

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

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

ROLL CALL

Board Members- Present

Brian Smith, Chairperson
Nicolas Korn, Secretary
Timothy Lamb
Jaye Winkler
Susan Dzialo, Alternate
Doug Bowman, Alternate

Board Members- Excused

Sandra O’Leary, Vice Chairperson
David Hoopes, 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 seated Mr. Bowman in place of Ms. O’Leary.

Secretary Korn read the 5 agenda items.

Public Hearing

- 1. By Mark Colebrook for a special Exception as provided for from section 8.2b to permit an addition closer to the front property line but no closer than the existing nonconforming structure located at 27 Woodbridge Road in Residence AA zone.**

Mr. Carey read the 1st application.

Mr. Colebrook put up the plans on the screen. He explained that on 9/10/2001, the Zoning Board had granted a variance to construct an attached garage no closer than 44 feet from the front yard boundary.

Mr. Colebrook stated that they would like to build a front porch no closer than the existing non-conforming structure. He explained that the road curves away and the approximate setback would be about 47-48 feet. Mr. Colebrook stated that it would be a nice front porch and it would make his wife happy.

Mr. Bowman remarked that the corner post is farther away from the road and added that the porch will enhance the property and curb appeal. Mr. Bowman also noted that it is a great idea.

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 thanked the applicant.

2. By Elvis Rodriguez and Chastity Maquilon-Rodriguez for a variance from section 7.1a.2b to permit a shed closer to the front yard than permitted at 26 Paxton Way located in Rural Residence zone.

Mr. Carey read the 2nd application.

Mr. Rodriguez stated that he is looking to place a shed on the side of his house. He explained that, in terms of zoning, it is considered the front of the house. Mr. Rodriguez stated that the purpose of the shed would be for storing equipment related to the maintenance of the sidewalk.

Mr. Rodriguez explained that their property borders a conservation area and they would like to avoid placing the shed in that location. The homeowners informed the Board that their neighbors at 9 Paxton Way had requested permission for a shed as well.

Chairman Smith stated that he does recall that application and added that the homeowners made a good point about not intruding into the conservation easement.

Chairman Smith remarked that the property has an odd layout and asked the homeowners if the shed was from Kloter Farms.

Mr. Rodriguez replied yes.

Mr. Bowman inquired if the shed would replace the trampoline.

Mr. Rodriguez explained that the trampoline is further up on the slope.

Mr. Bowman commented that it is a tight space and added that it would not be visible from New London Turnpike because of the slope. He noted that the arbor vitae shields the view and there should be no issues from the neighbors.

Mr. Rodriguez stated that they can relocate the trampoline.

Mr. Bowman inquired whether there was room for the trampoline away from the conservation easement.

The applicants replied yes.

Secretary Korns asked the homeowners to show the diagram that marks the placement of the shed.

The homeowners held up the diagram.

Secretary Korns thanked them.

Chairman Smith explained that the diagram was submitted with the application materials and it was near the last page.

Secretary Korns stated that he must have missed the last page.

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 thanked the applicants for their through presentation.

3. McKenzie & Jeffrey Petersen for a variance from section 7.1b.2f to permit a pool bathhouse to be ahead of the rear yard at 171 Great Pond Road located in Rural Residence zone.

Mr. Carey read the 3rd application.

Mrs. McKenzie Petersen put the proposed plans on the screen. The location of the shed will be placed between the end of the driveway and the pool. It will measure 12 feet by 20 feet. Mrs. Petersen explained that the backyard is steep with no flat areas. She stated that they plan on putting a small half bath, consisting of just a toilet and a sink. Mrs. Petersen stated that they have purchased the shed from Kloter Farms. It will match with the house and add curb appeal. The shed will be used for storage and the half bath will be for seasonal use. Mrs. Petersen reiterated that, due to the steepness of the backyard, there is no other placement for the shed.

Mr. Lamb inquired how far the front of the shed will be.

Mrs. Petersen replied 18 feet and added that the back of the shed is 5 to 6 feet from the back of the house.

Chairman Smith inquired if those measurements include the soffit and overhang.

Mrs. Petersen replied yes, and added that the front door is the furthest point forward.

Mr. Bowman remarked that the location of the shed is reasonable and added that it needs to be placed on level ground. He also stated that the shed will replace the vinyl fence and it will be much better than the current situation. Mr. Bowman noted that the project involves plumbing.

Mrs. Petersen explained that the bathroom part of the shed will be the closest to the house.

Mr. Bowman remarked that the proposal is unusual because the applicants are proposing something that is smaller than the existing footprint.

Mrs. Petersen stated that the shed is 145 feet from the road.

Chairman Smith inquired if the applicant meant the property line.

Mr. Carey clarified that it would be the property line.

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.

4. By Justin Williams for a Special Exception as provided for in section 7.1b.2b.1 to allow a fourth car garage space at 2726 Hebron Avenue located in Rural Residence zone.

Mr. Carey read the 4th application.

Mr. Richard Megson of Megson, Heagle & Friend Civil Engineers & Land Surveyors, LLC represented the homeowner. Mr. Megson explained that the property at 2726 Hebron Avenue is a new construction home that is under contract. The purchaser desires a detached 2-car garage. Mr. Megson put up a GIS slide of the property and stated that the lot to the east is empty.

Mr. Megson informed the Board that there is an error in the application and the lot size should be 2.93 acres when rounded. The new construction home will be 3,000 square feet and the 2-car

detached garage will be placed 25 feet behind the house. Mr. Megson concluded his presentation.

Chairman Smith inquired if there was enough space for the 2-car garage to avoid potential conflicts.

Mr. Megson explained that the proposed 2-car detached garage will be used to store 2 hobby cars and they will be adding pavement to make it work. He noted that there is approximately 5.5 feet of space to the east of the property line.

Mr. Bowman asked Mr. Megson to outline the conversations he had with the neighbors.

Mr. Megson stated that he did not talk to the neighbors. He also noted that the point of the garage is to provide privacy and prevent the neighbors from looking at each other.

Mr. Bowman noted that it is misleading to quote the square feet of the property. He explained that the property is very narrow, much like a bowling alley.

Mr. Megson explained that the builder came up with the plans and they can look into placing the garage further back.

Chairman Smith inquired if that would involve more pavement.

Mr. Megson replied yes. He noted that he understands the concerns and explained that the lot was approved in 1978. The property was owned by the same person and the construction of the detached 2-car garage was requested by the purchaser.

Mr. Megson remarked that Mr. Bowman's questions are reasonable and explained that the Special Exception is not based on location but on the 4th bay. He suggested that they could have one less door and the proposal would work.

Chairman Smith asked Mr. Megson if he meant that, instead of the special exception for the 4th bay, they would come back for a single car garage.

Mr. Megson replied correct.

Mr. Lamb remarked that there were similar proposals in the past, and noted that having one less door would make it difficult to rearrange the cars.

Mr. Carey stated that Mr. Megson is incorrect and explained that it is about the spaces and not the doors. He gave an example of a 12 foot by 70-foot building with one door. This is not a one car garage but a 5-car garage with multiple spaces. Mr. Carey reiterated that the regulations are about garage space and not doors.

Mr. Megson replied that he understands the point. He noted that they can remove a bay and place an extra garage in place of an accessory structure.

Chairman Smith remarked that was the reason why he brought up the question of the traffic conflict. He noted that the Board will not want to approve a 4-car garage where it does not make sense.

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. Megson for his presentation.

5. By Mark Sellew & Lisa Preger Sellew for a variance from section 7.1b.2f to permit a pool to be located ahead of the rear yard at 21 Acorn Ridge Road in Rural Residence zone.

Mr. Richard Megson of Megson, Heagle & Friend Civil Engineers & Land Surveyors, LLC represented the homeowner. Mr. Megson put up a series of slides. The site is comprised of 2.53 acres located in Rural Residence zone. The lot is oddly configured, with all site development occurring in the north-west corner. The positioning of the proposed pool is limited due to the balancing of considerations that include topography, existing septic system location, existing well location, and existing house location. Mr. Megson stated that the hardship is based on the inability to comply with the required separating distance to the existing well if the pool is completely located in the rear yard. Mr. Megson informed the Board that they have done soil testing and are in compliance with the Health Department. The proposed pool will be hidden behind the existing house when constructed and will be in keeping with the character of the neighborhood. The proposal meets the requirements of section 13.9. Mr. Megson concluded the presentation.

Chairman Smith noted that the pool will not be visible from the road.

Mr. Megson replied yes, and added that the retaining walls, landscaping, and the mature trees cover the view.

Chairman Smith inquired if the applicants are extending the leaching field.

Mr. Megson replied yes.

Chairman Smith inquired if any vegetation would be removed from the site.

Mr. Megson stated no, and added that the area near the septic consists of lawn.

Chairman Smith clarified that the Board wanted to be certain that no trees will be removed from the site.

Mr. Bowman stated that it is worth noting that the homeowners are in the shrubbery and tree growing business. He also highlighted that the property is fully landscaped. Mr. Bowman inquired how much overlap is there with the proposed pool and rear yard garage.

Mr. Megson replied that it is about 6 feet of overlap.

Mr. Bowman remarked that it is not much.

Mr. Megson explained that the challenging part of the site plan is making sure the septic area is in compliance.

Mr. Bowman informed Mr. Megson that measurements must be precise for the motion.

Mr. Megson stated that they are asking for 8 feet to ensure there is a 25-foot separation from the well.

Chairman Smith explained that the Board cannot grant a variance from the Health Department requirements.

Mr. Megson remarked that it is Mr. Bowman's call on how to word the motion.

Mr. Bowman noted that the applicants have spent extra money to remove the leaching field. He stated that he does not have an exact measurement and inquired how much forward will the proposed pool be.

Chairman Smith inquired if the pool company supplied that information.

Mr. Megson stated that the pool company prepared an elaborate plan.

Chairman Smith asked Mr. Megson to zoom in on the site plan. He explained that the Board does not want more of a variance than necessary and also noted that they do not want to disrupt the plans either.

Mr. Megson reiterated that they are asking for 8 feet to allow for adjustments.

Chairman Smith recapped that there must be a 75-foot radius from the leaching field and another 25 feet from the well.

Ms. Winkler explained that she has seen construction companies stake out a property and then frantically move it. She noted that an allowance of 8 feet gives room to correct for an under or

over calculation. Ms. Winkler also pointed out that it is likely that the stake was knocked over and picked up with the understanding that it would be corrected later.

Chairman Smith asked Mr. Carey if there is a letter from the neighbor. Chairman Smith asked Secretary Korns to read the letter for the record.

Secretary Korns read the letter of support from Mr. Douglas Wright of 56 Acorn Ridge Road in South Glastonbury, CT.

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. Megson for his presentation.

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

1) Action on Public Hearings

- 1. By Mark Colebrook for a Special Exception as provided for from section 8.2b to permit an addition closer to the front property line but no closer than the existing nonconforming structure located at 27 Woodbridge Road in Residence AA zone.**

Secretary Korns read the 1st application.

Motion by: Secretary Korns

Seconded by: Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Mark Colebrook for a Special Exception as provided for from section 8.2b to permit an addition closer to the front property line but no closer than the existing nonconforming structure located at 27 Woodbridge Road in Residence AA zone. The requirements of Section 13.9 have been met.

Discussion:

Mr. Lamb stated that he agreed with the comments Mr. Bowman made earlier.

Mr. Bowman noted that the application makes sense. He also noted that the extra space would be useful for groceries and packages.

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

- 2. By Elvis Rodriguez and Chastity Maquilon-Rodriguez for a variance from section 7.1a.2b to permit a shed closer to the front yard than permitted at 26 Paxton Way located in Rural Residence zone.**

Secretary Korns read out the 2nd application.

Motion by: Mr. Bowman

Seconded by: Mr. Lamb

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Elvis Rodriguez and Chastity Maquilon-Rodriguez for a variance from section 7.1.a.2b to permit an 8 foot by 10 ten foot shed no closer than presented in the application packet located at 26 Paxton Way in Rural Residence zone on the grounds that the hardship exists due to the location of the conservation easement, slope, and unusual lot shape. The requirements of section 13.9 have been met.

Discussion:

Mr. Bowman stated that the shed will not be visible due to the slope and added that the arbor vitae also screens the view. He noted that the applicants seem reasonable in their willingness to relocate the trampoline. Mr. Bowman stated that he hopes the applicants follow through on relocating the trampoline because it is a tight space and would be potentially unpleasant for their neighbor.

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

- 3. McKenzie & Jeffrey Petersen for a variance from section 7.1b.2f to permit a pool bathhouse to be ahead of the rear yard at 171 Great Pond Road located in Rural Residence zone.**

Secretary Korns read the 3rd application.

Motion by: Mr. Lamb

Seconded by: Chairman Smith

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by McKenzie & Jeffrey Petersen for a variance from section 7.1b.2f to permit a pool bathhouse to be ahead of the rear yard line than permitted but not to exceed 18 feet from the rear yard line as presented in the application packet located at 171 Great Pond Road located in Rural Residence zone on the

grounds that the hardship exists due to the topography, steep hill in the backyard, and the configuration of the house and lot size. The requirements of Section 13.9 have been met.

Discussion: None

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

4. By Justin Williams for a Special Exception as provided for in section 7.1b.2b.1 to allow a fourth car garage space at 2726 Hebron Avenue located in Rural Residence zone.

Secretary Korns read the 4th application.

Motion by: Ms. Winkler

Seconded by: Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Justin Williams for a Special Exception as provided for in section 7.1b.2b.1 to allow a fourth car garage at 2726 Hebron Avenue located in Rural Residence zone. The requirements of Section 13.9 have been met.

Discussion:

Mr. Bowman stated that the application is awful and egregious. He noted that the next-door neighbor will be furious. Mr. Bowman explained that the neighbor cannot look out of the window without seeing the garage. He also noted that the large acreage is a misrepresentation. Mr. Bowman stated that the property is shaped like a bowling alley. He explained that shoving a garage in that narrow lot is not in the spirit of this Town and will vote against the application.

Secretary Korns inquired if the neighbor knows about the proposed garage.

Mr. Bowman noted that it is the middle of the pandemic and the neighbor probably does not know what is being proposed. He also pointed out that another applicant had a large ZBA sign to notify neighbors and the public. No signs or notices were done in this application.

Mr. Lamb stated that he understands Mr. Bowman's concerns and noted that the Board approved similar applications on Signal Ridge. Mr. Lamb also explained that the applicant can build a similar sized building for storage and the cars would all be parked outside.

Mr. Bowman noted that the applicant is flipping the property.

Mr. Lamb explained that the property is under contract and the 2-car garage was requested by the buyer.

Ms. Winkler explained that she lives in this neighborhood and noted that the house is under construction. She also stated that it is not for the Board to go beyond what the zoning allows. In this neighborhood, there are many residences with 4-car garage spaces. Ms. Winkler noted that these are her contributions as a neighbor.

Result: Motion passes. (4-1-0)

(Mr. Bowman voted against the application.)

5. By Mark Sellew & Lisa Preger Sellew for a variance to permit a pool to be located ahead of the rear yard at 21 Acorn Ridge Road in Rural Residence zone.

Motion by: Mr. Lamb

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Mark Sellew & Lisa Preger Sellew for a variance from section 7.1b.2f to permit a pool to be located ahead of the rear yard but no closer than 8 feet at 21 Acorn Ridge Road in Rural Residence zone as presented in the application packet on the grounds that the hardship exists due to the inability to comply with the required separating distance to the existing well if the pool is completely in the rear yard of the house, topography of the lot and septic system. The requirements of Section 13.9 have been met.

Discussion:

Mr. Lamb explained that he drove to the property and noticed that it is pretty far back. He noted that the application is fine.

Chairman Smith stated that Mr. Bowman made a good point about the landscaping. He also noted that his concern was that the existing trees and foliage are not disturbed.

Secretary Korns stated that he agrees and will vote in favor of the application.

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

Chairman Smith congratulated the applicants.

2.) Acceptance of Minutes from February 1, 2021 meeting

Motion by: Mr. Lamb

Seconded by: Ms. Winkler

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

Result: Motion passes. (4-0-1)

(Mr. Bowman abstained.)

Discussion:

Secretary Korns inquired if there were any updates about in-person meetings.

Mr. Carey stated that it will continue to be virtual for quite some time.

3) Adjournment

Motion by: Mr. Lamb

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of March 1, 2021 at 8:44 pm.

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

Brian Smith, Chairperson