

**GLASTONBURY ZONING BOARD OF APPEALS**  
***Regular Meeting Minutes of Monday, February 1, 2021***

The Glastonbury Zoning Board of Appeals with Peter Carey, Building Official, in attendance held a Regular Meeting on Monday, February, 1, 2021 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

Brian Smith, Chairperson  
Nicolas Korn, Secretary  
Jaye Winkler  
David Hoopes, Alternate

**Board Members- Excused**

Sandra O’Leary, Vice Chairperson  
Timothy Lamb  
Susan Dzialo, Alternate  
Doug Bowman, Alternate

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.

Chairman Smith appointed Mr. Hoopes as a voting member. He also outlined that, because of the unusual circumstances with 4 voting members present (a quorum) and not the usual 5, applicants can opt to postpone their application for the next meeting. Chairman Smith reiterated that all 4 voting members must approve an application for it to pass.

Secretary Korn read the 4 agenda items.

**Public Hearing**

- 1. By Tamara and Joseph Kennedy for variances from sections 4.5.5 lot coverage and section 4.5.8 rear yard to allow an addition to be closer to the rear yard than permitted and with greater than permitted lot coverage at 42 Towhee Ln in Residence A zone.**

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

Chairman Smith asked applicants if they would like to proceed or postpone their application.

Mrs. Tamara Kennedy stated that they would like to proceed with the application.

Mrs. Kennedy explained that they have purchased their home 10 years ago and are running out of space. She noted that she works for Pratt and Whitney and was told that she would continue to work remotely, even after the pandemic, for the foreseeable future.

Chairman Smith noted that the application lists 2 variances and asked the Board if they had any questions.

Ms. Winkler inquired how close the proposed addition would be from the rear yard setback. The contractor representing Mr. and Mrs. Kennedy replied that it would be extended to 30 feet. Ms. Winkler wanted to confirm that it would be no closer than 30 feet. The contractor representing the homeowners stated correct.

Chairman Smith noted that the lot size is small at 0.27 acres. The homeowners agreed with the statement.

Ms. Winkler remarked that the house was built in 1973 and inquired if it predates zoning. The homeowners confirmed that their house was built in 1973.

Mr. Carey explained that the applicants reside in an open space subdivision. He noted that, because of the open space, the houses have reduced yard areas.

Chairman Smith asked if there were any other questions.

*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 the homeowners if they wanted to provide additional comment.

The homeowners stated that they have nothing else to present and thanked the Board for their time.

**2. By Kyle and Meaghan MacDonald for a variance from section 7.1a.2b to permit a detached garage with greater than permitted average roof height than allowed at 140 Robin Rd in residence AA zone.**

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

Chairman Smith asked applicants if they would like to proceed or postpone their application.

The homeowners stated that they would like to proceed with their application.

Mrs. Meaghan MacDonald introduced herself and her husband and informed the Board that this past August, during the storm, a tree fell on their garage and car. Mrs. MacDonald explained that the garage and car were completely destroyed. She noted that the foundation was not ruined and they are looking to get a prefab kit from *The Barn Yard & Great Country Garages* in Ellington, CT. Mrs. MacDonald noted that they will be using the existing footprint for the garage and stated that they have letters of support and pictures of the damage.

Chairman Smith noted that it would be useful to see the images of the prior garage and inquired what the difference in height would be with the new garage.

Mr. Kyle MacDonald stated that he does not know what the height difference would be. He remarked that he was unable to find the records. The homeowners put up 2 photos of the previous garage showing the front and the back. The next photo they put up was the damaged garage.

Chairman Smith remarked that the picture showcasing the damage is very convincing. He asked the homeowners what the height of the new garage would be.

Mr. MacDonald stated 23 feet and added that they do not know the exact measurements and think it is a foot and a half over.

Mr. Carey looked at the drawings and stated it is 16.5 feet. Mr. Hoopes inquired what the maximum height is. Mr. Carey answered 15 feet. Mr. Hoopes noted that it is 1 and a half feet over and added that the problem is they do not know how high the old garage was. Mr. Carey stated that they do not have any documentation of the old garage height. Mr. Hoopes noted that the applicants are looking for a variance of 1 and a half feet.

Chairman Smith reiterated that they do not know what the other garage height was.

Mr. Carey calculated the measurements on the drawing and stated that it is roughly 16 feet and added that the lot is flat. He informed the Board that he will look on GIS regarding the elevation difference.

Secretary Korns stated that he only saw 1 letter of support from the neighbors and asked if there were any additional letters. The homeowners stated that there were 2 letters of support and put them up on the screen. The first letter of support was from Thomas and Donna Ford of 132 Robin Road. The second letter of support was from Joe and Laura Laro of 143 Robin Road.

Chairman Smith asked if there were any other questions.

Ms. Winkler inquired if the neighbors have lived there for some time. The homeowners explained that the Fords have lived there for over 20 years and the other neighbors moved into the neighborhood about a year after they moved in.

Mr. Carey explained that on the GIS there is about a foot difference in elevation change from right to left. Ms. Winkler inquired if they should round to the nearest foot. Mr. Carey stated that they should round up and give an extra foot. Mr. Hoopes stated that it makes it 17 feet.

Ms. Winkler asked which property did the fallen tree come from. Mr. MacDonald stated that it was the Fords' tree.

Mr. Carey calculated the measurements and stated that the total is 17 feet and the Board should give extra. He directed them to sheet 8 of the shop drawings.

Chairman Smith asked if there were any other questions.

*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 the homeowners if they have additional comments.

The homeowners stated that they had no other comments and thanked the Board.

**3. By Frank DiBacco for a variance from section 7.1b.2b.2 to allow the addition of 2 additional garage bays for a total of 6 garage spaces at 519 Cedar Ridge Dr. in RR zone.**

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

Mr. Richard Megson of Megson, Heagle & Friend Civil Engineers & Land Surveyors, LLC represented the homeowner.

Chairman Smith asked Mr. Megson if he would like to proceed or postpone the application.

Mr. Megson stated that he would like to proceed with the application.

Mr. Megson put up a slide show presentation.

The site is located at 519 Cedar Ridge Drive and comprises of 3.89 acres located in Rural Residence Zone. It is an existing single-family residence with an attached 3-bay garage. The drive way is shared with 515 Cedar Ridge Drive (Watsons) and with 509 Cedar Ridge Drive (O'Connells). The Watsons and the O'Connells have provided signed statements in favor of the variance application.

Mr. Megson explained that the proposal entails constructing an accessory structure with 3 garage bays at ground level and 965 square feet of accessory space on a second level above the garage

bays. The existing house is larger than 4,500 square feet making it eligible for 4 garage bays. The proposed accessory structure will be 450 feet from Cedar Ridge Drive, and 77 feet in elevation above the cul-de-sac. The 3 garage bays will not be visible from the road. The location of the proposed accessory structure complies with all yard setbacks.

Mr. Megson stated that a variance to Section 7.1b.2b.1 is requested to allow an additional 2 bays for a total of 6 garages. The purpose of the accessory structure is to house the family's five vehicles, and store yard equipment and recreational equipment out of sight and in a secure environment. Hardship is based on the grounds that the regulations do not consider larger lot size, and the proposed structure is in keeping with the character of the neighborhood. The proposal meets the requirements of Section 13.9.

Mr. Megson stated that on 1996 Manchester Road a similar variance was granted. The presentation was concluded.

Secretary Korns stated that he would like to provide a point of information. He explained that Mr. Megson was citing the wrong variance during the presentation. Secretary Korns noted that the variance shown on the agenda is correct.

Mr. Carey stated that it should be a variance from section 7.1b.2b.2.

Chairman Smith explained that section 7.1b.2b.1 pertains to special exceptions and that is for the 4th agenda item.

Mr. Megson apologized for the error and noted it is in fact a variance and not a special exception.

Chairman Smith inquired if there would be new excavation planned.

Mr. Megson stated that there was a garage on the property and explained that the new one is a little larger and will be in the exact place.

Chairman Smith inquired if a modified conservation easement is on the property.

Mr. Megson stated that some of it is on the property and it encompasses the lower elevation. He noted that the proposed garage area is not near the conservation easement.

Secretary Korns inquired whether this property has the uranium.

Mr. Megson stated that he does not know.

Chairman Smith inquired if the accessory above the garage will be living space.

Mr. Megson stated that it is just for storage and not a living space.

Chairman Smith asked if there were any other questions.

*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. Megson if he would like to provide additional comment.

Mr. Megson stated that unless the Board has questions he has no further comments. Mr. Megson thanked the Board.

**4. By Philip Karsen for a special Exception as provided for in section 7.1b.2b.1 to allow the addition of a fourth car garage at 90 Accornero Ln in RR zone.**

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

Mr. Richard Megson of Megson, Heagle & Friend Civil Engineers & Land Surveyors, LLC represented the homeowner.

Chairman Smith asked Mr. Megson if he would like to proceed or postpone the application.

Mr. Megson stated that he would like to proceed with the application.

Mr. Megson put up a slide show presentation. He stated that the applicant currently resides at 60 Newell Lane in Glastonbury and is planning to build a new home at 90 Accornero Lane. The site is comprised of 1.52 acres located in Rural Residence Zone. A proposed single-family house with an attached 2 bay garage and a proposed detached 2 bay garage west of the house for a total of 4 garage bays.

The proposal entails the construction of a 3,500-square foot single family house with an attached 2-car garage on the north end of the house. The proposal also includes construction of a detached 2-car garage just west of the attached garage on a 1.52 acre building lot on Accornero Lane. Mr. Megson outlined that they are asking for a Special Exception as provided in Section 7.1b.2b.1 to allow a 4<sup>th</sup> garage bay, as the house will be less than 4,500 square feet. The proposal meets the requirements of Section 13.9. Mr. Megson concluded his presentation and asked if there were any questions.

Chairman Smith inquired if there are wetlands on the property. Mr. Megson stated that there are no wetlands on the property.

Ms. Winkler noted that she used to live in California which is prone to mudslides. She inquired if the proposed garage construction would help prevent mudslides on the site.

Mr. Megson stated that the soils on the site are different. He explained that what is being proposed is a full basement with a full foundation which will be used as a retaining wall. Mr. Megson stated that the house plans are still being worked on.

Chairman Smith inquired how far along were the design plans and whether any additional changes would be minor.

Mr. Megson stated that it appears to be in the final stages and now they are working on a pool. He added that it remains to be seen how that will be situated. Mr. Megson stated that a pool would help with the grading.

Chairman Smith asked the Board if they had additional questions.

*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. Megson if he would like to make any additional comments.

Mr. Megson stated that he has no other comments and thanked the Board.

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

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

- 1. By Tamara and Joseph Kennedy for variances from sections 4.5.5 lot coverage and section 4.5.8 rear yard to allow an addition to be closer to the rear yard than permitted and with greater than permitted lot coverage at 42 Towhee Ln in Residence A zone.**

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

***Motion by:*** Secretary Korns

***Seconded by:*** Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Tamara and Joseph Kennedy for variances from sections 4.5.5 lot coverage and section 4.5.8 rear yard to allow an addition closer to the rear yard than permitted but no closer than 30 feet to the rear yard line and with greater than permitted lot coverage but no greater than 18 percent at 42 Towhee Ln in Residence A zone on the grounds that the house was built in 1973 as an open space

subdivision with unusually small lot size of 0.27 acres and there are letters of support from two neighbors. The requirements of Section 13.9 have been met.

**Discussion:**

Ms. Winkler stated that the open space behind the houses works in favor of this application. She added that it is an innovative development and noted that a number of people in that neighborhood have additions.

Secretary Korns stated that the homeowners have a personal need. They have children, are working from home, and need more space. He noted that there is an incremental change in the coverage and the number is small. Secretary Korns added that the neighbors agree and there should be no issues with this application.

Chairman Smith remarked that, because of the pandemic, times have changed and people need home offices. He also agreed that the lot coverage increase is not a big number.

Ms. Winkler remarked that the homeowner will continue working from home even after the pandemic. She noted that there will be a trend for more home offices.

**Result:** Motion passes unanimously. (4-0-0)

- 2. By Kyle and Meaghan MacDonald for a variance from section 7.1a.2b to permit a detached garage with greater than permitted average roof height than allowed at 140 Robin Rd in residence AA zone.**

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

**Motion by:** Mr. Hoopes

**Seconded by:** Chairman Smith

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Kyle and Meaghan MacDonald for a variance from section 7.1a.2b to permit a detached garage with an average height of 17 feet allowed at 140 Robin Rd in residence AA zone on the grounds that the hardship is due to the unusual circumstance of uncertainty concerning the height of the previous garage that was destroyed suddenly through no fault of the applicants. The requirements of section 13.9 have been met.

**Discussion:**



Secretary Korn noted that homeowners do not know the exact height of the previous structure and indicated that the new garage may not be different. He also stated that it is reasonable to replace the structure and the neighbors support it. Secretary Korn remarked that he would be voting in favor of the application.

Chairman Smith agreed with the points made.

**Result:** Motion passes unanimously. (4-0-0)

- 3. By Frank DiBacco for a variance from section 7.1b.2b.2 to allow the addition of 2 additional garage bays for a total of 6 garage spaces at 519 Cedar Ridge Dr. in RR zone.**

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

**Motion by:** Ms. Winkler

**Seconded by:** Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Frank DiBacco for a variance from section 7.1b.2b.2 to allow a 965-square foot garage structure for a total of 6 garage spaces at 519 Cedar Ridge Dr. in RR zone on the grounds that it is a large lot with a large house and will not be seen from the street and the house predates zoning. The requirements of Section 13.9 have been met.

**Discussion:**

Secretary Korn explained that the Board has seen similar cases of accessory structures proposed on large lots. He added that the structures are not visible and noted that the lot size is disproportionate with the intent of the regulations. Secretary Korn stated that there should be no issues with this application.

**Result:** Motion passes unanimously. (4-0-0)

- 4. By Philip Karsen for a special Exception as provided for in section 7.1b.2b.1 to allow the addition of a fourth car garage at 90 Accornero Ln in RR zone.**

Secretary Korn read the 4<sup>th</sup> application.

**Motion by:** Mr. Hoopes

**Seconded by:** Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Philip Karsen for a special Exception as provided for in section 7.1b.2b.1 to allow the addition of a fourth car garage at 90 Accornero Ln in RR zone. The criteria and requirements of Section 13.9 are satisfied.

**Discussion:**

Ms. Winkler stated that given the steepness, the garage will improve the safety of the surrounding houses by acting as a retaining wall. She added that it is a very steep area and she will vote in favor of the application.

Mr. Hoopes noted that the garage is not visible from the road and neighbors will not be affected.

Chairman Smith remarked that the hardship is a special exception.

Ms. Winkler stated that the addition fits with the neighborhood.

**Result:** Motion passes unanimously. (4-0-0)

*Chairman Smith congratulated the applicants.*

**2.) Acceptance of Minutes from December 7, 2020 meeting**

**Motion by:** Mr. Hoopes

**Seconded by:** Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the minutes as presented.

**Result:** Motion passes unanimously. (4-0-0)

**Discussion:**

Chairman asked Mr. Carey if the Board would need to vote on the 2021 calendar.

Mr. Carey stated that the Board will need to vote on the calendar and explained that they should have received it and noted that it is on the Town website.

**Motion by:** Chairman Smith

**Seconded by:** Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the calendar that is currently on the website of the Zoning Board of Appeals as the official calendar for this body for 2021.

**Result:** Motion passes unanimously. (4-0-0)

**Discussion:**

Chairman Smith noted that, if the calendar needs to be adjusted, the Board can do so on a month by month basis.

Secretary Korns inquired if there was any update about in person meetings.

Mr. Carey stated that there is no information on that.

**3) Adjournment**

**Motion by:** Secretary Korns

**Seconded by:** Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of February 1, 2021 at 8:15 pm.

**Result:** Motion passes unanimously. (4-0-0)

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Brian Smith, Chairperson