Bolton Zoning Board of Appeals Regular Meeting Minutes March 8, 2022 7:00 p.m. Bolton Town Hall, 222 Bolton Center Road Hybrid Meeting-In person and virtual via Zoom

Members Present: Chairman Mark Altermatt, Anne Decker (attending virtually via Zoom), Jonathan Treat and Morris Silverstein and Alternates William Anderson, Joshua Machnik (seated for William Pike) and Mary Terhune (attending virtually via Zoom)

Staff Present: None

Regular Meeting

1. Call to Order: Chairman M. Altermatt called the meeting to order at 7:03 p.m.

2. Public Comment: No public comment

Public Hearing

3. CONTINUATION OF PUBLIC HEARING - Application #Z-21-79 Britney Mahomes of Ambassador Pools, on behalf of homeowner Tonya LaPlante – 11 Enrico Rd. – variance request to install above-ground pool with integrated deck and fence

Tonya LaPlante was present virtually via Zoom. No one was present from Ambassador Pools. Ms. LaPlante thought that a representative of Ambassador Pools would be attending this meeting and would be speaking on her behalf.

M. Altermatt noted that if the ZBA acts on this tonight and denies her application, she would not be able to bring another application before the board for another six months. Alternately, she could withdraw her application if she is not prepared to present her case. Ms. LaPlante did not feel that she could appropriately explain why a variance should be granted. The pool company was responsible for the permitting and Ms. LaPlante was not aware of the terms of the permit other than being aware of the constraints of her property. She is very disappointed that the pool company is not representing her and acting on her behalf.

At this point in the meeting, M. Altermatt suggested that Ms. LaPlante try to contact the pool company. She was unsuccessful in contacting anyone. Other than knowing the unique configuration of her property and the placement of her septic system, she doesn't feel that she has any information to contribute.

- M. Altermatt noted that if she withdraws her application, the Zoning Enforcement Officer would be within his rights to have her remove the pool or she can submit another application. The other option would be to plead her case for the granting of the variance.
- J. Treat felt that the applicant would be well advised to secure legal advice in this matter.

Ms. LaPlante briefly left the meeting to confer with her husband. M. Altermatt presented the two options to Mr. LaPlante-go forward with the application or withdraw and resubmit the application. If they decide to proceed with the hearing, it will be at their own risk.

Both Mr. and Mrs. LaPlante felt that it would be best to withdraw their application at this time. This will be treated as a withdrawal by any and all parties including the pool company.

M. Silverstein said that they should be aware that as long as the pool remains in place, they are facing potential problems if action isn't taken within a reasonable amount of time. M. Altermatt also made it clear that time is of the essence in resolving this matter.

Other Business

4. Approval of Minutes: February 8, 2022

M. Silverstein made a motion to accept the minutes as presented. J. Machnik seconded. The motion passed unanimously 5:0:0.

5. Correspondence: None

6. Other

M. Altermatt noted that the Connecticut General Assembly passed a statute during the current session that requires members of Planning and Zoning Commissions and Zoning Board of Appeals to complete at least four hours of continuing education every two years. This goes into effect in January, 2023. The ZBA may coordinate the training with the Planning and Zoning Commission.

7. Adjournment

M. Silverstein made a motion to adjourn at 7:34 p.m. J. Machnik seconded. The motion passed unanimously 5:0:0.

Respectfully submitted,

Leslie J. Brand

Leslie J. Brand

Please see minutes of subsequent meetings for corrections to these minutes and any corrections hereto.



ZBA-22-2

Zoning Board of Appeals

Status: Active Date Created: Apr 5, 2022

Applicant

Daniel Johnston Ambassador Pool Distributors INC jennifer@ambassadorpools.com 1020 Turnpike St Unit 11 Canton, MA 02021 8573343116

Location

11 ENRICO RD BOLTON, CT 06043

Owner:

Tonya and Daniel LaPlante 11 ENRICO BOLTON, CT 06043

Permit Info

Occupancy Type
Residential

Aquifer Protection Area

No

Zone

Variance

Application For

R-1

Zoning Board of Appeals

Statement of Hardship

Home is built very close to rear property line leaving open space only in front yard and side yard. Proposing to install pool directly behind the house so it has privacy. It would be encroaching the rear set back but plenty of space there for it behind the house/

Brief Explanation of Specific Action(s) Requested of the ZBA

A variance to be submitted to request the permission to install pool and violate rear setback by 10-12 feet. Setback is 40 feet to the rear and they have about 28 feet

28

210

Has any previous application been filed in connection with these premises?

Yes

If yes, give date

08/09/2021

Setbacks

Front Required Front Provided 35 88

Rear Required Rear Provided

40

Left Required Left Provided

25 105

Right Required Right Provided

25

Lot Coverage Required	Lot Coverage Provided
15	8.7
Building & Parcel Size	
Building Size	Lot Area
3,000	44,462
Applicable Section(s) of Zoning By-Laws Section 11-A dimensional requirements	Does Property Need CCDRB Review? □
Is Property Located in Aquifer Protection District? ☐	
Signature and Confirmation of Submission of Application	
The property owner, or applicant/agent duly authorized by the property owner hereby acknowledges that this applicant has been submitted truthfully. The applicant further acknowledges that any information submitted herein which is found to have been submitted willfully in error may render such application null and void.	
The above is hereby acknowledged and understood	
∀	
The property owner, or applicant/agent duly authorized by the owner hereby grants permission to the Town of Bolton, it's agents and the Zoning Board of Appels to make reasonable property inspections related to the review of the submitted application	
The above is hereby acknowledged and understood ☑	
The property owner, or applicant/agent duly authorized by the owner hereby acknowledges the above and by endorsement of the digital signature below, hereby submits this application.	
Signature of Owner or Applicant/Agent duly authorized by the owner Daniel Johnston/Ambassador Pool Distributors INC 04/05/2022	
Additional Project Info	
Date of Receipt	Hearings Commencement Deadline
Hearings Completion Deadline	Decision Deadline
Distance to Town Line	Extension Date
Distance to Town Line	Extension Date

From: Jennifer Abate [mailto:jennifer@ambassadorpools.com]

Sent: Wednesday, April 20, 2022 3:10 PM

To: Palazzini, Danielle <dpalazzini@boltonct.org>

Cc: Daniel Johnston <danny@ambassadorpools.com>; Zoning Official, Interim <zeo@boltonct.org>;

Heckman, Randy <rheckman@boltonct.org> **Subject:** Re: 11 Enrico Rd/ Variance Application

Hello Danielle,

The homeowners at 11 Enrico Rd want to move forward with the Zoning application today.

Please see email below:

----- Forwarded message ------

From: Daniel LaPlante <

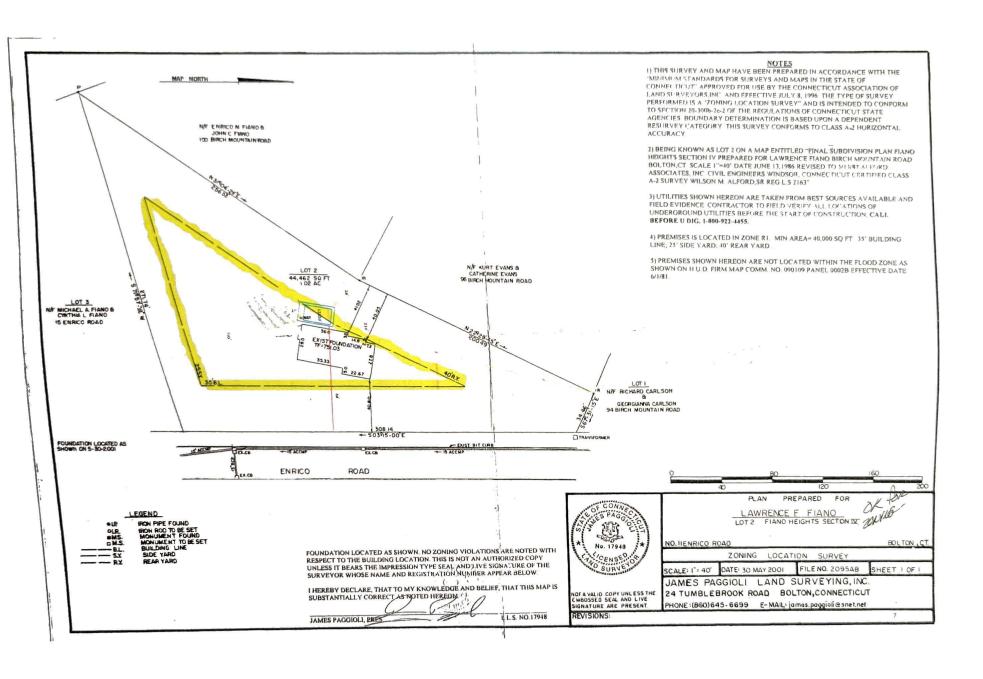
Date: Mon, Apr 18, 2022 at 7:03 PM

Subject: 11 Enrico rd variance

Danny,

My wife and I have decided to try and resolve the pool issue with as little pain and time as possible for both parties. We have decided to be "on board" with your company pursuing the variance on our behalf in order to finalize the contractual purchase and installation of a pool with your company. Please let all on this email know your decision along with expected dates of completion.

Thank you!







RE: Special Variance & Hardship

Project: 11 Enrico Rd Bolton CT 06043~Installed above ground pool

Meeting date: Public Hearing 06-14-22, 7 p.m.

On behalf of our client, Tonya and Daniel Laplante, homeowners of 11 Enrico Road Bolton CT, Daniel Johnston, Owner of Ambassador Pools, filed a special permit with the building department of Bolton, CT for permission to install an above ground swimming pool in their backyard. The homeowners purchased a 12x20 single end pool, the proposed pool location/installed location behind the home indicates no reason for unstable ground as well as the surrounding usable yard area. The point beyond the proposed pool flat area begins to border the wetlands with trees and other plants that have remained untouched to preserve the environment and mitigate wetlands impacted whatsoever.

The pool dimensions are 14 x 28 including the single end deck attached to it, with the proposed setback requirements of 28' on the left, 88' for the right side, 210' for the front and 105' for the rear setback; the homeowners also have a septic tank in their yard which the pool is proposed to be 10' away from.

2 hardships the owners are facing are the setback requirements for the distance of their septic system to the pool and their very odd shaped lot.

Our company, Ambassador Pools, deals with a variety of homeowners and their leaching fields, septic and wells; Stating this as a company we run into multiple setbacks requirements each one different from each town and state so we proposed the pool where we thought would be the best fit while catering to the homeowners vision. Our pools have an integrated deck with fencing to add privacy, safety and the utmost convenience to our customer and the abutters of the neighborhood.

The pool is installed with a saltwater generator to minimize any potential chemical pollution to the surrounding environment, making it a natural freshwater pool using electrolysis to convert salt into chlorine instead. Due to the grade circumstances in the yard our installation team will be able to prep the site by removing only the top layer of grass, remaining mindful of the existing vegetation and wetland flagged surrounding areas by marking with silt socks the maximum area of construction, a proven and safe erosion control method, during our minimal disturbance work to grade the surface of ground for the leveling of above ground pool. Homeowners should be educated on not adding chlorine for at least 7 days prior to draining the pool in future, as well as notifying the city of how the pool should be drained as well.

Ambassador Pools believes that the proposed project has been designed in a way that will minimize impacts to resource areas if there is any. Danny Johnston, Owner, from Ambassador Pools respectfully requests an order for a Special Variance granting permission for the work described above as well as allowing the homeowner to enjoy a pool they have wanted for a long time now.

Please feel free to contact us if you have any questions or concerns.

Thank you,

Danny Johnston

800 752 9000

ABUTTERS WITHIN 500 FT.

SANTOS ANIBAL & BERRINCHA CRISTINA	15 ENRICO RD	BOLTON, CT 06043
WHITE JAMES E & EMMA L. & SURV	26 ENRICO RD	BOLTON, CT 06043
CAI OLIVER Y	12 ENRICO RD	BOLTON, CT 06043
MORETTO DOLORES ANN	15 ELIZABETH RD	BOLTON, CT 06043
BURHANS MANON J	109 BIRCH MTN RD	BOLTON, CT 06043
PHELAN ROBERT J & CAROL B	97 BIRCH MTN RD	BOLTON, CT 06043
BEAUSOLEIL OLIVIA T & HAYDEN	93 BIRCH MOUNTAIN RD	BOLTON, CT 06043
BARBERO VICKI LYNN &	139 BIRCH MTN RD	BOLTON, CT 06043
GIBILISCO JEFFREY & CRISTIE	96 BIRCH MOUNTAIN RD	BOLTON, CT 06043
STEWART GREGORY A & KAREN B	44 ENRICO RD	BOLTON, CT 06043
HENDRICKSON THOMAS F &	34 ENRICO RD	BOLTON, CT 06043
PITRUZZELLO BARBARA A & MICHAEL R & SURV	4 ENRICO RD	BOLTON, CT 06043
PAGGIOLI THOMAS & LORI A	92 BIRCH MTN RD	BOLTON, CT 06043
PAGGIOLI THOMAS	92 BIRCH MOUNTAIN RD	BOLTON, CT 06043
FOLSOM TAMMY	94 BIRCH MOUNTAIN RD	BOLTON, CT 06043
LAPLANTE DANIEL M & LAPLANTE TONYA R & SURV	1061 BOSTON TPKE	BOLTON, CT 06043
NELSON SCOTT &	19 ENRICO RD	BOLTON, CT 06043
LOWREY PETER J & MARYBETH	25 ENRICO ROAD	BOLTON, CT 06043
FLOWERS ROBERT M & TERESA G	31 ENRICO RD	BOLTON, CT 06043
RUEL DEBRA C	38 ENRICO RD	BOLTON, CT 06043
KORZENIOWSKI MARIA & WOJIECH	16 ENRICO RD	BOLTON, CT 06043
NORRIS ALLISON	8 ENRICO RD	BOLTON, CT 06043
ALBANO CHRISTOPHER	11 ELIZABETH RD	BOLTON, CT 06043
COLEMAN WILLIAM E & ANNE G & SURV	115 BIRCH MOUNTAIN RD	BOLTON, CT 06043
TAKSAR DUSTIN		BOULDER CREEK, CA 95006
FICHERA SCOTT A JR & STEPHANIE M & SURV	100 BIRCH MOUNTAIN RD	BOLTON, CT 06043
OLDAKOWSKI JOSEPH F	21 ENRICO RD	BOLTON, CT 06043
MARSDEN JAMES CHARLES & ODONNELL ALLYSON NOEL & SU	27 ENRICO RD	BOLTON, CT 06043
CONNELLY CHRISTOPHER M & CHRISTINA M & SURV	19 ELIZABETH RD	BOLTON, CT 06043
STUART SEAN P & TIFFANY J & SURV	101 BIRCH MOUNTAIN RD	BOLTON, CT 06043
FARIA GLAUCIA	89 BIRCH MOUNTAIN RD	BOLTON, CT 06043









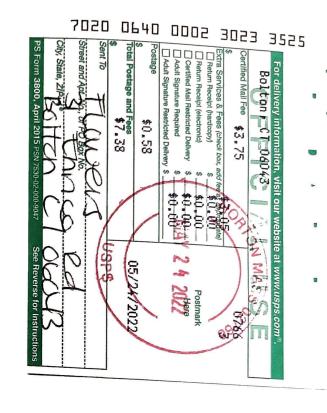




















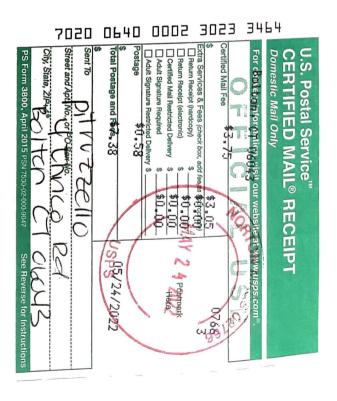










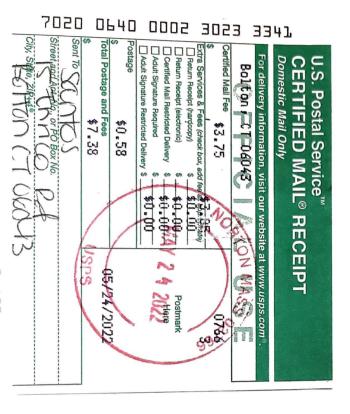




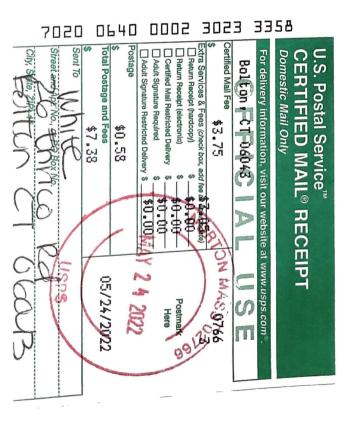














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Return Receipt (electronic)

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