance with the regulations constitutes an unreasonable hardship on the applicant.

(c) Any application for a noise variance shall be heard by the Zoning Board of Appeals and decided in accordance with its rules and procedures.

6.7.14 Administration.

The Executive Board of the Civic Association of Short Beach is hereby authorized to make regulations from time to time that are consistent with the State Public Health Code, and the regulations of the State Department of Environmental Protection regarding noise as each is amended from time to time.

6.7.15 Contracts.

Any written agreement, purchase order or contract whereby the Civic Association of Short Beach is committed to expending funds in return for work, labor, services, supplies, equipment, materials or any combination thereof shall not be entered into unless such document contains provisions that any equipment or activities which are subject to the provisions of this chapter will be operated, constructed, conducted or manufactured without violating this article as it is amended from time to time.

6.7.16 Mediation.

(a) If the Zoning Enforcement Officer of the Civic Association of Short Beach receives a complaint alleging a violation of this article by noise emanating from a construction, demolition, refuse collection or vehicular activity, he/she is expressly authorized to mediate such dispute within forty-eight (48) hours, provided that the following conditions apply:

- (1) he/she is satisfied that the complainant is aggrieved by the alleged violation;

- (2) there is reasonable grounds to believe that there is a violation of this article; and
- (3) he/she determines that the particular facts and circumstances suggest that such mediation may result in a satisfactory resolution of the complaint.

(b) Nothing herein is intended to affect or in any way limit any other procedures established elsewhere in this article, limit any other powers granted to the local authorized officials, or require said Zoning Enforcement Officer to invoke the mediation powers herein established.

6.7.17 Effect on other regulations.

All of the Association's zoning regulations which are more stringent than those set forth herein shall remain in full force and effect. If any word, clause, paragraph or section of this chapter is held to make the same unconstitutional, this article shall not thereby be invalidated, and the remainder of this article shall continue in effect. Any provision herein which conflicts with the Connecticut General Statutes or the state's Public Health Code as each is amended from time to time is hereby repealed, inasmuch as said statutes and code shall take precedence over this article.

6.7.18 Enforcement.

(a) Notwithstanding anything contained herein to the contrary, the Zoning Enforcement Officer of the Civic Association of Short Beach is hereby authorized to enforce this article regarding stationary or fixed noise sources.

(b) Notwithstanding anything contained herein to the contrary, the Zoning Enforcement Officer of the Civic Association of Short Beach or his/her designee is hereby authorized to enforce this article regarding mobile noise sources, including refuse collection, demolition, construction and vehicular activities.

6.7.19 Appeals.

Any person aggrieved by a decision rendered by the issuer may appeal said decision in accordance with section 10.1 of these Zoning Regulations as it is amended from time to time.

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held June 4, 2007 at the Union Church.

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

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

OLD BUSINESS

Appeal for Variances

A hearing was held on the appeal of David Brooks and Jami Nielsen, owners of 18 Jefferson Place, as presented by architect Matthew Schoenherr. It was agreed to vote separately on the two variances sought.

1. A reduction of the rear property line setback from 20' to 16.5' is needed because the buildable area has limitations (rock outcropping, narrow lot proportion) that preclude expansion in other directions. Only a very small portion of the property is affected by the proposed change shown in building plans. Questions of members were resolved satisfactorily during discussion. Upon motion it was voted unanimously to approve this variance, citing as hardship the lot orientation and presence of large rock formation.

2. A reduction of street line setback from 20' to 7.0'. The Chairman pointed out that the proposed change in the front roof-line does not add to square footage, so a variance is not needed for this revision. However, the addition of an arbor/ pergola at the front entrance does need approval. The same hardship factors also apply to this request, and consideration could also be given to the house and street line not being parallel.

The only public comment was recorded in the form of a favorable letter from adjacent property owner Eileen Becker-Dunn. At the conclusion of discussion it was voted unanimously to approve this variance, for the same hardship circumstances previously decided.

Alternate member Fred Bortolan participated in both votes as a replacement for regular member Dave Burdett, recused as an adjoining property owner.

NEW BUSINESS

Noise Ordinance

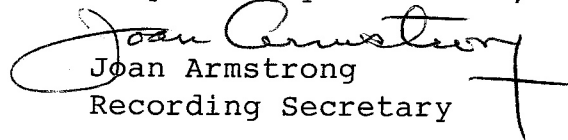
It has been determined that a noise control ordinance for various types of mechanical equipment should be part of CASB zoning regulations (Sec. 6.7). Proposed wording of such regulation will be presented for adoption at the annual CASB meeting June 15. Chairman Peterson will send copies to ZBA members via e-mail for their review in advance of the meeting.

NEW BUSINESS (continued)

The Executive Board has invited the ZBA to join their appreciation dinner after the annual meeting. Four members indicated an intention to accept.

There being no further business, meeting adjourned at 8:45 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

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FROM: "SUZANNE PIERSON" <SUZPIERSON@SBCGLOBAL.NET> [ADD TO ADDRESS BOOK](#) [ADD MOBILE ALERT](#)
SUBJECT: RE: CIVIC BOARD MEETING--MONDAY 7-9-07

TO: ["DAVID PETERSON" <SEASIDE72@YAHOO.COM>](#)

DEAR DAVE,
 REGRETFULLY I'LL BE IN SOUTH CAROLINA ON THE 9TH.OF JULY.IF YOU NEED ME FOR ANY REASON MY CELL# IS 203-415-2267.
 RESPECTFULLY,SUZANNE

DAVID PETERSON <SEASIDE72@YAHOO.COM > WROTE:

FROM THE CHAIRMAN: JUNE 29, 2007
 TO THE COMMISSIONERS,
 FOR YOUR IMFORMATION!
 PLEASE CONSIDER ATTENDING THE NEXT MONTHLY MEETING OF THE EXECUTIVE BOARD OF THE CIVIC ASSOSSIATION OF SHORT BEACH WHICH IS ON MONDAY, JULY 9, 2007 AT 7:30 PM AT THE UNION CHURCH. PRESIDENT BELETSKY HAS RESIGNED FROM THE BOARD, TREASURER SMITH HAS RESIGNED, SECRETARY CLARK HAS NOT BEEN RE-ELECTED, THE TWO NEW MEMBERS ELECTED AT THE ANNUAL MEETING ARE NOT ELIGIBLE TO HOLD OFFICE UNDER THE BYLAWS. THERE IS A VACANCY ON THE ZBA BECAUSE OF AN EXECUTIVE BOARD ERROR. THE EXECUTIVE BOARD ALLEGEDLY HELD A SECRET SPECIAL MEETING ON JUNE 24, WHICH MAY HAVE BEEN HELD ILLEGALLY. THERE MAY HAVE BEEN NUMEROUS CASES OF VOTER IRREGULARITES AT THE ANNUAL MEETING THAT SHOULD BE DISCLOSED. REMEMBER THAT THE ZBA CAN NOT SPEAK AS A GROUP OR DISCUSS THESE ISSUES AS A GROUP AS IT WOULD BE A CONSIDERED A MEETING UNDER THE FIA.
 ATTACHED PLEASE FIND COPY OF THE BYLAWS FOR YOUR RECORDS

CHAIRMAN DAVE.

SHAPE YAHOO! IN YOUR OWN IMAGE. JOIN OUR NETWORK RESEARCH PANEL TODAY!
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ZBA

SEARCH SHORTCUTS

MY PHOTOS
MY ATTACHMENTS

CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

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

NOTICE OF PUBLIC MEETING

The regularly scheduled monthly meeting of the Zoning Board of Appeals will be held on August 6, 2007 at 7:30 p.m. at the Short Beach Union Church, 11 Pentecost Street, Short Beach, Connecticut.

AGENDA

1. Receive new application submissions
2. Call to order
3. Approval of the minutes of the June 4, 2007 meeting of the ZBA
4. Outline of procedures for application process and public correspondence
5. Consider and accept or reject new applications as to completeness
6. Prepare Legal Notice for publication if required
7. Discuss CT. Public Act 06-80 and if appropriate make changes to Form 30
8. Discuss the changes to the powers of the ZBA made at the CASB annual meeting via the adoption of the new zoning ordinance Section 10.6 of the Bylaws.
9. Chairman comments on the year in review
10. Election of Officers
11. New Business

All regular and alternate members of the Zoning Board of Appeals and any member of the public are invited to attend.

Dated this the 2nd day of August, 2007

David J. Peterson

Chairman - Short Beach ZBA

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held August 6, 2007 at the Union Church.

Present: Chairman David Peterson, Suzanne Pierson, Pat Nielsen and Joan Armstrong, regular members; and Mark Winik and Fred Bortolan, alternates. Mark Winik was seated as a regular member for this meeting.

Numbers below refer to agenda items acted upon.

1. New applications - none submitted.
2. Meeting called to order at 7:45 p.m.
3. Minutes of June 4, 2007 were amended to clarify:

Jami Nielsen is not related to Pat Nielsen

The noise control ordinance referred to was produced by the Executive Board, not the ZBA.

4/5. A revised outline of the ZBA application process modifying some of its provisions was reviewed by the Chairman, namely:

- a. Robert's Rules of Order need to be followed to reflect a professional manner of conducting business.
- b. ZBA members are not to advise applicants re submissions. The Executive Board has this responsibility.
- c. It is important to observe the time of call to order before starting to hear a presentation. Anything after that time will be deferred to the next meeting.
- d. Application review consists of the Board's discussion of whether the information submitted meets our requirements (subject matter jurisdiction). It is acceptable to alert an applicant of potential problems needing minor modification before a hearing date is scheduled. Such changes must be re-submitted at least 12 calendar days prior to the hearing (coincides with date of first legal notice).
- e. Special requests are provided for in this revision of the application process.

Following discussion on these points, Pat Nielsen suggested revising paragraph 2 to reflect a less negative approach. At the same time she will also work on incorporating the changes discussed into the entire procedure so it can then be put on the ZBA website for public use.

A revised checklist for an appeal for a variance application includes ZBA review of CAM status. We need to look into this requirement more fully.

6. The wording of legal notices re actions taken at a meeting needs to be agreed upon by members at the meeting. We can review notices by other zoning boards of appeal for suggestions on inclusiveness.

7. Connecticut Public Act 06-80 requires a Certificate of Mailing form which may be sufficient for proof of contact made with addressee. We should consider making this change on Form 30.

In a related matter regarding published notice of hearings, we could additionally make such notice known by a sign on the property, such as Pat Nielsen saw elsewhere. She will obtain a copy of this sign for future reference.

8/9. Tabled.

10. It was agreed by unanimous vote of regular members (as provided in Connecticut statutes section 8.5) to hold an election of officers at the October meeting following action taken on the August minutes.

For informational purposes, present membership and dates elected are:

Regular members

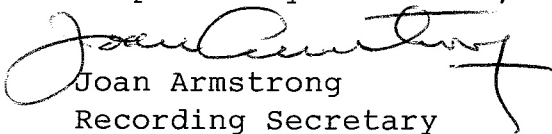
David Peterson '05
Joan Armstrong '06
Suzanne Pierson '07
Pat Nielsen '05
Dave Burdett '07

Alternates

Mark Winik '05
Fred Bortolan '06
Helen Wong '07

There being no further business, the meeting was adjourned by unanimous vote at 9:25 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

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

NOTICE OF PUBLIC MEETING

The regularly scheduled monthly meeting of the Zoning Board of Appeals will be held on October 1, 2007 at 7:30 p.m. at the Short Beach Union Church, 11 Pentecost Street, Short Beach, Connecticut.

AGENDA

1. Receive new application submissions
2. Call to order
3. Roll Call
4. Approval of the minutes of the August 7 , 2007 meeting of the ZBA
5. Consider and accept or reject new applications as to completeness
6. Prepare Legal Notice for publication if required
7. Election of officers
8. Discuss CT. Public Act 06-80 and if appropriate make changes to Form 30
9. Discuss the changes to the powers of the ZBA made at the CASB annual meeting via the adoption of the new zoning regulation Section 10.6
10. Review the draft document "procedures for application process"
11. Review Ct. Gen. Statutes. Chapter 14 FOI
12. Review Ct. Gen Statutes Chapter 444 CAM
13. Review zoning regulations Section 4.6.1 and 4.7.1
14. Any other ZBA business

All regular and alternate members of the Zoning Board of Appeals and all members of the public are invited to attend.

Dated this the 30th day of September, 2007
David J. Peterson
Chairman - Short Beach ZBA

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held October 1, 2007 at the Union Church.

Present: Chairman David Peterson, Clerk Dave Burdett, Suzanne Pierson and Joan Armstrong, regular members; and Helen Wong and Mark Winik, alternates. Mark Winik was named a sitting member to make a quorum when required for votes.

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

No new applications were submitted for consideration.

Minutes of the August 6, 2007 meeting were unanimously approved as written.

OLD BUSINESS

Elections

The Chairman acted as moderator. David Peterson was nominated to be chairman and Dave Burdett as clerk. There being no further nominations, election was determined by the casting of a single vote for each office. The Chairman re-appointed Joan Armstrong as recording secretary.

Continuation of previous discussions

Change to Form 30 (agenda item #8)

Public Act 06-80 has approved use of a standardized form for the notice requirement to other property owners, allowing a Certificate of Mailing in lieu of a "green card" with return receipt. Following discussion as to the advantages of this procedure, it was unanimously voted to amend Form 30 to adopt the language used in PA 06-80 which refers to notice by regular mail incorporating a Certificate of Mailing.

#9 Changes by CASB in powers of ZBA by amendment approved at annual meeting.

This power (Sec. 10.6) to remove members for poor attendance at meetings is new to the ZBA and raises questions as to legal requirements for changing a regulation. According to ZBA rules, regulations may be amended by the commission on its own initiative but may be adopted only after due notice and holding of a public hearing as prescribed by State statute. Are not ZBA members the only ones who can approve such amendment, rather than the Association membership-at-large at a meeting not by definition a "public hearing?" After discussion it was unanimously voted to table action, if any, to the November meeting after further investigating the ramifications of this proposal.

OLD BUSINESS (continued)

#10 Procedures for application process review.

A revised draft presented at the August meeting was tabled for action at the November meeting.

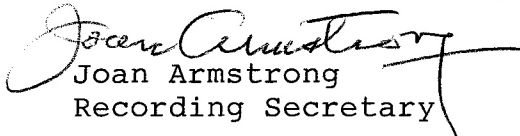
#11 FOI regulations under CT statutes, ch. 14.

The Chairman distributed copies of an outline summary of provisions required for meetings. It was reviewed for members' information and may serve as a guide in the future.

#12, 13 Tabled until next meeting.

There being no further business, it was unanimously voted to adjourn at 9 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

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

NOTICE OF PUBLIC MEETING

The regularly scheduled monthly meeting of the Zoning Board of Appeals will be held on November 5, 2007 at 7:30 p.m. at the Short Beach Union Church, 11 Pentecost Street, Short Beach, Connecticut.

AGENDA

- 1. Receive new application submissions
- 2. Call to order
- 3. Roll Call
- 4. Approval of the minutes of the October 1, 2007 meeting of the ZBA
- 5. Consider and accept or reject new applications as to completeness
- 6. Prepare Legal Notice for publication if required
- 7. Correspondence:

Old Business:

- 8. Discuss the changes to the powers of the ZBA made at the CASB annual meeting via the adoption of the new zoning regulation Section 10.6
- 9. Review the draft document "procedures for application process"
- 10. Review Ct. Gen. Statutes. Chapter 14 FOI

New Business:

- 11. Review Ct. Gen Statutes Chapter 444 CAM
- 12. Review zoning regulations Section 4.6.1 and 4.7.1
- 13. Any other ZBA business

All regular and alternate members of the Zoning Board of Appeals and all members of the public are invited to attend.

Dated this the 30th day of October, 2007

David J. Peterson Chairman - Short Beach Zoning Board of Appeals

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held November 5, 2007 at the Union Church.

Paragraph numbers refer to agenda items.

1. An opportunity for submission of new applications was provided.
2. The meeting was called to order at 7:41 p.m.
3. Roll call: present, chairman David Peterson, clerk Dave Burdett, Pat Nielsen, Suzanne Pierson and Joan Armstrong, regular members; and Helen Wong, Fred Bortolan and Mark Winik, alternates.
4. Minutes of the regular meeting held ^{October}~~November~~ 5, 2007 were amended to clarify that State statutes refer to the zoning commission (Executive Board) having power of amendment to regulations, and that commission members, not ZBA members, are so authorized. The minutes were approved as amended by unanimous vote of the regular members.
5. A new application submitted by John Harris, 186 Clark Avenue, for construction of a front deck was reviewed for completeness in accordance with our checklist. Discussion at length indicated some instances of a need for further clarification or provision of additional required information. In view of this, the application was withdrawn for revision.
6. Preparation of a legal notice not required since no hearing was scheduled.
7. No correspondence received.

OLD BUSINESS

8. Changes to powers of ZBA made by CASB at annual meeting.

According to statutory provisions, only a zoning commission can change an ordinance. Therefore, the "town meeting" vote approving Sec. 10.6 (giving the ZBA new powers) raises a legality issue. It was agreed to keep this question on the agenda for a continued study, with the possibility of referring our concerns to the Executive Board at an appropriate time.

9. The draft document "procedures for application process" is still pending while editing/revision steps are finalized.
10. The FOI regulations summary distributed at the last meeting will be considered more fully at a subsequent meeting.

NEW BUSINESS

It was agreed to discuss at the December meeting: the defined non-conformities covered by zoning regulations; items 11/12 on the agenda; and to consider having a January 7 meeting when establish-

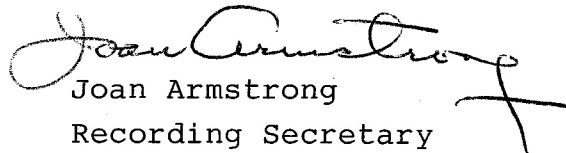
ZBA minutes of Nov. 5, 2007 - p. 2

NEW BUSINESS (continued)

ing the complete calendar for meetings in 2008.

There being no further business, meeting adjourned by unanimous vote at 9:30 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary

CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

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

Regular Scheduled Meeting Dates for 2008

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

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 the ZBA Chairman.

**David J. Peterson
ZBA Chairman**

CIVIC ASSOCIATION OF SHORT BEACH

ZONING BOARD OF APPEALS

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

NOTICE OF PUBLIC MEETING

The regularly scheduled monthly meeting of the Zoning Board of Appeals will be held on December 3, 2007 at 7:30 p.m. at the Short Beach Union Church, 11 Pentecost Street, Short Beach, Connecticut.

AGENDA

1. Receive new application submissions
2. Call to order
3. Roll Call
4. Approval of the minutes of the November 5, 2007 meeting of the ZBA
5. Consider and accept or reject new applications as to completeness
6. Prepare Legal Notice for publication if required
7. Correspondence:

Old Business:

8. Discuss the changes to the powers of the ZBA made at the CASB annual meeting via the adoption of the new zoning regulation Section 10.6
9. Review the draft document "procedures for application process"
10. Review Ct. Gen. Statutes. Chapter 14 FOI
11. Review application process, fee schedule and notice requirements.
12. Review zoning regulations Section 4.6.1 and 4.7.1

New Business:

13. Any other ZBA business

All regular and alternate members of the Zoning Board of Appeals and all members of the public are invited to attend.

Dated this the 29th day of November, 2007

David J. Peterson, Chairman - Short Beach Zoning Board of Appeals

Minutes of a regular meeting of the Zoning Board of Appeals of the Civic Association of Short Beach held December 3, 2007 at the Union Church.

(Paragraph numbers refer to agenda items.)

1. New application submissions. One received (see #5 below).
2. The meeting was called to order at 8:30 p.m.
3. Present: Chairman David Peterson, Clerk Dave Burdett, and Joan Armstrong, regular members; and Helen Wong, alternate.
4. Minutes of the meeting of November 5, 2007 were corrected to show (in #4) the previous minutes were from October 1. A vote to accept was unanimous.
5. Consider, accept or reject new applications as to completeness.

Submission by John Harris, 186 Clark Avenue, for construction of a front deck. In the review process, comparison with our checklist indicated all requirements were met and the application was accepted for a public hearing scheduled for February 4, 2008.

6. The Chairman noted specifics of the variances requested above for inclusion in a legal notice to be published re the February 4 meeting.
7. There was no correspondence. Copies of the regularly scheduled meeting dates for 2008 were distributed by the Chairman and agreed to unanimously.

OLD BUSINESS

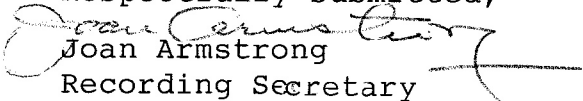
8. Changes to powers of ZBA made by CASB at annual meeting.

As a follow-up to previous discussions, the Chairman distributed copies of excerpts from various sources (including the CASB charter and by-laws) clearly spelling out that powers for amending zoning regulations are vested in our Executive Board. State statutes also provide that changes in such regulations involve several requirements that must be met before a change can take effect (e.g. public hearing, notice thereof, posting vote outcome). It was noted that the State Regional Planning Commission also is a party to approvals of changes in regulations. The action adopting a new Sec. 10.6 of zoning regulations at the annual meeting in June did not meet designated guidelines and thus may be subject to question as to validity.

It was agreed to table agenda items 9-12 until a future meeting.

There being no further business, meeting adjourned by unanimous vote at 9:30 p.m.

Respectfully submitted,


Joan Armstrong
Recording Secretary