

**TOWN OF EAST WINDSOR
ZONING BOARD OF APPEALS
11 RYE STREET
BROAD BROOK, CT 06016**

MINUTES OF SPECIAL MEETING

Wednesday, December 13, 2023
7:00 p.m.

These minutes are not official until approved at a subsequent meeting

Zoning Board of Appeals

Nolan Davis
Steve Smith
Mystica Davis
Dan Noble
Elizabeth McGuire

Alternates

David Swaim
Scott Morgan

Join Zoom Meeting <https://us06web.zoom.us/j/7148971799>

Meeting ID: 714 8971799 Dial
by your location

+1 312 626 6799 US (Chicago) +1 646 558 8656 US (New York)

Meeting ID: 714 8971799

Find your local number: <https://us06web.zoom.us/j/7148971799>

ATTENDANCE: Director of Planning & Zoning Enforcement Officer Ruthanne Calabrese, Vice Chairman Nolan Davis, Regular Members: Mystica Davis, Dan Noble, and Elizabeth McGuire were present at the Call to Order.

ABSENT: Secretary Steve Smith, Alternates: David Swaim, and Scott Morgan

GUEST: None

**TOWN OF EAST WINDSOR
ZONING BOARD OF APPEALS
Special Meeting – December 13, 2023
Zoom Teleconference
Meeting ID: 7148971799
MEETING MINUTES**

I. TIME AND PLACE OF MEETING:

Nolan Davis called the December 13, 2023 Special Meeting of the East Windsor Zoning Board of Appeals to Order at 7:00 p.m. in person and via Zoom.

II. ESTABLISH QUORUM:

Nolan Davis noted the Board has established a quorum with four Members present in-person at the Call to Order.

III. PLEDGE OF ALLEGIANCE:

Nolan Davis led the Board in the Pledge of Allegiance.

IV. NEW HEARING:

None

V. OTHER BUSINESS:

MOTION: To discuss item C. Review Bylaws first.

Nolan Davis moved/Dan Noble seconded/DISCUSSION: Elizabeth McGuire asked if the bylaws were confirmed. Ruthanne Calabrese explained the bylaws are to be reviewed annually, and that, they were not updated since 2003.

VOTE by a show of hands:

In Favor: Nolan Davis/Dan Noble/Elizabeth McGuire/Mystica Davis
(No one opposed/No abstentions)

C. Review Bylaws (ATTACHMENT A)

The Rules of Procedures of the Town of East Windsor Zoning Board of Appeals require the presence of the members to be elected for the Board of Zoning Appeals.

It was suggested to review and revise the bylaws at the next meeting.

MOTION: To REVIEW the BYLAWS for the next meeting that would be scheduled as a special meeting with the date determined by the staff of the office of the Planning and Zoning Department.

Dan Noble moved/Mystica Davis seconded/DISCUSSION: None

VOTE: by a show of hands:

In Favor: Nolan Davis/Mystica Davis/Elizabeth McGuire/Dan Noble
(No one opposed/No abstentions)

A. Election of Officers

MOTION: To TABLE the Election of Officers for the next meeting that would be scheduled as a special meeting with the date determined by the staff of the office of the Planning and Zoning Department.

Dan Noble moved/Mystica Davis seconded/DISCUSSION: None

VOTE: by a show of hands:

In Favor: Nolan Davis/Mystica Davis/Elizabeth McGuire/Dan Noble
(No one opposed/No abstentions)

B. Approval of the 2024 ZBA Meeting Schedule (ATTACHMENT B):

MOTION: To APPROVE the 2024 ZBA Meeting Dates except for July 1st and September 2nd dates as they would be scheduled on an as need basis as special meetings.

Dan Noble moved/Mystica Davis seconded/DISCUSSION: July 1st and September 2nd fall on National Holidays. Therefore, it was suggested to keep July 1st as is and reschedule September 2nd to August 19th.

VOTE: by a show of hands:

In Favor: Nolan Davis/Mystica Davis/Elizabeth McGuire/Dan Noble
(No one opposed/No abstentions)

VI. PUBLIC PARTICIPATION:

None

VII. APPROVAL OF MINUTES:

A. March 6, 2023:

MOTION: To TABLE the approval of meeting minutes.

Nolan Davis moved/ Mystica Davis seconded/ DISCUSSION: None

VOTE by a show of hands:

In Favor: Nolan Davis/ Mystica Davis/Dan Noble/Elizabeth McGuire
(No one opposed/ No abstentions)

VIII. ADJOURN:

MOTION: To ADJOURN the meeting at 7:26 p.m.

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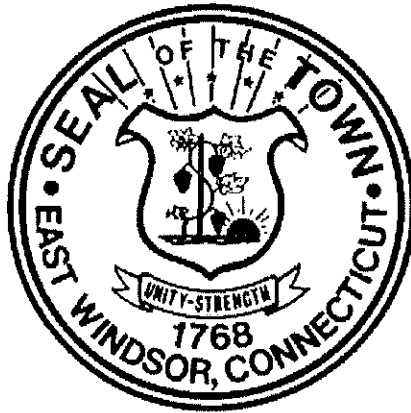
**Dan Noble moved/Elizabeth McGuire seconded/*DISCUSSION*: None
VOTE by a show of hands:
In Favor: Nolan Davis/Dan Noble/Mystica Davis/Elizabeth McGuire**

Respectfully submitted,
Sabo Khalilova, Recording Secretary, East Windsor Zoning Board of Appeals

TOWN OF EAST WINDSOR

ZONING BOARD OF APPEALS

Rules of Procedures



Prepared by

**Town of East Windsor
Planning & Zoning Department**

11 Rye Street, Broad Brook, CT - Tel: (860) 623-6030

Adopted June, 2003

TOWN OF EAST WINDSOR, CONNECTICUT
Zoning Board of Appeals
RULES OF PROCEDURE

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RULES OF PROCEDURE ZONING BOARD OF APPEALS

I. POWERS AND DUTIES

The Zoning Board of Appeals shall act in accordance with the Connecticut General Statutes Title 8 Chapter 124, as amended, and shall have the following powers and duties:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter or any bylaw, ordinance or regulation adopted under the provisions of this chapter.
2. To hear and decide all matters including special exceptions upon which it is required to pass by the specific terms of the zoning bylaw, ordinance; and
3. To determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel, but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.
4. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the Board or by a court on an earlier such application.

II. OFFICIALS

1. A Chair shall be elected annually, during the first meeting after a local election, by a majority vote of ~~regular members~~ **members in attendance**. If the Chair is absent the Vice Chair shall conduct the meeting. If the Chair and Vice Chair are absent, the member with the longest term of service shall act as Chair.
2. A Vice Chair shall be elected annually, during the first meeting after a local election, by a majority vote of ~~regular members~~ **members in attendance**.
3. A Secretary shall be elected annually, during the first meeting after a local election, by a majority vote of ~~regular members~~ **members in attendance**. In his absence the Chair shall designate another member to act as Secretary.
4. All officials shall continue in office until his office is filled by election of his successor.

III. MEETINGS

1. The Chair and Secretary shall file with the Town Clerk not later than January 31st a schedule of regular meetings of the Board. The Chair may call an unscheduled meeting if he deems it necessary.
2. All meetings shall be in compliance with the provision of the General Statutes Title 1, Chapter 3, Section 1-21, as amended.
3. Alternate members should be available for all meetings or as often as possible. All members should notify the office if they have an intended absence.
4. All alternate members may participate during a public hearing, but only alternate members who are sitting for regular members, shall participate in the deliberations and decisions of applications before the Board.
5. No member of the Board shall appear for or represent any person in any matter pending before the Board. No member of the Board shall hear or decide an appeal in which he is directly or indirectly interested in a personal or financial sense. If a member shall be disqualified because of interest, such fact shall be noted in the record of the hearing. The Board shall choose an alternate from the panel of alternates, or if an alternate is not available, such fact shall be recorded in the minutes of the meeting.

IV. APPEALS TO BOARD

1. Application Requirements: Applicants shall file an official application form and shall include all relevant information, documents and fee as set forth in the application form.
2. An appeal against an order of the Zoning Enforcement Official shall be made within 20 days after:
 - a. The written order has been mailed by certified mail, or
 - b. Service of the order has been made by the Zoning Enforcement Official or a constable in accordance with the procedures and requirements for the manner of service as set out in Section 52-57 of the Connecticut General Statutes.

V. CONDUCT OF HEARINGS

1. Petitions shall be heard in the order as they appear on the agenda.
2. If a petitioner or his representative is not present when the hearing is called, the hearing shall again be called after all other petitions have been heard.
3. If a petitioner or his representative fails to appear the petition shall be dismissed without prejudice.
4. The petitioner or his representative and witnesses shall first be heard.

V. CONDUCT OF HEARINGS *(Continued)*

5. After the petitioner has concluded his presentation the Chair shall allow any person to speak in support of the petition.
6. After these persons in support of the petition have spoken the Chair shall allow any person to speak in opposition to the petition.
7. After those persons in opposition have spoken the Chair shall allow any person to speak either in support or opposition to the appeal.
8. After the speakers mentioned in (4) through (7) have been heard the Chair shall allow any person to speak in rebuttal for a limited time period as the Chair sees fit to impose.
9. The Board shall not be obliged to hear any information which is not relevant to the petition, and the Chair may caution any speaker in this regard and order it to be struck from the record.

VI. DECISIONS

1. The concurring vote of four members shall be necessary to reverse any order, requirement or decision of an official charged with the enforcement of the zoning regulations or to decide in favor of the applicant any matter upon which it is required to pass under any bylaw, ordinance, rule or regulation or to vary the application of the zoning bylaw, ordinance, rule or regulation.
2. Whenever the Board grants or denies a special exception or variance or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision and the zoning regulation which is varied in its application or to which an exception is granted and, when a variance is granted, describe specifically the exceptional difficulty or unusual hardship on which its decision is based.
3. The Board shall act on a petition within 65 days after the hearing is closed.

VII. AMENDMENTS

These bylaws may be amended by a two-thirds vote of the entire voting membership of the Board, only after the proposed change has been read and discussed at a regular meeting.

Adopted June, 2003

Attachment B

Town of East Windsor Zoning Board of Appeals 2024 Meeting Schedule

<http://www.eastwindsorct.com>

With the exception of **January 01, 2024**, The Regular Meetings of the East Windsor Zoning Board of Appeals for the **2024** calendar year will be held on the **First Monday of** each month, unless otherwise posted.

The meetings are held at the East Windsor Town Hall, 11 Rye Street, Broad Brook, beginning at **7:00 p.m.**

Meeting Date*
No Meeting *Due to New Years Day Holiday*
February 5
March 4
April 1
May 6
June 3
July 1
August 5
* September 2
October 7
November 4
December 2

* September 2nd is a Labor Day
Therefore August 19th has been selected instead.