

**GLASTONBURY ZONING BOARD OF APPEALS**  
***Regular Meeting Minutes of Monday, March 7, 2022***

The Glastonbury Zoning Board of Appeals with Mr. Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, March 7, 2022 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

Brian Smith, Chairman  
Susan Dzialo, Vice-Chair  
Nicholas Kornis, Secretary  
David Hoopes  
Jaye Winkler  
Douglas Bowman, Alternate

**Board Members- Excused**

Philip Markuszka, Alternate

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

Chairman Smith called the meeting to order at 7:27 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 Kornis read the 2 agenda items.

**Public Hearing**

- 1. By Gregory S. Hester for a variance from Section 4.2.7 to allow a deck to be constructed closer to the side yard than permitted at 41 Paddock Lane - Rural Residence Zone.**

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

Mr. Hester stated his name for the record. He noted that he is a mechanical engineer by trade and that his presentation has many drawings. Mr. Hester asked the Board if they would like to see the drawings.

Chairman Smith asked Mr. Hester to explain the proposal and to provide the Board with the reason for the hardship.

Mr. Hester explained that the original deck was built in 2005. He is looking to expand the deck to accommodate the needs of his family. Mr. Hester put up the site plan on the screen. He pointed out the existing deck and explained that they plan to remove the old stairs and add new wraparound stairs. Mr. Hester noted that he looked into the zoning regulations and the requirement is 25 feet from the side yard line. A slide was put up on the screen that detailed the proposed side line setback. The shortest distance from the side yard is proposed to be 16.12 feet. Mr. Hester stated that someone from the Town asked him about the proposed height of the deck. He put up a slide and pointed out that it would be 40 inches above the finished grade. Mr. Hester put up 2 letters of support from his neighbors.

Chairman Smith asked Secretary Korns to read the letters.

Secretary Korns read out the 2 letters. The first letter was from Mr. Matthew Somberg of 48 Paddock Lane. Secretary Korns pointed out that the deck has not been built yet. The letter from Mr. Somberg stated that the deck was already built. Secretary Korns read out the second letter from Mr. Steve Pellegatto of 55 Paddock Lane.

Mr. Hester put up a Google Earth aerial view of his property. He pointed out the surrounding neighbors.

Chairman Smith inquired if any trees would come down.

Mr. Hester replied no.

Mr. Hoopes noticed that the applicant wrote in variance and special exception in the application form. Mr. Hoopes noted that the application is better suited for a variance.

Mr. Hester stated that he does not know the zoning regulations.

Mr. White stated that a variance is listed on the agenda and that is what the applicant is applying for.

Mr. Hoopes inquired about the elevation.

Mr. Hester stated that it is about 17 feet and then drops off. He explained that the previous homeowners put in a koi pond which then turned into an algae laden problem.

Mr. Hoopes noted that the applicant is looking to have the deck placed 16.12 feet from the side yard line. He asked the applicant if 17 feet would be sufficient.

Mr. Hester noted that he used the GIS system to come up with the proposed side yard setback.

Mr. Hoopes noted that he meant to say 16 feet. He asked the applicant if 16 feet would be sufficient.

Mr. Hester said it should work and noted that he is not sure how exact the measurements are.

Mr. Hoopes explained that an exact number is needed for the wording of the motion. He asked the applicant when the house was built.

Mr. Hester stated that the house was built in 2005.

Mr. White explained that the GIS system is not as accurate as the site plan survey. He added that the GIS system is not used for zoning purposes because of inaccuracies. Mr. White asked the applicant to put the site plan survey on the screen.

Mr. Hoopes noted that the measurements looked off by a foot.

Chairman Smith noted that 16 feet would work.

Mr. White agreed with 16 feet.

Secretary Korns inquired if the deck has been constructed.

Mr. Hester stated that the footings and framings were put in. He added that the deck is not complete.

Secretary Korns asked if there were any photographs of the work that was completed so far.

Mr. Hester stated that he does not have any photos and added that he started working on the deck in April of last year.

Mr. White explained that the Town received many applications during that time and there were delays in processing the applications.

Mr. Hester agreed with Mr. White. He added that the Town was overwhelmed with applications and the work on his deck was out of sequence. Mr. Hester noted that it was a challenge to find the exact property line. He explained that a surveyor came out and a few bushes were removed. Mr. Hester stated that the neighbors are happy with the improvement to the house.

*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.*

Mr. Hester thanked the Board for their time.

**2. By Kelcie Reid for a variance from Section 4.2.7 to allow a 2 car attached garage and mudroom to be constructed closer to the side yard than permitted 806 Hopewell Road in Rural Residence zone.**

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

Ms. Kelcie Reid and Mr. Johnny Koczon stated their names for the record. The applicants informed the Board that they purchased the house in 2018. Ms. Reid explained that, because of the New England winters, they plan to put in a 2-car garage with a small mudroom. The applicants stated that they have spoken to their neighbors about the proposal and there were no objections. Ms. Reid noted that their neighbors, Mr. Kirk & Phyllis McKinney of 818 Hopewell Road, have received a variance for the side yard setback. A slide was put up on the screen detailing the 2-car garage and attached mudroom. A survey plan was also put on the screen. The applicants explained that their lot is about an acre in size and pointed out the long driveway on the screen. Ms. Reid stated that the proposed garage will be about 16 feet from the side yard. She noted that the shed is even closer to the side yard and it would be removed. Ms. Reid noted that their plans include adding new siding to their house. She stated that the proposed plans will add character and value to the neighborhood. The applicants noted that the proposal will not infringe on any neighbors. The presentation was concluded.

Secretary Kornis noted that 16.15 feet from the side yard is the closest point. He asked the applicants if this includes any overhang or eaves.

Ms. Reid stated that there are no overhangs.

Secretary Korns inquired if "no closer than 16 feet" would be sufficient for the wording of the motion.

Ms. Reid replied yes. She zoomed in on the side yard line.

Chairman Smith noted that this seems like a common-sense addition. He pointed out that it looks like there is not enough room to place the garage and mudroom on the other side of the house. The Chairman inquired about the fenced in area on the plans.

Ms. Reid explained that their house was bank-owned when they bought it. She noted that the space is currently used for their dog. The applicants stated that they plan on taking down the fence because the fenced-in space is not usable.

Chairman Smith inquired if the house was heated by propane.

Ms. Reid stated that their house is heated with oil.

*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.*

The applicants thanked the Board.

*The Chairman stated that a brief recess would be taken before the Board moves on to deliberations.*

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

- 1. By Gregory S. Hester for a variance from Section 4.2.7 to allow a deck to be constructed closer to the side yard than permitted at 41 Paddock Lane - Rural Residence Zone.**

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

**Motion by:** Vice-Chair Dzialo  
Winkler

**Seconded by:** Ms.

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Gregory S. Hester at 41 Paddock Lane in Rural

Residence Zone for a variance from Section 4.2.7 to permit a deck addition constructed closer to the side yard than permitted, but not closer than 16 feet, on the grounds that the position of the house is at an angle to the side yard line, the new deck addition is a natural extension of an existing deck and covers an unusable slope adjacent to the house. Further, the additional criteria for decisions under Section 13.9 have been met.

**Discussion:**

Ms. Winkler noted that the design plans are well-thought-out and the placement of the deck is in a logical place. She stated that she will vote in favor.

Secretary Korns agreed with the points made by Ms. Winkler. He added that the project makes sense and the neighbors are fine with the plans.

Chairman Smith noted that the last 2 years have been tough and the applicant jumped ahead with the project. He noted that the applicant came up with a good design plan.

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

**2. By Kelcie Reid for a variance from Section 4.2.7 to allow a 2 car attached garage and mudroom to be constructed closer to the side yard than permitted 806 Hopewell Road in Rural Residence zone.**

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

**Motion by:** Secretary Korns  
**by:** Mr. Hoopes

**Seconded**

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Kelcie Reid for a variance from Section 4.2.7 to allow a 2-car attached garage and mudroom to be constructed closer to the side yard than permitted, but no closer than 16 feet, at 806 Hopewell Road in Rural Residence Zone on the grounds that this is the only feasible site for the garage, secondary to the topography, i.e. a steep drop off on the other side of the house, and there is no impact on the neighbors. The requirements of Section 13.9 have been met.

**Discussion:**

Ms. Winkler noted that this application seems to be a reasonable and straightforward exception to the zoning regulations. She added that she believes the Board should approve it.

Secretary Korns agreed. The Secretary remarked that he lived in Glastonbury for 32 years with a double garage and cannot imagine going through all those winters without a garage.

Chairman Smith agreed with the points made. The Chairman noted that this is a classic variance with a tough topography.

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

## **2.) Acceptance of Minutes from February 7, 2022 Meeting**

**Motion by:** Secretary Korns

**Seconded by:** Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals accepts the February 7, 2022 minutes as presented.

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

### **Discussion:**

Secretary Korns noted that the agenda does not reflect the Vice-Chair title for Vice-Chair Dzialo. The Secretary asked for the change to be made.

Chairman Smith agreed with Secretary Korns. He noted that the Board had the election in January and the change should be reflected.

Secretary Korns noted that this technical problem and delay happened twice already. He remarked that it wastes the Board's time and it inconveniences the public. Secretary Korns asked for an explanation as to how this happened, as well as an affirmation that this will not happen again. Secretary Korns pointed out that there are many Zoom meetings in Town and these delays and technical problems do not happen in other meetings.

Chairman Smith remarked that he appreciates Mr. Ashton stepping in. The Chairman asked Mr. Ashton to help them address this issue.

Mr. Ashton explained that, when the Zoom meeting is booked, an administrator must be booked as well. He stated that he will talk to Mr. White and Ms. Krystina Kramer to ensure that a host is booked. Mr. Ashton informed the Board that the executive order that allows the Zoom meeting

format ends in April. He noted that, after April, the meetings might be held in a hybrid format. The public and Board members can log in via Zoom or attend in person.

The Board members briefly discussed the Zoom and hybrid meetings.

Chairman Smith noted that the ZBA meetings are not listed on the Town Clerk's calendar.

Mr. White stated that he will take care of that. He also noted that he will touch base with Mr. Ashton regarding the Zoom hosting. Mr. White said that he will make sure that Vice-Chair Dzialo's title is accurately reflected on the agenda.

Chairman Smith brought up the ethics video and asked the Board members to signify that they have completed it.

Vice-Chair Dzialo pointed out that the instructions were to respond to the Town Clerk.

Mr. Bowman remarked that he did not receive the email regarding the ethics video.

Mr. White informed the Board that masks are now optional at Town Hall.

Ms. Winkler thanked Mr. Ashton for stepping in.

Chairman Smith also thanked Mr. Ashton and noted that it was great that none of the applicants had to postpone. The Chairman informed the Board that he will touch base with Mr. White and Mr. Ashton about the Zoom meetings and booking a host.

### **3) Adjournment**

**Motion by:** Chairman Smith

**Seconded by:** Secretary Korn

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of March 7, 2022 at 8:23 pm.

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

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Brian Smith, Chairperson