

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, July 6, 2020

The Glastonbury Zoning Board of Appeals with Peter Carey, Building Official, in attendance held a Regular Meeting on Monday, July 6, 2020 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

Brian Smith, Chairperson
Sandra O’Leary, Vice Chairperson – excused from agenda #1
Nicolas Korn, Secretary
Timothy Lamb- excused from agenda #1
Jaye Winkler
Susan Dzialo, Alternate
David Hoopes, Alternate
Doug Bowman - Alternate

Board Members- Excused

(None)

Chairman Smith called the meeting to order at 7:03 pm and explained the public hearing process to the audience. Chairman Smith also noted that 4/5 votes are needed for an application to pass and there is a 15-day appeal period.

Chairman Smith asked each person to identify themselves before they speak.

Chairman Smith asked IT Manager, Mr. Bobby Ashton, to explain the procedures to the public. Mr. Ashton explained that presenters and members of the public can raise the blue hand if they want the opportunity to speak. He also added that he will go down the list of the public with a raised hand and turn on the mic one person at a time.

Secretary Korn read out the 12 agenda items.

Public Hearing

1. Continued application from June 1, 2020 by John Alan Sakon for a variance from Building Zone Regulations Section 12.7 for the property known as “The Shoppes at Avalon” at 2980 Main Street, 131 Griswold Street (Lot 27600131) N2B Griswold Street Rear (Lot 27600002B), E8A Main Street Rear (Lot 41400008E), in Planned Travel Zone.

Mr. Peter Carey, Building Official, read off the first agenda item.

Chairman Smith reminded the Board that it is a continued application and Mr. Lamb and Ms.

O'Leary will not be voting on the first agenda item.

Mr. Carey stated that he has received an email from Mr. Sakon that was difficult to understand. Mr. Carey stated that he thinks that Mr. Sakon does not want a Zoom meeting, but a live public meeting held in person. Mr. Carey then explained that he sent Mr. Sakon two follow up emails asking him to clarify what he means and did not receive a response. Mr. Carey stated he is assuming Mr. Sakon wants a continuance until August.

Chairman Smith asked if Mr. Sakon is present and logged into the Zoom meeting. The Chairman then asked Mr. Bobby Ashton, IT Manager, to ask if Mr. Sakon was logged in. Mr. Ashton called out and asked Mr. Sakon to raise the blue electronic hand. There was no reply.

Chairman Smith asked the Town Attorney, Ms. Andrea Gomes, if they should take the request from Mr. Sakon to mean that it is a continuance. Ms. Gomes stated that Mr. Sakon concluded his email stating that he will not attend the meeting.

Chairman Smith asked Mr. Ashton to find out one more time if Mr. Sakon is present for the Zoom meeting. Mr. Ashton asked if Mr. Sakon is present to raise the electronic hand. There was no reply. Chairman Smith asked the Board to take action on the first agenda item.

Mr. David Hoopes, alternate, asked Ms. Gomes what the new deadline would be with the Executive Order in place. Ms. Gomes replied it would be September 8 at the latest. She then explained that September 7 is Labor Day. Ms. Gomes also said that the Board would have to hold a special meeting before September 14. Mr. Hoopes then asked Mr. Carey if there is any reason to think that the Town of Glastonbury will be conducting live public hearings. Mr. Carey replied that the September meeting might be the soonest and there is some possibility Mr. Sakon could get a live meeting. Mr. Carey then pointed out the meeting will have to be a special meeting.

Mr. Hoopes stated that they cannot rule out the possibility that the meeting in September will not be in person. Ms. Gomes stated that is correct and added that it also depends on Covid-19 and the Town. Mr. Hoopes asked Ms. Gomes if she is able to comment. Ms. Gomes stated that she recommends the Board to continue the agenda item to the August meeting.

Mr. Hoopes wanted to clarify if Mr. Sakon's sole reason for not attending the meeting is because he objects to it being on Zoom. Ms. Gomes stated that is correct.

Mr. Carey asked Ms. Gomes, if they get to the point of live public meetings, would they go back to normal advertising. Ms. Gomes stated yes and no. She explained that the State of Emergency expires on September 8th and the publishing of notices can be done on the website prior to September 8. Mr. Hoopes inquired why would they have to advertise. Ms. Gomes stated that is correct because there have been several continuances.

Chairman Smith asked the Board to entertain a motion.

Motion by: Mr. Hoopes

Seconded by: Ms. Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals grants Mr. John Sakon a continuance of item # 1 until the public hearing of August 3, 2020.

Result: Motion passes unanimously (5-0-0)

Disc:

Mr. Hoopes asked to be excused from the rest of the meeting. He explained that he is not expected to vote on any other matters. Ms. Gomes also asked to be excused from the rest of the meeting. The Board agreed and the Chairman thanked both of them. Mr. Hoopes and Ms. Gomes left the meeting at 7:30 pm.

2. By Mike and Heather DeFosses for a variance from Section 7.1b.2f to allow an above ground pool to be located in the side yard at 240 Cedar Ridge Terrace in RR zone.

Mr. Carey read out the 2nd agenda item.

Mrs. Heather DeFosses stated that they are requesting a variance to put a pool in the side yard because there is no other place to put it. She explained that they are 250 feet away from the road and there is a tree line between them and the neighbor. Ms. DeFosses stated that the hardship lies in the ledge behind their house. She also showed the Board a picture of a neighbor's pool which is even closer to the road than their house.

Mr. Bowman, alternate, stated that he has visited the house and strongly recommends the Board grant a variance.

Ms. O'Leary asked the applicants if they have a picture of the what the pool would look like. Mrs. DeFosses stated that the pool would be a 27-foot standard above ground pool. Ms. O'Leary asked the applicants if there would be any fencing around the pool. Mrs. DeFosses stated that they have a gate attached and no one would be able to get in unless the door is unlocked.

Chairman Smith wanted to confirm if the diameter is 27 feet. Mrs. DeFosses replied yes.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

Chairman Smith thanked the applicants.

3. By Gregg Spear, Spear Contractors Inc. for a variance from Section 4.5.8 to allow an addition closer to the rear property line than permitted at 36 Abbey Road in Residence A zone owned by Vo Chi Nguyen and Tien.

Mr. Carey read off the 3rd agenda item.

Mr. Gregg Spear is representing the homeowners. He stated that his clients want a pergola over the existing patio. Mr. Spear explained that the house is right on the building line and there is no other place to put it, and added that currently an umbrella is there. Mr. Spear stated that the patio is 14 feet by 30 feet and they would like a pergola over it to provide much needed shade.

Chairman Smith wanted to confirm the dimensions were 14 feet by 30 feet with no overhang. Mr. Spear confirmed it was 14 feet by 30 feet. He explained that the beam is 12.6 feet and the rafters measure 14 feet.

Chairman Smith stated that according to the drawing one corner is extending into the rear yard. Mr. Spear explained that the rear yard line is parallel to the house.

Mr. Lamb inquired if the building line was 50 feet from the property line. Mr. Spear replied yes. Mr. Lamb asked if it is a 50-foot setback. Mr. Carey replied correct.

Mr. Bowman stated that he visited the property and noticed the grass was fried from too much sun. He also explained that the property has a steep yard and a pergola makes sense and added that the neighbors will not be adversely affected.

Ms. O'Leary agreed with Mr. Bowman's point. She also stated there isn't much room in the back of the property due to the steep hill. Ms. O'Leary added that the pergola will look great.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

4. By Eric Damato & Cheryl Connolly for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 698 Hopewell Road in RR zone.

Mr. Carey read off the 4th agenda item.

The property owners thanked Mr. Bowman for coming out to their property and also thanked Mr. Carey for his help. Ms. Connolly stated that the hardship is due to the extreme grade in their yard. Ms. Connolly explained they will have a 21-foot radiant pool built which will be partially above ground and partially under. She explained the design is due to their sloping yard.

Ms. Connolly explained they want the pool off the patio and near the slider. She then highlighted that their house is covered with trees in the spring and summer. Ms. Connolly

pointed out that the pool will be 28 feet off from the foundation to the side near the patio. She thanked Mr. Carey again for sending the GIS map.

Chairman Smith asked Mr. Carey what the side yard requirement is. Mr. Carey replied 15 feet.

Chairman Smith asked if it was the front corner. Mr. Carey replied yes.

Mr. Carey asked the property owners to confirm that it is a 21-foot pool. They replied yes. Mr. Carey calculated that 11 feet and 28 feet puts it at 39 feet.

Mr. Bowman stated that the property is incredibly private and heavily wooded. He also highlighted that the homeowners assured him there are no objections from neighbors.

Chairman Smith stated they are still figuring out the dimensions.

Mr. Lamb inquired if the AA zone is a 20-foot requirement. Mr. Carey replied that pools are 15 feet to the side or rear in section 7. Mr. Lamb asked the owners if the far edge is closer to 15 feet. The property owners replied no.

Mr. Carey stated that it is a variance because pools are normally in the rear yard, not the side yard. Chairman Smith commented that the rear yard is steep and asked the property owners if the pool is not within 15 feet of the side yard. The property owners replied yes.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

5. By Sabrina Pools for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 55 Knollwood Road in RR zone owned by Scott Hurwitz.

Mr. Carey read off the 5th agenda item.

Mr. Jonathan Casado of Sabrina Pools is representing the property owners. He stated that the above ground pool can only be placed on the side of the house because the yard is sloped on one side and there is a septic on the other. Mr. Casado stated that the radiant pool will measure 16 feet by 27 feet and will be partially buried, with the further end fully exposed. Mr. Casado also explained that the septic is located in the rear and a well is on the left side. He also noted that the owners are planning to put up a privacy fence. Mr. Casado also explained that the fence will tie in to the existing one.

Mr. Lamb inquired how close the pool is to the side yard. Mr. Casado replied 15 feet. Mr. Lamb asked if the owners talked to the neighbors. Mr. Casado replied yes. Mr. Lamb then asked if anyone has provided letters of support. Mr. Casado stated the owners have talked with the neighbors and can get consent from the immediate neighbor. Mr. Lamb pointed out that the meeting is happening now. Mr. Casado then explained that they sent out letters to the neighbors.

Mr. Bowman stated that this is a rare instance that he would recommend the Board to decline the variance. He then explained that by Glastonbury standards, the lot is small. Mr. Bowman further stated that a pool cannot be 15 feet away from the property line and added that the house next door is very close. He then stated that he thinks this is a poor idea. Chairman Smith thanked Mr. Bowman.

Chairman Smith asked Mr. Casado if he has the survey that was mentioned. Mr. Carey stated that he will remind all applicants to send in new supporting documents so they can be included on the website. Chairman Smith also asked Mr. Casado to send the additional materials to Mr. Carey.

Ms. Winkler inquired if the privacy fence would be 6 feet tall. Mr. Casado replied yes. Ms. Winkler inquired if the pool would not be visible to the neighbor with the 6-foot wall. Mr. Casado replied yes.

Secretary Korns asked Mr. Carey about the signage. Mr. Carey stated that the posted signs are not required as per the Executive Order. Secretary Korns asked if this changes any other requirement, and stated that it is presumed that notices are posted on the website. Secretary Korns stated that neither the owner nor vendor have to prove that the neighbors are accepting of it. Ms. O'Leary stated that many neighbors have no way of knowing and many people do not read the paper. Mr. Carey stated that the Executive Order got rid of the requirements.

Chairman Smith asked if the owners were online. Mr. Ashton asked if the owners are present to raise the electronic hand. There was no response.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

6. By Sabrina Pools for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 35 Tryon Street in RR zone owned by Melodie & Michael Smulders.

Mr. Carey read the 6th agenda item.

Mr. Jonathan Casado of Sabrina Pools stated that his clients are looking to build 16 feet by 32 feet oval above ground pool in the side yard. He stated his clients are asking for a variance because the side yard is the best location as well as the most cost-effective option. Mr. Casado explained that the pool will be buried on one side and exposed on the other.

Chairman Smith asked if a fence will surround the pool. Mr. Casado stated there will be a deck and asked Mr. Smulders, the property owner, to explain. Mr. Smulders stated that they are 170 feet away from the nearest neighbor and added that in the summer it is 80 percent obstructed. Mr. Smulders then explained that the backyard is very narrow. He also stated that he has included letters of support in the application. Mr. Smulders stated that the closest neighbor is

Mr. Jim Ambrose, located directly below at 19 Tryon Street, which is about 170 feet away. Chairman Smith commented that it is not next door for sure.

Mr. Lamb stated that he couldn't find the property and turned around in the driveway. He then asked Mr. Smulders if the property is up the hill and about 200 feet up the road. Mr. Smulders replied yes. Mr. Lamb stated it is a strange lot and out of the way. Mr. Smulders explained that the entire property is on an incline except for one small spot in the back.

Mr. Bowman stated that he visited the property and it is an extraordinarily private and secluded lot. He also stated that the neighbors will not be adversely affected.

Ms. O'Leary stated that she saw the property and added that a pool in the side is the best use for that property.

Chairman Smith asked if any members of the public would like to comment.

Ms. Sharon Jagel of 9 Tryon Street stated she would like to comment and object to the pool. Ms. Jagel explained that she will see the entire side of the pool. She further explained that in the winter she sees the windows of neighboring houses.

Mr. Lamb asked if the concern was seeing the property or the pool. Ms. Jagel stated that she is not happy to see the pool once the foliage is gone. She also stated that she does not think it is a valid reason to seek a variance to put a pool in the side yard because the neighbors do not want to change the landscaping. Ms. Jagel then stated that her house on 9 Tryon Street is very small.

Chairman Smith stated that a few years ago the Board granted her a variance. Ms. Jagel stated that she does not want to look at a pool from her bedroom window or rear lot and added that the pool should be placed in the backyard instead.

Ms. O'Leary asked Mr. Casado how much screening will be around the pool. Mr. Casado stated that it is difficult to see any neighbors.

Mr. Bowman suggested that the property owners place a row of plantings or arborvitae to screen the pool.

Ms. Jagel stated she would like to reiterate that the rear is the best and most financially feasible location for a pool. She further stated that she does not approve because it will devalue her property.

Chairman Smith thanked Ms. Jagel and stated he would like to give the applicant time to respond.

Mr. Smulders stated that he appreciates Ms. Jagel's position. He also explained that landscaping on a steep incline is difficult and it would be a significant problem to not have access to a flat area. He further explained that it is difficult to deliver large items, like a refrigerator, without a

flat area. Mr. Smulders stated that he does not believe that seeing something is the case for not allowing it. He also noted that the backyard does not preclude neighbors from seeing a pool.

Chairman Smith explained that a variance is a relaxation on the regulations, but the burden is on the applicant and not the neighbor. He asked if there is some kind of screening or arborvitae that can be used. Mr. Smulders stated that he is willing to put arborvitae.

Chairman Smith asked Ms. Jagel what her opinion is on the landscape screening. Ms. Jagel stated that landscaping is better than no landscaping. She then stated that if the Board disagrees with her position, she would like the screening not just in the front but also in the side yard.

Chairman Smith thanked Ms. Jagel and stated that he understands her position. Chairman Smith asked Mr. Smulders if he will screen around the entire structure. Mr. Smulders stated it is not a problem and it was his intention to place the arborvitae around the pool.

Ms. Jagel stated that she still thinks the pool should be in the back and the property is not as steep as they claim it to be.

Chairman Smith reiterated that the applicant is willing to screen with arborvitae and if the application is approved it would be for screening on all sides.

Chairman Smith closed public comment on the application.

7. By Darin Senna for a variance from Section 10.3c to allow a sign with greater than permitted square footage at 874 Main Street in VC zone owned by Gardiner Real Estate LLC.

Mr. Carey read out the 7th agenda item.

Mr. Darin Senna of Hartford Sign and Design is asking for a variance to have a larger than allowed sign for the new occupant, Brookside Market. Mr. Senna explained that the building was previously Gardiner's Market. He also noted that the building is 115 feet long and would need a bigger sign to attract customers.

Chairman Smith asked what size sign is being requested. Mr. Senna explained that they do not want signs with blinking, flashing lights but want something proportional, functional and larger than the old sign. Mr. Senna then stated that the owner would like a size that is 84 feet long. He also noted that the owners want the sign to be visible. The Board was shown 3 different sizes of signs, the small original sign, a medium sign, and a large sign.

Mr. Lamb inquired if they are placing the sign higher. Mr. Senna replied yes and explained that there will be a bracketing system and gooseneck lights.

Mr. Carey explained that 55 square feet is the total sign allotment. Chairman Smith asked if the owner prefers the largest sign which is over 100 feet. Mr. Lamb inquired which sign dimensions they will be in the motion. Mr. Lamb added that he thinks the largest sign is a little large.

Mr. Bowman stated the Board should decline the larger sign because it sets a dangerous precedent for South Glastonbury. He also stated that the larger sign will receive negative public feedback.

Chairman Smith asked Mr. Senna which sign do they want the Board to consider, the 56 feet or 84 feet, the medium or larger one. Mr. Senna stated that they will go with the compromise one, the medium size option. Ms. O'Leary agreed that the smallest one is too small for the scale of the building. Secretary Kornis wanted to confirm that the dimensions of the signs are 23 square feet on the side and 56.25 square feet in the center. Mr. Senna replied yes.

Chairman Smith thanked Mr. Senna for his presentation and repeated the dimension of 56.25 square feet and 23 square feet on the side to add to the overall square footage total.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

8. By Norman & Diane St. Jean for a variance from Section 7.1a.2c to allow an accessory structure to be located closer to the front and side yard line on a corner lot than permitted at 68 Bell Street in RR zone.

Mr. Carey read the 8th agenda item.

Mr. and Mrs. St. Jean stated that they want a small 8 feet x10 feet shed. They explained that they have a tractor and a snow blower and it is difficult to park their vehicle in the garage and move around. Mr. St. Jean explained that he is a disabled veteran and he needs to have access. The property owners also stated that they feel like they are meeting the 50 feet requirement and were denied. Mrs. St. Jean explained that they are in their 60s and it is physically impossible to go to the backyard to get the snow blower. She also noted that the shed will be custom built and will match the house.

Mr. Carey clarified that it is 50 feet from any street line and not the curb. Chairman Smith stated the Board needs to know how many feet they are granting. Mr. Carey stated about 44 to 45 feet and another 14 feet roughly from Margaret Lane. Mr. Carey said they would need to subtract 14 feet. The property owners voiced their frustrations over the first denied application. Mr. Lamb stated it is 36 feet and told the owners that they are trying to help them. Chairman Smith stated that it was not this Board that denied their application and they are trying to help.

Chairman Smith then noted that the well in the front of the property, the septic placement, and the property being a corner lot contribute to the hardship.

Mr. Carey suggested the owners may be better off getting an attached shed because it would only be 40 feet from the corner and not 50. The property owners asked what is meant by attached. Mr. Carey explained it has to be physically attached to their house and explained that an unattached shed would require fire wall building code and 5/8 inch of sheet rock on both sides of the wall where they overlap. The property owners said they are willing to put in the fire walls and the sheetrock and reiterated that they prefer a detached shed. Chairman Smith confirmed that the property owners are willing to put in the building code requirements.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

Chairman Smith thanked the applicants.

9. By Scott & Jane Harrison for variances from Sections 7.1a.3a and 7.1a.2b to allow a detached garage to have greater than allowed accessory use space and also greater than allowed average roof height at 933 Hebron Avenue in RR zone.

Mr. Carey read the 9th agenda item.

Mr. Harrison explained that he has a 100-year-old house and a very old garage. He stated that the garage is out of date, non-functional, leaning forward, and has a damaged and crumbling foundation. Mr. Harrison stated that his daughters have been stung by bees, there is no room for cars or a canoe, and they have been unable to close the garage doors for 15 years. Mr. Harrison stated that his neighbors are understanding and he has a great relationship with them.

Mr. Harrison stated that they are proposing a 1.5 story, 3 car garage that measures 19 feet high. He also explained that he cannot place the garage in the center because it will prevent them from using the driveway. Mr. Harrison also noted the difficulty with the septic placement and putting the garage in the center will take up the entire backyard space.

Chairman Smith inquired how close the property is to the neighbor's property line. Mr. Harrison replied 6 feet maximum. Chairman Smith stated there is a 5-foot overhang. Mr. Harrison noted that he received letters of support from his neighbors. He also stated that placing the garage farther back gives it a smaller appearance from the road. Chairman Smith asked if the letters were submitted to the Town. Mr. Harrison replied yes.

Mr. Lamb asked the owner if the proposed garage would be 5 feet from the side lot line. Mr. Harrison replied yes. Mr. Harrison pointed out that he is also requesting a variance for 42 additional square feet of dry storage. He explained that his basement is wet and not suitable for storing equipment.

Mr. Bowman stated that he visited the property and recommends for the Board to approve the application. He explained that it makes sense to replace the garage and move it farther back.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

Chairman Smith thanked the applicant.

10. By Sean Webster for a variance from Section 7.1a.2b to allow a shed to be located less than 75' to the front property line than permitted at 105 Buckingham Drive in RR zone.

Mr. Carey read off the 10th agenda item.

Mrs. Webster stated that she wants a 10 feet x 12 feet shed placed in the front of the property. She stated that the neighbors are fine with the shed. Mrs. Webster also noted that it is a financial hardship to clear trees and it adds to the project cost. Chairman Smith stated that financial hardships are not a consideration, but topography is. He noted that the lot is steep. Mrs. Webster replied yes and explained that her property borders Shoddy Mill-Coon Hollow. She also stated recently they had a bear sighting on their porch and added that lost strangers wander onto their property asking for directions. Mrs. Webster then explained that because of the septic placement, close proximity to the wetlands, steep topography, and safety (strangers and animals) the best placement of the shed is in the front of the property.

Chairman Smith asked if the location of the shed is near the wetlands. Mrs. Webster replied no. Mr. Lamb asked how close to the front property will the shed be. Mrs. Webster replied about 8 feet.

Mr. Bowman stated that he visited the property and it is heavily wooded. He also stated that the shed placement makes sense and encourages the Board to vote in favor of the application.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

Chairman Smith thanked the applicants.

11. By Joe Modugno for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 2010 Manchester Road in RR zone.

Mr. Carey read the 11th application.

Mr. Modugno stated that the property is 600 feet from the road, and the side yard functions as a backyard. He explained that they want a 16 foot by 36 foot in-ground round pool. Mr. Modugno also explained that they are 160 feet away from the nearest neighbor and the pool will be placed in a wooded and tree lined area. He also reiterated that the property is 600 feet away from

Manchester Road and they are planning to install a privacy fence. Ms. O'Leary commented that the property is certainly off the road. Chairman Smith agreed with her point.

Mr. Bowman stated that he visited the property. He explained that the house is expansive and what should logically be a backyard is a side yard. Mr. Bowman also stated that the finishes on the house are high end and he has confidence that the pool will be tastefully done. He believes the neighbors will not have any issues and recommends that the Board approve the application.

Chairman Smith asked Mr. Carey if he can confirm that the only issue is that the pool will be placed in the side yard instead of the rear. Mr. Carey replied yes and informed the Board that the property owners also own the neighboring lot (E-47D).

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

Chairman Smith thanked the applicant.

12. By Alexandros Gianninas for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 99 Pembroke Terrace in RR zone.

Mr. Carey read the 12th agenda item.

Mr. Gianninas stated they are asking for a variance for the pool to encroach into the side yard. He explained that most of the backyard is off limits because of the septic placement. Mr. Gianninas also stated that he will put privacy plantings, boulders, and a small retaining wall. He also explained that there is a steep drop off near the patio area. Mr. Gianninas stated that they planted a row of pear trees to the side. He also noted that his back neighbor has a pool located in the side yard. Mr. Gianninas also stated that he can provide the neighbors' approval in writing.

Mr. Lamb asked what type of plantings will be used to ensure privacy. Mr. Gianninas stated that they will use evergreens and arborvitae and layer the area so it will not be visible.

Mr. Bowman stated that he visited the property and explained that the pear trees are the second layer of privacy. He asked the Board to consider approving the application.

Mr. Gianninas explained that the Toll Brothers put in hemlocks that did not survive. He said they put in the brand-new pear trees for covering.

Mr. Lamb asked if the pool would be 17 feet from the property line. Mr. Gianninas replied 17 feet and 6 inches.

Ms. O'Leary stated that pear trees do not give much privacy. Mr. Gianninas replied they will put in mature trees.

Chairman Smith opened the floor for public comment, either for or against the application, and seeing as no one came forward to speak, Mr. Smith closed public comment on the application.

Chairman Smith thanked the applicants.

Chairman Smith informed the Board that they will now move on to deliberations.

1) Action on Public Hearings

- 2. By Mike and Heather DeFosses for a variance from Section 7.1b.2f to allow an above ground pool to be located in the side yard at 240 Cedar Ridge Terrace in RR zone.**

Motion by: Ms. O’Leary

Seconded by: Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Mike and Heather DeFosses for a variance from Section 7.1b.2f to allow a 27-foot above ground pool to be located in the side yard at 240 Cedar Ridge Terrace in RR zone. Due to the hardships of topography the requirements of section 13.9 have been met.

Disc:

Ms. O’Leary stated that the house is 250 feet from the street. She also noted that she walked around the property and the house is tucked away. Ms. O’Leary also explained there is no room in the back and the driveway is wide and oddly shaped. She stated that she will approve the application. Chairman Smith stated that the topography is compelling and it is very steep. Ms. O’Leary commented that Glastonbury has quite a few hills. Ms. Winkler stated that the placement of the pool does not face the usual restrictions and she will vote in favor of it.

Result: Motion passes unanimously. (5-0-0)

- 3. By Gregg Spear, Spear Contractors Inc. for a variance from Section 4.5.8 to allow an addition closer to the rear property line than permitted at 36 Abbey Road in Residence A zone owned by Vo Chi Nguyen and Tien.**

Motion by: Ms. O’Leary

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Gregg Spear, Spear Contractors Inc. for a variance from Section 4.5.8 to allow an addition no closer

than 35 feet to the rear property line than permitted at 36 Abbey Road in Residence A zone owned by Vo Chi Nguyen and Tien. Due to the hardships of topography the requirements of section 13.9 have been met.

Disc:

Ms. O’Leary stated that the adjacent property has done something similar and the project will look great. Ms. Winkler stated that she will vote in favor and the pergola is a good solution to their problem.

Result: Motion passes unanimously. (5-0-0)

4. By Eric Damato & Cheryl Connolly for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 698 Hopewell Road in RR zone.

Motion by: Mr. Lamb

Seconded by: Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Eric Damato & Cheryl Connolly for a variance from Section 7.1b.2f to allow a pool no closer than 15 feet from the side yard at 698 Hopewell Road in RR zone. Due to the hardships of topography the requirements of section 13.9 have been met.

Disc:

Mr. Lamb stated that there is a steep grade in the yard and the location is secluded. He stated that he will vote in favor. Ms. O’Leary agreed that the lot is steep.

Result: Motion passes unanimously. (5-0-0)

5. By Sabrina Pools for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 55 Knollwood Road in RR zone owned by Scott Hurwitz.

Motion by: Secretary Korns

Seconded by: Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Sabrina Pools for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 55 Knollwood Road in RR zone owned by Scott Hurwitz. Due to the hardships of topography and the septic location the requirements of section 13.9 have been met.

Disc:

Mr. Lamb stated that he had a tough time with this application and will not vote for it. Ms. O’Leary stated that the property is not too different from the other lots they were discussing, but this one is a little closer to the property line. Ms. Winkler raised the issue of the inability to notify the neighbors because of the emergency requirements. She explained that it is awkward for neighbors to find out after the fact. Chairman Smith stated that the Board must decide if it is a good application despite what the neighbors think. He also stated that he does not have any issues with this particular application. Mr. Lamb stated that he can change his mind. Chairman Smith also pointed out that someone already expressed opposition. Ms. O’Leary asked if there is a fence requirement in the motion. Chairman Smith asked Secretary Korns if he is willing to amend the motion. Secretary Korns replied yes. Mr. Lamb stated he will second the motion.

Motion by: Secretary Korns

Seconded by: Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Sabrina Pools for a variance from Section 7.1b.2f located in the side yard at 55 Knollwood Road in RR zone owned by Scott Hurwitz, contingent on the addition of a privacy fence blocking the view. Due to the hardships of topography and the septic location the requirements of section 13.9 have been met.

Result: Motion passes unanimously. (5-0-0)

6. By Sabrina Pools for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 35 Tryon Street in RR zone owned by Melodie & Michael Smulders.

Motion by: Mr. Lamb

Seconded by: Ms. O’Leary

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Sabrina Pools for a variance from Section 7.1b.2f to allow a pool no closer than 15 feet from the side yard to be located in the side yard at 35 Tryon Street in RR zone owned by Melodie & Michael Smulders, contingent on the requirement of screening the view. Due to the hardships of topography the requirements of section 13.9 have been met.

Disc:

Secretary Korns stated that it is not clear what the hardship is because the owner was talking about needing space for heavy equipment. Mr. Lamb stated that there is a slope on the property and hardly enough room for deliveries, let alone a pool. He also noted that the property is wooded and steep. Chairman Smith stated the property owner is willing to put arborvitae which is fast growing. Mr. Lamb inquired about the safety requirement for a fence. Chairman Smith stated that 52 inches does not require fencing. Mr. Lamb informed the Board that they approved a variance on Clark Hill Road, 30 feet from the sideline. He noted that the Board required the property owners to place shrubbery. Chairman Smith pointed out that arborvitae is an evergreen

so it would provide year-round screening. He also reiterated that Mr. Smulders has no problems with screening the pool.

Result: Motion passes unanimously. (5-0-0)

7. By Darin Senna for a variance from Section 10.3c to allow a sign with greater than permitted square footage at 874 Main Street in VC zone owned by Gardiner Real Estate LLC.

Motion by: Ms. Winkler

Seconded by: Ms. O’Leary

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Darin Senna for a variance from Section 10.3c to allow a sign with greater than permitted square footage no greater than 79.25 square feet total (56.25 square feet for the major sign and 23 square feet for the side sign) at 874 Main Street in VC zone owned by Gardiner Real Estate LLC.

Disc:

Secretary Korns stated that due to the trees there is not much visibility. Ms. Winkler stated that a larger sign would be helpful for people trying to find the local grocery store. Mr. Lamb stated that there are other buildings in the area and granting larger signs will be problematic. Chairman Smith agreed with this point. Secretary Korns stated that the sign will be illuminated and he will vote in support. Ms. O’Leary stated that sign or no sign people will find the grocery store because it is the same location as Gardiner’s Market.

Result: Motion passes unanimously. (5-0-0)

8. By Norman & Diane St. Jean for a variance from Section 7.1a.2c to allow an accessory structure to be located closer to the front and side yard line on a corner lot than permitted at 68 Bell Street in RR zone.

Motion by: Secretary Korns

Seconded by: Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Norman & Diane St. Jean for a variance from Section 7.1a.2c to allow an accessory structure to be located no closer than 36 feet to the front and side yard line on a corner lot than permitted at 68 Bell Street in RR zone. Due to the hardships of topography, the location of the septic field and the well, the requirements of section 13.9 have been met.

Disc:

Secretary Korns stated that he was uncomfortable about the idea of an attached shed because the property owners spent a great deal of time planning for the detached shed. He also explained that he has visited the area and a few feet do not make that much of a difference. Ms. O’Leary agreed with Secretary Korns. Chairman Smith reiterated that the property owners are willing to abide by the building code.

Result: Motion passes unanimously. (5-0-0)

9. By Scott & Jane Harrison for variances from Sections 7.1a.3a and 7.1a.2b to allow a detached garage to have greater than allowed accessory use space and also greater than allowed average roof height at 933 Hebron Avenue in RR zone.

Motion by: Mr. Lamb

Seconded by: Ms. O’Leary

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Scott & Jane Harrison for variances from Sections 7.1a.3a and 7.1a.2b to allow a detached garage to have no greater than 523 square feet of allowed accessory use space and also no greater than 19 feet of roof height at 933 Hebron Avenue in RR zone. The requirements of section 13.9 have been met on the grounds that the existing structure predates zoning and is unsafe.

Disc:

Mr. Lamb stated that a new garage will be a great improvement for safety. He also added that at 100 years the garage is showing its age. Chairman Smith commented that he was convinced the garage was going to fall over. Ms. O’Leary stated that the project is well planned.

Result: Motion passes unanimously. (5-0-0)

10. By Sean Webster for a variance from Section 7.1a.2b to allow a shed to be located less than 75’ to the front property line than permitted at 105 Buckingham Drive in RR zone.

Motion by: Ms. Winkler

Seconded by: Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Sean Webster for a variance from Section 7.1a.2b to allow a shed to be located no closer than 8 feet to the front property line than permitted at 105 Buckingham Drive in RR zone. Due to the hardships of topography the requirements of section 13.9 have been met.

Disc:

Ms. Winkler stated that the lot is nonconforming and the configuration of the lot does not allow safe access to the shed. She also explained that placing the shed in the front represents an improvement in safety. Secretary Kornis noted that the property is out in the wilderness. Chairman Smith stated that the lot has unusual topography and location. Ms. O'Leary stated that she does not think anyone will see the shed. Chairman Smith agreed with Ms. O'Leary's point.

Result: Motion passes unanimously. (5-0-0)

11. By Joe Modugno for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 2010 Manchester Road in RR zone.

Motion by: Mr. Lamb

Seconded by: Secretary Kornis

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Joe Modugno for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 2010 Manchester Road in RR zone. Due to the hardships of topography and the location of the wetlands, the requirements of section 13.9 have been met.

Disc:

Ms. Winkler stated that there is no other location for the pool. Chairman Smith stated that the way the lot is configured, the side yard is more of a backyard.

Result: Motion passes unanimously. (5-0-0)

12. By Alexandros Gianninas for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 99 Pembroke Terrace in RR zone.

Motion by: Mr. Lamb

Seconded by: Secretary Kornis

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Alexandros Gianninas for a variance from Section 7.1b.2f to allow a pool to be located in the side yard at 99 Pembroke Terrace in RR zone, contingent on screening the pool from view with plantings and shrubbery. Due to the hardships of topography and septic location, the requirements of section 13.9 have been met.

Disc:

Chairman Smith stated that he thinks the pool will look good and is consistent with the neighborhood.

Result: Motion passes unanimously. (5-0-0)

Chairman Smith Congratulated all of the applicants and wished them luck.

2) Acceptance of Minutes from June 1, 2020 meeting

Motion by: Mr. Lamb

Seconded by: Ms. O’Leary

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of the regular meeting of June 1, 2020.

Result: Motion passes unanimously (5-0-0)

Disc:

Ms. O’Leary asked Mr. Carey about the packets. Mr. Carey replied that the direction is to have everything electronic. He also explained that they do not have a person who drops off the packets and he lacks the staff to help with this. Chairman Smith pointed out that the Wetlands Committee gets packets. Mr. Ashton explained that most people are working remotely and it is not possible to make the copies. Mr. Carey stated that he will advise the applicants to put the material in the correct form so they are easy to read and not upside down. He also stated that, if the Board thinks an application is not suitable or understandable, it will be sent back and placed on the next month’s agenda. Chairman Smith agreed with this point. The Board members agreed it was difficult spending time fixing upside-down documents. Mr. Ashton recommended to have the training session earlier to make sure applicants submit correct materials in proper format.

Chairman Smith asked Mr. Carey to remind the applicants to send letters of support or last-minute documents. Mr. Carey agreed and explained that the Executive Order makes things difficult. Mr. Lamb commented that he wants the yellow signs posted so he knows where he is going.

The Board thanked Mr. Ashton for his help with coaching the applicants. Ms. Winkler stated that she wrote a letter to the Town Manager to commend Mr. Ashton for going above and beyond.

Ms. O’Leary asked Mr. Carey not to make the meetings too long.

Chairman Smith asked Mr. Carey to make sure applicants fill out the forms correctly or they will need to be bumped to the next month.

The next meeting is scheduled for August 3, 2020.

Motion by: Mr. Lamb

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of July 6, 2020 at 11:44 pm.

Result: Motion passes unanimously (5-0-0)

Brian Smith, Chairperson