

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, June 7, 2021

The Glastonbury Zoning Board of Appeals with Peter Carey, Building Official, in attendance held a Regular Meeting on Monday, June, 7, 2021 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

Brian Smith, Chairperson
Nicolas Korn, Secretary
Jaye Winkler
Susan Dzialo

Board Members- Excused

David Hoopes, Alternate
Doug Bowman, Alternate

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

Chairman Smith explained that, because there are only 4 voting members present, the applicants can choose to proceed or defer the hearing until the July meeting.

Due to technical difficulty, the meeting paused at 7:05pm and resumed at 7:30pm.

Chairman Smith reiterated that applicants will have a choice to present tonight or defer until the July meeting.

Secretary Korn read the 3 agenda items.

Public Hearing

- 1. By Richard D. Lynch for a variance from Section 7.1a.2b to allow a shed to be closer than 75 feet to the front property line than permitted located at 184 Wassuc Road in RR Zone.**

Mr. Carey read the 1st application.

Chairman Smith asked the applicant, Mr. Richard Lynch if he would like to proceed with the meeting or defer until July. Mr. Lynch stated that he would like to proceed.

Mr. Lynch explained that he has an irregularly shaped, triangular lot that makes it difficult to place a shed within the regulations. He informed the Board that the neighbors are in favor of the shed. Mr. Lynch explained that the proposed shed measures 10 feet by 10 feet and will be used to store equipment.

Chairman Smith remarked that the triangular shape is a hardship. He asked the applicant how far the shed would be located from the stop sign and the Route 2 entrance.

Mr. Lynch stated that he does not know how far the shed would be from the stop sign. He stated that he selected the safest place and it would be tucked in between trees and bushes.

Ms. Winkler remarked that the application is pretty straightforward.

Chairman Smith agreed with the point and reiterated that the lot configuration is unusual.

Mr. Lynch reiterated that the shed will be tucked in with some shrubs and trees. He noted that the placement is the least intrusive spot and the safest.

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 Grease Monkey International, LLC d/b/a Economy Oil Change for a site location approval as required by CGS 14-54 at 2711 Main Street owned by Pearleon LLC, 2711 Main Street Glastonbury LLC in PBD zone.

Mr. Carey read the 2nd application.

Mr. Scott Chadwick explained that he is the attorney representing Grease Monkey International, LLC. He remarked that Mr. Carey eloquently answered Ms. Winkler's question before the meeting started. Attorney Chadwick explained that they need certification from the Zoning Board of Appeals. He noted that Economy Oil has been operating in the area for decades and Grease Monkey will not be making any changes. Attorney Chadwick explained that it is simply a name change and it has to be approved by the Zoning Board of Appeals.

Chairman Smith asked Attorney Chadwick if he would like to proceed with 4 voting members instead of 5. Attorney Chadwick thanked the Chairman for the reminder and stated that he would like to proceed.

Chairman Smith inquired if Grease Monkey is taking over the Manchester and Vernon locations as well. Attorney Chadwick replied yes.

Secretary Korns inquired if an oil change is considered a repair.

Attorney Chadwick replied yes as defined by the DMV. He explained that oil changes must be properly handled, stored and disposed. Attorney Chadwick reiterated that it will be the same system as Economy Oil.

Secretary Korns noted that the location is very busy and asked Mr. Carey if he is aware of any complaints.

Mr. Carey stated that he is not aware of any complaints.

Chairman Smith remarked that the location is in a busy intersection. He explained that he has stopped in before and the site seems to be well designed.

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. Attorney Chadwick thanked the Board.

3. By Crystal Kelley for a variance from Section 7.1b.2a Customary Home Occupation requirements, and a variance from Section 7.1b.2i.1 to allow greater than the allowed number of poultry at 237 Mountain Road, owned by Robert Spiller in RR Zone.

Mr. Carey read the 3rd application.

Chairman Smith asked Ms. Crystal Kelley if she would like to proceed with the hearing or wait until next month.

Ms. Kelley inquired if there were any repercussions if she were to wait until next month.

Chairman Smith explained that there would be no repercussions.

Ms. Kelley stated that she is torn about presenting the application or deferring it.

Chairman Smith stated that he can give her some background. He explained that the application presented has more variance requests than is shown on the legal notice. Chairman Smith noted that it is an issue.

Ms. Kelley stated that she was using the general statute. She agreed to proceed with the hearing.

Ms. Kelley explained that Mr. Robert Spiller is the property owner and her best friend. She explained that they both have a great interest and love for animals. Ms. Kelley stated that she worked with family groups, has provided life coaching, and has worked as a doula. She stated that she started off in East Hartford working on 1/10th of an acre of land. Ms. Kelley explained that she took part in farming, self-sustainable living, environmental and mental health, and individual health coaching. She stated that she does not intend to stay in the Glastonbury area in the long term. Ms. Kelley stated that she thought she can get started with her business, but realized there are statutes that make it difficult. She explained that people in surrounding towns have taken an interest in her services, primarily the life coaching, wellness, and nature education designed for children.

Ms. Kelley stated that the first portion of her application deals with the business home office. She explained that, because of the pandemic, prospective clients have indicated they prefer outside space. Ms. Kelley stated she is asking for a variance to preform work activities outside. She explained that these activities would be held during daylight hours and there would be a maximum of 16 outdoor participants and 10 indoor participants. She explained that she will require another person working on the property. Ms. Kelley stated that the property owner, Mr. Spiller does not live onsite. She explained that more than one person is needed to assist with activities, and for the safety of the children. Ms. Kelley stated that she would like to have a small roadside stand as well.

Chairman Smith asked Mr. Carey to explain the regulations regarding the roadside stand.

Mr. Carey explained that a roadside stand does not need a variance. The stand should not exceed 100 square feet, it must not be a structure. The roadside stand should be a wagon or a cart. The roadside stand must be 100 feet from the road or the intersection. Mr. Carey reiterated that a variance is not needed, and highlighted that whatever is being sold must come from the property.

Ms. Kelley explained that she has animals butchered off property, but pointed out that the animals come from the property. She stated that she planned on putting out a sign-up sheet for the meat, and asked if that would work.

Ms. Winkler explained that meat would need approval from the Health Department.

Ms. Kelley stated that the meat is already butchered offsite and delivered directly to the customers. She stated that there would be a sign-up sheet for the meat.

Mr. Carey stated that meat or a sign-up sheet relating to the sale of meat is not an acceptable use for the roadside stand.

Ms. Kelley stated that she is requesting 2 signs instead of 1. She explained that she would like an identifying sign near the driveway and another sign to be placed on the separate door of the house, intended to be the business entrance.

Chairman Smith asked if there would be 10 people inside and 16 people outside simultaneously.

Ms. Kelley replied no.

Chairman Smith explained that his concern is that there may not be adequate parking. He noted that TPZ handles traffic issues and asked the applicant to provide more information on where the parking areas are.

Ms. Kelley asked the Board to look at the map, and she stated that it would be the area to the right of the driveway. She noted that it is a flat grassy spot and can fit 5 to 6 cars. Ms. Kelley stated that the driveway can fit another 5 to 6 cars as well. She pointed out that she would host children, and there would be less cars on the site.

Chairman Smith inquired if any gravel or hard surfaces would be put in.

Ms. Kelley explained that she has run out of money. She noted the business will relocate if it gets bigger.

Chairman Smith asked Mr. Carey about using grass areas for parking.

Mr. Carey explained that cars can park on the grass. He explained that he has visited the property and it works. Mr. Carey noted that the grass is not designed for parking, but it is usable.

Ms. Winkler inquired if Ms. Kelley owns the property.

Ms. Kelley stated that her friend Robert Spiller owns the property. She explained that she is leasing the property, but makes decisions with Mr. Spiller. Ms. Kelley stated that she will move in 2 years.

Ms. Winkler inquired if Mr. Spiller intends to run a naturopathic and poultry operation. She also inquired if 16 people enrolled in classes translates to 16 cars parked on the premises. Ms. Winkler asked if there was a limit to the number of cars that can be parked on site.

Mr. Carey explained that in cases where it is a doctor's office, there would not be 16 patients at the same time. He noted that this is a different situation, and most of the activities would take place outside.

Secretary Korns noted that the applicant is asking for a great number of variances. He noted that in the application the property is referred to as a farm, which is not the right classification.

Ms. Kelley stated that what she has is a hobby farm.

Secretary Korns noted that many sections of the application seem questionable. The public notice does not accurately reflect what is being proposed in the application. He also remarked

that animals make noise and produce odors and a variance is needed for each point in the application.

Ms. Kelley explained that she and her kids love living on the property with the animals. She stated that the pandemic changed her plan. Ms. Kelley stated that she wants to bring something amazing to the Town of Glastonbury, while living in the area for another 2 years. She explained that the business is not intended to be a Monday to Friday all day schedule. Ms. Kelley noted that it is difficult to run a small business. She explained that her children require an intense amount of care and she cannot hold down a job outside of this property. It is difficult to pay rent and she needs the flexibility to have a home business to teach child birth classes and pursue other business opportunities.

Ms. Dzialo noted that the property is on 4.5 acres and inquired if a variance would be needed to classify the property as a farm.

Mr. Carey explained that the applicant would need to apply for a variance and noted that he is not sure if that has ever been done before.

Ms. Dzialo remarked that a farm might better suit the applicant's purpose.

Mr. Carey explained that if the property is designated as a farm, there would be no limit on the number of animals. He noted that the property is under 5 acres and does not meet the criteria.

Chairman Smith noted that a variance would be needed because the property is under 5 acres.

Ms. Winkler explained that she is a farmer and clarified to the Board that the 5 acres must exclude the area of the dwelling. She noted that the question of a farm is a hypothetical and it is important to find out if the neighbors have been notified.

Ms. Kelley stated that she will now move on to the second part of her application. She explained that it pertains to the number of poultry. Ms. Kelley explained that she does not want any chickens because her son is allergic to them. She stated that the poultry would be ducks, geese and turkeys. Ms. Kelley stated that people and prospective customers have indicated an interest in "backyard raised meat." The meat is butchered, sold and delivered to customers. Ms. Kelley stated that she will aim for a high number, 50 additional poultry, with the exact number to be negotiated. She stated that she is hoping to add quail to the list of poultry and can raise them indoors or outdoors. Ms. Kelley explained that quail do not make a lot of noise and are not free range. Ms. Kelley explained that birds that need to be hatched must be kept inside under heating lamps and are only placed outside during emergencies or when the house is being cleaned.

Ms. Kelley requested an additional livestock animal. She explained that she currently has 2 sheep, and wanted to prepare for the possibility of the birth of new sheep. Ms. Kelley explained that any new sheep will be placed into a new home once they are weaned.

Chairman Smith explained that the legal notice is not specific and only mentions a greater number of poultry.

Mr. Carey stated that Ms. Kelley listed the variance number which covers the entire section and includes livestock. He agreed that the notice is not specific.

Ms. Winkler questioned if the legal notice requirement allows for the lack of specificity.

Chairman Smith remarked that neighbors would not know that the legal notice is a request for livestock.

Ms. Winkler inquired if there were structures to house the animals.

Ms. Kelley stated that that there are 2 sheds, a covered animal house and a duck house that she has built.

Ms. Winkler asked the applicant whether she currently has ducks and geese. Ms. Kelley stated that she has a duck and a goose and added that all the animals have a house. She explained that the sheep also has a house but can choose to sleep outside of the structure. She noted that the environment is open and accessible to the animals.

Chairman Smith explained that his take on this application is that parts can be approved, and it does not have to be all up or all down.

Ms. Winkler questioned if a separate motion would be needed for each of these variances.

Chairman Smith suggested that when writing a motion, a Board member may phrase it as approved x and not y.

Ms. Winkler pointed out that the applicant may not be at the property in 2 years. She noted that variances run with the land. Ms. Winkler explained that if the Board makes any decisions it will be on the property.

Mr. Carey explained that in the case of variances tied to the customary home occupation, the variance would only continue if the next owners do the same exact thing. He stated that it would go away, but the number of animals will not. Mr. Carey pointed out that the applicant can have a roadside stand, and reiterated that the items sold must come from the property.

Ms. Winkler inquired if farm stands have parking requirements.

Mr. Carey clarified that it would be a roadside stand, and there are no parking requirements. He noted that farm stands can only be located on a farm.

Ms. Winkler recapped that the applicant is allowed to have a roadside stand.

Mr. Carey replied correct, as long as it meets the requirements.

The hearing was opened for public comment. A hand was raised in opposition.

Mrs. Laurie Bayer of 215 Mountain Road explained that she has concerns about the parking. She noted that it is a safety issue and the area is congested. Mrs. Bayer explained that it is best if cars are not parked on the street because the road is so narrow and there is lots of traffic. The second area of concern is the classes. She inquired if the applicant is operating a homeschool, day school or another type of school. Mrs. Bayer noted that the property is unfenced and there is a concern for the safety of the children. She also noted that there have been times when a turkey or a lamb would escape. Mrs. Bayer explained that many of the neighbors moved to the area because it is quiet and noted that more poultry or animals on the property would disturb that.

Mr. Jay Smith of 233 Mountain Road explained that he left Manchester because of situations like this. He asked if any of the Board members have been to the property. Mr. Smith stated that the applicant describes the property as a resort. He explained that it is not a resort, it is overgrown and part of the property includes wetlands. Mr. Smith questioned if the influx of people will be disrupting the wetlands. He informed the Board that half of the neighbors did not see the legal notice. Mr. Smith stated that the sign was not visible and he is not sure if this was done deliberately. He stated that Ms. Kelley's 19-page application is troubling. Mr. Smith explained that it is a residential area and the large number of proposed parking spots in the area is unreasonable. Mr. Smith explained that the applicant has neglected the property. He stated that the property is an eye sore and is full of weeds, garbage, and over 2 feet of grass. Mr. Smith pointed out that the applicant stated that she has no money to take care of the property. He questioned who will pay the outside person the applicant is planning to hire. Mr. Smith inquired what kind of school the applicant is proposing. He inquired if anyone from the Town would monitor the situation. Mr. Smith pointed out that he pays too much in high taxes and is not interested in looking at signs or a business entrance with a sign that the applicant plans on installing. Mr. Smith raised the concern about the noise level from the animals. He explained that if the Board allows more animals it would lead to more noise. Mr. Smith remarked that Ms. Kelley cannot manage the animals that are currently on her property, adding more animals would worsen the situation. He explained that there is really no fence for the animals and turkeys, and the sheep have gotten out. Mr. Smith explained that he is a realist and a conservative and does not want people walking on his property and disturbing the area. He thanked the Board for listening to his concerns.

Ms. Isabel Diaz of 227 Mountain Road informed the Board that the road is narrow. She explained that just 5 cars can overwhelm the area. Ms. Diaz stated that there are lots of cyclists and the area is not designed for the amount of parking the applicant is proposing. She also noted that the fencing on the applicant's property is make shift and the animals have gotten out. Ms. Diaz explained that it is not safe and the site is not big enough for the number of animals the applicant is proposing. Ms. Diaz thanked the Board and stated that she hopes her concerns are noted.

Mr. Sal Neri of 247 Mountain Road stated that he agrees with his neighbor, Mr. Smith. He stated that the grass is over 2 feet long and the lawn is a pigsty and an eye soar. Mr. Neri stated that the property is out of control and asked the Board to take a look. He explained that the road narrows and 2 cars can barely fit. There are safety hazards, a knoll, and visibility issues. It is difficult to see oncoming cars on that road. Mr. Neri explained that the property is not meant to be a farm and suggested the applicant buy a farm. He stated that the turkeys are riled by Ms. Kelley's children and the sheep and animals have gotten out. Mr. Neri suggested the applicant take care of the animals that are already there and noted that the situation is out of hand and animal control will have to be called. He stated that the property is a residential area and not a farm.

Due to technical difficulty, the next caller from 181 Mountain Road was disconnected a few times. The name was not heard because of the connectivity issues.

The caller from **181 Mountain Road** stated that he agreed with the comments made by the neighbors. He reiterated that the animals have gotten loose and the situation is out of control. The caller noted that there is a reason farms are categorized as such and stated that the property is not a farm.

Chairman Smith stated that he has visited the site. He explained that he cannot speak on behalf of the other board members, and explained that properties are generally visited. Chairman Smith thanked the callers for their comments. He explained that the applicant has the last word.

Ms. Kelley stated that there is fencing on the property. She admitted that a sheep got out, which prompted her to have all of the fences reinforced. Ms. Kelley stated that there are no other problems and she would never suggest to any visitor to park on the street. She also remarked that noises on a farm pale in comparison to the sound of gun shots, mowing equipment, riding vehicles, etc. Ms. Kelley explained that the animals are put into their homes early. She explained that a business like this would allow her to make ends meet. Ms. Kelley stated that she only listed a large number of animals to come up with a compromise with the Board. She stated that with all of the comments made, there is no choice but to look into moving in the summer. Ms. Kelley stated that the option of having a business on this property will not be able to work for her family.

Chairman Smith explained that there are 2 approaches to this application. He stated that the applicant can choose to go forward with the application or withdraw. The benefits of withdrawing an application means that an applicant will not have to wait the mandatory 6 months before applying again. Chairman Smith also stated that it is a right to apply for something else.

Ms. Kelley explained that she did not cut the grass in the month of May because of the "no mow May" initiative. She explained that her tractor has broken down and she just bought a new one. Ms. Kelley stated that half the lawn has already been mowed. Ms. Kelley stated that the property has a complete acre of land that is a garden. She chose to go forward with the application.

Chairman Smith closed the hearing.

Discussion:

Secretary Korn remarked that he has a question regarding the first application. He asked how close the shed was to the property line. A hand was raised. Chairman Smith explained that the hearing is closed and no additional comments can be made. Ms. Winkler explained that the information is listed on page 4 of the application. Chairman Smith read off that the shed would be 8 feet from the property line.

1) Action on Public Hearings

- 1. By Richard D. Lynch for a variance from Section 7.1a.2b to allow a shed to be closer than 75 feet to the front property line than permitted located at 184 Wassuc Road in RR Zone.**

Secretary Korn read the 1st application.

Motion by: Secretary Korn

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Richard D. Lynch for a variance from Section 7.1a.2b to allow a shed to be closer than the allowed 75 feet to the front property line but no closer than 8 feet and 92 feet south of the property, as presented in the application materials at 184 Wassuc Road located in Residence RR Zone on the grounds that the lot configuration does not permit a 75-foot setback thus creating a hardship. The requirements of section 13.9 have been met.

Chairman Smith offered an amendment to the motion which included adding “92 feet south of the property” and including the wording “as presented in the application materials.” Secretary Korn and Ms. Winkler agreed to the amendment.

Discussion:

Secretary Korn remarked that it is a very odd lot and the options for placement are limited. He noted that the applicant made a very good choice and the shed placement will be out of the line of sight of traffic.

Ms. Winkler stated that the plans are well thought out.

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

2. By Grease Monkey International, LLC d/b/a Economy Oil Change for a site location approval as required by CGS 14-54 at 2711 Main Street owned by Pearleon LLC, 2711 Main Street Glastonbury LLC in PBD zone.

Secretary Korns read the 2nd application.

Motion by: Ms. Winker

Seconded by: Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Grease Monkey International, LLC d/b/a Economy Oil Change for a site location approval as required by CGS 14-54 at 2711 Main Street owned by Pearleon LLC, 2711 Main Street Glastonbury in PBD zone on the grounds that the site is the same, has been in place for years and has operated essentially the same business.

Chairman Smith explained that “the requirements of section 13.9 have been met” should not be added to the motion as it is a different statute. Ms. Winkler agreed to removing it from the motion. Chairman Smith explained that in this application the Board is the designated agency for the state.

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

3. By Crystal Kelley for a variance from Section 7.1b.2a Customary Home Occupation requirements, and a variance from Section 7.1b.2i.1 to allow greater than the allowed number of poultry at 237 Mountain Road, owned by Robert Spiller in RR Zone.

Secretary Korns read the 3rd application.

Motion by: Ms. Dzialo

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Crystal Kelley for a variance from Section 7.1b.2a Customary Home Occupation requirements, and a variance from Section 7.1b.2i.1 to allow greater than the allowed number of poultry at 237 Mountain Road, owned by Robert Spiller in RR Zone. The requirements of Section 13.9 have been met.

Secretary Korns explained that the Board has phrased the motions as a move to approve, rather than wording it as declining the application. Chairman Smith agreed, and explained that members can vote no. Chairman Smith asked Ms. Dzialo to recast the motion as a move to

approve. He explained that it gives other board members a chance to vote to approve. Ms. Dzialo agreed to recast the motion.

Discussion:

Ms. Dzialo stated that she believes the application exceeds a reasonable request for the neighborhood. The issues in respect to parking will be difficult to manage. The number of animals on the property sound like it is at a maximum for appropriate management.

Secretary Korns stated that he will be voting against the application. He explained that every criteria of home occupation is in violation. What the applicant is proposing is essentially a farm, the property is not a farm and the neighbors have also commented that it is not a farm.

Ms. Winkler stated that she will not vote in favor. She remarked that the application is bogged down with lots of issues.

Ms. Dzialo wanted to add that the applicant should have withdrawn the application. She remarked it might have been possible to find a compromise. Ms. Winkler stated that the present application is a mismatch.

Chairman Smith noted that the applicant is trying to do a lot of different things in the application. There were a number of concerns such as parking, traffic, indoor and outdoor participants. He explained that he was not opposed to the number of animals until he heard comments from the neighbors. Chairman Smith stated that there is a reason why farms are not less than 5 acres and the neighbors made a valid point. He explained that he might have been in favor of voting for separate aspects of the application, but will not vote in favor of the entire application. Chairman Smith stated that he will vote against the application.

Result: Motion fails unanimously. (0-4-0)

2.) Acceptance of Minutes from May 3, 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. (4-0-0)

Discussion:

Secretary Korns asked for clarification on the next meeting's venue.

Mr. Carey explained that tonight's meeting was supposed to be in person, but was changed to Zoom because Meeting Room A is not big enough to maintain proper distance.

Secretary Korns asked about the format of the materials.

Mr. Carey replied that the materials will be available online.

Chairman Smith stated that the next meeting of July 12 is presumed to be in person. He noted that some towns have hybrid meetings and inquired if Glastonbury will have that option.

Mr. Carey stated that there is a possibility that the meetings will be hybrid.

Mr. Jonathan Constant, IT, explained that the Town Council will utilize hybrid meetings. He stated that he is not sure if it will be extended to other boards and commissions. Mr. Constant explained that they have new equipment and are working on that.

Ms. Winkler remarked that there are too many separate locations.

Mr. Constant explained that Meeting room A is across from the Council Chambers. He noted that Meeting Room A is small and it might be hard to fit in equipment and people.

Chairman Smith stated that the Board normally meets in Council Chambers. He reiterated that the next meeting is in person.

Chairman Smith thanked the Board for their patience in waiting out the technical difficulties and connectivity issues.

3) Adjournment

Motion by: Secretary Korns

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of June 7, 2021 at 9:32 pm.

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

Brian Smith, Chairperson