

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, January 9, 2023

The Glastonbury Zoning Board of Appeals with Mr. Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, January 9, 2023 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

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

Board Members- Excused

Brian Smith, Chairman
David Hoopes

Chairman Dzialo called the meeting to order at 7:01 pm and explained the public hearing process to the audience. Chairman Dzialo also noted that 4/5 votes are needed for an application to pass and there is a 15-day appeal period.

Chairman Dzialo seated Mr. Bowman as a voting member.

Secretary Kornis read the two agenda items.

Public Hearing

- 1. Dr. Jeffrey Laut & Mrs. Aimee McDaniel Laut of 108 Ferry Lane are requesting a Special Exception under section 8.2 b, to construct an addition to the existing house.**

Mr. White read the 1st application.

Chairman Dzialo gave the applicants the option to defer the application for the next month or to proceed with 4 Board members. The applicants agreed to proceed. Mr. John Breton and Mrs. Melissa Breton of Breton Ridge Builders were present for the Zoom meeting. Mr. Breton noted that the proposed addition is approximately 900 square feet. He stated that the addition will not extend past the existing house. Mr. Breton noted that the property is an existing non-conforming structure. He stated that the addition will include a master bedroom, closet, master bath, laundry, and sunroom. Mrs. Breton noted that they are looking for a special exception. The brief presentation was concluded.

Chairman Dzialo read off the setback measurements and noted that it is an existing non-conforming property. Mr. Bowman noted that the proposed addition would fit well with the architectural integrity of the existing house. Secretary Korns asked if the property is in the RR Zone or the Flood Zone. Mr. White stated that the house is in the Flood Zone and noted that it meets the FEMA requirements. *Mr. White's computer froze.* Secretary Korns inquired if the new addition is elevated. Mr. Breton stated that a foundation and basement are proposed. Mrs. Breton stated that they submitted detailed plans to FEMA which were approved. There was a brief discussion on compensatory flood storage and FEMA requirements.

The hearing was opened for public comment, either for or against the application, and seeing as no one came forward to speak, Chairman Dzialo closed public comment on the application.

- 2. Corrine Crocker-Luby & William Luby of 14-18 Parker Terrace Ext. are requesting a variance and special exception (Sec. 14.18.2 & 14.18.4.i.1 & 3.8) for a special event venue at this address (SP) category mixed use development definition is vague according to TPZ, which is the hardship: Keep the mixed use: retain 3 apartments at this address; Add an 8' fence at this address (Section 3.8) – on both north & west sides, 14-18 Parker Terrace Extension, to demolish more than 50% of the existing house (section 14.18.4.i.1) & rebuild a solid structure on the additional foundation, and would like to go up to 5,000 square feet.**

Mr. White read the 2nd application.

Chairman Dzialo gave the applicant the option to defer the application for the next month or to proceed with 4 Board members. The applicant agreed to proceed. Ms. Crocker-Luby noted that her most recent application includes the variance request for an additional 500 square feet, totaling 5,500 square feet. Ms. Crocker-Luby stated that the hardship is due to the vague regulations that define use variances. She explained that she received a use variance in 2008 which permitted eating and drinking at the Tiffany Juliet House. Ms. Crocker-Luby noted that she began organizing special events in 2013. She stated that she is not the first business to run events and listed the former Grange Hall, the Krishna Temple, the Glastonbury Boat House and Community Center. Ms. Crocker-Luby explained that, back in September 2021, Ms. Auger stated that there is no definition of mixed use, and it is left to interpretation that any business fits the mixed-use designation. Ms. Crocker-Luby stated that she anticipates approximately 30 percent overflow parking. She noted that the logistics and the approval will be determined at a future TPZ meeting. Ms. Crocker-Luby stated that they have never had any issues about the parking and added that all events are controlled by the host. She noted that instructions are given regarding the parking.

Ms. Crocker-Luby explained that there is a real demand for smaller event venues. She noted that a lot of work goes into an event for 25 people. Ms. Crocker-Luby noted that she submitted the documentation and stated that she is requesting a variance to gain 500 additional square feet,

totaling 5,500 square feet. She noted that she is also requesting a variance to allow 3 one-bedroom units instead of 2. Ms. Crocker-Luby stated that she is also looking for a variance to allow an 8-foot fence instead of the typical 6-foot fence. She explained that an 8-foot fence allows for privacy for the event guests and the neighbors. Ms. Crocker-Luby stated that a taller fence provides a courtyard feel. Ms. Crocker-Luby began reading a letter of support from her neighbors on the north side, Steve Cowles and Nancy Cusson, which was dated on December 5, 2022. Ms. Crocker-Luby stated that this was the most applicable letter of support and noted that she has provided other letters of support. Ms. Crocker-Luby stated that she is ready to answer questions. The presentation was concluded.

Secretary Korn asked about the requirement for a special permit with design review by TPZ and asked the applicant to explain the application sequence. Ms. Crocker-Luby stated that, typically, an applicant is supposed to get a referral from TPZ. She explained that 20 days have passed, and there was one less person on the TPZ Board and she was allowed to go directly to the ZBA. Ms. Crocker-Luby explained that Mr. Mullen did not have the parking information and TPZ was reluctant to vote without having that information. She noted that she will have to go back to TPZ for parking. Secretary Korn asked if the venues will be separate. Ms. Crocker-Luby stated that the events are separate but will have the same staff and chefs. Secretary Korn asked the applicant to explain the 3 separate residential apartments. Ms. Crocker-Luby stated that all 3 one-bedroom apartments are proposed on the second level. She noted that the design dating back from the 1800s had the units side by side and up and down. Ms. Crocker-Luby stated that she is the daughter of a builder and knows what works and what is functional. Secretary Korn inquired if the events down below would be disruptive to the tenants on the top floor. Ms. Crocker-Luby stated that she just rented all 3 apartments to professionals. She explained that one tenant is a nurse that travels and added that there is always a good fit. Ms. Crocker-Luby stated that she had an inquiry from a pilot that wanted to rent one of the units. Secretary Korn asked the applicant if she owns the property 14-18 Parker Terrace Ext. Mr. Crocker-Luby replied yes. Secretary Korn asked about the proposed building height. Ms. Crocker-Luby stated that it would be about 4.8 feet taller and added that it is currently about 30.5 feet in height. Secretary Korn asked about the height of the Tiffany Juliet House. Ms. Crocker-Luby stated that her guess would be about 25 or 30 feet tall.

Ms. Winkler remarked that the parking issue is a moot point and asked the applicant if she would accept what TPZ decides. Ms. Crocker-Luby stated that she always follows the rules and noted that the only obstacle is parking which is a problem everywhere. She explained that some guests that arrive late would park on Parker Terrace and added that no one has parked on Naubuc Avenue. Ms. Crocker-Luby stated that they follow the regulation rule of 30 percent overflow for parking and added that the 1 or 2 events are kept under control. She explained that, as a wedding planner, she is organized and thinks things through. Ms. Winkler thanked the applicant and noted that she just wanted to verify that parking would not be an issue. She remarked that the applicant will still have to go before TPZ.

The Board agreed to wrap up deliberations by 8:30 pm in order for Mr. Bowman to make his flight. Chairman Dzialo noted an error in the documents regarding the fence location. Ms.

Crocker-Luby stated that the 8-foot fence is proposed for the north and east sides. Chairman Dzialo noted that the existing fencing is 6 feet and asked why the fencing will not be consistent. Ms. Crocker-Luby explained that the neighbor's house on the north side is close and they will put in the 8-foot fence in a way that will look nice. Secretary Korn's noted that he can understand the request for the 8-foot fence because of privacy reasons.

Secretary Korn's asked Mr. White about the special exception. Mr. White explained that the special exception rule is part of the use variance. He suggested for the Board to table the application in order to allow the application to get a recommendation from TPZ. Mr. White explained that a key piece of the regulations is missing. He noted that 3 different variances on different properties is very confusing and added that Mr. Mullen advised the applicant to get a recommendation from TPZ. Mr. White explained that the time limit has passed, and this is why the applicant is before the ZBA. Ms. Winkler suggested to vote on each variance request separately. The Board discussed the application and the special exception and whether to continue or ask the applicant to go before TPZ. *Mr. White experienced technical difficulty and could not sign back in for the remainder of the meeting.* Secretary Korn's asked the Board to hear from the members of the public.

Ms. Hillary Scoville of Newington, CT stated that she has known the applicant for 15 years and has wanted to be a wedding planner. She noted that she was an intern and the applicant taught her a lot about the field. Ms. Scoville noted that the applicant is an inspiration, determined, and driven. She stated that she has seen her dedication and passion in building the Tiffany Juliet house.

Ms. Lois Pearce of Hamden, CT explained that she is a State Manager for the Association of Bridal Consultants and noted that Ms. Crocker-Luby is an active member. Ms. Pearce stated that she remembers when the applicant came up with the idea of the Tiffany Juliet house and added that the business is well respected. Ms. Pearce noted that the applicant will add another resource to the Town, revenue, and a much-needed venue for smaller events. Ms. Pearce stated that she supports the applicant's endeavors and hopes the Board will do so as well.

Ms. Teresa Jarmoszko of Farmington, CT stated that she had her daughter's baby shower at the applicant's venue. Ms. Jarmoszko noted that she was very happy with the experience and the service. She added that the food was wonderful and there were no issues with parking. Ms. Jarmoszko reiterated that she had had a wonderful experience.

Secretary Korn's asked the applicant if she was willing to standardize the fences. Ms. Crocker-Luby explained that she would prefer to keep the existing 6-foot fencing and would transition the new 8-foot fencing in a pretty way which will look good and save money. Secretary Korn's noted that if the Board grants the use variance, it will go back to TPZ for design review. He asked the applicant about the color of the proposed building. Ms. Crocker-Luby stated that she was thinking about a yellow and it would be a neutral color. She noted that she would not choose bright colors that are used in San Francisco style buildings. Ms. Crocker-Luby noted that for the Tiffany Juliet house she went with a vintage cream paint color.

Ms. Winkler asked the applicant to clarify the location of the proposed 8-foot fence. Ms. Crocker-Luby stated that the 8-foot fence will be located in the north and east portion of the property. Chairman Dzialo noted that the fencing should have consistency and asked the applicant to outline the plans. Ms. Crocker-Luby explained that there is a shed that can transition the new fence. She added that the transition will work because the new fencing can curve and will tie in with the existing fencing. The Board briefly discussed that the building design will go before TPZ and the ASDRC. Secretary Korn noted that it is a good idea to vote on each variance separately. Ms. Winkler remarked that, since it was her idea, she will be voting in favor.

Motion by: Secretary Korn

Seconded by: Mr. Bowman

MOVED, that the Glastonbury Zoning Board of Appeals will vote on 4 separate motions for each of the variances in the 2nd application.

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

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

Discussion:

The Board discussed the wording for the 2nd application. Secretary Korn agreed to make 4 motions for the 2nd application. Ms. Winkler agreed to make the motion for the 1st application. Mr. Bowman suggested approving the minutes during the deliberations because of the approaching 8:30 pm deadline.

Acceptance of Minutes from December 5, 2022 Meeting

Motion by: Ms. Bowman

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of December 5, 2022.

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

1) Action on Public Hearings

1. **Dr. Jeffrey Laut & Mrs. Aimee McDaniel Laut of 108 Ferry Lane are requesting a Special Exception under section 8.2 b, to construct an addition to the existing house.**

Motion by: Ms. Winkler

Seconded by: Mr. Bowman

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Dr. Jeffrey Laut & Mrs. Aimee McDaniel Laut of 108 Ferry Lane for a Special Exception under Section 8.2 b to permit an addition to the existing house closer than allowed for the front yard setback but no closer than 18 feet, due to the placement of the existing house and the septic tank, prohibiting any other arrangement on this lot in the Flood Zone. The requirements of Section 13.9 have been met.

Discussion:

There was a brief discussion on the property zone. Ms. Winkler asked if a property could be both in the RR Zone and the Flood Zone. Mr. White experienced technical difficulty and was not available to answer the question.

Mr. Bowman noted that the plans are beautifully well done and the location is far from neighboring properties.

Ms. Winkler remarked that the proposal is a lovely addition to South Glastonbury and thanked the applicants for their patience.

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

2. **Corrine Crocker-Luby & William Luby of 14-18 Parker Terrace Ext. are requesting a variance and special exception (Sec. 14.18.2 & 14.18.4.i.1 & 3.8) for a special event venue at this address (SP) category mixed use development definition is vague according to TPZ, which is the hardship: Keep the mixed use: retain 3 apartments at this address; Add an 8' fence at this address (Section 3.8) – on both north & west sides, 14-18 Parker Terrace Extension, to demolish more than 50% of the existing house (section 14.18.4.i.1) & rebuild a solid structure on the additional foundation, and would like to go up to 5,000 square feet.**

Motion by: Secretary Korns

Seconded by: Ms. Winkler

MOVED that the Glastonbury Zoning Board of Appeals approves the application by Corrine Crocker-Luby & William Luby of 14-18 Parker Terrace Ext. in TCMU Zone requesting a variance from Section 14.18.2 which was a use variance to allow a mixed commercial and residential development at that address. This is on the grounds that this is consistent with the other development in the area and the applicant has proven to be a very effective and trustworthy developer of this property use. The requirements of Section 13.9 have been met.

Discussion:

The Board thanked Secretary Korns for making the 4 separate motions. Ms. Winkler stated that she will second all 4 motions. Secretary Korns stated that he supports the first variance request and added that it makes a lot of sense. He noted that the applicant is an effective and careful developer in that zone. Secretary Korns stated that what the applicant had developed was excellent and great for the Town. He noted that the design the applicant is proposing is complimentary. Secretary Korns remarked that the applicant has been at this for some time and added that he wants to move the application along.

Ms. Winkler remarked that the applicant has a great imagination in developing separate buildings and unifying them. She noted that this has improved the neighborhood. Ms. Winkler added that she will be voting in favor of the first variance.

Mr. Bowman explained that he does not appreciate the other Commission bouncing this application to them and noted that the final rendering will be approved by another board.

Ms. Winkler agreed with Mr. Bowman's point that the application will go before another Board.

Chairman Dzialo noted that she had the same feelings of support and the same reservations. She remarked that they did approve the other house as a use and can hardly deny it this time. Chairman Dzialo explained that she had concerns of an overdeveloped site and noted that the application will go through another review. She remarked that the Board has not heard any opposition and noted that this speaks volumes that the applicant is a good neighbor and a good business owner. Chairman Dzialo noted that some of TPZ's concerns may have been slightly overblown because they did not have the additional input. She remarked that she thinks the proposal is a great addition to the Town and added that she will vote in favor.

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

Motion by: Secretary Korn

Seconded by: Ms. Winkler

MOVED that the Glastonbury Zoning Board of Appeals approves the application by Corrine Crocker-Luby & William Luby of 14-18 Parker Terrace Ext. in TCMU Zone requesting a variance from Section 14.18.4.i to allow 3 units in this mixed commercial residential development instead of the allowed 2 units, on the grounds that, given the nature of the property and the complete remodeling of the property, the 3 units, downsized, make sense. The requirements of Section 13.9 have been met.

Discussion:

Ms. Winkler remarked that in the Boston downtown area next to the public gardens there are residential units above commercial businesses. She explained that she thinks it is a successful way to create an active downtown. Ms. Winkler noted that the regulations permit it and she will vote in favor. Ms. Winkler thanked Secretary Korn for the nice job writing up the motions.

Secretary Korn noted that he will vote in favor. He noted that the proposed 1-bedroom units will be different than the 2-level ones they have now.

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

Motion by: Secretary Korn

Seconded by: Ms. Winkler

MOVED that the Glastonbury Zoning Board of Appeals approves the application by Corrine Crocker-Luby & William Luby of 14-18 Parker Terrace Ext. in TCMU Zone requesting a variance from Section 14.18.4.i.1 to allow an additional 500 square feet of developed area over the allowed 5,000 square foot maximum in order to complete the design that is planned for the redevelopment, on the grounds that it is necessary to make the whole design work. The requirements of Section 13.9 have been met.

Discussion:

Mr. Bowman noted that the building height is a concern and they must rely on the other Board. He remarked that he will vote yes, but not happily. Mr. Bowman explained that he is voting in favor because there is another step and review process.

Secretary Korn agreed with the building height concern and added that, ideally, it should be similar, if not identical. He noted that it is a design issue that TPZ has to deal with.

Ms. Winkler noted that the applicant needs the additional 500 square feet to make the design work. She remarked that TPZ will need to do their job.

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

Motion by: Secretary Korn

Seconded by: Ms. Winkler

MOVED that the Glastonbury Zoning Board of Appeals approves the application by Corrine Crocker-Luby & William Luby of 14-18 Parker Terrace Ext. in TCMU Zone requesting a variance from Section 3.8 to allow fencing on the north and east sides of that property 14-18 Parker Terrace Ext. up to 8 feet, which is above the currently specified maximum of 6 feet, on the grounds that this is required for privacy of both the parties at the venue and the neighbors. The requirements of Section 13.9 have been met.

Discussion:

Secretary Korn noted that the shed will hide the phased transition and added that he is not concerned. Chairman Dzialo and Ms. Winkler agreed.

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

3) Adjournment

Motion by: Ms. Winkler

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of January 9, 2023 at 8:34 pm.

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

Sue Dzialo, Chairman