



**TOWN OF WINDSOR, CONNECTICUT
ZONING BOARD OF APPEALS**

May 22, 2024 @ 7:00 PM

TOWN HALL – Council Chambers - 275 Broad Street.
Special Hybrid Meeting – Via Zoom and In-person
UNAPPROVED MEETING MINUTES

PRESENT: Chairman Joe Breen, Commissioner George Bolduc, Commissioner Dawn Kirkwood, Commissioner Loretta Raney and Alternate Jim Durant.
Staff: Todd Sealy, Assistant Town Planner, David Langworthy, Building Official and Jennifer Bretas, Recording Secretary.

I. CALL TO ORDER – PUBLIC HEARINGS:

The meeting was called to order at 7:04pm by Chairman Joe Breen in the Council Chambers.

A. LEGAL NOTICE:

The Legal Notice, which appeared in the Hartford Courant, was read by Jennifer Bretas, Staff Recording Secretary and included the following:

#24-01 - 130 Palisado Avenue - Section 4.4.1 - Accessory Building - Side Yard Setback.

B. PROCEDURES:

Commissioner George Bolduc read the procedure for presentation of a variance application and appeals. Hearing no comments, the hearing proceeded.

C. ESTABLISHMENT OF QUORUM:

Chairman Joe Breen announced in the ZBA that normally, we have a commission of 5. Being that we only have 4 tonight, the decision on the application variance would have to be a unanimous 4 votes in favor of the applicant in order for the variance to be approved. There were 3 Commissioners and 1 Alternate seated and a quorum was established. Hearing no further objection, he declared the hearing proceed.

II. PUBLIC HEARINGS:

1. CASE HEARD DURING PUBLIC HEARING:

#24-01 - 130 Palisado Avenue - Section 4.4.1 - Accessory Building - Side Yard Setback.
Susan Miller and her partner, Eric Weiner live at 130 Palisado Ave. The homeowners are interested in putting up a pergola up over their patio, which is at the side yard of the property. There is a cement patio there now and it's fenced in with a stockade style fence, that's been there before they moved in. The patio is a south facing area, that gets full sun and that makes it unbearable to use, so the pergola would provide much needed shade and some privacy. The historic commission has already approved it.

Discussion:

For the record, Commissioner Joe Breen stated that the distance required by regulations is 15 feet on the side of the property line and the distance requested by the applicant is 3 feet. Commissioner Dawn Kirkwood believes it looks like there's less than 15 feet between the existing stockade fence on the side of the house. Pretty nonconforming, too, and that being true, it's a hardship legally based upon land. Alternate Jim Durrant asks how the pergola will be secured. Eric Weiner answered, it will be bolted to the concrete patio. David Langworthy, Town of Windsor Building Official, was asked if he would inspect it. David Langworthy said a building permit would be pulled for that purpose.

Public Comment:

There were no public comments.

Zoning Enforcement Officer Comment:

Mr. Todd Sealy, Assistant Town Planner, gave a little background on this application, stating that the applicant came before the Historic District Commission for a certificate of approval at a special meeting on April 24th. The purview of the Historic District Commission is to consider the visual impact of the structure from the right of way, from a historical context and based on the guidelines for the district. When he reviewed the certificate of appropriateness application, it was the thought of the Historic Commission that the pergola was going in the rear yard, not until the drafting of the minutes was it realized the pergola would be placed on the side yard setback. This was then communicated to the applicant and was stated that the only avenue for the structure to be approved in this location, would be to seek a variance. Mr. Sealy went on to say that if a modification were made to the existing structure or a new structure were to be placed in this location, it would require a new application and review by the board.

III. CLOSE OF PUBLIC HEARING:

Chairman Joe Breen CLOSED the Public Hearing at 7:17pm.

IV. COMMENCE REGULAR BUSINESS MEETING

Chairman Breen OPENED the Regular Business Meeting at 7:17pm.

1. CASE HEARD DURING THE PUBLIC HEARING:

#24-01 - 130 Palisado Avenue - Section 4.4.1 - Accessory Building - Side Yard Setback in Zone AA.

Motion: Alternate Jim Durant, with the limitation that Mr. Todd Sealy mentioned.

Seconded: Commissioner Dawn Kirkwood.

Discussion: Commissioner Dawn Kirkwood commented existing nonconformity; stating that it looks like there is a legal hardship based upon the design of the lot.

Vote: 4-0-0, Approve, 7:19pm.

2. NEW BUSINESS:

a. Communication from staff liaison:

Mr. Todd Sealy told the Commission about the groundbreaking ceremony at Wilson Park that happened the other day and how it was attended by the Governor, members of the Town Council and the Mayor. The project will be starting this spring, with an expected completion date sometime next year. This has been an ongoing project for over 10 years now, and through the American Rescue funds and a Community Investment Grant, it is actually happening for a low cost to the taxpayers, cost of maintenance

b. Communications from public:

There were none.

c. Minutes acceptance for September 20th, 2023

Motion: Commissioner Dawn Kirkwood made a motion to approve the minutes from September 20th, 2023.

Seconded: Commissioner George Bolduc.

Vote: 4-0-0, Approved

d. Communications from Board Members:

A few months ago, Loretta Raney resigned from her position. She moved out of town and is no longer on the Commission and is no longer the ZBA Commission Secretary. Therefore, a new secretary needs to be appointed at the next regular meeting.

Commissioner Dawn Kirkwood brought up the training and the continuing education requirements that are needed to serve on a Board, what is this state statute and questioned if there is actually a certification process. Lastly, how does each member get credit for the hours completed? Mr. Sealy suggested that the each member of the ZBA, upon completion of each session, take note of the date, time, the title of the webinar and where the training was taken, to, at least, have a record of what courses have been viewed. In the future, registering for these meetings would be the best way to ensure that your qualifications are up to date. Mr. Sealy went on to say his recollection of the statute is that training needs to be done, with 4 hours of training every 2 years, with coverage of different topics. Mr. Sealy went on to say that the staff can look into this for the Commission and just spell out those requirements.

3. OLD BUSINESS:

The ZBA Commission needs to inform both the Democratic and Republican Town Committees that there are vacancies in this Commission that need to be filled.

Alternative Jim Durrant has been informed that if he wants to move up to be a Commissioner he has to apply. Jennifer Bretas will update the Commission's roster with the proper dates and such, then send it out to the members.

V. ADJOURNMENT:

Motion: Commissioner George Bolduc made a motion to ADJOURN the meeting at 7:31pm

Seconded: Alternate Jim Durant

Vote: 4-0-0

Respectfully submitted,

I certify that these
Minutes were accepted on:

Jennifer Bretas, Recording Secretary

Chairman Joseph J. Breen, Zoning Board of Appeals