

TOWN OF FARMINGTON
ZONING BOARD OF APPEALS
SPECIAL MEETING

March 26, 2024

Present for the online web conference were Chair Schoenhorn, Commissioners Callahan, Cloud, Gemski, Walsh and Alternate Commissioners Dess-Santoro, Mastrobattista and Subramanian. Assistant Town Planner Daigle and Clerk Michaud were also present. The meeting was called to order at 7:00 p.m.

Assistant Town Planner Daigle, Clerk Michaud and Commissioners were present in the Council Chambers with the exception of Commission Gemski who was present online.

Secretary Gemski read the legal notice into the record.

Chair Schoenhorn explained the process of the meeting for the public.

PUBLIC HEARING

Noreen Galvin – 162 Woodpond Road

Alternate Commissioner Subramanian was appointed to participate in place of absent Commissioner Grady-Benson on this matter.

Application for variance to locate Detached Accessory Dwelling Unit in other than the required yard at 162 Woodpond Road, R20 zone. John Galvin presented the request to utilize the existing finished space above an existing detached garage for an Accessory Dwelling Unit (“ADU”). The zoning regulations were amended effective January 8, 2024 to allow ADU’s. Assistant Town Planner Daigle provided background regarding the affordable housing requirements that spurred the ADU amendment to the zoning regulations, replacing the Accessory Apartment regulations. Mr. Galvin, brother to the property owner provided photos of the existing structure located near Woodpond Road. The home on this property is located in the rear portion of the property near the pond. Photos also showed the topography of the lot as it slopes from the road to the pond. The property does not have access to sanitary sewer and currently has a septic system with leaching fields. Mr. Galvin talked about the age and condition of the detached garage which was constructed in 1950 and stated the finished area above the garage is approximately 525 sq. ft. A plot plan was used to show the location this accessory dwelling unit is allowed per the zoning regulations and that the existing structure is in a non-conforming location. Mr. Galvin explained the amount of disturbance to the soil that would be required to construct this detached ADU in a conforming location and to relocate the existing septic system. Additional photos taken by the Chair were presented for further clarification of the subject structure and location. The Commission commented that it appeared work was taking place. Mr. Galvin responded they are removing old carpet and paneling because the structure has mold and is in poor condition. Whether this variance is approved or not, they intend to renovate the structure to take care of its condition. Commissioners asked clarifying questions about what utilities are currently provided to the detached garage. Mr. Galvin responded electricity only services this structure. The Commission asked for clarification on the septic system and if they have done perk testing for the possible addition of an ADU. Mr. Galvin responded he has talked to the Farmington Valley Health District but is awaiting approval of this application before doing the necessary testing.

Jeffrey Moores, 152 Woodpond Road, disagreed with the stated location of the septic leaching fields and expressed concern with privacy, commenting on vehicle lights and the addition of windows and use of the existing balcony, asking for additional screening.

Michele Willis, 162 Woodpond Road, responded the Moores have not directly talked to them about concerns regarding vehicle lights or use of the space as an ADU.

The public hearing closed at 8:04 p.m.

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

VOTED: 5 in Favor (Subramanian, Cloud, Walsh, Gemski, Schoenhorn) to 1 opposed (Callahan) To approve the Noreen Galvin application for variance to locate Detached Accessory Dwelling Unit in other than the required yard at 162 Woodpond Road, R20 zone as presented and on file in the Planning Office, with the condition that if the balcony is kept and windows installed on the south side of the ADU, approximately 50 feet of privacy screening shall be installed as approved by town staff.

Commissioners voting in favor of the application felt the applicant sufficiently demonstrated hardship and that the proposed ADU would not alter the character of the neighborhood.

R. Pelton Builders – 161 Talcott Notch Road

Alternate Commissioner Mastrobattista was appointed to participate in place of absent Commissioner Grady-Benson on this matter.

Application for variance to locate a ground mounted solar array in other than the required yard at 161 Talcott Notch Road, R80 zone. Thomas Kenney, Eco Smart Home Services, stated the property owner would like to install a ground mounted solar array in an existing lawn area northeast of his driveway as shown on a plot plan. Installing panels on the roof would require a larger number of panels than the proposed ground mounted array. Additionally, locating a ground mounted solar array in any other location on the property will require the removal of a large number of trees. Mr. Kenney stated for the record that he sent notices of this hearing to abutting property owners within 200 feet of this parcel. Commissioners asked for details on the size of the proposed array and clarification on what other locations were considered. Mr. Kenney responded with the size using the application packet details and reviewed the other locations considered. He added this array as proposed will not be visible from the road and will not be visible from neighbors. Assistant Town Planner Daigle stated the elevation change from the road to the proposed solar array is approximately thirty feet. Commissioners asked for additional information on how the power would be brought to the house from the solar array and if the array is sized to meet the electric demand of the home. Mr. Kenney referred to the System Details plan to show how power from the array will connect to the home. He added the array is sized to meet the demand of the house and a future EV charger. The Commissioners asked the applicant to explain the hardship. Mr. Kenney responded the proposed ground mounted solar array is the most cost-effective option for this property. Jan Damkjaer, 161 Talcott Notch Road, stated his home is a timber frame home with no attic space so all duct work would be exterior to the home which he does not want. Commissioners asked how many trees would need to be cut down if installed in another location. Mr. Kenney was not sure the exact number but offered to come back with additional information.

Jeanne Barber, 211 Mountain Spring Road, stated there is an MDC easement between her property and 161 Talcott Notch Road with a lot of wildlife passage. She expressed concern with a roof mounted array would be visible from her home.

The applicant was asked if he would like to continue the public hearing so that he can provide additional information regarding hardship or if they were done with their presentation. Mr. Kenney asked to continue the public hearing.

The Commission stopped taking testimony at 9:04 p.m.

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

VOTED: To continue the public hearing for R. Pelton Builders Inc. application for variance to locate a ground mounted solar array in other than the required yard at 161 Talcott Notch Road, R80 zone to the April 16, 2024 meeting.

The applicant is asked to submit additional information in advance of the next meeting in coordination with Town Staff.

MINUTES

Meeting Minutes

Alternate Commissioner Mastrobattista was appointed to participate in place of absent Commissioner Grady-Benson on this matter.

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

VOTED: To approve the February 20, 2024 Zoning Board of Appeals meeting minutes.

PLANNER'S REPORT

61 Ely Road

Assistant Town Planner Daigle provided an update on the restoration plan. Staff has been out to inspect and will be following up again with the property owner to reinspect the plantings.

174 Red Oak Hill Road

Assistant Town Planner Daigle updated the Commission on the status of this property. The property owner did not meet the deadline to bring his property into compliance and staff will be proceeding with next steps.

The meeting was adjourned at 9:07 p.m. (Walsh/Callahan)

SJM