



**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING
May 20, 2024
7:00 PM - Scitico Room**

1. CALL TO ORDER

Chair Urbanowicz called the meeting to order at 7:01pm.

2. FIRE EVACUATION ANNOUNCEMENT

Fire evacuation announcement was made.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Christine DeBonee, Richard Stroiney, Mary Ann Turner, Andrew Urbanowicz,
Charles Mastroberti

Absent: Matt Despard

Commissioner DeBonee was seated as a voting member.

Also present was Town Planner; Laurie Whitten, Zoning Enforcement Officer Rick Rachele and Recording Secretary; Rebecca Jones.

MOTION by: Mary Ann Turner **seconded:** Richard Stroiney to move Item 5 to be heard after New Business.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Andrew Urbanowicz No: None Abstain: None.

5. OLD BUSINESS

A. ZBA# 2021-03-20 - 128 Moody Rd - Court remanded to ZBA

Chair Urbanowicz recused himself from this matter and Commissioner Stroiney took over as Chair in his absence. Mr. Rachele provided a brief history of this filing. The judge confirmed that this business is indeed using the property as a trucking terminal. The judge did not address the issue related to the use being legally non-conforming and that is what is before the ZBA this evening. Town staff opined that it should never have been used for the purpose as it is listed and identified as a farm. There have been a variety of products shipped through this location, including food products delivered to grocery stores in

Vermont and New York and wooden beams that are used for wetlands delineations. The commissioners agreed that the trucks need to be removed. The applicant was not present for discussion and provided no feedback via email.

MOTION by: Mary Ann Turner **seconded:** Christine DeBonee to close discussion.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner No: None Abstain: Andrew Urbanowicz.

Commissioner Turner opined that this is not a legal non-conforming use and all related activity needs to stop.

MOTION by: Mary Ann Turner **seconded:** Christine DeBonee to agree that the trucking terminal operation located at 28 Moody Road is a legal non-conforming use.

UPON A ROLL CALL VOTE, the Chair declared the motion failed. Yes: None No: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner Abstain: Andrew Urbanowicz.

6. NEW BUSINESS

A. Legal Notice

Commissioner Turner read the legal notice for ZBA #2024-4-19 into the record.

B. **ZBA# 2024-4-19** - 83 Park Ave - Application for a variance for relief of Section 3.30.3; Jennifer Bruyette, Applicant/Owner; Map 39/Lot 18; R33 Zone

Applicant was present for discussion. Ms. Bruyette is requesting a variance for the proposed creation of a 6-foot fence from the rear of her property to the driveway. She is on a corner lot and the ordinance states that the fence must be 50ft from an intersection. Ms. Bruyette has experienced theft and shared security photos of people walking through her yard. She noted that her grandchildren play on the playscape located directly to the right of the trespass area. Commissioner Turner did visit the site and thanked the applicant for having the area clearly marked.

MOTION by: Mary Ann Turner **seconded:** Richard Stroiney to close the public hearing.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Andrew Urbanowicz No: None Abstain: None.

Chair Urbanowicz has no issue with the variance request. It is a legal non-conforming lot with a

unique property location. Commissioner Turner also noted that several other neighbors all have similar fences.

MOTION by: Mary Ann Turner **seconded:** Richard Stroiney to approve ZBA# 2024-4-19- 83 Park Avenue.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Andrew Urbanowicz No: None Abstain: None.

C. **ZBA# 2024-3-20 - Grant Rd** - Appeal of ZEO Cease & Desist order of Section 8.40; Jarmoc Farms, LLC, Applicant/Owner; Map 87/Lot 117; R-88 Zone

Commissioner Turner read the legal notice into the record. A letter has been received from Derek Donnelly for a continuance for this matter. Commissioner Turner noted it should not extend longer than next month's meeting.

MOTION by: Mary Ann Turner **seconded:** Andrew Urbanowicz to extend the hearing for ZBA# 2024-3-20 Grant Road to the June 24, 2024 meeting.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Charles Mastroberti, Richard Stroiney, Mary Ann Turner, Andrew Urbanowicz No: None Abstain: None.

Richard Lemieux, 6 Grant Road, addressed the board. He explained that trucks are driving down the street at excessive speeds. He has called the police several times and they stated that they will contact the Jarmocs to address the issue. Mr. Lemieux explained that the trucks will slow down once the police are called but only for a few days. He also noted that the trucks appear to be overloaded and exceeding maximum load capacity. There is an excessive amount of dirt and gravel being left in the road and their street was just repaved. He is not the only resident who is concerned, and several neighbors have contacted the police. Commissioner Turner encouraged Mr. Lemieux to call the police every single time a truck speeds by.

Ms. Whitten also received five emails from East Windsor residents who live nearby, which all echo Mr. Lemieux's concerns. Chairman Urbanowicz explained that there will be another public component at the next hearing.

7. APPROVAL OF MINUTES

A. April 22, 2024

MOTION by: Mary Ann Turner **seconded:** Richard Stroiney to approve the April 22, 2024 meeting minutes.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Christine DeBonee, Richard Stroiney, Mary Ann Turner, Andrew Urbanowicz No: None Abstain: Charles Mastroberti.

8. CORRESPONDENCE/STAFF REPORT

None.

9. OTHER BUSINESS

None.

10. TOWN ATTORNEY REPORT

A. April 26, 2024

Town Attorney report was received.

11. EXECUTIVE SESSION

None.

12. ADJOURNMENT

MOTION by: Mary Ann Turner, seconded: Richard Stroiney to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared the motion adopted unanimously, and the meeting stood adjourned at 7:36 pm.

Respectfully submitted,

Mary Ann Turner

Secretary

Rebecca Jones

Recording Secretary