TOWN OF WINDSOR
ZONING BOARD OF APPEALS

Regular Meeting
June 15, 2005

Un-Approved

PRESENT: Chairwoman Frances Rothenberg, Commissioners Max Kuziak, Alternate Milo Peck III, Alternate Roseanne Lombardo and Zoning Enforcement Officer Wayne McKinney

EXCUSED ABSENCE: Commissioners Helene Shay, Joe Breen, and Thomas Ferranti

The Meeting was called to order at 7:05 P.M. by Chairwoman Rothenberg in the Town Hall Council Chambers, 275 Broad Street, Windsor, Connecticut.

ESTABLISHMENT OF QUORUM:

Chairwoman Rothenberg announced the four board members who were present. Because two regular and 2 alternate members were present a quorum was not established. Chairwoman Rothenberg stated that the zoning enforcement regulations require that a majority of the seated commissioners vote on an item for approval; and tonight seeing as there were only four seated commissioners, if the case goes forward, all four commissioners need to vote unanimously to either approve or disapprove the case. She further stated if anyone chooses not to go forward, he/she will then reappear next month for a hearing. She asked if there were any questions on that and stated that the comments were directed to the public

CALL TO ORDER – PUBLIC HEARINGS:

LEGAL NOTICE:

The Legal Notice submitted by Helene H. Shay, Secretary, which appeared in the Hartford Courant on June 2nd and 9th, 2005 was read by Chairwoman Rothenberg and included the following variance applications to be heard:

Application #05-02	Appeal of the Zoning Officer Decision under CT General Statute Section 4.4.8 Minimum acreage for non-commercial raising of livestock
Application #05-03	Section 4.1.1 - Front Yard Variance Section 4.2.1.D – Corner Lots

PROCEDURES:
Alternate Lombardo read the procedures for presentation of an application. She then queried the audience for any questions regarding the procedures which were read. Hearing no comments, Chairwoman Rothenberg declared the hearings proceed.

PUBLIC HEARINGS #05-02 Appeal of the Zoning Officer Decision under CT General Statute Section 4.4.8 Minimum acreage for non-commercial raising of livestock

DISCUSSION:
Zoning Enforcement Officer Wayne McKinney informed the board that staff comments were in favor of upholding the appeal of Mrs. Beverlyn McNairn-Vincent, owner. He also introduced pictures of the property including views from the front and rear. Also included were pictures of the pygmy goat and two hens.

Mrs. McNairn-Vincent, responding to Chairwoman Rothenberg, stated she had acquired the goat after her husband died for her daughter. It seemed to comfort and help her daughter. She said the reason for choosing a goat was that it did not need to be walked. She stated she has had the hens for 5 years.

Mr. McKinney, responding to Alternate Roseanne Lombardo concerning the Inland-Wetlands comment that "No animals should be kept within 50 feet of intermittent watercourse" replied that the property is 150 feet away from the wetland area.

Responding to Commissioner Max Kuziak, Mrs. McNairn-Vincent stated she had only 2 hens, no roosters.

Chairwoman Rothenberg entered into the record letters of support for the appeal (attached) from the following:
John Bednarz of 356 Park Ave. (also present); Jean Guy Levesque of 370 Park (also present); M. Peters of Church Vacation Bible School Program; Chris Fulton of 40 Stratford Court; and Jacqueline Simpson

PUBLIC HEARINGS #05-0315 Cobblestone Way Section 4.1.1 - Front Yard Variance Section 4.2.1.D – Corner Lots

DISCUSSION:
Elizabeth Sanborn of 15 Cobblestone Way requested a 9-foot variance be granted in order to put an addition on to her home. She stated that the side is the only place it could logically be done. The hardship exists in that the rear of her home is taken up by the septic system. Also, her home is on a corner lot and has two front setbacks of 40 feet, rather than a side setback of 15 feet.

Mr. McKinney, ZEO, stated he is in favor of granting the variance as did staff comments. He reaffirmed Windsor Sanitarian Charlie Wall's position that the septic system in the back yard created a hardship as did the corner lot setbacks.

Mrs. Sanborn introduced pictures of her home and drawings of the proposed new addition to Board.

CLOSE OF PUBLIC HEARINGS:

Chairwoman Rothenberg **CLOSED the Public Hearing at 7:22 P.M.**

COMMENCE REGULAR BUSINESS MEETING/1. cases heard during Public Hearing/

PUBLIC HEARINGS #05-02 Appeal of the Zoning Officer Decision under CT General Statute Section 4.4.8 Minimum acreage for non-commercial raising of livestock

MOTION: Commissioner Kuziak made a motion, seconded by Commissioner Lombardo, to **uphold the Appeal to the Zoning Enforcement Officer's decision and allow Mrs. Beverlyn McNairn-Vincent to keep the 2 hens and pygmy goat.**

DISCUSSION: The commissioners agreed that the animals were pets and not commercial raising of livestock.

VOTE: In Favor: Unanimous

PUBLIC HEARINGS #05-03 15 Cobblestone Way Section 4.1.1 - Front Yard Variance; Section 4.2.1.D – Corner Lots

MOTION: Commissioner Kuziak made a motion, seconded by Commissioner Lombardo to **APPROVE Application #05-03- 15 Cobblestone Way; Section 4.1.1 - Front Yard Variance; Section 4.2.1.D – Corner Lots; a nine (9) foot variance on the westerly side of the property**

DISCUSSION:
The commissioners agreed that the addition was in keeping with the harmony of the neighborhood and that the septic system in the rear and the double front setbacks created a hardship.

VOTE: In Favor: Unanimous

COMMENCE REGULAR BUSINESS MEETING/2. New Business/b. Motion to change notification of abutting property owners within 100 feet by Certified Mail to US Post Office Certificate of Maining and to include direction sheet as part of official application

MOTION: Commissioner Kuziak made a motion, seconded by Commissioner Peck to APPROVE change notification of abutting property owners within 100 feet by Certified Mail to US Post Office Certificate of Mailing and to include direction sheet as part of official application

DISCUSSION:

It was agreed that the benefit of Certified Mail was not any different than a Certificate of Mailing and that the expense of certified mail, an the signature requirement was and unncessary burden to the sender and the receivers.

VOTE: In Favor: Unanimous

COMMENCE REGULAR BUSINESS MEETING/2. New Business/c. Communications from the Public

There were no Communications from the Public to be discussed.

COMMENCE REGULAR BUSINESS MEETING/2. New Business/d. Minutes Acceptance – September 15, 2004, October 20, 2004 and December 15, 2004

MOTION: A motion was made, seconded by Commissioner Kuziak, to **APPROVE the Minutes of the Regular Meeting September 15, 2004.**

VOTE: **In Favor: 1** **Against: 0** **Abstain: 3**

MOTION: A motion was made, seconded by Commissioner Kuziak, to **APPROVE the Minutes of the Regular Meeting October 20, 2004.**

VOTE: **In Favor: 2** **Against: 0** **Abstain: 2**

MOTION: A motion was made, seconded by Commissioner Kuziak, to **APPROVE the Minutes of the Regular Meeting December 15, 2004.**

VOTE: **In Favor: 3** **Against: 0** **Abstain: 1**

COMMENCE REGULAR BUSINESS MEETING/2. New Business/e. Communications from Board Members

Chairwoman Rothenberg acknowledged the resignation of George Bolduc as Democratic alternate member and the resignation of John Cowan as Republican regular member. She acknowledged the appointment of Milo Peck III as Democratic alternate member and Thomas Ferranti as a Republican regular member.

COMMENCE REGULAR BUSINESS MEETING/2. New Business/f. Communications from Staff Liaison

There were no Communications from Staff Liaison.

ADJOURNMENT:

MOTION: Commissioner Kuziak made a motion, seconded by all the members present, to **ADJOURN the meeting at 7:45 PM**

VOTE: **In Favor:** **Unanimous**

Respectfully submitted,

Lori Hartmann, Recording Secretary

I certify that these Minutes were accepted on _____.

Helene Shay, Secretary
Zoning Board of Appeals