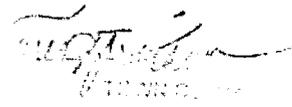


Town of Stafford  
Zoning Board of Appeals  
Stafford Senior Center, 3 Buckley Highway  
September 10, 2020 – 7:00 p.m.

RECEIVED  
STAFFORD, CT  
4 pages  
2020 SEP 14 PM 4:13



Members Present: Judith Mordasky, Chair  
Janene Berriault  
Arlene Avery (joined remotely via Zoom Technology)  
James Greene, alternate

Also Present: David Perkins, ZEO  
Attorney Wendell Avery representing Robert & Danielle Allard  
Robert and Danielle Allard, applicants  
Don Wurst, applicant  
Public

**Public Hearings**

- 1. Call to order.**  
Judith Mordasky, Chair opened the Public Hearing at 7:00 p.m.
- 2. Establish a Quorum.**  
Judith Mordasky established a quorum with Judith Mordasky, Chair; Janene Berriault, Arlene Avery (via Zoom), seating alternate member James Greene for Dennis Kaba
- 3. Public Hearing.**  
**Variance request of Robert and Danielle Allard, 80 Chestnut Hill Road, Stafford Springs, CT 06076 to vary sections 3.5 and 3.15 to allow construction of a single family home on a lot not on a public road.**

**Owner: Linda and David Belcher; applicants Robert and Danielle Allard as represented by Attorney Wendell Avery  
Location: 0 Finch Road - Map: 7, Lot 15, Zone AA**

James Greene read the legal notice.

Attorney Wendell Avery of 72 West Stafford Road, representing the applicants Robert and Danielle Allard, stated that his clients were purchasing an approximately 100 acre parcel from David and Linda Belcher. The Allards would like to build a home on a part of Finch Road that is no longer maintained by the town. Attorney Avery provided two CRCOG maps showing the subject property and location of the proposed house.

Attorney Avery said a house needs to have sufficient frontage on a town road, but the zoning regulations allow a ZBA to grant a variance if the house to be built is not beyond the last house built on the road. Attorney Avery said historically Finch and Lamb Roads were one continuous road. He noted that there is a house before their proposed house on Finch Road and then houses beyond the proposed house on Lamb Road. He said the proposed house would be accessed primarily via the Finch Road side. He requested variances to Sections 3.5 and 3.15, and also referenced Ordinance 2.3, Item 1.

The public was invited to speak for or against the application.

Cindy Rummel of 216 Hydeville Road spoke in support of the application. She said she understood that Finch and Lamb were once connected roads. She also noted that the subject property has been on the market for some time and the buyer will be putting in resources to improve the road.

Brian Sullivan of 84 Lamb Road said he was not necessarily opposed to the application but he expressed concerns about the connectivity between Finch and Lamb Roads. He said this is an old logging trail and contended that Lamb Road is a dead end. He said the town abandoned Lamb Road at his property in 1990. He said the applicant states that there are homes on either side of the proposed House, but from the Lamb Road side there is significant vacant forestland. From the perspective of drivability, he said the road is not passable for safety vehicles.

Judith Mordasky said she agreed that one cannot access Finch Road from Lamb Road, although one could from Hydeville Road. She asked if the new owners would be improving the property. Attorney Avery said there is an easement on the property to Finch Road. He said he is unaware if there is similar language going the other way toward Lamb Road, but their focus is on the Finch Road side.

James Greene asked if there was a reasoning behind the ordinance not allowing building beyond the last home on the road. David Perkins said he would expect that from the town's point of view, if a house were built, the property owner might expect the town to improve the road to make it more passable. He noted state statute that enables a town to not allow building past the last house, but also the town ordinance that allows a ZBA to allow it. He said it is a little difficult to get past the last house to the proposed one.

Arlene Avery asked if safety vehicles would be able to get to the subject property. David Perkins said that would be a site plan decision that would need to be addressed either by the Zoning Enforcement Officer or the Planning & Zoning Commission when a plan is submitted. Judith Mordasky said she would expect the road would become more passable as construction equipment was brought in. James Greene agreed, noting from a practical standpoint the applicants would need to make improvements.

Attorney Avery noted that abutting property owners continue to have the right to travel the abandoned or discontinued road.

James Greene asked if there were other concerns the town might have. David Perkins noted that the ordinance allows the town to disallow school buses to travel the road.

David Mordasky of 21 Buckley Highway said this extension from the last house on Finch seems somewhat like a driveway, and the question would be who needs to improve it---the landowner or the town. He said historically it would be the landowner. Daniel Allard said he planned to be making improvements.

There were no other questions or comments from the public or from the Board.

**Variance request of Don and Shelley Worst, 21 Spusta Road, Stafford Springs, CT 06076 to vary section 4.9 to allow construction of a deck 28' from the sideline where 30' is required.**

**Owner: Don and Shelley Worst**

**Location: 21 Spusta Road – Map: 58, Lot: 24.2, Zone: AA**

Don Wurst attended the public hearing saying he and his wife want to reconstruct a larger deck than the one that presently exists, extending it 4 feet beyond the southern side of the house. The stairs would encroach into the side yard setback by 2 feet. Don Wurst explained that his daughter has a play area on that side and the back area of the house is fenced for their dogs. He said he did not want the stairs to go into the dog area for safety reasons. He also provided a map to share with approximate dimensions, as well as an aerial map. Don Wurst noted also that there are significant woods between his house and his neighbors, so visibility is not an issue. He said neither of his neighbors expressed any objections to his application.

David Perkins asked why he could not build the deck on the north side of the house. Don Wurst said there are pens for a chicken coop there as well as a lot of bedrock outcrop. He said the outcrop is likely the reason why the house was built so close to the property line on the other side.

There were no questions or comments from the public and no further questions from the ZBA.

James Greene made a motion to close the public hearing, seconded by Janene Berriault. All were in favor. Motion carried.

### **Regular Meeting**

The regular meeting was opened at 7:28 p.m. continuing with the same quorum established for the public hearings.

1. Approval of June 11, 2020 meeting minutes.
2. Review public hearing items and discuss possible decisions.
3. Adjournment

**1. Approval of June 11, 2020 meeting minutes.**

The Board reviewed the minutes. James Greene made a motion, seconded by Janene Berriault, to accept the June 11, 2020 minutes as presented. All were in favor. Motion carried.

**2. Review public hearing items and discuss possible decisions.**

**Variance request of Robert and Danielle Allard, 80 Chestnut Hill Road, Stafford Springs, CT 06076 to vary sections 3.5 and 3.15 to allow construction of a single family home on a lot not on a public road.**

Arlene Avery said her only concern was about the ability for public safety vehicles to get through, but if this is something that will be addressed during the site plan review then she is amenable to approving the application.

James Greene agreed with Arlene, adding that it will be necessarily addressed as part of the building process. He said there would not be any way for the applicants to enjoy the use of their property without granting the variance.

Judith Mordasky also agreed, reiterating Cindy Rummel's statement that this land has been for sale for a long time. Judith said there are several unimproved roads in town and residents ultimately maintain and improve them over time.

David Perkins noted that the current last house on the road also received a variance. He said there would be no access to the applicants' lot if the variance was not approved.

James Greene made a motion, seconded by Janene Berriault to approve the variance request of Robert and Danielle Allard to vary sections 3.5 and 3.15 to allow construction of a single family home on a lot not on a public road. Location: 0 Finch Road, Map: 7, Lot: 15, Zone: AA, the hardship due to the fact that without the variance there would be no other way for the applicants to access and utilize their property. A vote was taken and all were in favor. Motion carried.

**Variance request of Don and Shelley Worst, 21 Spusta Road, Stafford Springs, CT 06076 to vary section 4.9 to allow construction of a deck 28' from the sideline where 30' is required.**

**Owner: Don and Shelley Worst**

**Location: 21 Spusta Road – Map: 58, Lot: 24.2, Zone: AA**

James Greene said the applicants' request is reasonable. It will be safer and will improve the quality of his home.

Judith Mordasky agreed, noting the variance is only a 2 foot extension into the side setback, and the property is in a private area. Janene Berriault and Arlene Avery also agreed.

David Perkins noted the rocky topography on the north side of the house, and the likelihood that this was the reason the house was shifted in the southern direction in the first place.

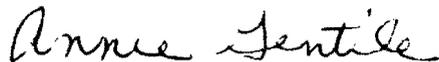
James Greene made a motion, seconded by Janene Berriault to approve the variance request of Don and Shelley Worst to vary section 4.9 to allow construction of a deck 28 feet from the sideline where 30 feet is required. Location: 21 Spusta Road – Map: 58, Lot: 24.2, Zone: AA. The reason for the hardship is due to the topography of the lot and the health and safety of the occupants to enjoy the full use of their property.

A vote was taken on the motion. All were in favor. Motion carried.

### 3. Adjournment

James Greene made a motion to adjourn, seconded by Janene Berriault. All were in favor. Motion carried. The September 10, 2020 meeting of the Stafford Zoning Board of Appeals was adjourned at 7:35 p.m.

Respectfully submitted,



Annie Gentile  
Recording Secretary