

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, May 1, 2023

The Glastonbury Zoning Board of Appeals with Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, May 1, 2023 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

Brian Smith, Chairman
Susan Dzialo, Vice-Chair
Nicholas Kornis, Secretary
David Hoopes
Jaye Winkler
Aaron White, Alternate
Andy Zlotnick, Alternate

Board Members- Excused

Douglas Bowman, Alternate

Chairman Smith called the meeting to order at 7:02 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 agenda items.

Public Hearing

- 1. Karl Boyer & Clarissa Ang-Boyer of 20 Towhee Lane zone A are requesting a variance from Section 7.1b.2c for the purpose of allowing a special accessory use to park or store a boat, trailer or mobile home parked in the side yard. The variance is requested due to a 15-foot wide drainage easement in the rear yard.**

Mr. White read the 1st application.

Mr. Karl Boyer introduced himself for the record. He noted that the hardship is due to the 15-foot-wide drainage easement in the rear yard. Mr. Boyer stated that the easement minimizes what he can do. Mr. Boyer put up a GIS slide and pointed out the existing drainage easement. He explained that the backyard is significantly compromised and he can only park the RV in the side yard. A series of photos were put up on the screen showing the RV, views of the side of the house, and image and location of the proposed RV trailer storage.

Mr. Boyer put up photos of other trailers parked in the nearby neighborhood. One photo was a trailer parked on Griswold Street and two photos were shown of two trailers parked on Great Swamp Road. Mr. Boyer stated that this is not out of line with what others are doing in the neighborhood. The presentation was concluded.

Mr. Hoopes asked if the area is wet. Mr. Boyd replied yes. Mr. Hoopes asked if parking an RV would violate the terms of the easement agreement. Mr. Boyer noted that, because of the lot layout, the trailer has to be parked on the side due to the steep 2:1 slope. Mr. Hoopes asked the applicant if it is possible to move the shed, regrade the slope and park the trailer in that location. Mr. Boyer noted that he is a civil engineer and explained that it is a significant undertaking to grade the back of the yard. He stated that it is possible, but it would be difficult and expensive. Mr. Boyer explained that the area is wet and the Town could put in a culvert and maintain the area. He was told by other neighbors that the Town has never come out in 20 years to address the flowing water, debris, and other maintenance concerns. Mr. Boyer stated that the residents clear out the debris. Mr. Hoopes asked if the other three trailers were legal or a violation. Mr. Boyer stated that he does not know. Mr. White noted that they are violations and will be added to the list. Mr. Zlotnick directed the Board to the GIS photo and pointed out a permanent structure on the drainage easement, located two lots over. Mr. White stated that it is most likely a prohibited structure. Ms. Winkler remarked that she went to the site and noticed the wet conditions and added that there is a steep 4-foot drop. Mr. Boyer explained that the previous owners cut down all of the trees and graded the area to side of the property to allow for a fairly level area. He noted that the other side of the house is too narrow. Mr. White asked the applicant if he is willing to put up a 6-foot fence to screen the RV. Mr. Boyer stated that it could be a possibility and added that it is an expense that he would like to avoid. He noted that other photos of RVs did not have any fences. Mr. White noted that the RVs in the neighboring area will be going on a violation list and added that the Town is responding to these violations.

Chairman Smith moved on to public comment. He asked if anyone wanted to speak in support of the application. There was no response. Chairman Smith asked if anyone had a question regarding the application. Mr. White asked how often would the trailer be parked in the side yard. Mr. Boyer explained that the trailer would be parked in the side yard when it is not in use. He stated that it would be covered in the winter season and added that, during the season, they would use the trailer for trips. The Chairman asked if anyone was opposed to the application.

Mr. Ryan Olschefski of 28 Towhee Lane stated that he has lived in the neighborhood for 19 years. He noted that it does not seem right to park a trailer on a third of an acre lot. Mr. Olschefski stated that nothing is screening the RV and added that the homeowner does not want to put up a fence. He noted that the neighbors are against trailers parked in the side yard and explained that over 20 neighbors have signed a petition against a similar request. Mr. Olschefski noted that the trailer is parked near a neighbor's generator and propane tanks. He stated that it is a hazard to have the trailer located that close, adding that if the trailer tipped over it would cause a catastrophe. Mr. Olschefski stated that the applicant should have bought a larger lot because the property is not large enough for the placement of the RV.

Mr. Keith Warzecha of 80 Opal Drive stated that he lives in the neighborhood and has submitted a packet of materials and letter of opposition regarding the RV. He noted that there is a constant group of neighbors who are opposed to RVs and trailers stored in side yards. Mr. Warzecha explained that it changes the character of the neighborhood and added that he would not want to buy a house if a trailer was parked to the side. He noted that approving this variance creates a negative ripple effect that impacts the neighbors. Mr. Warzecha explained that he has sent documentation from 2016 regarding a similar violation that was enforced by the Town. He asked the Board to take the same action and noted that the RV placement violates the Town regulations.

Mr. Manu Patel of 14 Towhee Lane stated that he is the next-door neighbor on the left side. He noted that the trailer is very large, with very little space between his house and the trailer. Mr. Patel explained that they installed a generator and have propane tanks on the side of their property. He stated that the land is sloping and that the trailer can tip over on their side causing a fire. Mr. Patel stated that the RV is too big and does not look good.

Chairman Smith asked Mr. Boyer if he would like to respond to the comments. Mr. Boyer stated that he was not aware of the petition of 20 people objecting. He explained that he is a new resident and added that no one has spoken to him about the RV. Mr. Boyer stated that, while they were looking to purchase a house, they selected this neighborhood because they thought their RV would fit in. He noted that they submitted a request for a variance to allow the placement of the RV. Mr. Boyer stated that they are not going to own the RV forever, and added that it is just a phase. He stated that, in reference to the comment regarding the RV tipping over, he does not see that ever happening and added that it is absurd. Mr. Boyer stated that Mr. White brought up the fence and added that he is willing to do it if it is the only way the application will be approved. He explained that the RV is expensive and looks nice and would not devalue any of the other homes. Mr. Boyer noted that they have been good neighbors and will be good neighbors, and asked the Board to consider the request.

Chairman Smith closed public comment on the application.

- 2. Dean C. Pagani of 175 Williams Street East zone A is requesting a variance from sections 4.5.6 and 7.1a.3.a to build a one and a half story barn style building to support a home based photography business. A variance is being requested due to the non-conforming nature of the lot(less than one acre in size) and its adjacency to state land on the west side of the property.**

Mr. White read the 2nd application.

Mr. Dean Pagani introduced himself for the record and stated that Mr. White's summary of the application is accurate. Mr. Pagani noted that his property is on a corner lot. He stated that his neighbor emailed a letter of support. Mr. Pagani noted that information on the barn and

dimensions have been submitted with the application. He stated that the barn will not be used to store cars. Mr. Pagani explained that the barn would be used to support a home-based photography business. He noted that the first floor will be used as studio space and the second floor would be used for office space. The presentation was concluded.

Chairman Smith asked about the lot size. Mr. Pagani stated that it is about a third of an acre or half an acre. Mr. White confirmed that the lot is approximately half an acre in size. Secretary Korn remarked that the front setback does not seem to be an issue. Mr. White explained that the property sits on a corner lot which the Town considers to be two front yards. Secretary Korn noted that he did not see information on the application regarding the floor area of the proposed accessory structure. Mr. Hoopes remarked that he did not see the information either and added that what is missing is the square footage of the house. Mr. Pagani stated that the house is 1,442 square feet. He noted that the garage will measure 18 feet by 24 feet. Mr. Pagani stated that the second floor will have less square feet because of the roof line. Vice-Chair Dzialo asked if it was a permitted use. Mr. White replied yes and noted that it is a home occupation. He remarked that the regulations do not list all of the different home occupations and added that they are allowed. Chairman Smith asked about the anticipated number of customers parking. Mr. Pagani explained that customers will be booked one at a time and will park in the driveway. Chairman Smith asked if anyone else would work at the business. Mr. Pagani replied no one else at this time. Mr. Zlotnick noted that the customary home occupation regulations allow the homeowner to have one employee. Mr. White replied yes and noted that he would have to check the regulations to see if more than one employee is allowed.

Mr. Zlotnick noted that the property is near a highway easement and is in the historic district. He asked the Board if there were any additional considerations. Mr. White noted that Main Street is the only historic area that has extra regulations. Mr. Zlotnick noted that the GIS system shows the property as being part of the historic district. Mr. White noted that the Historic District Commission would have to approve the plans. Chairman Smith noted that no one can build on the State right of way and added that it is DOT law. The Chairman asked the applicant about the letter of support. Mr. Pagani stated that he emailed that to Mr. White. Ms. Winker stated that she went to the site and noted that the property is near historic buildings, such as the former soap factory. Mr. White stated that the letter of support was from Jeffrey Overstrom and Fabrina Derryberry of 185 Williams Street E. Mr. Pagani remarked that his neighbors live in one of the notable historic houses and have been doing extensive renovations for five years. He noted that he has selected the barn style because it would fit the character of the neighborhood and explained that his house was included in the historical designation because it was built around the same time as the other historic properties. There was a brief discussion on the historic district. Ms. Winkler remarked that the selected barn style looks nice.

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. Chris Peck of 52 Ripley Road zone A is requesting a special exception from section 8.2b for the purpose of a mudroom & family room addition, (converted from single car garage). The variance request is due to limited means of egress from current laundry room.

Mr. White read the 3rd application.

Mr. Chris Peck introduced himself for the record. He explained that the house was renovated 20 years ago by the previous owner. Mr. Peck stated that they are looking to build a laundry room and explained that the current configuration does not work because the closet doors of the current laundry area block off the sliding glass doors, preventing access to the back of the house. Mr. Peck stated that they built a 2-car garage on the property six years ago. He explained that they want to turn the unused one-car garage space into a mudroom. Mr. Peck noted that their home is not overly large and added that they need the space and better configuration. The presentation was concluded.

Chairman Smith asked Mr. White and Mr. Altius if the application falls under a special exception. Mr. Altius explained that the property is non-conforming and a variance does not apply. Mr. White explained that the approval of the special exception would not extend beyond the existing non-conformity, otherwise it would be a variance. Chairman Smith noted that the addition would have to stay within the same footprint. Mr. White directed the Board to the plot plan and explained that the addition is for about a foot and half bump out. Chairman Smith noted that a hardship is not needed. Mr. Peck explained that the addition and bump out would allow the house to look symmetrical. Mr. Hoopes asked the applicant to state how many feet the bump out would extend. Mr. Peck replied 1 foot and 11 inches. Mr. Hoopes asked the applicant how far would the addition be from the front property. Mr. Peck noted that it is considered the side yard. Mr. White noted that the distance from the side yard is about 7 feet and 4 and half inches. Mr. Peck stated that the house is probably 35 feet from the street line. Mr. Hoopes asked if these measurements include the bump out. Mr. Peck replied yes. Chairman Smith asked if there were any overhangs. Mr. Peck stated that a door would be put in. Mr. White noted that there is no overhang, just trim. Mr. Peck stated that no gutters would be needed on that side.

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. Milun Mraz of 355 Matson Hill Road zone RR is requesting a special exception from section 7.1b.2b.1 to allow for a fourth garage bay since the house is less than 4,500 sq. ft. and a variance from section 7.1b.2b.1 to allow garage bays 5&6. Since the height is taller than the allowed 15 feet for an accessory structure, a variance is requested from Section 4.2.7 & 4.2.8 to allow a detached garage to be placed 20.6' away from the side yard line & 7.4' from the rear yard line.**

Mr. White read the 4th application.

Mr. Richard Megson of Megson, Heagle & Friend, C.E. & L.S., LLC introduced himself for the record and stated that he will represent the homeowners. He noted that the proposal is for a detached four car garage/ barn on a 1.12-acre single family residential lot in the rural residence zone. Mr. Megson noted that the existing house is 2,364 square feet with an attached two car garage. He stated that one of the garage bays is allowed as a third bay for the existing house. Mr. Megson noted that a special exception is requested as provided in Section 7.1b.2b of the regulations to allow a fourth garage bay as the house is less than 4,500 square feet. He stated that a variance to Section 7.1b.2b of the regulations is requested to allow for garage bays 5 and 6. Mr. Megson explained that the proposed accessory structure will have opposing sliding doors on the sides of the building to allow the ability to pass through the building for easier access and flexible use. He noted that the sliding doors represent garage bays 5 and 6. A rendering of the proposed garage was put up on the screen. A slide detailing the surrounding area was put up on the screen. The red squares indicate an accessory structure. Mr. Megson noted that the neighborhood is full of barns and other accessory structures. He explained that the garage would be used to store a tractor, boat, cars and garden equipment. Mr. Megson stated that a variance to Section 7.1b.2b of the regulations is requested to allow the accessory structure a measured height of 17.5 feet, 2.5 feet taller than the allowed 15 feet when an accessory structure is proposed within a rear or side yard setback.

Mr. Megson explained that the health code requirements for septic placement have made it difficult to place the garage anywhere else on site. A slide detailing the site plan was put on the screen. The septic area was shown. Mr. Megson noted that the proposed accessory structure will be approximately 275 feet from Matson Hill Road, to the rear of the primary home, at an elevation of approximately 25 feet lower than the home's existing first floor elevation. Mr. Megson stated that the hardship is based on the grounds that the regulations do not consider larger lot size, and noted that the proposed structure is in keeping with the character of the neighborhood. A slide detailing the neighborhood was put up on the screen again. The accessory structures were pointed out and the open space area was pointed out. Mr. Megson stated that the immediate area is filled with properties that have variations of accessory structures from previous and current farming operations. He stated that the proposal meets the requirements of Section 13.9. Mr. Megson stated that the three neighboring properties have submitted letters of support. The letters were put up on the screen. The presentation was concluded.

Chairman Smith asked Mr. Megson to read the names and addresses of the neighbors in support. Mr. Megson stated that Pete Catizone of 365 Matson Hill Road, Mark Mistretta of 329 Matson Hill Road, and Scott Pagliughi of 349 Matson Hill Road provided letters in support of the application. Mr. White stated that the letters of support are on file. Mr. Megson apologized for emailing the letters late. Mr. Hoopes asked Mr. Megson to explain why the height of the proposed building has to be more than 15 feet. Mr. Megson explained that the regulations would allow for more flexibility for the setback distance. Mr. Hoopes noted that using the specific variance for height would allow a 50-foot rear yard setback instead of 75 and a side yard setback of 15 instead of 25. Mr. Megson replied correct. There was a brief discussion on the height requirements. Mr. Megson explained that the gable roof is measured to the mean. Mr. White confirmed the information. Mr. Megson stated that the information on the gable measurement is on page 6 of the plans. Mr. Hoopes noted that he did not see that information. Mr. Megson stated that the allowed added height would allow them to place the structure to meet the health code requirements of the septic location. Mr. Megson remarked that creative code compliance would allow the structure to fit. Ms. Winkler asked if the added height of the structure would shade neighboring apple trees and orchards. Mr. Megson explained that the trees are on the east side and noted that the topography keeps going up. He noted that it is a pretty significant topographic change, noting that Walnut Ledge Farm is on the other side and explained that the angle of the sun and positioning of the structure will not provide much shade to the apple trees. Chairman Smith moved on to public comment. There were no comments.

Mr. Megson stated that every application is unique and noted that requests for 5 and 6 car garages were approved in the Crystal Ridge area and Accornero Lane area. He noted that in these areas, something like this is not over the line. Mr. Megson stated that there are similar accessory structures throughout the neighborhood. Chairman Smith explained that the Board has approved some of these accessory structures and denied some of them. He noted that an application for a variance was denied because the applicant stated that the hardship was due to high taxes. Chairman Smith noted that the Board weighs each application on its own merits. There was further discussion on allowing a structure to have a higher than allowed height. Mr. Megson explained that having a higher height would allow the structure to be as close as 5 feet from the side yard. Mr. Hoopes asked if the structure would be placed as close as 5 feet from the side yard. Mr. Megson stated that it might be placed 8 or 9 feet away from the side yard. Mr. Hoopes noted that the Town staff were correct to list variances from sections 4.2.7 and 4.2.8 in the application. He explained that it is the best way to address the rear yard and setback considerations. The Board discussed the issue further and Ms. Winkler volunteered to write the language of the motion. Mr. Megson thanked the Board for their service.

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.

Chairman Smith reminded the Board that, according to law, alternates are not permitted to participate during the deliberations. He explained that alternates can ask questions during the public hearing.

Action on Public Hearings

- 1. Karl Boyer & Clarissa Ang-Boyer of 20 Towhee Lane zone A are requesting a variance from Section 7.1b.2c for the purpose of allowing a special accessory use to park or store a boat, trailer or mobile home parked in the side yard. The variance is requested due to a 15-foot wide drainage easement in the rear yard.**

Motion by: Mr. Hoopes

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals denies the application by Karl Boyer & Clarissa Ang-Boyer of 20 Towhee Lane zone A from Section 7.1b.2c to permit parking of a trailer in the side yard on the grounds that the impracticality of parking the trailer in the rear yard is not sufficiently unusual to constitute a hardship.

Discussion:

Chairman Smith noted that this is a motion to deny the application. He stated that if it is defeated, a motion to approve the application will be made. Secretary Kornis noted that the requirements of Section 13.9 have been left out of the motion. He explained that wording the motion as a denial is contrary to the Board's methodology. Secretary Kornis noted that there might be a concern with how the wording shows up in records, which can be misinterpreted by the public. Chairman Smith noted that the Board typically words the motion as an approval, and noted that if it fails, it is an automatic denial. He remarked that it can be done either way. Chairman Smith asked Mr. Hoopes to confirm that there is no hardship. Mr. Hoopes stated that there is no hardship and the requirements of section 13.9 do not apply. Secretary Kornis agreed and added that they have seen trailers before and will see them again and added that they are all over Town. He explained that, if a variance is given in this case, it would have to be approved in other cases. Mr. Hoopes agreed and noted that he sympathizes with the applicant because he has seen similar trailers parked in the side yard of the neighborhood, which is illegal. He remarked that it is a violation that will be enforced or noted that a rule change would have to be made for situations like this. Mr. Hoopes explained that it is not practical for a homeowner to park the trailer in the back and added that it is a small lot which is typical in the neighborhood. Chairman Smith noted that the Board has seen a similar issue regarding a boat, the property located on Overlook had similar topography. The house was higher and there was little or no screening the massive boat which would be stored in the side yard most of the time, except during the summer. Chairman Smith noted that he agrees with Mr. Hoopes and has some sympathy for the applicant, who has a large trailer with nowhere to put it. Chairman Smith stated that he also empathizes

with the neighbors and added that he is glad the applicant volunteered to put in fencing or screening.

Mr. Hoopes remarked that it is tempting to grant the variance if the applicant screened it with a fence. He noted that every situation is unique, and pointed out that this is a recurring situation that is going to apply to other cases. Secretary Korns noted that one of the callers made a reference to a petition signed by 20 people and asked if it was put on the record. Chairman Dzialo explained that the petition that was referenced was from 2016. Mr. White confirmed that it is a previous petition. Vice-Chair Dzialo agreed with what was said and added that the trailer is large, tight on the lot, and close to the neighbor. She remarked that, down the road, she hopes the Town does not change the rules. Vice-Chair Dzialo noted that she feels sympathetic to the applicant, and reiterated that she hopes the rules are not changed to allow for behemoth units to be parked in side yards. Chairman Smith noted that good points were made and remarked that the applicant was not looking to keep the trailer forever. The Chairman explained that, once a variance is granted, it is allowed on the property in perpetuity. He noted that the trailer is nice looking, but that it is not relevant because granting a variance would allow a trailer to be parked on the side property line in perpetuity. Chairman Smith remarked that the Board has to think about the long term. He reminded the Board that a vote yes is to deny the application.

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

- 2. Dean C. Pagani of 175 Williams Street East zone A is requesting a variance from sections 4.5.6 and 7.1a.3.a to build a one and a half story barn style building to support a home based photography business. A variance is being requested due to the non-conforming nature of the lot(less than one acre in size) and its adjacency to state land on the west side of the property.**

Motion by: Secretary Korns

Seconded by: Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Dean C. Pagani of 175 Williams Street East in Residence A Zone for a variance from section 4.5.6 and 7.1a.3.a to allow construction of a one and a half story barn style building to support a home based photography business. A variance is being requested due to the non-conforming nature of the lot (less than one acre in size) and its adjacency to state land on the west side of the property, which would constitute the hardship. The requirements of Section 13.9 have been met.

Discussion:

Ms. Winkler noted that the request is in keeping with the neighborhood, and added that the historic nature and limitations of the neighborhood regarding historical design is not in the Board's purview. Ms. Winkler remarked that the barn would help screen the noise from route 17 and added that she will vote in favor. Mr. Hoopes agreed. Secretary Korns agreed and added

that it makes sense and will look good. Vice-Chair Dzialo noted that it is a nice addition. Chairman Smith noted that the plans are well thought out and added that there is an existing driveway. Chairman Smith reminded the Board that the wording of the motion is for an approval if the vote is yes.

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

- 3. Chris Peck of 52 Ripley Road zone A is requesting a special exception from section 8.2b for the purpose of a mudroom & family room addition, (converted from single car garage). The variance request is due to limited means of egress from current laundry room.**

Motion by: Vice-Chair Dzialo

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Chris Peck of 52 Ripley Road Residence Zone A for a special exception from section 8.2b for the purpose of building a mudroom and family room addition by converting an existing single car garage. The variance request is due to limited means of egress from the current laundry room. The additional criteria for decisions under Section 13.9 have been met.

Discussion:

Chairman Smith asked Vice-Chair Dzialo if she would like to add consideration for Section 13.9. Vice-Chair Dzialo stated that she was not sure if this was required in cases of special exceptions and added it to the motion.

Vice-Chairman Dzialo stated that the small bump out is in line with the current frontage of the house, therefore not encroaching on the current non-conforming setback. She noted that it appears to be a sensible reuse of the space, well designed and in keeping with the character of the neighborhood. Chairman Smith noted that he was confused in the beginning of the presentation and thought that the bump out was beyond the area which is allowed in a special exception. He noted that Glastonbury has the special exception rule and added that the applicant is in compliance. Chairman Smith stated that the application is a good adaptive reuse of the garage.

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

- 1. Milun Mraz of 355 Matson Hill Road zone RR is requesting a special exception from section 7.1b.2b.1 to allow for a fourth garage bay since the house is less than 4,500 sq. ft. and a variance from section 7.1b.2b.1 to allow garage bays 5&6. Since the height is taller than the allowed 15 feet for an accessory structure, a variance is**

requested from Section 4.2.7 & 4.2.8 to allow a detached garage to be placed 20.6' away from the side yard line & 7.4' from the rear yard line.

Motion by: Ms. Winkler

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Milun Mraz of 355 Matson Hill Road in zone RR for a special exception from section 7.1b.2b.1 to allow for a fourth garage bay since the house is less than 4,500 sq. ft. and a variance from section 7.1a.2b to allow a barn to measure 17.5 mean feet in height and a variance from Sections 4.2.7 & 4.2.8, the side and rear line setbacks, to allow the barn no closer than 20 feet from the north side property line and no closer than 7 feet from the rear property line and a variance from section 7.1b.2b.1 to allow garage bays 5 and 6, on the grounds that the regulations do not consider larger lot sizes and the location of the septic system limits placement of the structure. The requirements of Section 13.9 have been met.

Discussion:

Chairman Smith noted that 7.1b.2b.1 is a special exception not a variance. Ms. Winkler agreed to the change. Secretary Korn noted that garage bays 5 and 6 were not included in the motion. Ms. Winkler amended the motion. Vice-Chairman Dzialo pointed out that “no closer to 20 feet” is on the north property line and not the east. Chairman Smith agreed. Ms. Winkler amended the motion. Mr. Hoopes agreed with the changes and seconded the motion.

Chairman Smith remarked that it was a well-done presentation with a bit of strain on how to handle it best. He explained that Mr. Hoopes was right about the Town staff going with a variance from sections 4.2.7 and 4.2.8 as the correct way to address the question of the rear yard, which gives more maneuverability. Vice-Chair Dzialo agreed and added that the barn is more of a barn than a garage and is in keeping with the neighborhood and the setting. Secretary Korn noted that there is an elevation drop and added that the garage would not be visible from the street. Mr. Hoopes noted that the issue with the septic system is the hardship. Ms. Winkler remarked that she should have added the hardship to the motion and agreed with Mr. Hoopes. Chairman Smith noted that a reserve area is needed for septic systems. Mr. Hoopes agreed with Mr. Megson’s point that a hardship is based on the grounds that the regulations do not consider larger lot sizes. Several board members agreed. Chairman Smith noted that the Board collectively agrees that the regulations do not consider larger lot sizes and noted that the location of the septic system limits the placement of the structure. Chairman Smith asked the Board if they agreed. The Board agreed.

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

1) Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non- agenda (None)

(The Board agreed to remove this agenda item. Mr. White agreed to remove it.)

2) Acceptance of Minutes from April 3, 2023 Meeting

Motion by: Mr. Hoopes

Seconded by: Secretary Kornes

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of April 3, 2023 as corrected.

Discussion:

Ms. Winkler noted that a point raised by Mr. Hoopes questioning whether the application was on the agenda due to a complaint was omitted from the minutes. There was a discussion regarding citizens calling in violations.

Secretary Kornes noted that the Board has agreed to remove the section on “Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non- agenda item” from the agenda. He noted that the minutes are fine. Secretary Kornes explained that after the public hearing was closed, public comment continued on the Knob Hill application. He remarked that the neighbors managed to break in and added that it could potentially cause a legal problem. Secretary Kornes remarked that the Board has to be careful about that.

Mr. Hoopes agreed and noted that it was turning into a free-for-all. He stated that at least one person explained that they had their hand up and were not recognized. Mr. Hoopes noted that people should not break into someone else’s meeting.

Mr. White asked Secretary Kornes which section he wanted removed from the agenda. Secretary Kornes stated the section on “Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda item” is not relevant and the Board has repeatedly asked for it to be removed. Mr. White noted that it will be removed from the agenda. Mr. White suggested adding “seated” on the roll call to make it easier to see which alternate voted. Several Board members agreed. Secretary Kornes noted that the agenda states that the meeting is a “Special

Meeting”. Mr. White noted that it should be a regular meeting and added that it will be corrected.

Result: Motion passes. (4-1-0)

(Chairman Smith abstained because he was not at the last meeting.)

3) Adjournment

Motion by: Secretary Kornis

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of April 3, 2023 at 9:28 pm.

Result: Motion passes unanimously. (7-0-0)

Brian Smith, Chairman