



TOWN of THOMPSON

PLANNING AND DEVELOPMENT OFFICE

RECEIVED
3-6-2020 9 AM
Cgo

FOR OFFICE USE ONLY REQUIRED FEE: \$335.00

Fee Paid \$: 335 ☐ Cash ☒ Check # 0222
Make Check Payable to: Town of Thompson

Application Submission Date: 3-6, 20 20

Application number: 20-03

- | | |
|--|---|
| <input type="checkbox"/> Variance Application | <input type="checkbox"/> Certificate of Location/Motor Vehicle* |
| <input checked="" type="checkbox"/> Appeal Application | <input type="checkbox"/> Lessen Non-Conforming Use* |

Application Number 20-03

Date of Application 3-6, 20 20

Office Space Use Only

Name of Applicant: 705 Washington Avenue LLC Telephone #: 860-873-1449
Print

Address: 58-1 Townwoods Rd., Old Lyme, CT 06370 (Optional) Cell #: _____

Owner(s) of Record: 705 Washington Avenue LLC Telephone #: _____

Address: 58-1 Townwoods Rd.

Old Lyme, CT 06371

Address of Subject Property:

1391 Riverside Drive

Deed Information: Volume Number 0886 Page Number 0078

Map 57 Block 61 Lot 3 Zone R40

State Nature of ☐ Variance* ☒ Appeal: See attached statement

State Reason for Hardship or Grievance: See attached statement

(Page 1 of 4)

MUNICIPAL BUILDING
815 RIVERSIDE DRIVE, P.O. Box 899 NO. GROSVENORDALE, CONNECTICUT 06255
TELEPHONE (860) 923-9475 x130 • FAX (860) 923-9897

- ☒ ☒ A description/notice of the proposed *variance* to the applicable property owners located within a two hundred (200') foot radius from all lot lines of the subject property; information on the required 200' radius is available in the Thompson's Assessor's Office's database, mapping system.
- ☒ ☒ A stamped A2 survey by a CT licensed land surveyor of subject property (Effective as of November 13, 2006).
- ☒ ☒ The applicant, at his/her expense at least ten (10) business days before the date of the Public Hearing, shall mail, postage prepaid, by certified/mail return receipt to the applicable property owners located, (as stated above) 200-foot radius from all lot lines of the subject property.
- ☒ ☒ The applicant will have four (4) business days prior to the Public Hearing to file the Certified/Mail Receipt (green card & white paid receipt) with the Commission or its designated Zoning Enforcement Office.
- ☒ ☒ A sign posted on the premises announcing the Public Hearing shall be in place 14 calendar days prior to the scheduled hearing and removed within 48-hours of conclusion of the hearing.

Współw. JEZEK, it3, it4

REASON FOR DECISION _____

.....

Next Page (3) List Names of Abutters

Please List Abutters Names & Address below:

1. Thompson Town of, P.O. Box 899, N. Grosvenordale, CT 06255
2. The Ares-Co Realty Trust, 1405 Riverside Dr., N. Grosvenordale, CT 06255
3. 705 Washington Avenue LLC ,58-1 Townwoods Rd., Old Lyme, CT 06371
4. Langelier, Raymond F., 1369 N. Grosvenordale, CT 06255
5. Baczek, John E, and Doris, P.O. Box 809, N. Grosvenordale, CT 06255
6. Simonds, Paul K., 1400 Riverside Dr., N. Grosvenordale, CT 06255
7. Keegan, Edward J. III, 310 Kildeer Island Rd., Webster, MA 01570
8. Robidas, Susan L., 1388 Riverside Dr., N. Grosvenordale, CT 06255
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____

Note: You, the applicant have four (4) business days prior to the Public Hearing to file the Return/Receipt green card and white paid receipt with the Commission or its designated Zoning Enforcement Officer.

Revised: 10/2014 ARH

(Page 3 of 4)

Sample Letter to Abutter(s) – last page

The Applicant is appealing from the attached enforcement letter issued by the town of Thompson's Zoning Enforcement Officer, Cynthia Dunne.

The Applicant and its predecessor's in title have accessed the garage at issue from at least as far back as 1956 until the present. The town has owned the adjacent property over which the driveway crosses since 2007.

The Applicant claims it has acquired an easement by prescription by virtue of its use for more than fifteen consecutive years. Although a municipality is not subject to claims of prescription or adverse possession, in this instance it acquired its prescriptive easement well in advance of the town acquiring its title. As a result, the town's title is subject to that easement.

In support of its appeal, the Applicant offers the following:

1. A copy of the aerial assessor's map from 1956 which depicts the garage at issue in its current position as well as illustrating that the boundaries between the two properties at issue has not changed;
2. A review of the town's Building Department will reveal no permits for the construction of the garage which indicates it must have been built prior to 1973, the year when the town of Thompson opened its building department; and
3. An inspection of the garage will demonstrate unequivocally that the garage is of an age and condition consistent with the representations above and that access other than across the Applicant's remaining property is not feasible.

Finally, the Applicant is requesting a waiver of the requirement to submit a stamped A-2 survey. This appeal is not the result of any active endeavor caused or created by it, but the result of unprovoked enforcement action brought by the Zoning Enforcement Officer.

For the reasons set forth above, the Applicant requests the Zoning Board of Appeals sustain this appeal.



CONNECTICUT STATUTORY POWER OF ATTORNEY- LONG FORM

Notice: The powers granted by this document are broad and sweeping. They are defined in the Connecticut Uniform Power of Attorney Act, which expressly permits the use of any other or different form of power of attorney desired by the parties concerned. The grantor of any power of attorney or the agent may make application to a court of probate for an accounting as provided in subsection (b) of section 45a-175 of the Connecticut General Statutes.

This power of attorney shall not be affected by the subsequent disability or incompetence of the principal.

Know All Persons by These Presents, which are intended to constitute a GENERAL POWER OF ATTORNEY pursuant to the Connecticut Uniform Power of Attorney Act:

That I, MARK McWILLIAMS of 58-1 Townwoods Rd., Old Lyme, CT 06371

do hereby appoint: SCOTT W. JEZEK or DEBORAH L. BARBI, both of
31 W.F. Palmer Rd., Moodus, Connecticut 06469

my agent(s) TO ACT SEVERALLY

[If more than one agent is designated and the principal wishes each agent alone to be able to exercise the power conferred, insert in this blank the word 'severally.' Failure to make any insertion or the insertion of the word 'jointly' shall require the agents to act jointly.]

First: In my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in the Connecticut Uniform Power of Attorney Act to the extent that I am permitted by law to act through an agent:

(Strike out and initial in the opposite box any one or more of the subparagraphs as to which the principal does NOT desire to give the agent authority. Such elimination of any one or more of subparagraphs (A) to (M), inclusive, shall automatically constitute an elimination also of subparagraph (N).)

To strike out any subparagraph the principal must draw a line through the text of that subparagraph AND write his initials in the box opposite.

- | | |
|--|-----|
| A. Real property; | [] |
| B. Tangible personal property; | [] |
| C. Stocks and bonds; | [] |
| D. Commodities and options; | [] |
| E. Banks and other financial institutions; | [] |
| F. Operation of entity or business; | [] |

M.M.
INITIALS

- G. Insurance and annuities; []
- H. Estates, trusts, and other beneficial interests; []
- I. Claims and litigation; []
- J. Personal and family maintenance; []
- K. Benefits from governmental programs or civil or military service; []
- L. Retirement plans; []
- M. Taxes; []
- N. All other matters: []

- O. This grant of authority includes the right to make medical and health care decision on my behalf; []

(Special provisions and limitations may be included in the statutory form power of attorney only if they conform to the requirements of the Connecticut Uniform Power of Attorney Act.)

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.)

My agent MAY NOT do any of the following specific acts UNLESS I HAVE INITIALED the specific authority listed below:

- P. Create, amend, revoke or terminate an inter vivos trust, []
provided in the case of a trust established for a disabled person pursuant to 42 United States Code (USC) Section 1396p (d)(4)(A) or 42 USC Section 1396p (d)(4)(C), the creation of such trust by an agent shall be only as permitted by federal law;

- Q. Make a gift, subject to the limitations of the Connecticut Uniform Power of Attorney Act and any special instructions in this power of attorney. Unless otherwise provided in the special instructions, gifts per recipient may not exceed the annual dollar limits of the federal gift tax exclusion under Internal Revenue Code (26 USC) Section 2503(b), or if the principal's spouse agrees to consent to a split gift pursuant to Internal Revenue Code (26 USC) Section 2513, in an amount per recipient not to exceed twice the annual federal gift tax exclusion limit. In addition, an agent must determine []

M.M.
INITIALS

that gifts are consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors;

- R. Create or change rights of survivorship; []
- S. Create or change a beneficiary designation; []
- T. Authorize another person to exercise the authority granted under this power of attorney; [MM]
- U. Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan; []
- V. Exercise fiduciary powers that the principal has authority to delegate; [MM]
- W. Disclaim or refuse an interest in property, including a power of appointment. []
- X. The power and authority to execute any documents or instruments that I have the power or authority to execute as a member or shareholder of any limited liability company or corporation in which I have any ownership interest. [MM]

Second: With full and unqualified authority to delegate any or all of the foregoing powers to any person or persons whom my agent(s) shall select.

Third: Hereby ratifying and confirming all that said agent(s) or substitute(s) do or cause to be done.

Fourth: LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the special instructions.

Fifth: DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

M.M.
INITIALS

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: _____

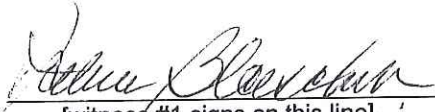
Second Successor Agent's Address: _____

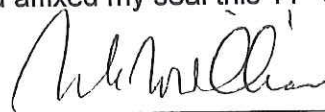
Sixth: EFFECTIVE DATE


This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

The execution of this statutory long form power of attorney shall be duly acknowledged by the principal in the manner prescribed for the acknowledgment of a conveyance of real property.

In Witness Whereof I have hereunto signed my name and affixed my seal this 11th day of January, 2018.

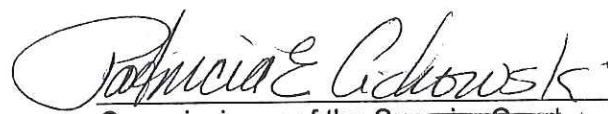

[witness #1 signs on this line]
Patricia E. Blaschik
[print name of witness #1 above]


Mark McWilliams


[witness #2 signs on this line]
Patricia E. Cichowski
[print name of witness #2 above]

STATE OF CONNECTICUT)
) ss. East Haddam
COUNTY OF MIDDLESEX)

ON this the 11th day of January, 2018, before me, Patricia E. Cichowski, Mark McWilliams, signer of the foregoing instrument, personally appeared, and acknowledged the execution of such instrument to be her free act and deed.


Commissioner of the Superior Court
Notary Public Patricia E. Cichowski
My commission expires: 5/31/2019


INITIALS

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship continues until you resign or the power of attorney is terminated or revoked. You must:

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (2) Act in good faith;
- (3) Do nothing beyond the authority granted in this power of attorney; and
- (4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

Unless the special instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Act with care, competence, and diligence;
- (4) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
- (5) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
- (6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished; or

M.M.
INITIALS

- (5) If you are married to the principal, a legal action is filed with a court to end your marriage through divorce or annulment, or for your legal separation, unless the special instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Connecticut Uniform Power of Attorney Act, Sections 1-350 to 1-353b of the Connecticut General Statutes, inclusive. If you violate the Connecticut Uniform Power of Attorney Act, Sections 1-350 to 1-353b, inclusive or act outside the authority granted, you may be liable for any damages caused by your violation.

**If there is anything about this document or your duties that you do not understand,
you should seek legal advice.**

Received for Record at Colchester, CT
1/9/2020 03:45:58 PM

Gayle Furman

Colchester Town Clerk

M.M.
INITIALS

zeo@thompsonct.org

From: Roberts, Richard P. <ROBERTS@halloransage.com>
Sent: Monday, February 24, 2020 3:41 PM
To: zeo@thompsonct.org
Cc: Slater, Jr., Kenneth R.
Subject: RE: 1391 Riverside Dr

OK good luck!

RESPONSES TO:



Richard Roberts, Esq.
Halloran & Sage LLP
One Goodwin Square, 225 Asylum Street
Hartford, CT 06103-4303

E roberts@halloransage.com
D 860.297.4695
F 860.548.0006

www.halloransage.com

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From: zeo@thompsonct.org <zeo@thompsonct.org>
Sent: Monday, February 24, 2020 3:30 PM
To: Roberts, Richard P. <ROBERTS@halloransage.com>
Subject: RE: 1391 Riverside Dr

Thank you. I will put info together and work through it Wednesday.

Finishing up my work for tonight's PZA mtg.

From: Roberts, Richard P. <ROBERTS@halloransage.com>
Sent: Monday, February 24, 2020 3:17 PM
To: zeo@thompsonct.org
Cc: Slater, Jr., Kenneth R. <Slater@halloransage.com>
Subject: RE: 1391 Riverside Dr

OK. I took a quick look at the deeds for both properties and they both appear to start in the 90s with foreclosure deeds. Any claim that they have a prescriptive easement across property now owned by the town will need factual evidence from the owner.

RESPONSES TO:



Richard Roberts, Esq.
Halloran & Sage LLP
One Goodwin Square, 225 Asylum Street
Hartford, CT 06103-4303

E roberts@halloransage.com

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F 860.548.0006

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From: zeo@thompsonct.org <zeo@thompsonct.org>
Sent: Monday, February 24, 2020 3:03 PM
To: Roberts, Richard P. <ROBERTS@halloransage.com>
Subject: RE: 1391 Riverside Dr

I do believe it was an auction sale, no one bought it and the town decided to buy it because it was near the water and they thought they would do a public boat launch, but realized they could not access the water directly from 1395 they explored seeking an easement into the water area from 1404 Riverside. But that was not an option. They are trying to sell it and Amy asked Mr. McWilliams if he wanted to buy it and he is thinking about it.

From: Roberts, Richard P. <ROBERTS@halloransage.com>
Sent: Monday, February 24, 2020 2:57 PM
To: zeo@thompsonct.org
Cc: Slater, Jr., Kenneth R. <Slater@halloransage.com>
Subject: RE: 1391 Riverside Dr

At this point, it seems like it should be their burden to demonstrate that they have a prescriptive or deeded right to cross the town property. How did the town come to acquire 1395?

RESPONSES TO:



Halloran & Sage LLP
One Goodwin Square, 225 Asylum Street
Hartford, CT 06103-4303

E roberts@halloransage.com
D 860.297.4695
F 860.548.0006

www.halloransage.com

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From: zeo@thompsonct.org <zeo@thompsonct.org>
Sent: Monday, February 24, 2020 2:46 PM
To: Roberts, Richard P. <ROBERTS@halloransage.com>
Subject: RE: 1391 Riverside Dr

All the present owner stated was it was being used when he bought it.

That will have to be researched. Who does the research me or the owner of 1391?

Cindy

From: Roberts, Richard P. <ROBERTS@halloransage.com>
Sent: Monday, February 24, 2020 2:44 PM
To: zeo@thompsonct.org
Cc: Slater, Jr., Kenneth R. <Slater@halloransage.com>
Subject: RE: 1391 Riverside Dr

OK. Do you have any idea when 1391 began to access across it? If they had been doing so for 15 years prior to 2007, they may have obtained legally vested rights before the town acquired it.

RESPONSES TO:



Halloran & Sage LLP
One Goodwin Square, 225 Asylum Street
Hartford, CT 06103-4303

E roberts@halloransage.com

D 860.297.4695

F 860.548.0006

www.halloransage.com

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From: zeo@thompsonct.org <zeo@thompsonct.org>
Sent: Monday, February 24, 2020 2:25 PM
To: Roberts, Richard P. <ROBERTS@halloransage.com>
Subject: RE: 1391 Riverside Dr

The Town purchased the property on August 8, 2007.

Cindy

From: Roberts, Richard P. <ROBERTS@halloransage.com>
Sent: Monday, February 24, 2020 1:10 PM
To: zeo@thompsonct.org
Cc: Slater, Jr., Kenneth R. <Slater@halloransage.com>
Subject: RE: 1391 Riverside Dr

Thanks very much. Has the town owned 1395 the entire time that access has been across it?

RESPONSES TO:



Halloran & Sage LLP
One Goodwin Square, 225 Asylum Street
Hartford, CT 06103-4303

E roberts@halloransage.com
D 860.297.4695
F 860.548.0006

www.halloransage.com

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please notify us immediately by telephone.

From: zeo@thompsonct.org <zeo@thompsonct.org>
Sent: Monday, February 24, 2020 1:07 PM
To: Roberts, Richard P. <ROBERTS@halloransage.com>
Subject: 1391 Riverside Dr

Good Afternoon

Attached is a letter I sent to the owner of 1391 Riverside Drive. The property owner, Mark McWilliams, came in last Friday to discuss the use of 1395 Riverside (property owned by the Town of Thompson) as an entrance into the property at 1391 Riverside Drive. He stated as far as he knows the entrance from 1395 to 1391 has been used for over 30 years. There is no record of a deeded easement. Mr. McWilliams has a lawyer on this issue and the lawyer asked me for information on applying to the Zoning Board of appeals to request a variance.

Any further information on this or if you have more questions please call me. I should be here till 3:30 today and will be back in the office on Wednesday.

Thank you.

Cindy

Town of Thompson
Zoning Enforcement Officer
815 Riverside Drive
North Grosvenordale, CT 06255

860-923-9475
Office Hours
Mon., Wed., Fir. 9 am to 2 pm



Town of
THOMPSON

PLANNING and ZONING OFFICE – Zoning Enforcement Officer

CERTIFIED MAIL 7017 3380 0000 6972 8894

February 10, 2020

705 Washington Avenue LLC
58-1 Townwoods Rd
Old Lyme CT 06371

*mark McWilliams
860-559-7701
call Monday
A-1 Survey*

To Whom It May Concern

RE: 1391 Riverside Drive, Map 57, Block 61, Lot 3, Zone R40

It has come to the attention of the Town of Thompson Zoning Office and the Public Works Department that the resident (s) living at 1391 Riverside Drive are encroaching on Town owned property, 1395 Riverside Drive. As delineated in the attached GIS data map, the entrance and exit from 1391 Riverside Drive is through 1395 Riverside Drive.

This communication is a request to inform the residents of 1391 Riverside to cease using 1395 Riverside Drive for the entrance and exit to 1391, **by February 25, 2020.**

Your cooperation in resolving this issue is appreciated.

For questions or information please contact my office, 860-923-9475 between the hours of 9 – 2 on Monday, Wednesday and Friday.

Regards,

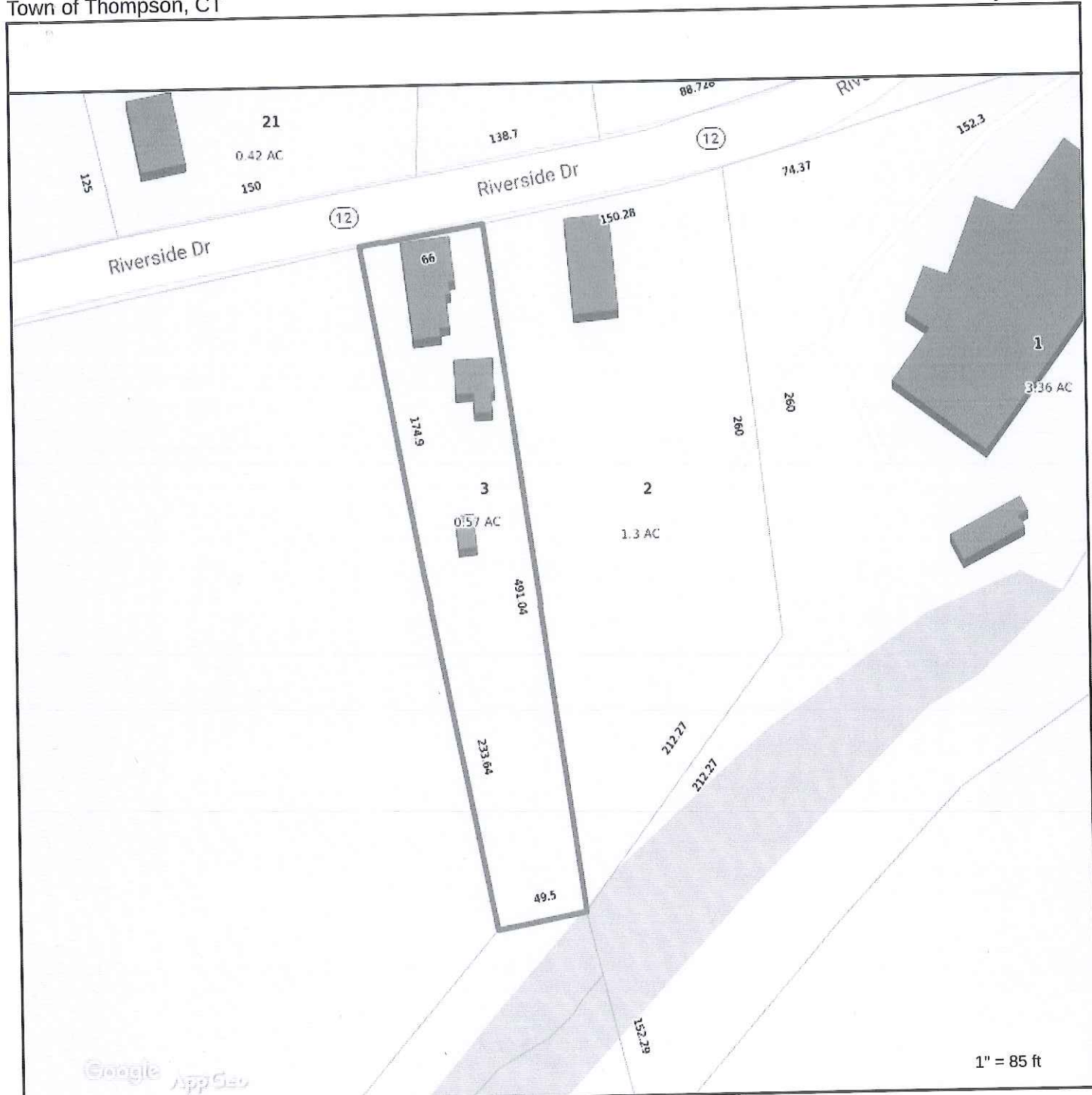
Cynthia Dunne
ZEO, Town of Thompson]

1 Enclosure

Cc: Director of Town of Thompson Highway Department

MUNICIPAL BUILDING

815 Riverside Drive, P.O. Box 899 North Grosvenordale, Connecticut 06255
Telephone: (860) 923-9475 Fax: (860) 923-9897



Property Information

Property ID 1096
 Location 1391 RIVERSIDE DR
 Owner 705 WASHINGTON AVENUE LLC



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town of Thompson, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated April 1, 2018
 Data updated April 1, 2018



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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Geometry updated April 1, 2018
Data updated April 1, 2018



Property Information

Property ID 1095
 Location 1395 RIVERSIDE DR
 Owner THOMPSON TOWN OF



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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Geometry updated April 1, 2018
 Data updated April 1, 2018

dirt driveway



Property Information

Property ID 1095
Location 1395 RIVERSIDE DR
Owner THOMPSON TOWN OF



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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Geometry updated April 1, 2018
Data updated April 1, 2018