

GLASTONBURY ZONING BOARD OF APPEALS
Regular Meeting Minutes of Monday, July 10, 2023

The Glastonbury Zoning Board of Appeals with Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, July 10, 2023 via ZOOM video conferencing.

ROLL CALL

Board Members- Present

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

Board Members- Excused

(None)

Chairman Smith called the meeting to order at 7:01 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 three agenda items.

Public Hearing

- 1. Charles W. & Kelly A. Lake represented by George Fay of 123 Matson Hill Road zone RR is requesting a special exception to section 8.2b for the purpose of removal of an existing 8ft x 12ft single story room and constructing a new 8ft x 16ft two story structure in the same location as the existing room. The new structure will be no closer to the existing front or side setbacks. The rear of the addition will be 4ft closer to the rear setback but not nearer to the lot line than the existing building.**

Mr. George Fay introduced himself for the record and noted that he is representing the homeowners. He noted that he has submitted the plans and briefly summed up that the project entails the removal of an existing 8’x12’ single story room that is in disrepair. Construction of a new 8’x16’ two story structure is proposed in the same location as the existing room. Mr. Fay stated that the new structure will be no closer to the existing front or side setbacks. He noted that the addition will be 4 feet closer to the rear setback. Mr. Fay explained that his clients do not

have a second-floor bathroom and added that this is the reason for the renovation. The presentation was concluded.

Chairman Smith asked about the existing foundation that would be replaced. Mr. Fay replied 8'x12'. Chairman Smith asked about the foundation material. Mr. Fay replied that the existing foundation is crumbling brick. Chairman Smith asked about the plans to replace the foundation. Mr. Fay explained that they will put in concrete and added that the space will remain a crawl space. The Chairman asked if there were further questions. Ms. Winkler remarked that the project is straightforward and added that it is a good idea. Mr. Fay noted that the homeowners are excited about getting a second bathroom. There were no further questions. The Chairman moved on to public comment.

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. Janet Bassilakis represented by Harry Bassilakis of 277 Chimney Sweep Hill Rd. zone RR is requesting a variance and special exception to section 7.1b.2.b.1. for the purpose of building a detached (26'x 36') three door garage. The house currently has a two-door garage located under the house.

Mr. White read the 2nd application.

Mr. Bassilakis introduced himself for the record. He noted that he plans to add a three-door detached garage. Mr. Bassilakis asked what other information is needed.

Chairman Smith explained that two things are being requested: a special exception and a variance. The Chairman noted that a special exception must be within the same area. Chairman Smith noted that the variance has a hardship component and asked the applicant to explain the hardship.

Mr. Bassilakis noted that he collects and restores cars. He explained that the existing two-car garage under the house is small and added that he is looking to build a new three-car garage to store collector cars and a boat for winter. Mr. Bassilakis noted that the house is surrounded by a conservation easement and added that it was difficult to place it anywhere else. He noted that the proposed location is on the other side of the driveway, far from the road, and will not be seen. Mr. Bassilakis stated that he has a unique house and included the square footage information in the submitted plans. He noted that he is not sure if the third floor would count toward the square footage to meet the 25 percent requirement.

Mr. White explained that the exception is still required for the garage bay doors. Chairman Smith noted that the homeowner mentioned that a boat would be stored and asked if it applies to boats. Mr. Bassilakis explained that he has a lake house in Maine and the plan would be to store

it there. He noted that he would only bring the boat down if the boat needs maintenance work because there are no places in that part of Maine. Chairman Smith wanted to confirm that the intention is to store cars in the garage. Mr. Bassilakis replied yes and explained that the 2-car garage under the house is inadequate. There was discussion on whether a variance is needed. Secretary Korn explained that the special exception allows a 4th garage bay, and a 5th bay would require a variance. Mr. Altius replied correct. Secretary Korn explained that the square footage is not an issue and noted that a special exception and variance are needed. Mr. Hoopes remarked that he was going to raise the same point and asked about the lot acreage. Mr. Bassilakis replied that it is 2.7 acres. Ms. Winkler wanted to confirm that that square footage is not an issue. Mr. White replied correct.

Chairman Smith asked if there was a conservation easement on the property. Mr. Bassilakis replied yes. Chairman Smith asked how much of the 2.7 acres is conservation easement land. Mr. Bassilakis replied about a third and added that the submitted plans show this. Ms. Winkler remarked that the pine trees represent the conservation easement in the documents provided. Mr. Bassilakis replied correct. Mr. Bowman asked if the dotted green line on the plans is the separation between the regular property and conservation easement. Mr. Bassilakis replied correct. Ms. Winkler noted that she went out to the property and observed that the lot is pie shaped. Mr. Bassilakis replied correct. Ms. Dzialo noted that she went to the GIS map and noted the side setbacks meet the regulations. Mr. Bassilakis noted that it is the side setback. Ms. Winkler noted that there are no issues with the setback. Mr. Zlotnick asked about the height of the garage and asked if there are any plans that can be shared on screen. Mr. Bassilakis explained that he is going through the process and did speak with Mr. White about eliminating obstacles. The applicant noted that he will get a garage from Kloter Farms, a standard 3 doors with a height of about 15-17 feet at peak. Mr. Bassilakis explained that the house has a 12/12 pitch and he wants to make sure the garage compliments the house. He noted that the proposed garage will be single level with a loft space for storage. Mr. Bassilakis stated that it will not have a second floor. Chairman Smith asked if the proposed garage will have heating. Mr. Bassilakis replied not at this point and explained that there will be electrical for lights. The applicant noted that, if he does heat it, it will be a plug in. Mr. Bassilakis stated that the garage will not be insulated. Chairman Smith moved on to public comment.

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.

Chairman Smith asked the applicant if he wanted to comment further. Mr. Bassilakis remarked that he hopes he explained what he is trying to accomplish. *There were no other questions.*

- 3. Michael D. Monaco of 80 Chamberlain Lane zone RR is requesting a variance to section 7.1a.2.a. and 7.1b.2.b.2. for the purpose of constructing a 40ft x 60ft detached garage. Relief from section 7.1a.2.a. is to allow the construction of the garage to be within 39.8 of the rear yard, when 50ft is required and 6.1ft of the northerly side yard when 25ft is required for accessory structures over 15ft in**

height. Relief from section 7.1b.2.b.2. is to allow more than the 4 bays permitted for a dwelling that contains more than 4,500 s.f. of gross finished floor area.

Mr. White read the 3rd application.

Attorney Meghan Hope introduced herself for the record and noted that she is representing the applicant. An aerial view of the property and surrounding area was put up on the screen. Attorney Hope noted that the property is approximately 1.85 acres in size. The existing house is 4,538 square feet and includes an attached 3-bay garage. Attorney Hope explained that the applicant is proposing to construct a detached 40' x 60' garage in the northeast corner of the site. Trucks and vehicles will be stored in the garage. Attorney Hope explained that the existing paved driveway will be extended to provide access to the proposed garage, at a width of 15 feet. Two garage bays are proposed on the west elevation of the garage, and an oversized bay is proposed on the south elevation. A car lift will be contained within the garage to allow elevated storage of vehicles. Attorney Hope noted that the proposed garage is one-story and contains an interior storage loft and bathroom. The height of the garage is 21'10" and the design fits the barn aesthetic of the surrounding area. Attorney Hope put up the garage plans and pointed out the generator pad, paved driveway, and added that they it will be heated by gas. Attorney Hope explained that slope rises dramatically towards the southwest corner of the site. She added that easterly and southwesterly portions of the site contain both ledge outcrops and ledge within 12 inches of the surface. Attorney Hope explained that, due to the existing topography and presence of ledge, the applicant is requesting variances to permit the garage to be located within the side yard and rear yard. Photos of the site were put up on the screen. Attorney Hope noted that the proposed location of the garage is the best location because it has less ledge. She stated that the applicant requests relief from Section 7.1.a.2.a to allow the construction of a garage within 6.1 feet from the northerly side yard, when 25 feet is required as the accessory structure is more than 15 feet tall. The applicant requests relief from Section 7.1.a.2.a to allow the construction of a garage within 39.8 feet of the rear yard, when 50 feet is required, as the accessory structure is more than 15 feet tall. The applicant also requests relief from Section 7.1.b.2.b.2 to allow for a total of 6 garage bays on site, when 4 bays are permitted when a dwelling contains more than 4,500 square feet of gross finished floor area. Attorney Hope noted that Mr. George Fellner will speak about the design.

Mr. Fellner noted that the proposed garage will measure 40' x 60'. He pointed out the bathroom and the stairs that lead to the loft area. The loft area will measure 39' by 19' deep. The car lift was pointed out. Plans were put up on the screen that listed the door measurements, windows, and different views of the proposed garage. Mr. Fellner noted that the space allows for the maneuvering of vehicles and will have a lot of natural light. He stated that the garage will have gas heating and a heated floor. The generator was pointed out. Mr. Fellner explained that the garage design was inspired by the surrounding barns and agricultural area and added that it will fit in with the main house. He pointed out the gabled roof, overhangs, clapboard siding, the metal roof, the cupola, and weathervane. Mr. Fellner put up a slide that outlines the dimensions and measurements.

Attorney Hope noted that letters of support were emailed to Mr. White. Secretary Korns read the letters into the record. The letters were from Jesse Carabase of 58 Chamberlain Lane and Jonas Aaberg of 74 Chamberlain Lane. Attorney Hope explained that the applicant spoke to the neighbors about the garage placement and they liked the selected location because it was tucked into a corner and is less visible. She noted that the selected location would not require blasting ledge. Attorney Hope noted that the hardship is due to the ledge and steep topography that limit where the garage can be placed. She stated that the proposal satisfies all requirements of Section 13.9 of the regulations. Attorney Hope stated that Mr. Fellner did a nice job in designing the garage to fit with the neighborhood. The presentation was concluded.

Ms. Winkler asked if the plans on the east elevation entrance depict a roof or a balcony. Mr. Fellner noted that it is a porch roof with truss elements that defines the main entrance. Secretary Korns asked how many vehicles and of what type would be stored. Mr. Monaco explained that the garage would be used to store his personal vehicles and added that it is not related to business. He stated that he plans to store about 4-5 cars including a military Humvee, a large 6 door truck, and other vehicles that are over the normal standard dimensions. Secretary Korns noted that the drawings show that 5 cars can fit. Mr. Monaco explained that the drawing depicts normal sized vehicles and added that, most of the time, 3 vehicles will be stored. Attorney Hope noted that a car can be stored under the lift. Chairman Smith asked if the lift is hydraulic. Mr. Monaco stated that there are no hydraulics and added that it is a stackable lift that will go up in the air and a car can be parked underneath. Chairman Smith asked the applicant to point out the area on the plans. The area was pointed out.

Secretary Korns explained that the request is for 4 bays and added that, in terms of space and area, it would accommodate 4 bays. Attorney Hope explained that there are 3 existing bays and they are asking for a total of 6, when only 4 is allowed for a house of this size. Secretary Korns noted that officially 3 additional bays are being requested and added that more than 3 cars can fit. Attorney Hope replied correct and explained that it is because of the building depth. Chairman Smith wanted to confirm that the selected location to tuck in the garage is to prevent the views from being obstructed. Attorney Hope replied yes and explained that Mr. Monaco spoke with neighbors and the preference is the selected spot. She reiterated that the proposed location has the least amount of ledge. Chairman Smith wanted to confirm that the intent of the garage is to store personal vehicles. Mr. Monaco replied correct and noted that he wants to store his own personal vehicles. Chairman Smith asked about the foundation and asked if there were footings. Mr. Fellner stated that it will be a perimeter foundation and explained that, if they hit ledge, it will be pinned down and they will add a number of columns that will support the loft floor. He stated that it will meet the building code requirements. Chairman Smith asked about the flooring. Mr. Fellner stated that it will be a concrete slab. Chairman Smith asked if the lift will meet the load requirements. Mr. Fellner explained that the load will have to be calculated and they will work with a structural engineer. He noted that he has done this before and they will add an additional rebar.

Chairman Smith asked if the calculation of 6.1 feet includes overhangs. Attorney Hope and Mr. Fellner noted that it does not. After further discussion, they modified the rear setback to be 38.8

feet. The northerly side yard was modified to 4.35 feet. Mr. Zlotnick wanted to confirm that the garage is not for business purposes. Attorney Hope replied yes. Mr. Zlotnick asked about the height distance to the cupola. Mr. Fellner noted that it is 35 feet and 1/8 of an inch and added that it does not include the weathervane. Mr. Fellner noted that 34.8 feet is the midpoint of the cupola. Chairman Smith moved on to public comment.

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

Action on Public Hearings

- 1. Charles W. & Kelly A. Lake represented by George Fay of 123 Matson Hill Road zone RR is requesting a special exception to section 8.2b for the purpose of removal of an existing 8ft x 12ft single story room and constructing a new 8ft x 16ft two story structure in the same location as the existing room. The new structure will be no closer to the existing front or side setbacks. The rear of the addition will be 4ft closer to the rear setback but not nearer to the lot line than the existing building.**

Motion by: Mr. Hoopes

Seconded by: Secretary Korn

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Charles W. & Kelly A. Lake of 123 Matson Hill Road zone RR is requesting a special exception to section 8.2b for the purpose of construction of a new 8ft x 16ft addition. The addition will be 4ft closer to the rear yard than the existing structure but no closer to any existing front or side setbacks. The grounds for the motion is that standards of Section 13.9 of the regulations are satisfied.

Discussion:

Vice-Chair Dzialo noted that she supports the motion and remarked that the plans will be moving within the appropriate buildable area with no additional encroachment. The Chairman agreed.

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

- 2. Janet Bassilakis represented by Harry Bassilakis of 277 Chimney Sweep Hill Rd. zone RR is requesting a variance and special exception to section 7.1b.2.b.1. for the purpose of building a detached (26'x 36') three door garage. The house currently has a two-door garage located under the house.**

Motion by: Vice-Chair Dzialo

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Janet and Harry Bassilakis of 277 Chimney Sweep Hill Rd. in zone RR for a variance and a special exception to section 7.1b.2.b.1. to permit a detached one-story 26'x 36' three door garage with a maximum 18-foot mean high roof. The special exception is for the addition of one garage space for a house with less than 4,500 square feet. The variance is to allow a 5th car garage space on the grounds that additional space is needed to store collected cars and provide workspace for their repair and maintenance. Further, the additional criteria for decisions under Section 13.9 have been met.

Discussion:

Mr. Hoopes noted that he is glad Mr. Zlotnick asked about the height of the structure and explained that the special exception and deciding criteria of section 13.9 make him think that the Board should have had more information on the proposed structure. Mr. Hoopes remarked that he thinks the motion should be amended to specify a one-story structure. Chairman Smith noted that the applicant mentioned 15 or 17 feet. The Chairman asked how many feet are in a story and asked if there was a definition. Mr. Hoopes noted that the applicant is in the process of developing the design and added that the elevation should have been submitted. He noted that the Board can specify one-story. Mr. White explained that one story is 20 feet per residential regulations and added that Kloter Farms garage structures are not two-story. Mr. Hoopes noted that he is ok with 17 feet and added that the motion needs to be conditioned. There was a brief discussion on the house pitch and garage pitch. Mr. White suggested amending the motion as one-story as described in the presentation. Chairman Smith noted that he agrees with Mr. Hoopes and added that it would have been helpful to have plans. The Chairman suggested, if the height is over 18 feet, the applicant would need to come back before the Board. Chairman Smith noted that the Board is allowed to condition approvals. There was discussion on the wording to insert into the motion and the Board agreed to include: "a detached one-story 26'x36' three-door garage with a maximum 18-foot mean high roof." The Chairman asked Mr. Hoopes if he agrees with the amendment to the motion. Mr. Hoopes replied yes.

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

- 3. Michael D. Monaco of 80 Chamberlain Lane zone RR is requesting a variance to section 7.1a.2.a. and 7.1b.2.b.2. for the purpose of constructing a 40ft x 60ft detached garage. Relief from section 7.1a.2.a. is to allow the construction of the garage to be within 39.8 ft (later modified by the applicant to be 38.8 feet) of the rear yard, when 50ft is required and 6.1ft (later modified by the applicant to be 4.35 feet) of the northerly side yard when 25ft is required for accessory structures over 15ft in height. Relief from section 7.1b.2.b.2. is to allow more than the 4 bays permitted for a dwelling that contains more than 4,500 s.f. of gross finished floor area.**

Motion by: Secretary Korn

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Michael D. Monaco of 80 Chamberlain Lane in RR zone for a variance from sections 7.1a.2.a. and 7.1b.2.b.2. for the purpose of constructing a 40ft x 60ft detached garage which would exceed the rear setback requirement by approximately 11.2 feet and it would exceed the side yard setback requirement by approximately 20.65 feet on the grounds that the building site is constrained by topography and presence of ledge. The variance from section 7.1b.2.b.2. which allows 4 garage bays for this home's size is requested to allow 6 garage bays on the grounds that additional storage space of larger than usual dimensions is required for the applicant's vehicles. The requirements of section 13.9 have been met.

Discussion:

Secretary Korn noted that the applicant has gone to significant lengths to find the ideal location for the structure which does not affect the neighbors. He explained that there are constraints on the property, such as the ledge. Secretary Korn noted that he supports the application. Mr. Hoopes noted that the proposed location is better than other places that are a right. He noted that he is in support and remarked that the applicant is referring to the structure as 3 bays because of 3 doors and it works. Secretary Korn asked how a bay is defined. He asked if it was a spot for one vehicle or defined by dimensions. Mr. White explained that the regulations are wide open and added that they are looking at that section of the regulations and are getting many applications. Ms. Winkler asked if the hardship and Section 13.9 were included in the motion. Secretary Korn noted that he included it. There was a brief discussion on the hardship. Chairman Smith noted that the garage will be for personal use and not commercial use. There was a discussion on past applications and larger lots. Mr. Hoopes explained that the regulations list 4 bays as a right for square footage of 4,500. He explained that a hardship is how the regulations apply to larger lots. Ms. Winkler noted that the plans are well thought out and added that it is a steep lot. She remarked that the structure will fit in with the surrounding agricultural area and added that she will be voting in favor.

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

2) Acceptance of Minutes from June 5, 2023 Meeting

Motion by: Ms. Winkler

Seconded by: Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of June 5, 2023 as corrected.

Discussion:

Chairman Smith noted that on page 4 of the minutes the header for the approval of minutes should be corrected to “May 1”. Secretary Korns noted that he saw that typo as well and noted that the Board has been approving the minutes in sequence.

Chairman Smith explained that Mr. Zlotnick was seated and voted for the approval of the May minutes. The Chairman noted that he recused himself from that portion of the meeting and added that the vote should be reflected to 5-0-0.

Secretary Korns directed the Board to the page of 3, 1st paragraph, and noted that “quick claim” should be corrected to “quitclaim”.

Chairman Smith wanted to confirm that Mr. Zlotnick was seated and voted for the approval of the May 1, 2023 minutes. Mr. Zlotnick confirmed that he voted to approve the May minutes.

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

Discussion:

The was a brief discussion on the next meeting which is scheduled for August 7, 2023. Chairman Smith asked if there were any applications. Mr. Altius replied that there is one so far.

3) Adjournment

Motion by: Secretary Korns

Seconded by: Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of July 10, 2023 at 8:44 pm.

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

Brian Smith, Chairman