

**GLASTONBURY ZONING BOARD OF APPEALS**  
***Regular Meeting Minutes of Monday, April 5, 2021***

The Glastonbury Zoning Board of Appeals with Peter Carey, Building Official, in attendance held a Regular Meeting on Monday, April, 5, 2021 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

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

**Board Members- Excused**

Sandra O'Leary, Vice Chairperson  
David Hoopes, Alternate

Chairman Smith called the meeting to order at 7:08 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.

*Due to technical difficulties, the meeting started late.*

Secretary Korn read the 2 agenda items.

**Public Hearing**

- 1. By Sabrina Pools- Jonathan Casado for a variance from section 7.1b.2f to allow a pool to be located closer to the rear and side property lines than permitted at 7 Medford Street in residence A zone, owned by Anne North.**

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

Mr. Jonathan Casado of Sabrina Pools represented the homeowners. Mr. Casado stated that his clients are planning to install a 16-foot by 32-foot above ground oval shaped pool. The proposed pool is 8 feet from the rear setback line and 5 feet from the side yard. Mr. Casado stated that the homeowners also planned to extend the deck.

Mr. Casado explained that, due to the narrow lot and existing shed, the pool cannot be placed anywhere else. A picture of the rear yard and garage area was presented. The white privacy

fence will remain. Mr. Casado informed the Board that the homeowners plan on putting up an 8-foot stockade fence to shield the view.

Chairman Smith inquired if Mr. Casado meant a 6-foot fence. Mr. Casado replied he meant to say a 6-foot stockade fence.

Ms. Dzialo inquired if the neighbors were informed about the proposed pool.

Mr. Casado explained that the neighbors are ok with the pool and can get it in writing if the Board requires it.

Ms. Dzialo noted that the neighborhood is tight and the size of the pool is large. She also remarked that it is very close to the neighbors and there may be concern with the noise levels.

Mr. Casado stated that the neighbors behind the property had a concern. He explained that they came up with a compromise to put up a fence near the rear of the property. Mr. Casado stated that the neighbors on the side have no issues with the pool.

Secretary Korns inquired if the pool has to be completely fenced in.

Mr. Casado stated no, and added that the pool has stairs and a self-latching and closing gate.

Ms. Winkler inquired about the setback requirements for a pool.

Mr. Carey replied 15 feet.

Secretary Korns inquired about the placement of the stockade fencing. He asked if the fencing would be on the sides.

Mr. Casado stated that there is an existing fence and added that the stockade fence will be in the back. He informed the Board that the stockade fence will not be vinyl. It will be a wooden stockade fence.

Chairman Smith asked if the fence would be see through.

Mr. Casado replied that it will not be see through.

Mr. Bowman asked Mr. Casado if the homeowners are asking for a variance of 10 feet.

Mr. Casado replied yes.

Secretary Korns asked the Chairman if Mr. Bowman is a seated voting member.

Chairman Smith replied yes and thanked Secretary Korns for bringing up the matter. He explained that he has welcomed Ms. Dzialo as the replacement for Mr. Lamb. Mr. Bowman is a seated member because Ms. O’Leary and Mr. Hoopes are unavailable for the meeting.

*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.*

**2. By Sabrina Pools – Jonathan Casado for a variance from section 7.1b.2f to allow a pool to be located in the front yard at 1197 Neipsic Road in Residence RR zone, owned by Chris and Liz Pelletier.**

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

Mr. Casado of Sabrina Pools represented the homeowners. Mr. Casado put up an image on the screen detailing the lot. The proposed pool will be located near the deck. The homeowners plan to install a 24-foot round above ground pool. Mr. Casado informed the Board that the homeowners have a shared driveway. He also explained that the lot is reversed and what should be the backyard is technically the front yard. Mr. Casado stated that according to GIS measurements, the proposed pool will be approximately 470 feet from the front road.

Mr. Casado explained that the lot contains massive bedrock and ledge. The lot is also challenging because the existing well limits the placement of the proposed pool.

Chairman Smith inquired if the lot had a septic or sewer system.

Mr. Casado stated that it is sewer.

Mr. Carey stated that it is septic and not sewer.

Chairman Smith inquired how far the proposed pool would be from the well.

Mr. Casado replied 47 feet away.

Mr. Bowman inquired about the connecting pipe.

Mr. Casado explained that the homeowners have an unfinished basement. He also noted the difficulty in putting in a foundation with all that ledge. Mr. Casado stated that there is an inlet pipe.

Chairman Smith wanted to confirm that the proposed pool was not near the septic tank.

Mr. Carey stated that the septic is not near the pool. He pointed to an area on the GIS slide and explained that the septic is near the common driveway.

Secretary Korns remarked that he did not see the GIS image in the materials.

Mr. Carey stated that it was not in the materials.

Chairman Smith suggested adding the GIS slide to the application materials.

Mr. Bowman noted that he could not find the house.

Mr. Carey directed the Board members to the GIS slide and explained that Neipsic Road has a number of frontage lots.

Ms. Winkler noted that the only potential problem is if a future homeowner wants to build something in that area.

Mr. Carey explained that it is not possible due to the amount of ledge.

Ms. Winkler noted that the construction of houses in that area required lots of dynamite and blasting.

Mr. Carey agreed with Ms. Winkler's point.

Chairman Smith inquired if the homeowners informed the neighbors about the proposed pool.

Mr. Casado stated that they did not contact the neighbors. He explained that the homeowners are in the medical field and are often not home.

Chairman Smith inquired if the proposed pool requires a fence.

Mr. Casado explained that they are submitting a permit to extend the deck. He also stated that there will be a self-latching gate with an alarm system. The alarm will ring if the gate stays open.

*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. Casado for his presentation.

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

- 1. By Sabrina Pools- Jonathan Casado for a variance from section 7.1b.2f to allow a pool to be located closer to the rear and side property lines than permitted at 7 Medford Street in residence A zone, owned by Anne North.**

Secretary Korns read the 1st application.

*Motion by:* Secretary Korns

*Seconded by:* Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Sabrina Pools- Jonathan Casado for a variance from section 7.1b.2f to allow a pool to be located closer to the rear and side property lines than permitted but no closer than 8 and 5 feet respectively at 7 Medford Street in residence A zone, owned by Anne North on the grounds that the lot is very narrow and has a shed and a garage in the back making the proposed pool site the only feasible one, a fence will shield the view from the neighbors. The requirements of Section of 13.9 have been met.

**Discussion:**

Secretary Korns stated that a potential point of concern that was raised with the application is the level of noise and the impact it would have on the neighbors. He noted that the neighbors have no objection with the application, although it is not in writing.

Chairman Smith stated that his concern is that the proposed pool is very close to the side yard.

Ms. Dzialo agreed with the points made. She stated that it sounds like there was some conversation, and a neighbor would have spoken up if there was a concern.

Mr. Bowman stated that he thinks the application is awful. He remarked that the homeowners have no business putting a pool that size in that lot. He explained that he has seen what happened to New Jersey and thinks this application is awful.

Chairman Smith noted that a concern with the application is the tight location.

Secretary Korns remarked that, because of the COVID-19 restrictions, the signs are not posted and they do not have confidence that the neighbors have been informed.

Chairman Smith agreed with Secretary Korns' points about the signage.

Ms. Winkler noted that the property has some fencing and a shed which will shield the pool. The property also has a long driveway and will likely have cars outside shielding the view as well.

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

Mr. Bowman voted against the application.

**2. By Sabrina Pools – Jonathan Casado for a variance from section 7.1b.2f to allow a pool to be located in the front yard at 1197 Neipsic Road in Residence RR zone, owned by Chris and Liz Pelletier.**

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

**Motion by:** Ms. Winkler

**Seconded by:** Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Sabrina Pools – Jonathan Casado for a variance from section 7.1b.2f to allow a pool to be located in the front yard at 1197 Neipsic Road in Residence RR zone, owned by Chris and Liz Pelletier on the grounds that the setback from the road is 470 feet and it is an above ground pool in a heavily wooded area with ledge, the lot is an anomaly with the front yard technically being the backyard. The requirements of Section 13.9 have been met.

**Discussion:**

Mr. Bowman stated that the application is remarkably reasonable. He also wanted to direct the Board to compare the proportions between the two applications.

Secretary Korns explained that the second application is a completely different environment. The property is in rural area with woods and ledge.

Chairman Smith stated that normally the Board does not approve pools in the front yard. In this case the lot is flipped around and what is considered the backyard is actually the front yard.

Secretary Korns noted that he doubts any of the neighbors will consider the placement of the proposed pool to be in the front yard.

Ms. Winkler remarked that this application is the reason there is a Zoning Board of Appeals.

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

## **2.) Acceptance of Minutes from March 1, 2021 meeting**

**Motion by:** Secretary Korns

**Seconded by:** Ms. Winkler

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

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

### **Discussion:**

Secretary Korns inquired if Ms. O’Leary will be returning next month.

Chairman Smith stated that it is his understanding that she will return the next month.

Ms. Winkler inquired about in-person meetings.

Mr. Carey replied that, as soon as he has any information, he will pass it along. He also informed the Board that Mr. Ken Rich can also provide that information.

The Board discussed in-person meetings and the possibility of hybrid meetings.

## **3) Adjournment**

**Motion by:** Ms. Winkler

**Seconded by:** Ms. Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of April 5, 2021 at 7:56 pm.

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

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Brian Smith, Chairperson