



TOWN OF WINDSOR, CONNECTICUT ZONING BOARD OF APPEALS

February 19th, 2025 @ 7:00 pm

TOWN HALL – Council Chambers - 275 Broad Street.

Hybrid Meeting – Via Zoom and In-person

APPROVED MEETING MINUTES

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

Staff: David Langworthy - Building Official/Zoning Enforcement Officer, Todd Sealy - Town Planner and Jennifer Bretas - Recording Secretary.

CALL TO ORDER – PUBLIC HEARING

The meeting was called to order at 7:00 pm by Chairman Breen in the Council Chambers.

- **LEGAL NOTICE:**

The Legal Notice, which appeared in the Hartford Courant on February 7th and 14th, 2025, was read into the record by Commissioner Kirkwood.

- **PROCEDURES:**

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

- **ESTABLISHMENT OF QUORUM:**

Chairman Breen announced that normally the ZBA has five commissioners.

Being that there were only four tonight, the decision on the application would have to be a unanimous four votes. There were four commissioners seated and a quorum was established. Hearing no further objections, he declared the meeting to proceed.

PUBLIC HEARING

Chairman Breen OPENED the public hearing at 7:04 pm.

CASE HEARD DURING PUBLIC HEARING:

#25-02 - 801 Stone Rd. – Variance - Section 4.4.15A – Fence – Front Yard Setback, AG Zone, Blake

Mr. Dudley Blake explained that he and his wife, Lorraine are looking for a variance for a six foot fence to be placed in front of their residence to separate them from their neighbors' backyards because it is a flag lot and it is a setback. Chairman Breen asked if the issue was the distance from the property line. The Town Planner, Todd Sealy said that was correct and explained that for a flag lot which is an AG parcel (AG referring to the AA standards), the associated front yard setback shall be at least twice the corresponding minimums in the AA and A Zones and three times the corresponding minimums in the R13, R11, R10 and R8 Zones. The AA Zone front yard setback would be 40 feet. Typical requirements for a front yard setback are that a four foot fence can be erected in front of the building line leading up to the property line, which would be typically the street or sidewalk, and then anything behind the building line can go up to six feet in height. Because this is a front flag lot, the front yard setback has been doubled to 80 feet. The Blake's are proposing a six foot fence along the back edge of the property line, which would be the front neighbors' rear yards.

Mr. Blake added that his front yard would be their back yards, the six foot high fence would help provide some privacy for all involved and enforce property separation with no questions.

- **Discussion:** Commissioner Bolduc wanted clarification that if the Blake's cannot have a fence higher than four feet on the property, how many feet back would they have to go to have a six foot fence? Mr. Sealy answered that it would be behind the building line, which would be 80 feet.

Commissioner Kirkwood wanted some clarification that the fence would be made out of eight foot wide sections that would be four foot high and six foot high. The six foot high sections would be used for the division of the Blake's front yard from their neighbor's back yards based on the photos provided.

Commissioner Bolduc asked what material the fence was going to be made from. Mr. Blake replied that it was a composite trex that looked like stone, which would blend in nicely with the surroundings.

Commissioner Durant asked for clarification of how much fencing was going to be needed. Mr. Blake answered that there would be 130 feet of six foot high fencing on both sides, then 60 feet of fencing on both sides of the driveway that would turn into 270 feet of four foot high fencing going down the rest of the length of the driveway, ending 10 feet from the road for a total of 650 feet of fencing.

Commissioner Durant asked if Mr. and Mrs. Blake had considered a line of arborvitae or something like that instead of the artificial fencing to block the view. Mrs. Blake stated that they did consider going in that direction initially, but due to the concerns they had with their neighbors, where the neighbors had expressed the demands not to encroach on their properties. Mr. and Mrs. Blake felt that the only way to meet that request and maintain peaceful relations would be to have the proposed fence. Chairman Breen asked if the town had any issues with the application of exactly what the Blake's are trying to accomplish with the fence. Mr. Sealy replied that in the regulations there are provisions if a flag lot was to be developed, at least a four foot high evergreen screen designed to reach a minimum height of six feet at maturity, that's planted along the rear lot line of all the lots in front of the flag lot. When the subdivision occurred, Mr. Sealy was unsure if that regulation was in place, but looking back at the old plans it showed no trees or evergreen screen was provided for it. Still considered a buildable lot so it made Mr. Sealy question whether or not the Blake's would have to be required to put in that evergreen screen. Mr. Sealy suggested in his comments that the applicants considered supplementing the fence with plants to provide some additional privacy if vegetation was sparse between properties. The one concern Mr. Sealy had was with the fence going down the driveway. A 25 foot width would be required for the driveway so that if a fire truck were ever to go down and had to set up the outriggers they would have the space to do so. The fire marshal did not have the same concern.

- **Zoning Enforcement Officer Comment:** No comments
- **Public Comment:** A joint email was received on 02/19/2025 at 12:51 pm from Brian & Marjorie Janik of 793 Stone Rd. and Fern & Claire Beaudry of 807 Stone Rd. and was read into record in regards to the height, material and esthetics of the fence in question, with concerns of encroachment on their properties from 801 Stone Rd.

Mrs. Blake responded to the neighbor's email to the Building Department, stating that she, her attorney and the realtor had been corresponding with Marjorie Heintz (Janik) from 793 Stone Rd. since October about a number of things, most of which were demands from Mrs. Heintz. Mr. and Mrs. Blake have tried to be very accommodating, but feel disrespected when the neighbors demanded for them not to encroach on their properties, then see evidence in the snow that showed the neighbors were still walking all over the Blake's property.

CLOSE OF PUBLIC HEARING

Chairman Breen CLOSED the public hearing at 7:27 pm to vote on the appeal.

COMMENCE REGULAR BUSINESS MEETING

Chairman Breen OPENED the regular business meeting at 7:27 pm.

CASE HEARD DURING THE PUBLIC HEARING:

#25-02 - 801 Stone Rd. – Variance - Section 4.4.15A – Fence – Front Yard Setback, AG Zone, Blake

Motion: Commissioner Kirkwood for the purpose of discussion moved to approve variance request.

Seconded by: Commissioner Durant

Discussion: Commissioner Kirkwood thought that the uniqueness of the flag lot along with the situation that had been outlined indicated a legal hardship and the fence that was proposed would be in enough character with the surrounding areas is to not prove out of character and therefore she was in favor of approval.

Commissioner Durant felt that the applicants were very reasonable people and that it was not an unreasonable request to have privacy and that was why he seconded the motion.

Chairman Breen stated that in order for a variance to be approved a legal hardship needed to be presented and certainly with the flag lot they have a legal hardship.

Vote: 4-0-0, APPROVED at 7:29 pm.

NEW BUSINESS:

1. **Communications from the staff liaison:** Mr. Sealy talked about the Plan of Conservation Development (POCD) program and that the first public workshop will be held on Thursday, February 27th, from 6:00 to 8:30 pm. The workshop will start off with a brief presentation about the existing POCD and what progress has been made on it and then talk about major topics which will be outlined in the new Plan of Conservation Development. The meeting will then be broken up into three 20 minute sessions where there will be a facilitator to work with the public to address concerns or bring up ideas or topics related to preservation, housing, land use, economic development, and transportation sustainability. Mr. Sealy also mentioned the online survey which is on the website at: <http://plan.windsorct.com/>

Mr. Langworthy asked the board how they would feel about changing the meeting time from 7:00 pm to 6:30 pm. Mr. Sealy said we would have to figure out procedures, but since the new schedule for this year had been approved, we can consider doing a time change next year and for special meetings.

2. **Communication from the public:** No communications from the public.
3. **Communications from the Board Members:** Commissioner Bolduc asked about what was going on at the end of Day Hill. Mr. Sealy replied that it was going to be a pickle ball facility that is part of a racket ball club, which will be open to the public.

4. Minutes acceptance for January 15th, 2025

Motion: Commissioner Kirkwood moved to accept the minutes from January 15th, 2025.

Seconded by: Commissioner Durant

Vote: 4-0-0, APPROVED at 7:35 pm

OLD BUSINESS:

There was no old business.

ADJOURNMENT

Motion: Commissioner Bolduc made a motion to ADJOURN the meeting.

Seconded: Commissioner Durant

Vote: 4-0-0, APPROVED at 7:36 pm.

Respectfully submitted,

 9.17.2025
Jennifer Bretas, Recording Secretary

I certify that these
Minutes were accepted on:


George Bolduc, Secretary Zoning Board of Appeals