

**TOWN OF WINDSOR
ZONING BOARD OF APPEALS**

**Hybrid meeting held on March 16, 2022 @ 7:00 p.m.
in the Council Chambers and Online Webinar
Un-Approved Minutes**

Present: Commissioners Joe Breen, Loretta Raney, George Bolduc. Alternate Commissioner Dawn Kirkwood was seated for Robert Griffiths. Alternate Commissioner Jim Durant was seated for Commissioner Max Kuziak. Alternate Commissioner Gina Pastula via Zoom Call. Staff: Scott Colby and Lindsey Plunge

I. CALL TO ORDER – PUBLIC HEARING:

The meeting was called to order at 7:01pm by Commissioner Breen in the Council Chambers

A. LEGAL NOTICE:

The Legal Notice submitted by Max Kuziak, Secretary, which appeared in the Hartford Courant was read by Dawn Kirkwood and included the following:

“LEGAL AD WINDSOR ZONING BOARD OF APPEALS The Town of Windsor Zoning Board of Appeals will hold an online meeting on March 16, 2022 at 7:00 p.m. to hear the following variance requests:

23 Belmont Ave. – Section 4.1.3, Front yard setback for flag lot in R13 Zone.

Information on how to attend the meeting by phone or computer will be included on the meeting agenda posted at the link:

<https://townofwindsorct.com/sf/show/meeting/3671>”

B. PROCEDURES:

Commissioner Raney read the statement of procedures for presentation of a variance application and appeals. Hearing no comments, the hearings proceeded.

ESTABLISHMENT OF QUORUM:

Commissioner Breen announced in the ZBA that 4 affirmative votes out of 5 were needed to approve a variance or an appeal, not just the simple majority. There are 3 commissioners and 2 alternate were seated and a quorum was established. Hearing no further objection, he declared the hearings proceed.

II. PUBLIC HEARINGS:

1. CASES HEARD DURING PUBLIC HEARING:

- a. #22-01 – 23 Belmont Avenue, Section 4.1.3, Front yard setback for flag lot in R13 Zone. This application was presented by Sheneen Williams. Sheneen stated that they purchased the flag lot and based on the location and size and how the lot is situated they have identified a plan

that would suit the parcel but that would include requesting a 1 foot variance. A setback of 79 feet instead of 80 from the front yard property line. She stated there would be cone trees to border a portion of the property. She stated that she did not receive a copy of the Staff Comments. (This was in fact send on 3/16/22 as the PDF labeled 23 Belmont.pdf. She stated she already is aware of the other requirements for building on this lot. Commissioner Breen confirmed that this is just the first step in the process of building. The presenter stated she is understanding of the sprinkler and evergreen privacy which was part of the Planning Department comments from Assistant Town Planner Todd Sealy.

Discussion:

Jim Durant had a question regarding if any thought has been given regarding to an emergency vehicle and the ability to turn around in the drive way. Sheneen Williams stated she is aware of the requirements and will abide by those as well. Loretta Raney asked if they would have a turnaround in the driveway for them. The presenter stated they have a provision and that there would be a loop and would not interfere with the tree requirement. Jim Durant asked whether the trees would line the rest of the driveway, but the presenter stated that this is not something that was a requirement by the town, just the front yard where it meets the front yard of the property owner in front, and where a lot would border in the rear.

Public Comment:

Public comment against the application started by John Oakes at 31 Belmont Ave. He asked a question regarding children riding their bikes, regarding to the safety and traffic of the road. John's POA began to speak regarding the same and that there are no sidewalks and that it is a dangerous intersection where the driveway would be located. John Oakes stated he would like no other houses built.

Commissioner Joe Breen stated that the Town has already determined this is an approved building lot and that traffic issues would not be addressed tonight, that it would have to be brought up with another department.

John's POA stated again that John and his mother and Mrs. Chef (another neighbor) are worried about the building, traffic and danger of adding another house to the neighborhood. She is also a neighbor located at 40 Belmont Ave (unsure if I heard address correctly, if so, owner would be Hicham Elarabi) and she stated she has lived there for 18 years. She stated when she moved in to that neighborhood was a nice quiet street but things have changed through the years and that there is already too much traffic and again that the intersection is dangerous with multiple accidents and kids walking on the street and that they oppose this because of the dangers and the noise level and possibility of accidents.

Commissioner Joe Breen stated that this has been an approved buildable flag lot since 2012 and that this is not a new thing. Breen confirmed it has been approved since 2/20/13 and that he is sure things may have changed since then, but that would need to be brought up with the other departments.

The owner of 40 Belmont (?) stated that the previous owner never mentioned that he would be building on this lot when the home went into foreclosure. (I believe this is in regards to the house and lot being sold separately when the home and ownership of the lot went into foreclosure.

One more member of the public came forth against the application, owner Ann McAdams 15 Belmont Ave. She stated that the lot was under the impression that the lot was not buildable. She wanted to have clarification regarding where the 1 foot variance would be located.

Commissioner Joe Breen stated it would not be on their side of the property, it would be to the front of the house and it would be for a 1 foot variance, and that it wouldn't be them taking a foot from another property, just distance of the house from the property line.

Owner McAdams brought up as why she would want to build here when there are multiple other properties to build on, and traffic, emergency vehicles.

Comissioner Breen stated again that this was just the first step.

Owner McAdams stated that the will come back to oppose this due the house being allowed to be built in the backyard of the Oakes. She also brought up the issue of Wetlands and that the lot is very wet.

Commissioner Breen stated that this is another issue that would be addressed.

Presenter Sheneen Williams responded that she was impressed that the neighbors were involved and that it wasn't a concern of another neighbor as to why they have decided to build here on this lot. They want to follow the code, steps and procedures and the peace of the neighbors. She also stated she lived in Windsor for 15 years and is a realtor. They have owned the land for 1 year and have not noticed traffic on the street prior.

Owner 40 Belmont (?) states that there is traffic in that area. She also has concerns about buses and how they have a hard time turning as it is from Cottage to Belmont.

Presenter Sheneen stated that we aren't here to discuss the traffic.

Comissioner Breen stated that yes we are in fact not here to discuss the traffic.

Owner 40 Belmont (?) said that they are just here to voice their opinions.

Lindsey Plunge also read instructions regarding members of the public that would wish to speak via zoom.

No other comments from the public.

II. CLOSE OF PUBLIC HEARINGS:

Chairman Breen CLOSED the Public Hearings at 7:43pm.

IV. COMMENCE REGULAR BUSINESS MEETING

Chairman Breen OPENED the Regular Business Meeting at 7:43pm.

1. CASES HEARD DURING THE PUBLIC HEARING

a. #22-01 – 23 Belmont Avenue, Section 4.1.3, Front yard setback for flag lot in R13 Zone

MOTION: Commissioner Dawn Kirkwood

SECONDED: Commissioner George Bolduc

DISCUSSION:

Dawn Kirkwood stated that even though numerous issues were raised, those were outside of the scope. It is just a 1 foot variance requested regarding a flag lot and all other requirements would need to be met, and she is in favor. George Bolduc discussed the same, that they are just discussing the 1 foot variance tonight. Loretta Raney stated that every other department representative would have their input on this before this moves forward and she is in favor of the variance. Jim Durant stated he understands the concerns of the public, but he is in favor of the variance request.

VOTE: 5-0-0, 7:46pm.

2. New Business

a. Communications from the Public:

Commissioner Breen stated we would need to vote on the Chair of the Zoning Board of Appeals. Dawn Kirkwood nominated Joe Breen. No other nominations. All in favor of Joe Breen as Chair of the Zoning Board of Appeals.

Commissioner Loretta Raney nominated Max Kuziak for Secretary of the Zoning Board of Appeals. Joe Breen nominated Loretta Raney. Loretta Raney accepted. A vote was held and there were 4 votes for Loretta.

Also brought up was the yearly code of Ethics. Lindsey Plunge stated she would find that information and email everyone tomorrow.

Commissioner Breen stated that he received 2 phone calls regarding 703 Prospect Hill Rd and the clutter in the yard, junk, truck etc. Lindsey Plunge stated that this is something that has come out prior and that she is sure we have sent letters out before but can look into it moving forward.

b. Minutes acceptance from December 15th, 2021

Motion: Commissioner Dawn Kirkwood made a motion to approve minutes with one correction of changing the secretary listed as George Bolduc to Max Kuziak in whole submitted the legal notice.

Seconded: Commissioner Loretta Raney

Vote: 5-0-0 7:55pm

c. Communications from Board Members

Commissioner Breen stated that Commissioner Robert Griffiths resigned and that Bob Ruzzo retired since Commissioner Loretta Raney didn't hear that part on the Zoom call back in December 2021. There is just one opening for an alternate now as Gina Pastula was sworn in. Lindsey Plunge stated that we just need the official resignation with an original signature and then we can advertise for that position. Lindsey Plunge stated she will get a new contact list out to everyone the following day.

d. Communications from Staff Liaison

No comment from Lindsey Plunge. Scott Colby stated that we are still in search of a Building Official and we have Kenneth Rich as our interim Building Official helping out from South Windsor. Lindsey Plunge stated that someone did call regarding a possible ZBA application and deadline but no applications yet.

3. Old Business - None

V. ADJOURNMENT:

MOTION: Commissioner Loretta Raney made a motion, seconded by Commissioner Dawn Kirkwood to ADJOURN the meeting at 8:01pm.

VOTE: 5-0-0

Respectfully submitted,

I certify that these
Minutes were accepted on:

Lindsey Plunge, Recording Secretary

Max R. Kuziak, Secretary
Zoning Board of Appeals