

**GLASTONBURY ZONING BOARD OF APPEALS**  
***Regular Meeting Minutes of Monday, December 7, 2020***

The Glastonbury Zoning Board of Appeals with Peter Carey, Building Official, in attendance held a Regular Meeting on Monday, December 7, 2020 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

Brian Smith, Chairperson  
Sandra O’Leary, Vice Chairperson  
Nicolas Korn, Secretary  
Timothy Lamb  
Jaye Winkler  
Susan Dzialo, Alternate  
David Hoopes, Alternate  
Doug Bowman, Alternate

**Board Members- Excused**

None

Chairman Smith called the meeting to order at 7:00 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.

Secretary Korn read the 7 agenda items.

*The 8<sup>th</sup> application was with withdrawn by the applicant.*

**Public Hearing**

- 1. Continued the application of Yuchen Xie from the November 2, 2020 Zoning Board of Appeals meeting for a Special Exception to allow stabling of horses for personal use at 192 Wassuc Rd in RR zone.**

Mr. Carey read the 1<sup>st</sup> application.

*Ms. Winkler recused herself from the application. Chairman Smith appointed Ms. Dzialo as a voting member.*

Attorney Meghan Hope of Alter & Pearson, LLC represented Ms. Yuchen Xie. Attorney Hope informed the Board that she had reviewed the video from the November 2, 2020 meeting and had also visited the site.

Attorney Hope put up the first slide on the screen, an aerial view of 192 Wassuc Road. She explained that her client is applying for a Special Exception to allow for non-commercial stabling of horses (Section 7.1.b.2.h).

Attorney Hope put up the second slide on the screen and outlined that her client meets the requirements of Section 7.1.b.h.1. She explained that the minimum lot size requirement is 2.92 acres and her client has a total of 3.71 acres of lot size. Attorney Hope put up another slide highlighting the location of the barn. The barn will measure 20 feet by 40 feet and will be located north of the garden. Attorney Hope noted that the area is currently wooded, consisting mostly of second growth trees which will be removed. Attorney Hope stated that she had spoken with Mr. Tom Mocko, Environmental Planner, regarding the site's proximity to the upland review area. She informed the Board that, if this application is approved, her client will go through the process of obtaining a wetlands permit. Attorney Hope explained that, based on the conversation with Mr. Mocko, it is required that the barn structure is a minimum of 30 feet away from the pond and contains a physical barrier, such as a fence. Ms. Hope stated that Mr. Mocko does not want contaminants or manure in the pond. The other constraint that Mr. Mocko brought up was not putting the barn over a septic system. Attorney Hope informed the Board that the septic system is nowhere near the location of the barn.

Attorney Hope stated that the application meets the requirements of Section 7.1.b.h.4. She explained that the structure must be 125 feet from the street line. The proposed barn is 330 feet from the street line. The requirements also stipulate 40 feet from the side or rear property line. The proposed barn is 46 feet from the side yard and 71 feet from the rear yard. The requirements also specify that the structure must be 100 feet from an adjacent property/ dwelling. The proposed site is 253 feet away from 216 Wassuc Road.

Attorney Hope put up the slide highlighting the proposed fence, shown on the screen as a red dotted line. She reiterated that it will be 30 feet away from the pond. She explained that proposed area for the horse will be rectangular in shape and will comprise of approximately 9,600 square feet of space. Attorney Hope informed the Board that the orange square located right near the stable is the enclosure for stable cleanings. She explained that it is a separate structure with a lid and will be closed and covered and meets the requirements of Section 7.1.b.h.3. The enclosure will measure 9 feet by 9 feet and will not require screening due to the remote location. Attorney Hope concluded her presentation and stated that she is happy to answer any questions.

Secretary Korns remarked that the presentation was explained in great detail. He also noted that this was not the case at the last meeting. Secretary Korns inquired if this information would be put in writing, and explained that the Board would like to ensure that the requirements and plans are not abandoned.

Attorney Hope explained that she has submitted the file to Mr. Carey. She also stated that they can get a site plan from an engineer. Attorney Hope also suggested that the Board can cite the presentation for documentation purposes.

Secretary Kornis stated that he is fine with the plans being documented with Mr. Carey.

Mr. Carey stated that the presentation has been added to the application.

Chairman Smith inquired if there is a plan for the type of fencing.

Attorney Hope stated that they will look into that.

Chairman Smith noted that, because this application would need a wetlands permit, he does not think the Board can act without Mr. Mocko acting first.

Attorney Hope stated that, in her discussions with Mr. Mocko, it was the understanding that the ZBA would have to grant the Special Exception first. She explained that noncommercial stabling of horses is considered agricultural. Attorney Hope also noted that she asked Mr. Mocko what type of plan would be acceptable (site, GIS, etc). Attorney Hope stated that Mr. Mocko informed her that a GIS plan with a 30-foot buffer is acceptable. Attorney Hope noted that her client does not want a free-range horse.

Ms. O'Leary inquired about the number of horses the applicant plans to keep.

Attorney Hope stated one horse.

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

Chairman Smith asked Attorney Hope if she would like to provide any additional comment.

Attorney Hope stated that she believes the application meets the criteria of section 13.9 and what is being proposed fits the neighborhood. Attorney Hope noted that there are no negative impacts.

Chairman Smith stated that the presentation was clear and concise and thanked Attorney Hope.

**2. By Nicholas Lentocha for variances from sections 4.4.6 front yard and 4.4.7 Side yard to allow additions to be closer to the front and side yard property lines than permitted at 27 Farmstead Lane in Residence AA zone.**

Mr. Carey read the 2<sup>nd</sup> application.

*Ms. Winkler was reseated as a voting member.*

Mr. Lentocha put a slide rendering of the proposed front porch and side deck additions on the screen. He explained that he would like to add a covered front porch that would extend 6 feet

from the house with a 12-inch overhang that would be flush with the side of the house. Mr. Lentocha stated that the proposed side deck would extend 5 feet 8 inches off the right side of his property.

Chairman Smith inquired if they would be extending the gutter.

Mr. Lentocha replied yes and added that it would be a total of 12 to 16 inches with the gutter.

Chairman Smith asked the members of the Board if they have any questions.

Ms. O'Leary inquired if the porch would extend across the entire front of the house. Mr. Lentocha replied yes. Ms. O'Leary inquired about the distance from the side yard. Mr. Lentocha stated about 19 to 20 feet.

Mr. Lamb asked the applicant to be more specific and noted that the limit is 20 feet. Mr. Lamb asked Mr. Lentocha if the plans would encroach 1 or 2 feet. Mr. Lentocha stated that he is not sure where the exact line is and added that the addition will encroach by a foot. Mr. Lamb explained that when they do the motion it will need to be accurate and stated that they should put 18 inches.

Chairman Smith noted that Mr. Lamb made a good point.

Secretary Korns inquired if it should be 48 inches for the front.

Mr. Lamb agreed with 48 inches and noted that it is better to be on the safe side.

Chairman Smith agreed with 48 inches for the motion and stated that more space may be needed for the gutter.

Secretary Korns inquired about the hardship. He stated that it is not topography.

Chairman Smith asked Mr. Lentocha if the proposed additions would provide protection from the weather. Mr. Lentocha replied yes.

Mr. Bowman informed the applicant that under Connecticut Law, the hardship is centered on the property and not the property owner. He asked Mr. Lentocha to elaborate. Mr. Lentocha stated that the long-term plan is to have a 2-car garage. He explained that if it is not attached it would need to be recessed with a covered walkway to the front door.

Chairman Smith pointed out that the overhang will provide protection from the elements. He inquired if it is also the case for the side yard addition. Mr. Lentocha stated correct.

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

Chairman Smith thanked the applicant.

**3. By Louis Rubino – DPS Builders & Remodelers LLC for a variance from sect. 4.3.6 to allow a front porch addition to be closer to the front property line than permitted at 63 Wadsworth Street in Residence AA zone owned by Mark McCall.**

Mr. Carey read the 3<sup>rd</sup> application.

Mr. Rubino informed the Board that he would like to make a correction. He explained that he put the wrong zone on the application, it should be AA and not AAA.

Mr. Rubino put a rendering of the porch plans on the screen and noted that he would be representing the homeowners that reside at 63 Wadsworth Street. Mr. Rubino stated that the porch will have composite decking and vinyl that will match the house. He also informed the Board that the only way to get into the house is through the front door or by entering the garage.

Mr. Rubino stated that the homeowner got the idea for the addition from another house in the neighborhood. The homeowners plan on using the proposed space as a main entry instead of entering through the garage.

Ms. O’Leary inquired about the depth of the porch.

Mr. Rubino stated that it is 6 feet by 15 feet with 1 foot overhang of roof. He added that it is roughly 5 feet behind the posts.

Ms. O’Leary noted that she has not seen any porches added in that neighborhood. She also highlighted that the houses in that neighborhood are very much uniform.

Mr. Rubino stated that the point was to have access to the house and not get rained on.

Mr. Lamb stated that he will save his comments for the deliberation.

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

Chairman Smith asked Mr. Bowman to share his comment in order to give Mr. Rubino a chance to respond.

Mr. Bowman stated that Ms. O’Leary made great points and there is not a lot of precedent in granting such variances. Mr. Bowman highlighted that the houses in that area are very much uniform. He asked Mr. Rubino to rethink the plans and come up with something more in line with the rest of the Town.

Mr. Rubino explained that a 6-foot porch is not very deep and the porch will not stick out. He also noted that there are other houses in Glastonbury that have side entrances and does not believe the addition will be an eye sore. Mr. Rubino explained that he designed the porch so it would blend in with the house. He also noted that there is a setback of 2 feet and reiterated that the house will not stick out too much. Mr. Rubino stated that the homeowners want to make their house different without going over the top.

Chairman Smith thanked Mr. Rubino for his presentation.

**4. By Russ Krebs for a variance from section 7.1a.2b to allow a shed closer to the side property line than permitted at 97 Uconn Avenue in Residence A zone.**

Mr. Carey read the 4<sup>th</sup> application.

Mr. Krebs put up a series of slides on the screen. The first slide outlined the makeup of the Yale Woods subdivision, with his property highlighted in red. The second slide displayed the proposed location of the shed. Mr. Krebs explained that he would like to place an 8-foot by 10-foot free standing shed in an unused spot on his property. He put up another slide and stated that the proposed shed will be located near a rock wall and a large oak tree. He also pointed out that his neighbors also have sheds placed in their yards. Mr. Krebs explained that he likes the proposed spot because it is isolated and not visible from the street.

Ms. O’Leary noted that the location is tucked away in the corner.

Chairman Smith inquired how the shed would be installed.

Mr. Krebs stated that it would be set up on blocks and will not have a permanent foundation.

Mr. Lamb inquired how close the shed would be to the property line.

Mr. Krebs stated that he is not sure but thinks the shed will end up 2-3 feet from the line.

Chairman Smith noted that the overhang needs to be taken into account. He also informed Mr. Krebs that he would need to adhere to 2 feet if that is what is listed on the motion.

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

Chairman Smith thanked the applicant.

**5. By Tomassetti Builders & Remodelers for a variance from section 4.5.7 to allow an addition closer to the side property line than permitted at 306 Griswold St in Residence A zone owned by Susan and Thomas Condon.**

Mr. Larry Tomassetti stated that he is representing the property owners. Mr. Tomassetti explained that they plan to take down the existing 3-season sunroom and deck and replace that with a year-round sunroom measuring approximately 10 feet by 19 feet. Mr. Tomassetti informed the Board that they will not go beyond the existing footprint and plan on building the addition up to today's standards and building codes.

Mr. Bowman inquired about CLP written on the plans.

Mr. Tomassetti explained that is the right of way power line.

Ms. O'Leary noted that the lot shape is difficult and added that it is hard to get in and out.

Mr. Bowman commented that this project would not be an imposition on the neighbors.

Ms. Winkler inquired how far the addition would be from the side yard.

Mr. Tomassetti replied 6 feet from the side yard with overhang.

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

Chairman Smith thanked Mr. Tomassetti for his presentation.

**6. By Real Estate Partners LLC for a special Exception as provided for in sect 8.2b to allow an addition closer to the front property line but no closer than the existing nonconforming structure located at 183 Bailey Street in RR zone.**

Mr. Carey read the 6<sup>th</sup> application.

Mr. Carey called the applicant and there was no reply.

Secretary Korns inquired if Real Estate Partners LLC was a third party representing a homeowner.

Mr. Hoopes explained that Real Estate Partners LLC is listed as the property owners on the application.

Chairman Smith informed the Board that they can wait a few more minutes and then move on to the next agenda item.

Ms. Winkler inquired if the application can be continued for next month's agenda.

Mr. Carey recommended that the Board move on to application 7 and check back to see if the applicant has logged into the Zoom meeting.

*The Board returned to the application after listening to application # 7.*

Ms. Amy Rio of Real Estate Partners LLC explained that her plane had just landed. She explained that it is a farmhouse style property with a covered porch and a dormer. Ms. Rio informed the Board that they are staying within the building footprint. The addition will match with the rest of the property. Ms. Rio also explained that they want to remove the handicap ramp and put in a porch.

Ms. O'Leary inquired about the porch design. Ms. Rio stated that the porch is currently enclosed and dilapidated and they will beautify it and turn it into an open farmhouse style porch. Ms. Rio also noted that the current dormer is under 5 feet in height and they plan on lifting it to a more traditional ceiling height. Ms. O'Leary inquired if they are adding a dormer on the back. Ms. Rio explained that the house already has a dormer and they are just raising the height to allow more head room. Ms. O'Leary noted that the plan calls for a higher pitch. Ms. Rio replied yes.

Secretary Korns inquired what the elevation has to do with the application's wording "addition closer to the front property line."

Mr. Carey explained that it is still an expansion and an addition. It is just being raised up.

Mr. Lamb inquired about the wording for the motion and inquired how close it is.

Mr. Carey suggested that the wording should be "no closer than the existing." He reiterated that the expansion is in volume.

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

Chairman Smith asked Ms. Rio if she would like to comment further on the application.

Ms. Rio stated that they are trying to beautify the dilapidated property.



**7. By Wilbur T. Judson Revocable Trust and The Newell Company, LLC for a variance from sect 6.3f to allow an addition closer to the front property line than allowed at 2756 Main Street in PBD/Flood zone.**

Mr. Carey read 7<sup>th</sup> application.

*Ms. Winkler recused herself from the application. Chairman Smith appointed Mr. Bowman as a voting member.*

Attorney Meghan Hope of Alter & Pearson, LLC represented the applicants. She asked IT Manager, Bobby Ashton, to promote Mr. Jim Dutton as a presenter.

Attorney Hope began the slide show presentation. The first slide is a rendering of the Sparkle Car Wash site plan located at 2756 Main Street. Attorney Hope stated that the site is located in the Flood Zone and Planned Business Development Zone. She explained that they are requesting a variance from Section 6.3.f to allow the carwash to be 71.1 feet from the street line. (125 feet from the street line is required.)

Attorney Hope stated that the site is comprised of 65,842 square feet (1.51 acres). The site is located on the easterly side of Main Street, southerly of Salmon Brook, westerly of Town open space and northerly of Town open space. Attorney Hope put up the second slide which is an aerial view of Main Street and surrounding open space and nearby businesses. Attorney Hope informed the Board that the carwash was constructed in 1964, before the flood regulations were established in 1972.

Attorney Hope moved on to the next slide, an aerial view of the site. Attorney Hope explained that they were unaware of the recreational easement when they had started the redevelopment plans. She noted that they went before the Town Council to consider an easement swap (Salmon Brook). Attorney Hope informed the Board that they are no longer pursuing an easement swap due to concerns from neighboring property owners. Instead, they asked Mr. Jim Dutton to redesign the plans. Attorney Hope explained that Mr. Dutton pulled the building to the south and west, relocated the dumpsters away from the neighbors, and added a fence. The business hours also changed and will no longer be 24 hours. Attorney Hope also noted that they added LED lights. She then asked Mr. Dutton to discuss the storm water improvements.

Mr. Dutton informed the Board that the final design of the drainage system is in progress. He explained that the exit point of the carwash contains a trench drain, with the runoff ending up in Salmon Brook. The rest of the site includes catch basins to also collect the runoff. Mr. Dutton stated that they are proposing rain gardens, one to the west and a smaller one to the east, which will help with the water quality. Mr. Dutton informed the Board that an oil water separator will treat the runoff before it gets to Salmon Brook.

Mr. Dutton explained that the paved area of the site is 2,500 square feet less that it was previously. Other site improvements include a water recycling system and grease traps with

increased capacity. In addition, the site will no longer operate 24 hours a day. Mr. Dutton noted that he would propose motion sensor security cameras.

Mr. Dutton stated that the vacuum unit will be inside the building and will be on the second floor, because the equipment must be above the 500-year flood level. Mr. Dutton noted that they are proposing 4 parking spaces for staff. They have also eliminated the car detailing center. He reiterated that the dumpster has been moved away from the neighboring properties.

Mr. Dutton stated that left hand turns from the site are harder to make. He informed the Board that a signage plan will be developed explaining which way to go. Mr. Dutton noted that the landscape will be done by a professional landscape architect.

Mr. Dutton stated that there will be no activity in the recreation easement except for removing items. He explained that a fence is proposed at the edge of the recreation easement. Mr. Dutton also noted that there will be a fence on top of the retaining wall measuring 4 feet tall. He explained that the site pitches from south to north and they will make better use of the existing grade. Mr. Dutton informed the Board that all chemicals will be stored above the 500-year flood level. He also noted that the recycling containers will be moved outside of the flood zone.

Attorney Hope informed the Board that she has emailed the meeting information to the neighboring property owners and the condo board president. She also noted that she posted public hearing signs a few weeks ago. Attorney Hope stated that Mr. Dutton did a great job fitting everything in the existing footprint and maintaining a buffer from the neighbors.

Chairman Smith asked the applicants to explain the turning radius.

Mr. Dutton stated that he can tighten it up a bit, but added that it is a comfortable turn for an automobile to make.

Mr. Bowman commented that the gentle turn has been wisely thought out, especially when large SUVs or pickup trucks are turning.

Mr. Dutton informed the Board that he has widened the edge to make snow removal easier.

Secretary Korns stated that there is a concern for the queuing of cars.

Attorney Hope stated that they can fit all of the cars on site and there will be no backup on Main Street because of the site design.

Secretary Korns inquired about the solid blue line on the slide.

Mr. Dutton explained that line marks the edge of the wetlands and is the floodway from Salmon Brook. He informed the Board that the floodway is a FEMA line, and that the flooding moves at a faster pace. Mr. Dutton explained that it is prohibited to put any buildings or structures inside

of the floodway. He also noted that the sanitary sewer limits what they can do in terms of landscape.

Attorney Hope informed the Board, if the application is successful, they will have to go before the Wetlands Commission, once informally and another one or two times. She also stated that they would need a flood zone special permit, and they would also be required to go before the Beautification Committee and TPZ.

Chairman Smith inquired if the exit closest to the street has a catch basin.

Mr. Dutton explained that the speckled area is a concrete pad, most likely a heated pad that prevents freezing. He also stated that in the north west there will be a rain garden that will prevent the chemicals from flowing out. Mr. Dutton noted that the “chemicals used today are friendlier than years past.”

Mr. Dutton noted that the water quality system has a 3-step treatment process. He also stated that the site will utilize a new technology system that will allow cars to be drier when they exit.

Mr. Dutton stated that the drain system will be put in at the end. He explained that they want to make sure there are no problems with ice and referenced the older systems in Hartford that cause ice to end up on the street.

Chairman Smith inquired if cars can go straight out if they do not want to vacuum.

Mr. Dutton replied yes and added that the plans were reviewed by the Engineering Department.

Attorney Hope stated that the site design will break up the stacking pattern.

Mr. Lamb commented that going right is not an issue, but going left can be problematic at certain times of the day. He also added that there are safety issues with people trying to turn left.

Mr. Dutton stated that Main Street is the business district and added that the traffic problems cannot all be resolved. He explained that he “takes the path of least resistance,” the right turn, when there is busy traffic. Mr. Dutton noted that people will need to be trained to take the path of the least resistance.

Mr. Bowman commented that the Shell Station across the street is much closer than 125 feet and added that the proposed site improvements will not disrupt the aesthetic.

Mr. Dutton noted that the other gas station on Main Street is even closer.

Chairman Smith asked Mr. Dutton to clarify why the business will no longer operate 24 hours a day.

Mr. Dutton explained that 24 hour facilities waste more water and an automated facility is more environmentally friendly.

*The hearing was opened for public comment. A hand was raised in opposition to the application.*

Mr. Mark DiTommaso, owner of the car wash on 70 Oak street in Glastonbury, stated his opposition for the application. He explained that the purpose for a 125-foot setback is to prevent cars from dragging water out to the street where it can freeze and cause dangerous conditions and traffic accidents. Mr. DiTommaso suggested that if the applicants cannot meet the 125-foot requirement, they should install more heating pads.

Chairman Smith thanked Mr. DiTommaso for his input.

*The hearing was once again opened for public comment, either for or against the application, and seeing as no one came forward to speak, Chairman Smith closed public comment on the application.*

Chairman Smith stated that he will give Attorney Hope and Mr. Dutton a chance to respond.

Secretary Korns inquired if the applicants were able to swap easements.

Attorney Hope reiterated that they will do zero work on the recreation easement, except to remove the shed. She explained that they will leave it in its natural state and added that they have withdrawn their request to conduct any work within the recreation easement.

Chairman Smith asked the applicants if they would like to respond to Mr. DiTommaso's comment.

Mr. Dutton stated that they are considering adding another drain, and sawing cuts in the pavement. He explained that they do this on airports and highways and it helps. Mr. Dutton noted that he understands the concern of ice and will do what it takes to make the site safe.

Chairman Smith asked the applicants to make a statement regarding the hardship.

Attorney Hope explained that they will have approximately 2-3 employees on site, and noted that it will not be unattended. She stated that the employees will monitor the conditions and noted that this application will also be reviewed by the Engineering Department and TPZ. Attorney Hope stated that they will make sure the site is safe.

Attorney Hope noted that the hardship is directly related to the recreation easement. She explained that it restricts types of development and added that the flood zone also limits the site plan.

Chairman Smith thanked the applicants.

*Chairman Smith informed the Board that they will be going back to application # 6.*

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*Chairman Smith informed the Board that they will take a short recess and then move on to deliberations.*

## **1) Action on Public Hearings**

### **1. Continued the application of Yuchen Xie from the November 2, 2020 Zoning Board of Appeals meeting for a Special Exception to allow stabling of horses for personal use at 192 Wassuc Rd in RR zone.**

Secretary Korn read the 1<sup>st</sup> application.

*Ms. Winkler recused herself from the application. Chairman Smith appointed Ms. Dzialo as a voting member.*

**Motion by:** Ms. Dzialo

**Seconded by:** Ms. O'Leary

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Yuchen Xie for a Special Exception to allow the stabling of a horse for personal use at 192 Wassuc Rd in RR zone. The proposed stable meets all the requirements of section 7.1.b.2.h. This approval is contingent on the Inlands Wetlands and Watercourses requirement for a 30-foot buffer area from the pond and assumes construction of a fence that is suitable to contain a horse. The requirements of section 13.9 have been met.

#### **Discussion:**

Ms. O'Leary commented that Attorney Hope did a great job presenting the plans.

Ms. Dzialo stated that the Board was given the details to understand where the stable would be located, and were able to view the detailed areas of the wetlands buffer, as well as the use of the wooded area.

Secretary Korn stated that he feels a lot more comfortable with the plans than at the last two sessions.

Chairman Smith agreed and added that the plans had been unclear until this presentation.

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

- 2. By Nicholas Lentocha for variances from sections 4.4.6 front yard and 4.4.7 Side yard to allow additions to be closer to the front and side yard property lines than permitted at 27 Farmstead Lane in Residence AA zone.**

Secretary Korns read out the 2<sup>nd</sup> application.

**Motion by:** Mr. Lamb

**Seconded by:** Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Nicholas Lentocha for variances from section 4.4.6 front yard and 4.4.7 side yard to allow additions to be closer to the front and side property lines than permitted but no closer than 48 feet to the front yard line and 18 feet to the side yard line as presented in the application packet at 27 Farmstead Lane in Residence AA zone on the grounds that it enhances safety from the elements and improves the look of the house and neighborhood. The requirements of Section 13.9 have been met.

**Discussion:** None

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

- 3. By Louis Rubino – DPS Builders & Remodelers LLC for a variance from sect. 4.4.6 to allow a front porch addition to be closer to the front property line than permitted at 63 Wadsworth Street in Residence AA zone owned by Mark McCall.**

Secretary Korns read the 3<sup>rd</sup> application.

*Secretary Korns corrected the variance section written on the agenda. He informed the Board that it should read Section 4.4.6 and not 4.3.6.*

**Motion by:** Secretary Korns

**Seconded by:** Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Louis Rubino – DPS Builders & Remodelers LLC for a variance from section 4.4.6 to allow a front porch addition to be closer to the front property line than permitted but no closer than 45 feet at 63 Wadsworth Street in Residence AA zone owned by Mark McCall on the grounds that the proposed porch and new door will provide access from the front of the house as opposed to the

garage, which is currently the only entryway, and provides protection from the elements. The requirements of section 13.9 have been met.

**Discussion:**

Mr. Lamb stated that the addition will improve the look of the house. He also remarked that he understands that the whole street is cookie cutter, but noted that the Board has given similar approvals to properties on neighboring streets to the east and west and added that he will be voting in favor of the application.

Ms. O’Leary stated that she has mixed feelings about approving this application, unless someone from the Board can convince her. She noted that on that street, the addition will stick out without question. Ms. O’Leary explained that the Board has given other approvals but not like this.

Mr. Lamb stated that he did not think 5 feet was that much of a variance in the whole scheme of things with what they had approved in the past.

Chairman Smith explained that he was of two minds about the application, but thinks Mr. Rubino came up with a pretty good design for what his client is trying to accomplish. He noted that the selling point for him is that the homeowners are not trying to go “over the top.” Chairman Smith noted that there was a similar and much more radical proposal on Manchester Road ten years ago. The applicants wanted a huge front porch. Chairman Smith explained that this proposal is much more modest and, if the homeowners wanted the porch to cover the entire front, he would not be approving it. Chairman Smith stated that the proposal looks okay and it will improve the look of the house.

Ms. Winkler agreed with the points made and noted that it is a modest increase and proportional to the size of the house. She added that the plans are not extravagant. Ms. Winkler also stated that there is a safety issue and will be voting in favor.

Ms. O’Leary stated that it is a good thing that the addition is not protruding that much.

Chairman Smith stated that he understands the concern. He also added that it might open a floodgate, as Mr. Bowman suggested. Chairman Smith noted the addition is not huge and not a wraparound porch.

Ms. O’Leary stated that the plans are not obtrusive and the Board should consider each individual application as it comes. She added that they have to be very careful about what they approve in the front.

Secretary Korns noted that this application brings up the whole issue of notice. He added that the Board does not know whether the neighbors are aware of the plans. Secretary Korns stated that there is no publication of the agenda or notices announced in *The Citizen*.

Ms. O’Leary reminded the Board about a variance that was given many years ago, when she was a new member. She explained that the Board granted a variance which extended the garage closer to the street line. Ms. O’Leary noted that if one passes by that property today, it sticks out like a sore thumb. Ms. O’Leary stated that the Board must be careful with the front line and added that this particular application is not as bad.

Chairman Smith stated that Mr. Rubino did a good job with the design and the addition is not so obtrusive.

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

**4. By Russ Krebs for a variance from section 7.1a.2b to allow a shed closer to the side property line than permitted at 97 Uconn Avenue in Residence A zone.**

Mr. Korn reads the 4<sup>th</sup> application.

**Motion by:** Ms. O’Leary

**Seconded by:** Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Russ Krebs for a variance from section 7.1.a.2b to allow a shed no closer than 2 feet from the side property line than permitted at 97 Uconn Avenue in Residence A zone. The hardship is due to topography and a sloping yard. The requirements of Section 13.9 have been met.

**Discussion:**

Ms. O’Leary noted that the yard slants and there are very few places for the shed placement.

Chairman Smith agreed and added that this application is one of those with true topographical issues.

Secretary Korn noted that the neighbors all have sheds.

Ms. Winkler agreed with the points made.

Chairman Smith agreed with the comments and added that it is in keeping with the neighborhood character.

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



**5. By Tomassetti Builders & Remodelers for a variance from section 4.5.7 to allow an addition closer to the side property line than permitted at 306 Griswold St in Residence A zone owned by Susan and Thomas Condon.**

Secretary Korns read the 5<sup>th</sup> application.

**Motion by:** Ms. O’Leary

**Seconded by:** Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Tomassetti Builders and Remodelers for a variance from section 4.5.7 to allow an addition no closer to the side property line than 6 feet (the property adjacent to the right is a utility right of way) at 306 Griswold St. in Residence A zone owned by Susan and Thomas Condon. The hardship is due to the unusual and narrow shape of the lot. The requirements of Section 13.9 have been met.

**Discussion:**

Ms. O’Leary stated that the addition makes sense because they have added privacy with the utility right of way next to them.

Chairman Smith agreed that the lot shape is tough.

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

**6. By Real Estate Partners LLC for a special Exception as provided for in sect 8.2b to allow an addition closer to the front property line but no closer than the existing nonconforming structure located at 183 Bailey Street in RR zone.**

Secretary Korns read the 6<sup>th</sup> application.

**Motion by:** Ms. Winkler

**Seconded by:** Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Real Estate Partners LLC for a Special Exception as provided for in Section 8.2b to allow an addition closer to the front property line but no closer than the existing nonconforming structure located at 183 Bailey Street in RR zone. The existing building is nonconforming and there will be no increase in the nonconformance of the building. There will no negative affects to neighboring properties. The requirements of Section 13.9 have been met.

**Discussion:**

Ms. Winkler stated that it is a straightforward application with just an increase in volume. She added that raising the roof of an existing dormer is acceptable.

Chairman Smith agreed with Ms. Winkler's points.

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

**7. By Wilbur T. Judson Revocable Trust and The Newell Company, LLC for a variance from sect 6.3f to allow an addition closer to the front property line than allowed at 2756 Main Street but no closer than 71 feet in PBD/Flood zone.**

Secretary Korns read the 7<sup>th</sup> application.

*Ms. Winkler recused herself from the application. Chairman Smith appointed Mr. Bowman as a voting member*

**Motion by:** Mr. Lamb

**Seconded by:** Mr. Bowman

MOVED, that the Glastonbury Zoning Board of Appeals approve the application by Wilbur T. Judson Revocable Trust and the Newell Company, LLC for a variance from Section 6.3f to allow an addition closer to the front property line than allowed at 2756 Main Street but no closer than 71 feet as presented in the applicant packet in PBD/Flood zone on the grounds that the lot configuration, elevation and impact on the flood zone, with the recreation easement and auto safety radius, prevents placement farther back on the lot. Closer to the front is beneficial to residences located east of the property. The requirements of Section 13.9 have been met.

**Discussion:**

Mr. Lamb noted that the Board approved a variance for the other carwash and these types of businesses need to upgrade so they are able to compete. He also added that what has been proposed in that location is very good. Mr. Lamb also stated that there are businesses along Main Street that are even closer than 71 feet and added that he will be voting in favor of the application.

Secretary Korns noted that the original 125-foot setback was to prevent the queuing of cars, which is no longer a concern. He also stated that the point brought up by the other car wash owner is a bit of a stretch. He explained that the roads are treated for ice and snow and added that 70 feet from the street line with the utilization of heating methods is enough to eliminate serious dangers.

Chairman Smith agreed with the points. He also stated that Mr. DiTomasso was correct about there being a risk and added that the applicants can engineer a solution. Chairman Smith noted that other agencies need to follow up with safety procedures and safeguards. He added that it is

for TPZ and others to consider. Chairman Smith stated that the site design mitigates the concerns and added that he will be voting in favor.

Mr. Bowman stated that he questioned whether it was sound advice or a competitor trying to stack the decks. He noted that he is relieved that other committees will look at the safety implementations. Mr. Bowman commented that a chance to upgrade an older property should not be passed up and he will be voting in favor.

Secretary Korns agreed with the points that were made and noted that the applicants are putting in treatment systems.

Ms. O’Leary agreed with the points made and commented that she has seen a similar carwash system in Florida.

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

Chairman Smith congratulated the applicants.

## **2.) Acceptance of Minutes from November 2, 2020 meeting**

### **Discussion:**

Secretary Korns informed the Board that item #4 on page 5/9 “stairwell” should be replaced with stairs or staircase.

Chairman Smith agreed that a change should be made and asked Secretary Korns which word to use as a replacement. Secretary Korns stated that “stairs” should replace “stairway.” Mr. Lamb agreed to the amendment to the motion.

**Motion by:** Mr. Lamb

**Seconded by:** Ms. O’Leary

MOVED, that the Glastonbury Zoning Board of Appeals approves the amended minutes as presented. The word “stairwell” on page 5 will be replaced with “stairs.”

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

### **Discussion:**

Chairman Smith informed the Board that they will vote on the 2021 calendar.

Secretary Korns pointed out that there are some errors with the dates and approval should be tabled for the next meeting.

The Board agreed to approve the calendar at the next meeting.

Chairman Smith asked the Board to look at the first meeting in January to make sure that it is correct.

The next meeting is scheduled for January 4, 2021 and the date is correct. A few Board members indicated that they are not available.

Chairman Smith stated that they have the 3 alternates.

Secretary Korns asked Mr. Carey if paper signs have been sent out.

Mr. Carey stated that every applicant received a paper sign and informed the Board that the notices are posted in the *Hartford Courant* and not in *The Citizen*.

### 3) Adjournment

**Motion by:** Secretary Korns

**Seconded by:** Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of December 7, 2020 at 9:57 pm.

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

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Brian Smith, Chairperson