

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, September 12, 2022

The Glastonbury Zoning Board of Appeals with Mr. Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, September 12, 2022 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

Brian Smith, Chairman
Susan Dzialo, Vice-Chair
Nicholas Korn, Secretary
David Hoopes
Jaye Winkler
Philip Markuszka, Alternate

Board Members- Excused

Douglas Bowman, Alternate

Chairman Smith called the meeting to order at 7:05 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 Korn read the 5 agenda items.

Public Hearing

- 1. By: Brendan Wolf of 220 Dug Rd. is requesting relief from sec. 4.2.8; minimum 50' building set-back, a Variance of six (6) feet to construct a 14'x16' screen room porch addition as close as 44' to the rear property line.**

Mr. White read the 1st application.

Mr. Brendan Wolf stated his name and address for the record. The application was put up on the screen. Mr. Wolf explained that they are looking to put in a 16 x 14-foot screen room at the back of the house. The structure will be 44 feet from the property line. Mr. Wolf noted that the proposed screen room will match the architectural style of the house. The screen room will be constructed on piers with columns and screens. Mr. Wolf stated that there will be 2 entry points. He explained that the screened room will have a shingled gable-style roof. Mr. Wolf noted that the proposed screen room will be seasonal. He added that the structure will have electricity, as well as a propane gas fireplace. Mr. Wolf explained that a large window will be removed and

replaced with a French door for interior access. He noted that a screen is needed for insect control. Mr. Wolf stated that they will secure the required permits once the application is approved and the plans are provided by an architect. He noted that they are utilizing the services of Home Designing Service, LTD. Mr. Wolf explained that the screen room will be located off the southwest corner of the existing structure. He noted that the placement they selected is the only feasible location. Mr. Wolf explained that other placement options are not possible because of the hatchway, plumbing fixtures, and utilities. Mr. Wolf stated that the structure will not be visible from the rear lot due to elevation change. Mr. Wolf put up the plans on the screen. The photos put up were part of the application materials. Mr. Wolf pointed out the oak tree and reiterated that the proposed structure will be concealed due to the substantial elevation difference. Slides detailing the GIS parcel report were put on the screen for reference. The presentation was concluded.

Chairman Smith asked about the height of the screen room addition. Mr. Wolf stated that he is not sure. Mr. White noted that it should be about 14 feet or so. Chairman Smith asked the applicant about the plans for the existing patio. Mr. Wolf explained that they plan to remove some of it to make way for the addition. Chairman Smith asked the Board if there were any other questions. There were no 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.

2. By: Sean Macomber of 89 Pembroke Terrace is requesting relief from sec. 4.2.6; min. 50' building set-back and a Special Exception from sec. 7.1b.2b.1; maximum 3 garage doors to allow a 4th door and a variance for a 5th garage door.

Mr. White read the 2nd application.

Mr. Sean Macomber stated his name and address for the record. He explained that they are looking to put in a detached garage that measures 24 x 30 feet. Mr. Macomber stated that the proposed garage will be more than 75 feet from the property line. The proposed garage will be less than 15 feet high. Mr. Macomber stated that the existing house is approximately 4,200 square feet. He noted that the maximum total floor area of the accessory structure of the garage will be 720 square feet. The existing pool shed consists of 195 square feet. Mr. Macomber explained that the total maximum floor area will be 915 square feet, which is below 25 percent of the square footage of the house. He noted that the detached garage will not be visible due to the elevation of the property. The presentation was concluded.

The Board members discussed whether a variance is required. Chairman Smith noted that the application does not mention Section 4.2.6. Mr. Macomber noted that the variance is needed for the 5th garage. Ms. Winkler asked about the 30-foot indication that was marked on the plans. Mr. Macomber explained that it is the distance from the well, and added that he was asked to

include that information. Ms. Winkler asked Mr. White to point out the front of the property. Mr. White looked up the GIS information and explained that the front of the property is facing the road. Chairman Smith noted that the placement of the garage would be in the rear yard. Mr. White asked about the height of the proposed structure. Mr. Macomber stated that it would not go over 15 feet. Chairman Smith explained that a variance is needed for the 5th garage. He added that the 4th garage falls under the Special Exception. Chairman Smith asked the applicant to explain the hardship needed for a variance. Mr. Macomber explained that he needs the space to store equipment and added that his in-laws live with them. He stated that he cannot fit his vehicle or equipment with the current garage. Chairman Smith asked the applicant to explain why they chose that specific location for the proposed detached garage. Mr. Macomber stated that it is much more convenient to put the garage in the selected location and added that it also saves them money. He noted that there would be less driveway to put in. Chairman Smith remarked that the proposed location is less disruptive to the neighboring properties. Mr. Macomber replied yes. Chairman Smith asked the Board if there were any additional questions. There were no 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.

3. By: Jason Goodhue of 129 Stonepost Rd. to exceed lot coverage (sec. 4.4.5) by 1.12% to accommodate an addition of a 1st floor master bedroom suite.

Mr. White read the 3rd application.

Mr. Jason Goodhue stated his name and address for the record. Chairman Smith asked the applicant to explain the need to increase the lot coverage and to explain the hardship. Mr. Goodhue explained that his family has been in Glastonbury for a long time. He noted that his grandparents have also lived in Town. Mr. Goodhue stated that they have always wanted to live in the Farmcliff area of Town. He noted that they ended up living there and have 4 children and a wonderful home. Mr. Goodhue explained that the upstairs portion of the house has 3 bedrooms and they would like each of their children to have their own bedroom. He noted that the lot coverage of the plans went over a little and that is why they are here. Mr. Goodhue stated that they just need more space. The presentation was concluded.

Chairman Smith noted that the increase in overall lot coverage is minor and asked the applicant for the amount in square feet. Mr. Goodhue stated that he does not have the exact amount. Mr. Hoopes asked for the square footage of the house and the square footage of the addition. Mr. Goodhue noted that the house is approximately 2,800 or 2,900 square feet, which does not include the garage. He explained that removing the garage would add about 1,400 square feet. Mr. Goodhue stated that he will have to ask the builder. Chairman Smith asked about the number of car garages. Mr. Goodhue replied 2. Chairman Smith asked whether the 2-car garage will exceed the overall lot coverage. Mr. Goodhue stated that it will be a little over. Ms.

Winkler noted that, on page 5 of the plans, the applicant indicated that the total square footage will be 4,032 square feet. She remarked that the Board will need a figure to approve and asked if the Board can approve percentages. Chairman Smith noted that it is better to have an amount in square feet to put on the record. The Chairman asked if the builder, Mr. Catarino, is available to provide the total overage in square feet. Mr. Goodhue stated that the builder is available. Mr. George Catarino of 2 Clark Hill Road, South Glastonbury, introduced himself for the record. He explained that the house is about 4,025 square feet, which includes garages, porches and steps. Mr. Catarino stated that the amount is over by about 300 square feet. He explained that they were allowed 3,790 square feet. Mr. White stated that the exact overage is 242 square feet and added that the Board can round up to 250 feet. Chairman Smith remarked that it is good to know and added that the Board can put 250 square feet in the motion.

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.

- 4. By: Kennison Martin of Villa Louisa Rd. is requesting a ten(10) foot Variance relief from sec. 4.2.6; min 50' front yard to construct a 24x24 shed no closer than 40' from the property line.**

Mr. White read the 4th application.

Mr. White informed the Board that the applicant missed the deadline to post the signage. The applicant asked for the hearing to be moved to the October meeting. Mr. White explained that the applicant communicated that the signage will be posted. Chairman Smith asked the Board to entertain a motion to continue the application for the October meeting.

Motion by: Secretary Korns

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals continues the application of Kennison Martin for the October 3, 2022 meeting.

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

- 5. By: Louis Ando of 380 Dayton Rd is requesting relief from sec. 7.1b.2b.1; maximum number of garage doors to allow a 4th garage door with less than 4500 s.f. house. The 4th door is on an existing detached garage. This is needed due to a re-subdivision.**

Mr. White read the 5th application.

Mr. Richard Megson of Megson, Heagle & Friend Civil Engineers & Land Surveyors, LLC stated that he would represent the applicant. Mr. Megson put up a slide detailing the parcels of land. He stated that they are looking to obtain a Special Exception to allow a 4th garage bay. Mr. Megson pointed out that parcel “A” is 4.387 acres and parcel “B” is 5.003 acres. The land is eligible for a free division into 2 separate parcels. Mr. Megson explained that the applicant needs this to help his son and family. He noted that, as a result of splitting the parcel, a Special Exception is needed to allow an existing one bay garage to be considered a detached 4th garage bay. The presentation was concluded.

Chairman Smith wanted to confirm that there would be no changes to the garage. Mr. Megson replied correct. Chairman Smith wanted to confirm that there would be no new plans. Mr. Megson replied correct. Ms. Winkler stated that she spoke with Mr. Ando and was told work would be done that would alter the square footage and the dimensions of the structure. Mr. Megson explained that there are no plans to change the footprint of the building or to expand it. Chairman Smith noted that the applicants are not planning on adding any doors. Secretary Korns asked if the driveway would be extended. Mr. Megson stated that there are no plans for that. Mr. White inquired about the square footage of the existing structure. Mr. Megson stated that the existing structure is the house. He noted that it is in the 3,000-square foot range. Mr. Megson apologized for forgetting the file. He explained that, when they conduct surveys, they locate all structures. Mr. Megson added that they are required to show the structures. Mr. Megson apologized again for not having the exact information. Chairman Smith asked if there were any questions. There were no 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.

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

1) Action on Public Hearings

- 1. By: Brendan Wolf of 220 Dug Rd. is requesting relief from sec. 4.2.8; minimum 50' building set- back, a Variance of six (6) feet to construct a 14'x16' screen room porch addition as close as 44' to the rear property line.**

Motion by: Secretary Korns

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Brendan Wolf at 220 Dug Rd in RR Zone who is requesting relief from Section 4.2.8 which requires a

minimum rear yard 50 foot building setback to allow a variance of 7 feet to construct a 14'x16' screen room porch addition as close as 43 feet from the rear property line on the grounds that the proposed addition cannot be feasibly sited in any other location due to placement of utilities, a hatchway, non-livable space and plumbing fixtures. Furthermore, the addition will not be visible from the road. The requirements of Section 13.9 have been met.

Discussion:

Chairman Smith noted that they did not ask the applicant if there would be any protrusions coming off the screen room porch. He inquired if 46 feet is sufficient and asked if there will be overhangs. Mr. White stated that there will be an overhang on the eaves measuring about a foot or so and possibly another 8-12 inches. He suggested amending the motion. Chairman Smith asked Secretary Korns if he would accept a friendly amendment that lists “no more than 7 feet” for the variance and “43 feet from the property line”. Secretary Korns and Ms. Winkler accepted the friendly amendment.

Chairman Smith asked if there was any further discussion. Secretary Korns noted that he was there and does not see any issues with this application. He remarked that the images from the elevated rear property line show trees and shrubs. Secretary Korns noted that this will not affect anyone. Mr. Hoopes stated that he agrees with the points Secretary Korns made. He added that it was helpful to have a good presentation. Ms. Winkler stated that she went to the property and noticed that the placement of the addition is very secluded, more so than what is reflected in the photos. She added that a neighbor would not object. Ms. Winkler remarked that there is less of an issue because signs are required to be posted. She stated that she will be voting in favor. Chairman Smith noted that it was a good presentation which demonstrated significant hardship.

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

- 2. By: Sean Macomber of 89 Pembroke Terrace is requesting relief from sec. 4.2.6; min. 50' building set-back and a Special Exception from sec. 7.1b.2b.1; maximum 3 garage doors to allow a 4th door and a variance for a 5th garage door.**

Motion by: Mr. Hoopes

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Sean Macomber of 89 Pembroke Terrace in RR Zone for a Special Exception under Section 7.1b.2b.1 for a 4th garage bay on the grounds that Section 13.9 of the regulations is satisfied.

Discussion:

Mr. Hoopes suggested making 2 separate motions. One for the Special Exception and one for the variance. Chairman Smith agreed and noted that it is possible that one is approved and not

the other. Secretary Korn's inquired if the Board is omitting the mistake of the inclusion of Section 4.2.6 which appears on the agenda. Chairman Smith stated that 4.2.6 is not in the motion and is not necessary. He noted that this will appear on the record.

Chairman Smith asked if there was any discussion and added that a Special Exception does not require a hardship. Ms. Winkler noted that the application is reasonable and the neighborhood has similar existing structures.

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

Motion by: Mr. Hoopes

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Sean Macomber of 89 Pembroke Terrace in RR Zone for a variance from Section 7.1b.2b.1 to permit a 5th car garage on the grounds that there is a hardship found in the application pertaining to larger lots. The requirements of Section 13.9 of the regulations are satisfied.

Discussion:

Secretary Korn's noted that the variance from Section 7.1b.2b.1 has no specific mention of 5th or 6th car garages. He inquired if the Board has to infer that the regulations prohibit 5th garage spaces. Mr. White read that "dwellings containing more than 4500 square feet of gross finished floor area, excluding basements, may have the maximum of 4 garage and or carport bays." Secretary Korn's noted that "less than" is where the Special Exception can be invoked. Mr. Hoopes noted that Secretary Korn's statement is correct, and added that the most garages one can get is 4 with a Special Exception. He explained that more spaces would require a variance.

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

3. By: Jason Goodhue of 129 Stonepost Rd. to exceed lot coverage (sec. 4.4.5) by 1.12% to accommodate an addition of a 1st floor master bedroom suite.

Motion by: Vice-Chair Dzialo

Seconded by: Secretary Korn's

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Jason Goodhue of 129 Stonepost Rd. in Residence AA Zone for a variance from Section 4.4.5 to permit an addition which will exceed the permissible lot coverage of 15 percent by 1.12 percent by approximately 250 square feet on the grounds that the addition will improve the ability for the Goodhues to age in place in this family home, and the design of the addition has successfully been placed in all lot line restrictions. Further, the additional criteria for decisions under Section 13.9 have been met.

Discussion:

Vice-Chair Dzialo noted that the builder has done a terrific job of recognizing the constraints of the lot. She added that the builder has done a beautiful job designing the addition. Vice-Chair Dzialo noted that a 1.12 percent overage is well within a reasonable amount of excess. Chairman Smith noted that the applicants worked really hard to minimize the variance request. Secretary Korns noted that it will not have a negative impact on the neighborhood. Secretary Korns explained that the house is in close proximity to other houses and added that he thought they would be hearing from one or two neighbors. He remarked that the signage was posted. Mr. White informed the Board that one of the neighbors called him with questions and had no concerns with the addition.

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

- 4. By: Kennison Martin of Villa Louisa Rd. is requesting a ten(10) foot Variance relief from sec. 4.2.6; min 50' front yard to construct a 24x24 shed no closer than 40' from the property line. (Continued to the October 3, 2022 meeting.)**

- 5. By: Louis Ando of 380 Dayton Rd is requesting relief from sec. 7.1b.2b.1; maximum number of garage doors to allow a 4th garage door with less than 4500 s.f. house. The 4th door is on an existing detached garage. This is needed due to a re-subdivision.**

Motion by: Ms. Winkler

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Louis Ando of 380 Dayton Rd in Country Residence Zone for a Special Exception from Section 7.1b.2b.1 to allow the parcel to have a 4th garage bay for a home with less than 4500 square feet. The detached structure will be for the storage of vehicles and equipment needed in an existing building on a secluded parcel, while maintaining the character of the zone. The requirements of Section 13.9 have been met.

Discussion:

Secretary Korns noted that the address is 380 not 38. Ms. Winkler and Mr. Hoopes accepted the friendly amendment.

Ms. Winkler noted that one of the privileges of being on the Board is to see different parts of Glastonbury. She remarked that she has never been to that part of South Glastonbury and added that it has a New Hampshire hideaway feel. Several Board members agreed. Vice-Chair Dzialo

noted that she lives in the area. Ms. Winkler stated that the Board should approve the application because it is reasonable and fits within the guidelines of the regulations. Chairman Smith stated that this application addressed the needs of the applicant and meets the criteria of the Special Exception.

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

2.) Acceptance of Minutes from August 1, 2022 Meeting

Motion by: Secretary Kornis

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals accepts the August 1, 2022 minutes as corrected.

Discussion:

Ms. Dzialo pointed out that page 3 of the agenda item is missing the last name of the applicant. Secretary Kornis noted that the information was missing from the agenda.

Vice-Chair Dzialo noted that on the last page, her name was carried over as Chair on the signature page. The Board agreed that it was a carryover and it should be Chairman Smith on the signature page.

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

Discussion:

Chairman Smith asked the Board members if they would like to continue with the Zoom meeting format. Mr. Hoopes stated that he agrees with a point Secretary Kornis had made, that it is easier to see documents on the screen. Chairman Smith noted that, in his experience, hybrid meetings are the worst format. The Chairman suggested that the meetings are either all Zoom or all in-person. Secretary Kornis noted that hardly any Zoom meetings are canceled due to a lack of quorum. He reminded the Board that Mr. Hoopes stated that he would not be available for some of the in-person meetings. Secretary Kornis stated that he prefers sticking to virtual meetings.

Vice-Chair Dzialo stated that the application indicates 10 copies are required. She suggested for the copies to be distributed to the Board members. Chairman Smith agreed with Vice-Chair Dzialo's suggestion and added that a full map is much easier to view than one on the screen. Several Board members agreed that it would be great to resume receiving the application packets. Ms. Winkler asked if the applications are only submitted online. Mr. White replied yes

and added that it is now an online system. Ms. Winkler asked if the applicants submit paper copies. Mr. White explained that it is to be determined and added that he agrees that it is nice to distribute paper copies to the Board. Mr. Ashton explained that the Board members can wirelessly connect to a TV to view the plans and blueprints on the TV screen.

Chairman Smith stated that if the applicants are producing 10 copies of the application materials, the Town has to get those materials to the Board members. Mr. Hoopes agreed. Chairman Smith explained that the applicants are spending money on the 10 copies and this should be utilized. Several Board members were in agreement and asked Mr. White to ensure that the packets are distributed to all ZBA members. Mr. White replied absolutely. He reported on the meeting with Vice-Chair Dzialo, which was to update the application form. Secretary Kornis asked if the Board was going to move on approving the application form. Chairman Smith explained that it should be listed formally on the October agenda first. Mr. White stated that it will be put on the agenda.

3) Adjournment

Motion by: Ms. Winkler

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of September 12, 2022 at 8:49 pm.

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

Brian Smith, Chairman