

**GLASTONBURY ZONING BOARD OF APPEALS**  
***Regular Meeting Minutes of Monday, October 2, 2023***

The Glastonbury Zoning Board of Appeals with Lincoln White, Building Official, in attendance held a Regular Meeting on Monday, October 2, 2023 via ZOOM video conferencing.

**ROLL CALL**

**Board Members- Present**

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

**Board Members- Excused**

Brian Smith, Chairman  
David Hoopes  
Aaron White, Alternate  
Andy Zlotnick, Alternate

The Board agreed that Attorney Hope will go through the full presentation because Mr. Bowman did not watch the video recording of the last meeting.

Chair Dzialo called the meeting to order at 7:10 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 agenda item.

**Public Hearing**

- 1. 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.**

Mr. Altius read the 1<sup>st</sup> application.

Attorney Hope stated that she will go through the entire presentation and noted that the neighbor, Ms. Taylor Daly, is present for the Zoom meeting. The applicants agreed to proceed with 4 voting members.

Attorney Hope put up the site plans on the screen. She noted that they are requesting a variance from Section 4.4.7 side yard of 15 feet, when 20 feet is required. Attorney Hope stated that they are also requesting a variance from Section 4.4.8 rear yard of 40 feet, when 50 feet is required. Attorney Hope noted that the applicants own 107 Stonepost Road and 119 Ledgewood Drive. The neighboring property of 131 Ledgewood Drive, owned by Ms. Daly, was pointed out. The wetlands were also pointed out. Attorney Hope explained that a road that was included in the original subdivision plans was not built because of the wetlands. An approved subdivision map from 1959 was put up on the screen. Attorney Hope stated that in 1959, the lot at 119 Ledgewood Drive was approved as a building lot. An aerial photo dated October 2006 was put up on the screen. Attorney Hope noted that the lot was not cleared. A slide detailing the timeline and history of the 119 Ledgewood Drive lot was put up on the screen. The blue line on the plan represents the wetlands. The green line represents the conservation easement.

- 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

Attorney Hope read out the slide detailing the timeline. She noted that the site plan shown is recorded into the land records. A slide detailing 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 explained that the previous owners did not record the 2012 conservation easement change into the land records and added that mitigation was not done. Attorney Hope explained that her clients did a title search before buying the lot and did not know of the violations. She explained that the only way to find out about the violations is to look through the wetlands agendas. Attorney Hope stated 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 and were included in the submitted materials. She noted that the applicants were told to go before the ZBA to move the proposed house away from the wetlands and 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 explained that Mr. Sczurek went before the Inland Wetlands and Watercourse Agency (IWWA) and the site plan that was previously approved was not approved due to the past violations done by the previous owners and other circumstances. Attorney Hope noted that Mr. Sczurek has revised the plans to create more of a separating distance. She stated that a lot line adjustment is not possible.

Attorney Hope explained that they had prolonged discussions with Ms. Daly and came up with an agreed revised plan. The revised plans were put up on the screen. The proposed house has an L shaped design and more separating distance from the Daly's driveway. Attorney Hope zoomed in on the plans and the conditions that were agreed to.

**The First Condition states:** "APPROX. 148 L.F. OF 6' TALL SOLID WHITE VINYL FENCE (V300 OR EQUAL) TO BE INSTALLED BY DEVELOPER OF 119 LEDGEWOOD DRIVE PRIOR TO THE ISSUANCE OF A BUILDING PERMIT ON 119 LEDGEWOOD DRIVE."

**The Second Condition states:** "TREE PROTECTION EASEMENT AREA OVER EXISTING 4 EVERGREEN TREES. IF TREES DIE DUE TO CONSTRUCTION THEY SHALL BE REPLACED WITH 10-15' TALL EVERGREEN TREES. (TREE LOCATION BASED ON TOWN GIS. ACTUAL LOCATION REQUIRED PRIOR TO FINAL PLANS.)

THE EASEMENT AREA TO BE INCLUDED IN THE DECLARATION TO BE RECORDED ON THE LAND RECORDS"

**The Third condition states:** "FRONT OF HOUSE TO BE NO CLOSER THAN 108 FEET TO THE FRONT PROPERTY LINE, WHICH RESTRICTION IS TO BE INCLUDED IN THE DECLARATION TO BE RECORDED ON THE TOWN OF GLASTONBURY LAND RECORDS"

Attorney Hope asked the Board to reference the conditions that were agreed on in their motion. She noted that they wanted to give Ms. Daly assurances and added that she is on call to answer any questions. Attorney Hope put up a slide with potential conditions of approval that the

applicant consents to. She explained that she included the conditions to help the Board draft a motion.

**Potential Conditions of Approval that Applicant consents to:**

- 1. Prior to the issuance of a building permit applicant shall record a Declaration on the Town of Glastonbury land records, identifying the tree protection easement area in the southwest corner of the lot and indicating that if the trees die during construction, they shall be replaced with 10-15' tall evergreens;**
- 2. Prior to the issuance of a building permit, the applicant shall record Declaration on the Town of Glastonbury land records, restricting the location of the front of the proposed house to be no closer than 108 feet to the front property line;**
- 3. Prior to the issuance of a building permit, developer of 119 Ledgewood Drive shall install approximately 148 l.f. of 6' tall vinyl fence (v300 or equal) in accordance with the above referenced plan.**

Attorney Hope stated that Mr. Sczurek is also present and noted that they are happy to answer any questions. The presentation was concluded.

Secretary Kornis asked which property owner will maintain the fence. Attorney Hope explained that Ms. Daly requested the fence to be installed on her property and will maintain it and added that the applicant will pay for the fencing. Secretary Kornis wanted to confirm that if trees die during construction they would have to be replaced. Attorney Hope replied yes. Secretary Kornis asked what happens if a tree dies later and provided an example of trees downed by storms. Attorney Hope remarked that they did not think of that and asked Ms. Daly to respond. Secretary Kornis noted that Ms. Daly's main concern was safety. He asked the applicants if the driveway plans changed. Attorney Hope put up the plans on the screen. She explained that the driveway will be further away and added that a fence will also be installed. Ms. Winkler asked which way the neighbors enter the garage. Attorney Hope replied Ledgewood and pointed out the area on the plans. Ms. Winkler asked if the fencing continues. Attorney Hope pointed out the proposed length of the fence and where it stops. Mr. Sczurek explained that they went further with the panels making them an even amount. Mr. Bowman asked if the plans include room for mechanicals, well and septic. Mr. Sczurek explained that site will be serviced by public sewer and noted the well is shown on the plans. Chair Dzialo moved on to public comment.

**Ms. Taylor Daly of 131 Ledgewood Drive** stated that she agrees to everything Attorney Hope said. Ms. Daly noted that she and her husband do not want the fence continued because it will create a blind spot going into the driveway. She explained that they do not oppose the variance as long as the condition for the front setback of 108 feet is in place. Ms. Daly noted that the revised plans that were agreed on show the proposed house in red. She explained that this new design works for them as well as the entire neighborhood. Ms. Daly noted that the previous plans have the house with a sideways entrance which is awkward. She noted that the reason for the declaration is to prevent a developer from moving the house closer to the front. Chair Dzialo

thanked Ms. Daly for the explanation and asked the Board if there were additional questions. Mr. White asked about the maximum square footage. Attorney Hope noted that there is no deed restriction on the property and stated that the square footage is approximately 2,967. She noted that, because of the way the grade slopes, a walkout basement was designed. Attorney Hope stated that they have shown the footprint to a builder and have received confirmation that the revised footprint can be built. She noted that they feel confident that the plans are feasible and the house is realistic. Mr. White noted that the turnaround on the plans is designed for 1 car. He suggested widening the turnaround area. Mr. Sczurek noted that it is currently a 12-foot-wide turnaround and stated they can widen it to 16 feet. Ms. Daly noted that the applicants spoke about bringing in fill and added that she does not want water draining into her house. Mr. Sczurek explained that the face of the garage area contours to about 272 and will be filled to about 277. He noted that about 5 feet of fill will be put in as well as a swale installed between the property lines to ensure that the runoff flows north to the wetlands. Ms. Daly thanked Ms. Sczurek for the explanation. Mr. Sczurek added that the proposal also includes cross pitching the driveway to push the water to the north. Chairman Dzialo asked if there were other members of the public who wanted to speak. There were no other hands raised.

Attorney Hope noted that she has one more thing to add. She explained that the hardship is due to the location of the wetlands, conservation easement, as well as the past violations, resulting in the IWWA to strongly nudge the property owner to go before the ZBA. Attorney Hope explained that the unique historical factors were out of the control of the Skopics. Secretary Korn asked how the past violations are relevant. Attorney Hope noted that, typically, when a property is purchased, a lien or something comes up in the title. She explained that the Skopics stated that nothing concerning violations came up at the closing. Attorney Hope explained that she checked the deed for herself and the violations were not listed in the deed. She noted that an easement is shown with no information on the violations. Attorney Hope explained that a wetlands permit was issued time and time again and the circumstances changed due to the unauthorized activity. Secretary Korn remarked that the implication is that, if these factors were known, the applicants might not have bought the lot. Attorney Hope replied yes.

Ms. Winkler remarked that the applicants could have used the prior violations as a way to bargain or negotiate. Attorney Hope noted that, typically, such matters are resolved before closing and the parties can negotiate or fix the problem before purchasing takes place. Mr. Bowman remarked that the property the current owners bought was misrepresented. Attorney Hope noted that she has been doing this for a while and it took her time to piece the situation together. She remarked that she does not know if a lay person can put this together and added that she had to look through documentation from the Town Clerk and look through wetlands agendas to find out what happened. Attorney Hope reiterated that the violations were never recorded on the land records. Chair Dzialo asked if the conservation easement line changed. Mr. Sczurek replied that the line has not moved and added that the resolution was never recorded. Chair Dzialo wanted to confirm that the IWWA wanted a sufficient buffer from the wetlands. Mr. Sczurek replied yes and explained that they were asked to seek variances to the side and rear yard to move the house further away from the wetlands. Chair Dzialo asked if there was additional public comment. No hands were raised. There was a brief discussion on

how to incorporate the conditions into the motion. Secretary Korns noted that he will reference the site map into the motion. Attorney Hope stated that she will send the site map with conditions to Mr. White.

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

### **Action on Public Hearings**

- 1. 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.**

***Motion by:*** Secretary Korns

***Seconded by:*** Mr. Bowman

MOVED, that the Glastonbury Zoning Board of Appeals approves the application by Amer and Carrie Skopic of 119 Ledge wood Dr. zone AA for a variance from sections 4.4.7 and 4.4.8 to move the proposed new house location farther away from the wetland area on the site. The side yard setback would be reduced from 20 feet to 15 feet. The rear yard setback would be reduced from 50 feet to 40 feet. This change is recommended by the Inland Wetlands and Watercourses Agency. The hardship is the need to site the building with respect to the conservation easement on the property which includes wetlands. Additional hardship is the lack of any record from the previous owner that there have been wetlands violations of the wetlands regulation that had not been noted in the land records. In addition, this approval is conditioned on three conditions being met, which are specified on the site map plan. These conditions have been agreed to by the owner and neighbor and will be part of the approval. The specific language on the map will be included in the minutes. The requirements of Section 13.9 have been met.

### **Discussion:**

Ms. Winkler congratulated the applicants and the neighbor for coming up with a solution and thanked Attorney Hope for including the potential conditions of approval that the applicant consents to. She stated that she would be voting in favor of the application. Secretary Korns noted that the solution makes sense and agreed that a good solution was mediated. There was a brief discussion on skating rinks in Town. Secretary Korns wanted to confirm that the site plan sent by Attorney Hope would be incorporated into the minutes. Mr. White replied yes. Mr. Bowman stated that he would be voting in favor of the application and added that he feels badly for the current owners who purchased a property that was misrepresented. Mr. Bowman remarked that he is glad to see an intelligent solution that preserves the integrity of the wetlands and conservation easement. He noted that he appreciates the spirited neighborhood cooperation as well as the owner willing to build in a way that is proportionate. Mr. Bowman stated that the

site plan is thoughtful, including the grading, and he would be voting in favor. Chair Dzialo stated that she agrees with all comments and would be voting in favor.

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

## **REGULAR MEETING**

### **1. Acceptance of Minutes from September 11, 2023 Meeting**

**Motion by:** Mr. Bowman

**Seconded by:** Chair Dzialo

MOVED, that the Glastonbury Zoning Board of Appeals defers approval of the September 11, 2023 minutes for the next meeting.

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

### **Discussion:**

Mr. Altius asked the Board members if they were available to be citation hearing officers. Secretary Korns asked for more information. Mr. White explained that the Town has issued a citation and fines regarding a deck violation. The Board discussed the issue and agreed that a minimum of three citation hearing officers is better than just one citation hearing officer. Mr. White agreed and asked the Board members to email him their preference for the meeting format. Mr. Bowman noted that he might be able to help if the hearing is via Zoom. Mr. White noted that the Town Manager is the one who will select the citation hearing officers. There was a discussion on the Town ordinance, fines, and other violations regarding boat and RV storage. The Board agreed to send Mr. White their preferences regarding the meeting format for the citation hearing.

Ms. Winkler noted that she plans to take the October 12<sup>th</sup> training from 4-8 pm. She noted that the requirements for the training are covered in the 4-hour session. Mr. Bowman remarked that he is not available to take this training session. Chair Dzialo asked Ms. Winkler if the training she mentioned is free. Ms. Winkler replied yes. The Board members discussed other training sessions, including one scheduled for Saturday, October 28<sup>th</sup> which costs \$45. The Board members discussed how to report the training hours. Chair Dzialo noted that online training is self-reporting. Secretary Korns asked who to report the training to. Mr. White noted that the Board members can report the training hours to his department.

### 3) Adjournment

*Motion by:* Secretary Korn

*Seconded by:* Ms. Winkler

MOVED, that the Glastonbury Zoning Board of Appeals adjourns their regular Meeting of October 2, 2023 at 8:44 pm.

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

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Susan Dzialo, Chair