

GLASTONBURY ZONING BOARD OF APPEALS  
*Regular Meeting Minutes of Monday, September 11, 2023*

The Glastonbury Zoning Board of Appeals with Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, September 11, 2023 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

Susan Dzialo, Vice-Chair  
Nicholas Kornis, Secretary  
David Hoopes  
Jaye Winkler

**Board Members- Excused**

Brian Smith, Chairman  
Douglas Bowman, Alternate  
Aaron White, Alternate  
Andy Zlotnick, Alternate

Chair Dzialo called the meeting to order at 7:06 pm and explained the public hearing process to the audience. Chair Dzialo 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 four agenda items.

Mr. White informed the Board that the second application is no longer applicable because the regulations changed making it an allowed use in that zone.

**Public Hearing**

- 1. Scott & Rhonda Welch of 1966 New London Tpke. zone RR are requesting a special exception & a variance from section 7.1b.2.b.1. for the purpose of constructing a five bay garage that will replace a previous barn with the same two-story floor plan. The special exception allows for the fourth bay and the variance is required for the fifth bay.**

Mr. Welch introduced himself for the record and put up the proposed plans on the screen. He explained that the topography of the lot would require putting in a full concrete foundation and fill. Mr. Welch noted that the plans are to install overhead doors in the rear wall of the garage for lawn equipment and storage access. He explained that the garage will be on the second floor and put up images of how the structure would look. A street side view, rear yard view, exterior

elevation front view, exterior elevation back view, exterior elevation left and right were put up on the screen. A slide detailing the roof height and structural supports was also put up on the screen. Mr. Welch explained that he plans to store lawn equipment, vehicles, and a small boat. He stated that the structure will not be seen and asked if there were any questions.

Mr. White asked the applicant to put up the GIS slide. The slide was put up. Mr. Welch explained that the lot has topography challenges and noted that the plans were designed by a structural engineer. Ms. Winkler asked about the setbacks. Mr. White noted that the proposed structure has no building line encroachments. Mr. Welch noted that they have a horseshoe shaped driveway and explained that the structure will be in the same spot. He stated that it made sense putting the structure in the same place and added that they have room for the proposed garage. Ms. Winkler asked how high the proposed structure would be. Mr. Welch stated about 15-17 feet at peak. Ms. Winkler asked the applicant if there was a precise number. Mr. Welch noted that he would have to look through the plans. Mr. White explained that there is no impact on the allowable building height. Chair Dzialo wanted to confirm that the proposed half bath would be in the lower level. Mr. Welch replied yes and stated that they plan to put in a half bath for convenience. Chair Dzialo asked if the plumbing would be connected from the house. Mr. Welch stated that the plan is to connect the plumbing to the actual septic. He explained that they will run a separate line that connects straight to the existing septic tank. Mr. White explained that the plans must meet the Health Department regulations. Secretary Korns asked if the space will be heated. Mr. Welch noted that they will put in the heating later and explained that they will put in modest heating to prevent the paint from freezing in the winter. Secretary Korns wanted to confirm that the upper level would have 3 bays and 3 vehicles. Mr. Welch explained that his intention is to put in a car, a boat, and recreational equipment. He noted that the lower level would be used to store yard equipment.

Secretary Korns noted that the applicant must be informed that there are 4 voting members and not 5. Chair Dzialo thanked Secretary Korns and explained that the applicant has the option to defer the application to the next meeting. She explained that 4/5 votes are required for an application to move forward. Mr. Welch stated that he agrees to move forward and thanked the Board.

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

- 2. Scott Dolan of 2390 Hebron Ave., representing VCRV LLC, exact property involved is 32 Roaring Brook Plaza zone PI, is requesting a location approval as provided in section 6.4.n & 13.2.c. The proposal is to reconstruct the former manufacturing building at 32 Roaring Brook Plaza into an auto body repair facility.  
WITHDRAWN- due to recent Statute change.**

- 3. Amer & Carrie Skopic of 107 Stonepost Rd., exact property involved is 119 Ledgewood Dr. zone AA are requesting a variance from sections 4.4.7 & 4.4.8 to move the proposed house location further away from the wetland area on the site. The variance requests from sec. 4.4.7 is to reduce the side yard setback from 20 feet to 15 feet. The variance request from sec. 4.4.8 is to reduce the rear yard setback from 50 feet to 40 feet.**

Attorney Meghan Hope introduced herself for the record and noted that she will represent the applicant. Mr. Jonathan Sczurek, Project Engineer, was also introduced. Chair Dzialo informed the applicants that there are only 4 voting members present and explained that they have the right to defer to the October meeting. She explained that 4/5 votes are required for an application to move forward. Attorney Hope noted that she would like to go through the presentation to see if there are any issues with the neighbors. There was no objection from the Board. Attorney Hope put up the site plans on the screen. She noted that they are requesting a variance from Section 4.47 side yard of 15 feet, when 20 feet is required. A variance from Section 4.48 rear yard of 40 feet, when 50 feet is required. Attorney Hope noted that it is a unique application and she wanted to go through the history of the site. The wetlands were pointed out on the plans. She noted that the applicants own 107 Stonepost Road and 119 Ledgewood Drive. A subdivision map was put up on the screen. Attorney Hope stated that in 1959, the lot at 119 Ledgewood Drive was approved as a building lot. She noted that the house predates the wetlands regulations. A slide listing the timeline and history of the 119 Ledgewood Drive lot was put up on the screen.

- 12/12/1996: IWWA Issued Wetland Permit
- Conservation Easement Condition of Approval
- 12/12/2001: IWWA Permit Expired
- 3/14/2002: IWWA issued Wetland Permit
- 02/22/2007: Conservation Easement Pinned and Plaqued
- 3/15/2007: IWWA issued a 2-year extension
- 04/02/2007: Conservation Easement recorded
- Vol. 2434, Pg. 333
- 05/31/2007: Map # 7504 Recorded
- 05/02/2008: Lot purchased by Kevin Dalton
- Same owner of 107 Stonepost Road
- 03/15/2009: IWWA Permit expired

A slide listing the unauthorized activity in 2012 was put up on the screen.

- Contractor cleared lot and regraded
- Staff uncertain when lot cleared
- Hockey rink was established
- On-site meeting with staff, homeowner and contractor
- Conservation Easement boundaries flagged

- 05/24/2012- Resolved by Consensus
- Complete Conservation Easement Swap (net gain of 1,328 s.f.)
- Install Mitigation Plantings
- Need to get wetland permit or declaratory ruling for recreation area and curtain drain)

Attorney Hope noted that her clients bought the property in August of 2014 and were unaware of the unauthorized activity done by the previous owners. She noted that the previous owners have not recorded the conservation easement into the land records and added that mitigation was not done either. Attorney Hope explained that her clients did a title search before buying the lot and did not know of the violations. She noted that the only way to find out about the violations is to comb through the wetlands agendas. Attorney Hope noted that her clients hired Mr. Sczurek and were told that the lot they purchased was an approved building lot. Letters from Town staff were put up on the screen. The letter from the Environmental Planner and Memorandum from the Town Engineer were put up on the Screen. Attorney Hope noted that this was included in the submitted materials. She noted that the applicants were pressed to go before the ZBA and added that the issue is the separation between the proposed residence and existing conservation easement. Attorney Hope stated that a variance of 5 feet in the side yard and a 10-foot reduction to the rear yard is needed. She noted that the hardship includes the location of the wetlands and past violations that are unique to this property and beyond the control of the property owner.

Secretary Korns asked if there was any obligation to the current property owner regarding the mitigation and what was done in the past. Attorney Hope stated that she has sympathy for her client and explained that the condition of the easement is usually listed in the deed. She noted that her clients looked into the deed and the violations were not listed. Attorney Hope explained that a reference map of the conservation easement is in the title search and it would have required an attorney to go over the map in detail. She noted that her clients stated that they do not remember this. Mr. White asked if the rear property line can be relocated. Attorney Hope explained that her clients have an existing mortgage and cannot change the lot line without approval from the bank. She remarked that there is no easy solution with this site. Ms. Winkler asked if there was an existing house on the site. Attorney Hope replied no and explained that there are no structures, just an ice rink that was created. Chair Dzialo moved on to public comment.

**Ms. Taylor Daly of 131 Ledgewood Drive** asked if the applicants considered adjusting the rear lot line.

Attorney Hope and Mr. Sczurek explained that the option is not possible. Mr. White explained that the applicants must move the house further from the wetlands to prevent disturbances to the wetlands from the daily maintenance of the property.

Ms. Daly stated that, as a property owner, she does not want the construction of the new home to be 5 feet closer to her property line. She explained that she has 3 children that play outside in the driveway area where the basketball hoop is located. Ms. Daly stated that she is concerned about the safety of her children.

Mr. Sczurek explained that the driveway would swing further away from the property. He pointed out the area on the map. There was a discussion on the minimum required separation distance. Attorney Hope explained that the driveway will be no closer than 15 feet from the property line and added that Mr. Sczurek plans to create more separating distance by shifting the driveway north. Attorney Hope explained that they are required to get a wetlands permit and added that the site is in the upland review area. She noted that the ZBA can put conditions of approval on the driveway and reiterated that pushing the driveway north is an option.

Ms. Daly thanked Attorney Hope for the explanation and noted that the sentence about the Board putting in conditions helps. Ms. Daly noted that the owners discussed the possibility of putting in a privacy fence and asked how many feet of fence would be put in, and inquired whether there was a guarantee that this would happen.

Attorney Hope explained the condition of approval and the process of issuing a Certificate of Occupancy which would ensure that the fence would be put in. Mr. White noted that this is correct. There was continued discussion on the fence, maintenance of the fence, and which property owner owns and has rights to maintain the fence, how long the fence would be, where the fence would start, and which trees would be removed. Ms. Daly stated that fencing is a safer option than arborvitaes.

Mr. Hoopes suggested tabling the application for next month. He asked Ms. Daly to speak with the applicants and come up with an agreement. Mr. Hoopes explained that this lengthy discussion should not take place in the middle of the ZBA hearing.

Ms. Daly apologized and said that she did not know that. Attorney Hope asked Ms. Daly to call her at her office to set up a site meeting to discuss the fencing and trees. Attorney Hope asked if there were any other comments from the public.

Chair Dzialo opened up the hearing for more public comment. There were no other comments.

The Board and applicants agreed to table the application to the next meeting. Chair Dzialo asked about the condition requiring fencing. Attorney Hope noted that they are open to putting in a fence and explained that the ZBA cannot put a condition on an offsite property.

The hearing is tabled for the October 2, 2023 meeting.

- 4. Justin & Ashley Curreri of 708 Goodale Hill Rd. zone RR is requesting a variance from section 4.2.6 and for the purpose of constructing an addition over an existing three car garage on the left side of the home. The variance is being requested to construct an addition to an existing nonconforming property, that will be nearer to the front lot line than the existing building.**

Mr. Curreri introduced himself for the record. He put up the plans on the screen. Mr. Curreri explained that the proposed addition will be added over an existing 3-car garage on the left side of the home. He noted that the existing screened-in porch and deck will be replaced with an addition that has a similar profile and roofline to the existing dwelling. Mr. Curreri noted that they have a sizeable backyard and the addition will not encroach on the neighbors. Photos of the site were put up on the screen. He noted that the existing, elevated deck access does not provide an adequate fire escape. Mr. Curreri stated that the entry point on the new plans provides a safe fire escape exit and added that he has submitted the construction plans and site photos. He asked the Board if there were any questions.

Ms. Winkler wanted to confirm that the building will expand 8 feet into the front setback. Mr. Curreri replied correct. Ms. Winkler asked how far back the existing structure is from the street currently. Mr. Curreri stated that the existing front is 47 feet away from the street. He noted that it is 39 feet from the existing steps and 37 feet from the mudroom. Ms. Winkler wanted to confirm that the closest point to the road is 37 feet away. Mr. Curreri replied correct. Ms. Winkler asked if gutters and overhangs were included in the measurements. Mr. Curreri noted that 4 inches or so would need to be added. Ms. Winkler suggested allowing a foot and explained that the applicants would need to come back if the measurements were off. She suggested “no closer than 36 feet from the front property line.” Secretary Korn asked if 8.2b is at play, non-conforming structures.

Mr. Curreri stated that, for the record, he is OK with today’s vote and will not extend the application to the next month. Chair Dzialo thanked the applicant. Mr. White explained that he double checked the application and it is correct.

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

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

There was a brief discussion on the hardship component being the regulation itself.

### **Action on Public Hearings**

- 1. Scott & Rhonda Welch of 1966 New London Tpke. zone RR are requesting a special exception & a variance from section 7.1b.2.b.1. for the purpose of constructing a five bay garage that will replace a previous barn with the same two-story floor plan. The special exception allows for the fourth bay and the variance is required for the fifth bay.**

**Motion by:** Secretary Korn

**Seconded by:** Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Scott & Rhonda Welch of 1966 New London Tpke in RR Zone for a special exception as provided for from section 7.1b.2.b.1. to allow a fourth car garage bay and a variance from section 7.1b.2.b.1. to allow a fifth garage bay for the purpose of constructing a five-bay garage that will replace a previous barn with the same two-story floor plan. Given the unique aspects of the new garage design, the hardship justifying the variance, the regulations itself, as in this case there is no supporting rationale for it. The requirements of Section 13.9 have been met.

**Discussion:**

Ms. Winkler noted that she has a similar barn that was converted into a house. She provided a history of the design and added that this is an example of a historic use in Glastonbury. Ms. Winkler stated that she will vote to approve the application. Mr. Hoopes noted that the application makes sense. Several Board members stated that they will vote in favor.

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

- 2. Scott Dolan of 2390 Hebron Ave., representing VCRV LLC, exact property involved is 32 Roaring Brook Plaza zone PI, is requesting a location approval as provided in section 6.4.n & 13.2.c. The proposal is to reconstruct the former manufacturing building at 32 Roaring Brook Plaza into an auto body repair facility. WITHDRAWN- due to recent Statute change.**
- 3. Amer & Carrie Skopic of 107 Stonepost Rd., exact property involved is 119 Ledge wood Dr. zone AA are requesting a variance from sections 4.4.7 & 4.4.8 to move the proposed house location further away from the wetland area on the site. The variance requests from sec. 4.4.7 is to reduce the side yard setback from 20 feet to 15 feet. The variance request from sec. 4.4.8 is to reduce the rear yard setback from 50 feet to 40 feet. TABLED- To October 2, 2023 Meeting.**
- 4. Justin & Ashley Curreri of 708 Goodale Hill Rd. zone RR is requesting a variance from section 4.2.6 and for the purpose of constructing an addition over an existing three car garage on the left side of the home. The variance is being requested to construct an addition to an existing nonconforming property, that will be nearer to the front lot line than the existing building.**

**Motion by:** Ms. Winkler

**Seconded by:** Mr. Hoopes

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Justin & Ashley Curreri of 708 Goodale Hill Rd. in RR zone for a variance from section 4.2.6 for the

purpose of constructing an addition over an existing three-car garage on the left side of the home. The variance is being requested to construct an addition to an existing nonconforming property, that will be nearer to the front line than the existing building but no closer than 36 feet from the front property line. The hardship is that the owner needs to provide space for an entrance to a fire escape, this proposed construction will improve the safety of the property. The requirements of Section 13.9 have been met.

**Discussion:**

Mr. Hoopes noted that another hardship is due to the topography and slope on the property. He stated that the addition will have no adverse impact on the neighbors and added that he will vote in support. Secretary Kornes agreed. Chair Dzialo noted that she will also vote in support of the addition and added that it is an approved way of designing the access without being overwhelming to the building.

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

**REGULAR MEETING**

**1. Acceptance of Minutes from August 7, 2023 Meeting**

**Motion by:** Mr. Hoopes

**Seconded by:** Secretary Kornes

MOVED, that the Glastonbury Zoning Board of Appeals accepts the minutes of August 7, 2023.

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

**2. Discussion to Arrange for Required ZBA Training for 2023**

Chair Dzialo discussed the requirement of the 4-hour land use training courses. She went over the different training formats, which include in-person sessions and pre-recorded sessions. Chair Dzialo read out the 7 courses and noted that the course on affordable housing is required. She went over the training schedule. The Board members agreed that each member will choose their own courses based on their interests and schedules. Chair Dzialo stated that she would put together a spreadsheet and ask each Board member to fill in the courses they have taken. The spreadsheet with course information would then be given to Town staff to file. Mr. White noted

that he will check with Krystina to look for a way for the Town to pay for the courses directly. There was a brief conversation about the types of training Board members would have liked to register for such as variances, hardship, case law, etc.

### **3) Adjournment**

*Motion by:* Mr. Hoopes

*Seconded by:* Secretary Korn

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of September 11, 2023 at 9:22 pm.

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

---

---

Susan Dzialo, Chair