



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

September 18th, 2024 @ 7:00 PM

TOWN HALL – Ludlow Room - 275 Broad Street.

Hybrid Meeting – Via Zoom and In-person

APPROVED MEETING MINUTES

PRESENT: Chairman Joe Breen, Commissioner George Bolduc, Commissioner Jim Durant, Commissioner Dawn Kirkwood and Alternate Gina Pastula.

Staff: Todd Sealy, Town Planner and Jennifer Bretas, Recording Secretary.

I. CALL TO ORDER – PUBLIC HEARING:

The meeting was called to order at 7:01 pm by Chairman Joe Breen in the Ludlow Room.

• **LEGAL NOTICE:**

The Legal Notice, which appeared in the Hartford Courant, was read by Commissioner George Bolduc and included the following:

#24-02 – 94 Pond Road - Section 4.4.15A – Fence - Front Yard Setback.

Section 4.1.1 – AA Zone Setback

• **PROCEDURES:**

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

• **ESTABLISHMENT OF QUORUM:**

Chairman Joe Breen announced in the ZBA that we have a commission of 5.

There are 4 Commissioners and 1 Alternate seated and a quorum was established. For the variance to pass 4 affirmative votes would be need in the applicant's favor. Hearing no further objection, he declared the hearing to proceed.

II. PUBLIC HEARING:

CASE HEARD DURING PUBLIC HEARING:

#24-02 – 94 Pond Road - Section 4.4.15A – Fence - Front Yard Setback.

Section 4.1.1 – AA Zone Setback

Andrew Johnson and his family live at 94 Pond Rd. The homeowners are interested in putting up a privacy fence on their long, narrow, oddly shaped corner lot which does not have much of a back yard. The lot is approximately 27-30 feet deep which doesn't provide enough space to enjoy the whole acre of land. He has children and this road is a major cut through to Windsor Locks, to highway 91. There is a huge Amazon Fulfillment Center in the neighborhood with trucks coming and going and stopping to take breaks around his house. So for some privacy and the safety of his family he is asking for half of the lot to be fenced in.

Discussion:

On corner lots, fences, walls or hedges, up to a maximum height of 6 feet, may be erected in front of a secondary building line if they are set back 5 feet from any property line for each additional foot of height above 4 feet, for example, 5 feet high at 5 feet from any property line, at 6 feet high at 10 feet from any property line.

Chairman Joe Breen asked Mr. Andrew Johnson what the distance of the fence would be from the property line. Mr. Johnson replied the fence would be 15 feet off the road then it will come from the southeast corner of the house 10 feet in from the driveway. Looking down the road there is plenty of visibility for a vehicle coming either way because the property goes to the corner of the road. The view will not be obstructed because a fence will be setback 15 feet from the road.

Commissioner George Bolduc asked Mr. Johnson to clarify that the fence would be 15 feet from the front line and it will be 128 feet long and from the driveway to the fence it will be approximately 40 feet away from the house and then 10 feet in with no line of sign issues whatsoever. Mr. Johnson told Commissioner George Bolduc that was correct.

Commissioner Jim Durant asked if Mr. Johnson had talked to his neighbors about how they feel about the proposed fence. Mr. Johnson replied that they are all in favor for it.

Public Comment:

Mike Dustin lives at 99 Lancaster Drive, which is around the corner from Andrew Johnson and his family. He came to the meeting to support his neighbor and is in favor of this proposed variance.

Zoning Enforcement Officer Comment:

Todd Sealy, Town Planner had put together some comments which were aimed at clarifying exactly where the fence is going to be in relation to the front yard. After Mr. Sealy had a conversation with Mr. Johnson, who told him that the fence is going to be 15 feet in from the front property line, which would be in keeping with a corner lot regulation, even though, we are talking about a front yard setback rather than a side yard. So Mr. Sealy concluded that the town's position is relatively neutral.

III. CLOSE OF PUBLIC HEARING:

Chairman Joe Breen CLOSED the Public Hearing at 7:20 pm.

IV. COMMENCE REGULAR BUSINESS MEETING

Chairman Breen OPENED the Regular Business Meeting at 7:20 pm.

CASE HEARD DURING THE PUBLIC HEARING:

#24-02 – 94 Pond Road - Section 4.4.15A – Fence - Front Yard Setback.
Section 4.1.1 – AA Zone Setback

Motion: Commissioner Dawn Kirkwood

Seconded: Alternate Gina Pastula

Discussion: Commissioner Dawn Kirkland stated that there is a hardship here. Alternative Gina Pastula commented that the lot is an odd shape and all were in agreement that there is a hardship here.

Vote: 5-0-0, Approve, 7:22 pm.

NEW BUSINESS:

1. Communication from staff liaison:

Jennifer Bretas informed the Commission that because last meeting was a Special Meeting the vote for Recording Secretary could not be used, so a vote needs to be redone. Chairman Joe Breen asked if anyone would like to be the Secretary for the Zoning Board of Appeals. Commissioner George Bolduc nominated himself to be the Secretary for the Zoning Board of Appeals. Hearing no objections, it was unanimous that all were in favor of Commissioner George Bolduc as the Secretary, Zoning Board of Appeals for this next term.

Mr. Todd Sealy had a couple of items to share. The Planning department is kicking off the POCD process. By State Statute they are mandated to update the plan of conservation and development every 10 years. The Planning Department are looking to onboard a consultant for the POCD, and are also trying to fast track a Day Hill Corridor study because there are a lot of vacant office spaces in that area and the town is trying to figure out the best uses of some of those properties. This may be approved in January, February of 25. That would give us some actionable items, so that developers and the Commission could have some type of options for either redeveloping properties or to know what potential opportunities might exist in the Day Hill Corridor. In October of 2025, there is going to be

a series of public hearing processes and charrettes and public meetings. As soon as they have a consultant on board, they will reach out to the Boards and Commissions. The Planning Department is looking to go to council in early October for the funding of that. Mr. Sealy anticipates selecting a consultant in the next couple of weeks.

2. Communications from public:

West Street Rooster. There is a complaint from a neighbor of Chairman Joe Breen's, on West Street, that there is a very vocal rooster and who should he contact at the town? Mr. Todd Sealy replied that the neighbor should contact our Zoning Enforcement Officer, Mr. Jim Zeller.

3. Minutes acceptance for May 22nd, 2024

Motion: Commissioner Dawn Kirkwood moved to approve the minutes from May 22nd, 2024 Special Meeting, as presented.

Seconded: Commissioner Jim Durant.

Vote: 5-0-0, Approved

4. Communications from Board Members:

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.

Commissioner George Bolduc inquired if any of the regulations have been updated since the last publication? Mr. Todd Sealy replied yes there has been some minor updates to a few chapters, like the landscape standards, a couple of amendments added to the RC Zone and a design development. The Planning Department is waiting to see what comes out of the POCD process, there may be recommendations for zoning amendments or a zoning rewrite. The last printing was in 2022.

Mr. Jim Durant has been sworn in as a as a Commissioner as of last week.

Commissioner George Bolduc was wondering about the location of the Noble Gas Station up on 2200 Day Hill Road, stating that he thought there was restrictions for gasoline stations being so far from entrance and exit ramps. Mr. Todd Sealy answered that in section 15, there are special uses that are permitted in any zone, and gas stations are listed in there. It has to be within a certain distance of the interchange. The gas station that was approved up on Day Hill Road was a modification to the form based code. The Great Pond Development came in for a modification to the form and the Commission approved that amendment.

OLD BUSINESS:

There is no old business.

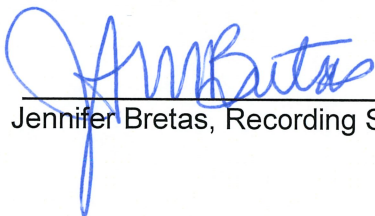
V. ADJOURNMENT:

Motion: Commissioner George Bolduc made a motion to ADJOURN the meeting at 7:35pm.

Seconded: Commissioner Dawn Kirkwood

Vote: 5-0-0

Respectfully submitted,



Jennifer Bretas, Recording Secretary

I certify that these
Minutes were accepted on:



George Bolduc, Secretary Zoning Board of Appeals