

GLASTONBURY ZONING BOARD OF APPEALS  
*Regular Meeting Minutes of Monday, August 7, 2023*

The Glastonbury Zoning Board of Appeals with Seon Altius, Zoning and Planning Technician, in attendance held a Regular Meeting on Monday, August 7, 2023 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

Brian Smith, Chairman  
Susan Dzialo, Vice-Chair  
Nicholas Korn, 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 Korn read the agenda item.

**Public Hearing**

- 1. Edward Boice of 346 Manchester Road zone RR is requesting a special exception to section 8.2b for the purpose of replacing an existing deck (5ft by 20ft) with a new deck (10ft by 28ft). The new deck will be in the same location but, slightly larger than the old deck, both decks are entirely outside the Front Building line albeit behind the house. The new deck is no more non-conforming than the original deck.**

Chairman Smith informed the applicant that there might be a possible issue with proceeding with the public hearing because the agenda with Zoom link was not posted on the Town website within 24 hours. Board members pointed out that the application was properly noticed in the papers and it was also noted that the agenda was posted on the Town Clerk's website page. The Chairman asked the Board members for their thoughts on continuing the meeting for September. Several Board members noted that the application is straightforward and not likely to result in neighbors speaking out against the application.

Mr. Boice asked for clarification on the issue. Chairman Smith explained that the Board members could not find the agenda with Zoom link on the Town website and explained that this might put the application at risk. The Chairman reiterated that the agenda must be on the Town website at least 24 hours in advance and explained that the Zoom link allows members of the public to access the Zoom meeting, comment, and ask questions. Mr. Boice stated that he posted the signs, followed the application procedure, and began to describe the application he submitted. The applicant explained that the deck is planned for the back of the house and added that it is currently unsafe. Mr. Boice noted that he plans to put in a bigger deck and added that it will not be seen. He stated that his house is non-conforming and too close to the road.

Chairman Smith asked the applicant what material would be used for the deck. Mr. Boice replied that the decking material will be pressure treated. Secretary Korn asked the applicant to confirm that the old deck measures 5 by 20. Mr. Boice replied correct. Secretary Korn noted that the new deck is not slightly larger. He explained that the old deck is 100 square feet vs the 280 square feet for the new deck. Mr. Boice replied correct and explained that it will not encroach on the existing building line setback. Vice-Chair Dzialo asked about the dimensions of the southern end of the deck and asked how far it extends. She also asked if the rectangles on the submitted plans depict steps. Mr. Boice stated that the rectangles are floor joists and not steps. Vice-Chair Dzialo asked about the dimensions and how far the deck would protrude. Mr. Boice stated 10 feet and explained that it will not protrude past the house. Vice-Chair Dzialo noted that the drawing does not suggest this. Mr. Boice stated that there are no stairs. Mr. Altius noted that the drawing looks like a patio with stairs. Mr. Boice stated that the concrete steps are from the patio. Chairman Smith wanted to confirm that the concrete steps are existing steps. Mr. Boice replied yes. Mr. Hoopes asked if the hatching represents the new deck. Mr. Boice replied yes. Mr. Hoopes wanted to confirm that the new deck will be over part of the patio. Mr. Boice replied yes. Mr. Hoopes remarked that the existing patio is not obvious on the plans and noted that the candy cane marking on the diagram represents the existing steps. Vice-Chair Dzialo thanked Mr. Hoopes and Mr. Altius for the explanation. Chairman Smith asked if there were any other questions or comments. 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.*

Chairman Smith asked the applicant if he wanted to comment further. Mr. Boice thanked the Board and stated that he is all set. Chairman Smith closed the public hearing.

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

## Action on Public Hearings

1. **Edward Boice of 346 Manchester Road zone RR is requesting a special exception to section 8.2b for the purpose of replacing an existing deck (5ft by 20ft) with a new deck (10ft by 28ft). The new deck will be in the same location but, slightly larger than the old deck, both decks are entirely outside the Front Building line albeit behind the house. The new deck is no more non-conforming than the original deck.**

*Motion by:* Mr. Hoopes

*Seconded by:* Secretary Korns

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Edward Boice of 346 Manchester Road zone RR for a special exception to section 8.2b of the regulations to replace an existing deck with a new deck that will be no more non-conforming than the existing deck on the grounds that the criteria for Section 13.9 are satisfied.

### **Discussion:**

Secretary Korns noted that there is no specific mention of a special exception in section 8.2b. He added that the Board has done this many times and asked the Chairman if he can provide an explanation. Chairman Smith noted that he is not sure it is listed under 8.2b and added that he does not have the regulations in front of him. The Chairman explained that, in certain circumstances, the ZBA can issue special exceptions for applications like tonight for a preexisting non-conforming use. There was further discussion on special exceptions. Mr. Hoopes explained that the ZBA has three powers which include issuing a variance to the regulations, granting motor vehicle certificates of authority, and in rare cases the ZBA is given TPZ type power to apply the regulations where uses are allowed and must be subjected to conditions. Mr. Hoopes noted that this is referred to as a special exception or a special permit. Chairman Smith agreed with the points made by Mr. Hoopes. The Board further discussed circumstances in which the ZBA has authority to grant special exceptions. Secretary Korns noted that he is in support of the application. He explained that the new deck will not be more non-conforming and added that it will not impact the neighbors. Several Board members agreed. Ms. Winkler noted that she is in support of the application.

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

## 2) Acceptance of Minutes from July 10, 2023 Meeting

**Motion by:** Secretary Korns

**Seconded by:** Vice-Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of July 10, 2023 as corrected.

### **Discussion:**

Secretary Korns directed the Board to page 6 of the minutes and explained that the italicized passage that is included at the close of each application was not included after the 3<sup>rd</sup> application. The Board agreed to correct the minutes to include the italicized passage: *“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.”*

Secretary Korns directed the Board to page 8 of the minutes and asked Mr. Hoopes if the sentence “Mr. Hoopes noted that the proposed location is better than other places that are a right.” Mr. Hoopes explained that under the 13.9 criteria, the applicant was trying to find the best spot on site for the bay. He added that the applicant could have placed it somewhere which would not require him to come before the Board. Mr. Hoopes explained that the applicant could have put it in another spot, which can be considered a worse spot. Secretary Korns asked if the way the sentence is written is correct. Chairman Smith noted that the only change he would make is to change “a right” to “as of right”. Mr. Hoopes agreed to the change. The Board agreed to the change.

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

### **Discussion:**

Chairman Smith asked Mr. Altius to raise the issue of the missing agenda with Zoom link to Mr. White and other staff. Mr. Altius agreed and noted that he will discuss this with Mr. White.

Vice-Chair Dzialo asked the Board if she can introduce an additional topic before adjournment. Chairman Smith explained that adding an agenda item would need to be passed with a 2/3 vote. Vice-Chair Dzialo noted that this agenda item would be for the next meeting. Chairman Smith asked the Board if there were any objections to adding an agenda item. There were no objections.

Vice-Chair Dzialo noted that she wanted to raise the issue about the training and added that the Board is obligated to complete four hours of training before the December 31 deadline. Vice-

Chair Dzialo recapped that the Board previously discussed the best way to achieve this and added that some options include *UCONN* courses and seminars offered by the *Connecticut Federation of Planning and Zoning Agencies*. She noted that the *Connecticut Federation of Planning and Zoning Agencies* charges by the course and not the number of attendees. Vice-Chair Dzialo remarked that time is running out and the Board has to discuss meeting the training requirements before the end of the year. Chairman Smith noted that this a good point and asked the Board members to vote to add the item to the next agenda. The Board members raised their hands. The vote to add the item to the agenda passed unanimously.

Mr. Hoopes asked if the training was every year. Vice-Chair Dzialo looked through the information and noted that the training is every other year. She remarked that she will confirm this at the next meeting. Secretary Korn asked which Connecticut General Statute lists this requirement. Vice-Chair Dzialo noted that a bill pertinent to this was passed in 2021. Secretary Korn asked for the actual citation to be provided.

Chairman Smith noted that it is problematic that the agenda with the Zoom link was not on the website. The Chairman explained that the Zoom link allows the public to participate in the public hearing. Mr. Hoopes noted that the meeting was not listed in the events calendar. Chairman Smith noted that the meeting information has to be included on the Town events calendar and reiterated that the agenda with the Zoom link has to be on the Town website within 24 hours. The Chairman asked Mr. Altius to discuss this with Mr. White and added that it is a serious issue that should not happen again. Mr. Altius agreed to discuss the issue with Mr. White.

### 3) Adjournment

**Motion by:** Ms. Winkler

**Seconded by:** Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of August 7, 2023 at 7:45 pm.

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

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Brian Smith, Chairman