

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, October 3, 2022

The Glastonbury Zoning Board of Appeals with Mr. Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, October 3, 2022 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

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

Board Members- Excused

David Hoopes
Philip Markuszka, 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.

Chairman Smith seated Mr. Bowman as a voting member

Secretary Kornis read the 2 agenda items.

Public Hearing

- 1. By: Kennison Martin of 45 Villa Louisa Rd. is requesting a ten(10) foot variance relief from Section 4.2.6; min 50' front yard to construct a 24x24 shed no closer than 40' from the property line.**

Mr. White read the 1st application.

Mr. Kennison Martin introduced himself for the record. He stated that he intends to put in a 24 by 24-foot hobby shed, which will be no closer than 40 feet from the street line. Mr. Martin explained that he is asking for a few extra feet just to be on the safe side. The proposed structure will be 10 feet closer than the 50 feet allowed for properties located in the RR Zone. Mr. Martin explained that the property has a tree line which will not be touched. He noted that there is significant tree coverage where the shed will be placed. Mr. Martin explained that wetlands, septic system, and a steep grade prevent any other placement. He noted that the Town considers his front property to be the side yard. The presentation was concluded.

Chairman Smith asked the applicant to elaborate more on the side yard and front yard. Mr. Martin reiterated that the Town of Glastonbury considers his front property to be the side yard. He noted that it may have something to do with how the land was subdivided. Ms. Winkler remarked that the plans in the packet were difficult to read. She noted that she went out to the property and the request is reasonable. Ms. Winkler stated that the property is in a lovely section of Glastonbury. Chairman Smith inquired how the tree protection area came to be. Mr. Martin explained that the tree line was left for privacy purposes. He reiterated that they intend to leave the tree line intact. Mr. Martin stated that the other side of the property is sloped. He stated that wetlands are on the west side of the property. Mr. White asked if the property is a PAD. Mr. Martin stated that he does not know. Chairman Smith noted that this information may be found on the deed. Mr. Bowman asked the applicant to confirm that a variance of 10 feet is being requested in the abundance of caution. Mr. Martin replied yes and added that he thinks it will only go over by 2 feet. He noted that he is asking for extra just in case. Chairman Smith asked if there were any additional questions. *There were no 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.

2. By: Matthew Daskal of 200 Windham Road - Requesting reduction of front yard setback (Section 4.1.6) and rear yard (Section 4.1.8) to 10'. Requesting reduction of side yard setback (Section 4.1.7) to 3' & a Special Exception request to add a guesthouse (Section 4.1.2).

Mr. White read the 2nd application.

Mr. Matthew Daskal introduced himself for the record. He stated that the posting requirements have been met. Mr. Daskal stated that there is a well in front of the property and other constraints that make it difficult to adhere to the setback requirements. He stated that the property is an existing non-conforming property. Mr. Daskal noted that the septic is in the rear portion of the property. He stated that the lot is slightly deceptive. Mr. Daskal stated that the actual property lines are at an angle and are not straight. He noted that there is a garage on the left side. Mr. Daskal stated that he wanted to save money and decided to combine all of the variance requests and the special exception into one application. He stated that there will be no impact to the character of the neighborhood. Mr. Daskal noted that the property is surrounded on all 4 sides by state or reserve land. The presentation was concluded.

Vice-Chair Dzialo asked if the reserved land means that the surrounding land will not be sold for development in the future. Mr. Daskal stated that he cannot guarantee this and added that it is his supreme hope that the surrounding land is not sold for development. He explained that the area was the former site of Arbor Acres chicken farm which was purchased by the State. Mr. Daskal noted that many people are not sure which town the area is in. Ms. Winkler asked the applicant about the date of construction. She also asked if the structure precedes the zoning

requirements. Mr. Daskal stated that the house was built in either 1952 or 1954. He added that the house precedes the zoning laws. Chairman Smith asked if there were any eaves or overhangs. Mr. Daskal noted that the eaves and overhangs will be included in the plans and reflected in the setbacks. Ms. Winkler asked Mr. White to explain the guest house regulations. Mr. White explained that the guest house has to be habitable and must include water, sewer/septic, kitchen and other specifics. He added that it must comply with the zoning regulations. Mr. White asked about the height of the proposed guest house. Mr. Daskal stated that he does not have that information and noted that it will be in compliance with the zoning regulations. Mr. White noted that the garage height might be restricted to 15 feet. Mr. White asked Mr. Daskal if the proposed guest house was included on the sketch. Mr. Daskal stated no and added that the guest house will be on the right side. Mr. White wanted to confirm that the applicant is asking for the special exception for the guest house to be built sometime in the future. Mr. Daskal replied yes and stated that he wanted to get everything in one application to make it simple. He noted that he is attempting to do as much of the work as he can and added that permit fees add up. Mr. White asked about the lot size. Mr. Daskal replied 1.83 acres. Chairman Smith asked 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.

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

Discussion:

Ms. Winkler pointed out that Mr. Hoopes preferred to vote separately for each of the variances and the special exception. She asked if it should be the case. Chairman Smith stated that the variances can be done in one motion and the special exception can be done separately. The Chairman noted that this applies only to the 2nd application.

There was a brief discussion regarding the regulations on guest houses and in-law units. Mr. White noted that he will provide Mr. Bowman with the information.

1) Action on Public Hearings

- 1. By: Kennison Martin of 45 Villa Louisa Rd. is requesting a ten(10) foot variance relief from Section 4.2.6; min 50' front yard to construct a 24x24 shed no closer than 40' from the property line.**

Motion by: Secretary Korn

Seconded by: Mr. Bowman

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Kennison Martin of 45 Villa Louisa Rd in RR Zone for a variance from Section 4.2.6 to construct a 24-foot by 24-foot shed no closer than 40 feet from the front property line on the grounds that other siting options are not feasible due to septic system placement, topography and wetlands. The requirements of Section 13.9 have been met.

Discussion:

Secretary Korn noted that he does not see any issues and added that the applicant's request is to ensure a margin of error. He stated that there are trees surrounding the property and the structure will not be seen. Vice-Chair Dzialo noted that the placement would not require extending the driveway. She stated that utilizing the existing hardtop is the ideal approach. Chairman Smith agreed and added that he does not see any issues with this application. *There were no additional comments.*

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

- 2. By: Matthew Daskal of 200 Windham Road - Requesting reduction of front yard setback (Section 4.1.6) and rear yard (Section 4.1.8) to 10'. Requesting reduction of side yard setback (Section 4.1.7) to 3' & a Special Exception request to add a guesthouse (Section 4.1.2).**

Motion by: Ms. Winkler

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Matthew Daskal of 200 Windham Road (Country Residence Zone) for a variance from Section 4.1.6 and 4.1.8, the front and rear yard setbacks to be no closer than 10 feet from the front and rear property lines, and a variance from 4.1.7 to allow a revision of the side yard setback to be no closer than 3 feet from the side property line on the grounds that the shape of the lot and the configuration of the existing building prohibit other placement. The requirements of Section 13.9 have been met.

Discussion:

The first motion was withdrawn in order to obtain clarification from the applicant regarding correct setbacks. The applicant spoke briefly and read out a portion of the submitted application materials which list the front, rear, and side yard setbacks.

Ms. Winkler noted that the property is set way back and added that it is a lovely area. She stated that she will be voting in favor. Chairman Smith explained that it is one of those true classic variances in that the State took over much of the land surrounding the property leaving it an odd shape, which makes it difficult for a landowner to do anything. The Chairman noted that it is why the Zoning Board exists, and added that they do not always get such a clear-cut example. *There were no additional comments.*

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

Motion by: Ms. Winkler

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Matthew Daskal of 200 Windham Road (Country Residence Zone) for a Special Exception for relief from Section 4.1.2 of the regulations. (The regulations regarding guesthouse are numbered incorrectly.) The requirements of Section 13.9 have been met.

Discussion:

Ms. Winkler noted that they are approving something that will be built in the future. The Chairman explained that the approval for the special exception will be recorded into the land records. He added that the applicant must comply with each of the zoning regulations. Ms. Winkler asked if the special exception will expire. The Chairman stated that special exceptions do not expire. Mr. White explained that the special exception is for the use and the structure can be built later. Chairman Smith noted that the site plan has to conform to all of the regulations. Mr. White agreed. Mr. Bowman asked if the special exception is transferable. Chairman Smith explained that a future owner can build a guest house. Mr. Bowman noted that, while he is sympathetic about not paying extra fees, he pointed out that the applicant is building a guest house and a barn and does not see how an extra \$185 will make or break the budget. Vice-Chair Dzialo noted that the applicant will still need to secure building permits and added that the Zoning Board has provided the latitude to open the amount of space to locate the structures on. Chairman Smith explained that they are allowing the applicant to have the use and added that all the regulations must be followed. He noted that the applicant is now free to get an architect or a builder.

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

2) Discussion regarding updated ZBA Application

Vice-Chair Dzialo informed the Board that she met with Mr. White and Ms. Kramer. Vice-Chair Dzialo went over the changes in the updated ZBA form. One of the changes included the addition of an email address for applicants. The box to the right was simplified and requires the applicant to pick up the sign. A photo of the sign is also required to demonstrate that it was posted. Another change in the form is a box denoting the selection of residential or commercial zone. The form also includes a space for the applicants to put in the applicable variances or special exception. The form also includes instructions for the applicant to describe in detail the variance, the hardship and information about which aspect of the project does not meet the zoning regulations. In the special exception section, the applicants are asked to give specific details and to include the special exception conditions the project will meet as specified in the regulation. The signature line has been modified slightly with the date underneath the applicant/owner name. Vice-Chair Dzialo asked the Board if they are in agreement to the updated form. She explained it would then have to go to IT for online formatting.

The Board members thanked Vice-Chair Dzialo for updating the form. Several Board members noted that the form is a great improvement. Mr. Bowman remarked that Vice-Chair Dzialo has done excellent work and added that he would like to make a motion to accept the form.

Motion by: Mr. Bowman

Seconded by: Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals accepts the updated Zoning Board of Appeals Application.

Discussion:

Chairman Smith remarked that many towns are asking applicants to submit a flash drive and asked if applicants will need to do that. Mr. White explained that the applicants apply online and noted that the staff has access to it. He explained that he will have to touch base with Moses in IT to see how the Board can access the application materials. Mr. White noted that it might be easier to email the application materials in PDF form. Chairman Smith thanked Mr. White for the hard copies that were sent out to the Board. The Chairman noted that it would be better to look at full scale drawings if they are available. He stated that the applicants are still required to submit 10 copies of the application materials. Mr. White noted that the Board will receive the full-size drawings if the applicants send them out.

Secretary Korns noted that the edits on the updated form are excellent. He remarked that the date line may be overlooked. Secretary Korns noted that the diagrams in the submitted packets did not have the dimensions. He explained that this has added to some of the confusion and suggested requiring the applicants to provide diagrams that show the numbers clearly. Secretary

Korns stated that the Board would like to see how far to the front, rear, and side property lines are and the dimensions for each of the applications.

Mr. White noted that he was hoping to spend time on this and explained that it has been insanely busy. He explained that he comes back from lunch with many voicemails and new applications waiting. Mr. White added that they are behind on permit applications. He informed the Board that a new staff member is starting on the 24th and has lots of experience in enforcement. Mr. White explained that, looking forward, they would like to provide a clearer and more concise review that is much easier to read and understand. He thanked the Board for their hard work and patience. Ms. Winkler noted that Mr. White deserves the thanks.

Mr. Bowman noted that he did not get a packet. Mr. White stated that this will be corrected. Ms. Winkler noted that plans are done by engineers and architects and remarked that it should be fairly simple for applicants to provide the measurements from the lot lines. Mr. White pointed out that it depends if the applicants have the site plans or maps and added that they help those applicants with the dimensions. Ms. Winkler asked if Mr. White provides the applicants with maps. Mr. White replied yes. The Chairman asked the Board to vote on the updated form.

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

3) Acceptance of Minutes from September 12, 2022 Meeting

Motion by: Secretary Korns

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals accepts the September 12, 2022 minutes as corrected.

Discussion:

Chairman Smith noted that the minutes stated that Mr. Bowman was not at the meeting. Mr. Bowman stated he was present. The Board agreed to the correction.

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

4) Adjournment

Motion by: Mr. Bowman

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of October 3, 2022 at 8:29 pm.

Discussion:

Ms. Winkler brought up a point of order and asked if the next meeting would be in person or via Zoom. Mr. Bowman noted that the next meeting is the night before the election. Vice-Chair Dzialo and Mr. Bowman voted for a Zoom format. Ms. Winkler asked if the Board had to resume in person meetings and noted that it may be tied to whether the COVID pandemic is considered over. Mr. Bowman suggested tabling the discussion for the next meeting. Chairman Smith informed the Board that he cannot attend the next meeting and asked Vice-Chair Dzialo to fill in at the next meeting. Mr. White remarked that the Board does not have to keep voting on in-person meetings and noted that it was done at the last meeting. Secretary Kornis recalled that there was a consensus to continue with Zoom meetings and noted that a vote did not take place. He explained that, at this time, Boards and Committees make the decision to meet in person or via Zoom. Secretary Kornis noted that the Board agreed not to do hybrid. Chairman Smith agreed and added that hybrid formats are awful. Ms. Winkler brought up another point of order and asked when the new Town Manager will be in place. Mr. White stated that he does not know. Ms. Winkler stated that the Town Manager will no longer be in office at the end of December. Secretary Kornis explained that the Town Manager agreed to stay on longer if someone is hired and can only start at a later date. The Chairman noted that the motion to adjourn needs a second. Ms. Winkler stated she will second.

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

Brian Smith, Chairman