

TOWN OF FARMINGTON  
ZONING BOARD OF APPEALS  
MEETING

January 18, 2022

Present for the online web conference meeting was Chair Callahan, Commissioners Cloud, Llewellyn (at 7:10pm), Nadim, Schoenhorn, Walsh and Alternate Commissioners Healey and Marsh. Sr. Assistant Town Planner Cyr and Clerk Michaud were also present. The meeting was called to order at 7:08 p.m.

Present in the Development Conference Room were Sr. Assistant Town Planner Cyr and Clerk Michaud. All others were present online.

Secretary Schoenhorn read the legal notice into the record.

**PUBLIC HEARING**

Peter O'Connor – 54 Forest Hills Drive

Alternate Commissioner Healey was appointed to vote in place of Commissioner Llewellyn on this matter.

Application for variance to reduce side yard setback from 25 feet to 17 feet for location of inground pool at 54 Forest Hills Drive, R40 zone. Mr. O'Connor represented the property owner. The owners would like to install an inground pool in the area of an existing above ground pool. The yard is small and they sought the assistance of Dave Whitney to locate the pool outside the required side yard setbacks of the Farmington Valley Health District for the septic system/leaching fields. The pool location encroaches into the side yard setback area. The applicant was asked to explain their hardship for the Board. Mr. O'Connor responded the location of the house and septic system limit their ability to locate the pool outside the side yard setback area. The homeowner, Carla Russo, provided additional clarification on the location of the pool, the existing fence and the topography of her rear yard. She stated the edge of the pool will not extend beyond the side wall of the house. Commissioners commented the inground pool will be less visible than the existing above ground pool. Ms. Russo stated she intends to reuse the existing fence in the same location, for the inground pool. If any of it becomes damaged it will be replaced. There was further general discussion for clarification. Dan Quick, Quick Industries, also provided comments on the proposed work as the pool contractor.

Public correspondence received for the record prior to the meeting in opposition to the application from Jeff Baily, 56 Forest Hills Drive, and A.F. Allam, M.D., 57 Forest Hills Drive.

Jeff Baily, 56 Forest Hills Drive, attempted to call in but experienced technical difficulties with his audio.

The public hearing closed at 7:44 p.m.

Upon a motion made and seconded (Cloud/Healey) it was

VOTED: 5 in favor (Cloud, Healey, Nadim, Schoenhorn, Walsh) to 1 opposed (Callahan) to approve the Peter O'Connor application for variance to reduce side yard setback from 25 feet to 17 feet for location of inground pool at 54 Forest Hills Drive, R40 zone as presented and on file in the Planning Office.

Members voting in favor of the application felt there was substantial show of hardship given the location of the septic system and the topography of the rear yard. They also felt the inground pool will be less visible than the existing above ground pool as the pool area currently has a privacy fence around the pool area.

ConEdison Solutions – 10 Mountain Lane

Application for variance to reduce rear yard setback from 50 feet to 23 feet for ground mounted solar array at 10 Mountain Lane, R80 zone. Andy Mayshar, ConEdison Solutions, presented the request to locate the ground mounted solar array closer to the rear property line than originally requested in September 2021. There was some discussion and comparison of the September 2021 location of the ground mounted solar array and the current location proposed for clarification. During the September hearing process, the adjacent neighbor expressed concern with visibility and the following condition of approval was granted: The applicant shall work with Town Planning Staff to provide proper screening hedges or arborvitae along the westerly property line of 2 Mountain Lane and the easterly line of 10 Mountain Lane to minimize visibility of the ground mounted solar array. Mr. Mayshar was asked if he had any concern with the Board placing the same condition on this new application. Mr. Mayshar did not. When asked to clarify the hardship Mr. Mayshar stated the Farmington Valley Health District required the array be moved further away from the reserve septic area. The Board members asked if any trees would be removed to accommodate the new array location. Mr. Mayshar responded no trees would be removed.

There was no public comment in favor or in opposition of the application.

The public hearing closed at 8:07 p.m.

Upon a motion made and seconded (Schoenhorn/Nadim) it was unanimously

VOTED: To approve the ConEdison Solutions application for variance to reduce rear yard setback from 50 feet to 23 feet for ground mounted solar array at 10 Mountain Lane, R80 zone as presented and on file in the Planning Office with the condition the applicant shall work with Town Planning Staff to provide proper screening hedges or arborvitae along the westerly property line of 2 Mountain Lane and the easterly line of 10 Mountain Lane to minimize visibility of the ground mounted solar array.

Members voting in favor of the application agreed the applicant sufficiently demonstrated a hardship.

**MINUTES**

Meeting Minutes

Upon a motion made and seconded (Llewellyn/Walsh) it was

VOTED: To approve the December 13, 2021 Zoning Board of Appeals meeting minutes.

The meeting adjourned at 8:11p.m.

*SJM*