

**MINUTES OF PUBLIC HEARING  
HELD BY THE ZONING BOARD OF APPEALS  
SEPTEMBER 28, 2022**

**MEMBERS PRESENT:**

In Person: James R. Stevenson, Chair  
Robert Haley, Vice Chair  
Keshet Spadaccini, Secretary  
Edward Slegeski

**ALTERNATES PRESENT:**

In Person: Kevin Hood, Sitting  
Harun Ahmed  
Electronically: Linda Harris

**ABSENT:** Sandra DeCampos

**STAFF PRESENT:**

In Person: Megan Pilla, Principal Development Planner  
Electronically: Nancy Martel, Senior Administrative Secretary

The Chairman opened the Public Hearing at 7:00 P.M. The secretary read the legal notice when the call was made.

**ERICA MOTT** – Application #VAR-0029-2022 – Request a variance from Art. II, Sec. 6.01.01 to allow a building addition 3 ft. +/- from the side property line (10 ft. required), at 66 Valley Street, Residence C zone.

Ms. Erica Mott, 91 Tinker Pond Road, Bolton, introduced herself as well as her mother, Ellen Listro, architect for the project. Ms. Mott stated that she resided at 66 Valley Street for about 10 years but had to move because of a water main break resulting in extensive black mold throughout the house. She said they were aware of some mold when they resided there and realized that the fieldstone foundation is very porous. They have made numerous attempts to remediate it. The goal would be to combine those two spaces and fix the roofline, so water is not getting trapped between the garage and the house.

Mr. Haley asked whether the garage will be converted to living space, which Ms. Mott confirmed.

Mr. Stevenson noted that the new space will be a mother-in-law space. He assumed it will be combined into one unit and will remain a single-family home.

Ms. Mott explained that the building will be one single-family home comprised of the main house and the attached mother-in-law unit.

Ms. Pilla reported no comments or objections to the application itself. She stated that the applicant worked very patiently with Staff to sort out the floor plans and make sure that it would properly remain a single-family home. Staff had to sort out the definition between an in-law unit, an accessory dwelling unit, and a multi-family home to ensure the plans were for a single-family home with an in-law unit that has a direct interior connection to the main house, which is the definition of an in-law unit. The only thing noted by Staff is nothing that affects the variance, but the Engineering Division did note that, in the event that the variance is approved and the applicant proceeds with building permitting, they will have to sort out a driveway situation. There is a driveway that goes to the existing garage and there is a piece of a driveway that is on the property shared by the adjacent property.

Ms. Pilla summarized a letter from Kerry Bagley, 23-25 Knox Street. Ms. Bagley stated that she is opposed to the application because, as it stands now, the tenants at her house next door have complained about the property line and the residents at 66 Valley Street not always using the correct driveway. Ms. Bagley reported that her tenant felt there was a lack of privacy having a vehicle so close to her home on the adjacent property and that it causes unease. She reported that she cannot support the proposal to bring properties or the structures on them even closer to their property. Ms. Pilla clarified that is not the driveway leading to the side of the house in the proposal and stated that she pointed this out to the resident after the letter was received.

Ms. Mott sought confirmation that the letter referred to Knox Street and the shared driveway. She explained that there is no one residing in the house utilizing the shared driveway which was in place prior to her living in the house.

Mr. Stevenson assumed there may be cars parked there after the home is renovated.

Ms. Spadaccini commented that she does typically weigh neighbors' complaints. Additionally, she reiterated that the Board is not discussing the driveway in question, and noted that the black mold presents a hardship.

**ANDREW SHILLO** – Application #VAR-0038-2022 – Request a variance from Art. IV, Sec. 6.02.01 to allow solar panels with a total surface area of 969 sq. ft. (600 sq. ft. permitted) at 81 Carter Street, Rural Residence zone.

Mr. Andrew Shillo, 81 Carter Street, Manchester, introduced himself. He explained that he is planning to install solar panels in an effort to reduce their carbon footprint. When the solar company estimated their usage, the requirement was for 969 sq. ft., thus requiring the variance. The hardship is that he cannot cover the total electricity usage under the current regulations.

Mr. Haley sought to confirm that the solar panels are not just to run their home, but all their electricity needs for the home, outbuildings, and pool, which Mr. Shillo confirmed.

Mr. Shillo explained that the proposed location for the panels is not within view of any neighbors. The closest neighbor is 800-1,000 ft. away and they are very supportive. He noted that the other side is Rt. 85 and they are about 275 ft. from the road. Also surrounding the site are Manchester watershed and gas lines.

Mr. Stevenson asked whether there will be trees cut and Mr. Shillo assured him there will not be.

Mr. Slegeski requested more information on the outbuildings. He asked if the applicant does any commercial work out of the buildings.

Mr. Shillo responded that there is no commercial work done. He gave a description of each building and its use. After a question from Mr. Slegeski, Mr. Shillo reported that all the wiring is underground except from the road to the house.

Mr. Slegeski asked what the applicant would have to give up if he had to stay at the 600 sq. ft. limit. Mr. Shillo responded that he would definitely not install solar, because it would not be worth it without total usage.

Ms. Spadaccini speculated on why the Zoning Regulations limit the square footage. She also asked what the applicant's "shop" is for.

Mr. Shillo conjectured that it is to prevent someone in a dense neighborhood from installing solar arrays and trying to sell the power for a small profit. He added that his shop is just for home projects.

Mr. Haley asked if Mr. Shillo is taking advantage of State incentive programs for solar, which Mr. Shillo confirmed.

Mr. Stevenson reiterated that the property is unique. The hardship is that, with this large property and the numerous buildings, a 600 sq. ft. system that would be adequate for most homes in Manchester would not be adequate in this case.

Ms. Pilla confirmed the reasoning behind the solar panel regulations. Zoning does not regulate the square footage of solar panels on the roof because they are only taking up roof space. The maximum was placed for free-standing arrays, to prevent solar farms popping up around town to sell back to the grid.

Ms. Pilla reported no Staff comments or objections to the application. She noted that this is the first time a variance has come up since the regulations were adopted a few years ago. Planning Department staff intend to look at the regulations to ensure they don't need any revisions and to make sure people can power their homes without coming for a variance.

Ms. Pilla read a letter from Eric Gray, 143 Carter Street, in support of the variance:

"I write in support of the application at 81 Carter Street. As the owner of an adjacent property at 143 Carter Street, the variance would increase the allowable square footage of solar panels and seems to be completely reasonable and well within the bounds of a helpful, fair use of a residential property without causing harm or limiting use of any nearby properties."

**MANCHESTER PUBLIC SCHOOLS** – Application #VAR-0040-2022 – Request a variance from Art. IV, Sec. 13.09.01 for the quantity of signage at 134 Middle Turnpike East, Residence A and Residence B zones.

Mr. Ron Melnick, R. Design, 22 Hackmatack Street, Manchester, introduced himself.

Mr. Melnick stated that, with the campus being over 53 acres, there is a great need for efficient and accessible signage from the road to direct people to the correct parking area. There is currently no signage to indicate the freshman entrance, which is an entrance that serves several functions including, but not limited to, deliveries and visitors to Bailey Auditorium. With the freshman building essentially being its own unit along with additional areas, this entrance needs proper labeling to ensure accessibility from the road.

According to Mr. Melnick, there is also no signage to indicate the senior parking on Brookfield Street. The senior entrance needs identification from the road because it is an entrance that serves multiple functions including, but not limited to, athletic programs and Town programs.

Mr. Melnick reported that safety around the high school is always top priority. Not having proper signage at these entrances creates a problem for guests, delivery drivers, and visitors to events when they cannot find their destination. This is a safety hazard that can disrupt flow of traffic and create more opportunities for accidents. In addition, by adding the proper amount of signage, Manchester High School will look more professional and welcoming to visitors.

Mr. Stevenson asked for confirmation that the first request is for three signs, which Mr. Melnick confirmed. There is one existing, and they are adding two more.

Ms. Spadaccini noted that there is only one sign currently, but they are proposing two more signs. The Zoning Regulations currently do not permit them.

Mr. Melnick reported that, currently, only one sign is allowed per property in the Residential A and B zones.

Mr. Slegeski stated that, during the Board's last meeting, they talked about the height and size of these signs. One thought contemplated was not putting as much on the signs. He speculated whether a sign "Athletics" could be installed and then further signage could be on the building. Mr. Slegeski asked if a smaller sign at the Brookfield entrance was considered. He noted that he looked at the topography and, if the sign is moved up the hill, it may be easier to see.

Mr. Melnick said he did consider that and will cover it in the discussion on the next variance.

Mr. Stevenson asked why the application numbers are the same for both variances.

Ms. Pilla explained that it was to save the applicant from paying for two applications.

**MANCHESTER PUBLIC SCHOOLS** – Application #VAR-0040-2022 – Request a variance from Art. IV, Sec. 13.06.01 for the height of signage at 134 Middle Turnpike East, Residence A and Residence B zones.

Mr. Ron Melnick, R Design, 22 Hackmatack Street, Manchester, reintroduced himself.

Mr. Melnick stated that he was requesting a variance on the height of the Manchester High School sign at its East Middle Turnpike entrance.

Mr. Melnick provided visual evidence of the hardship created by having a 5 ft. high sign at the entrance with vehicles parked on East Middle Turnpike. He displayed a picture of a 5 ft. sign and a 7.5 ft. sign, which established the ability to see the higher sign when traveling both eastbound and westbound.

When drivers are unable to see the sign, flow and safety of traffic becomes compromised.

On average, a driver needs two thirds to one full second to react. When traveling at 30 MPH, a driver will travel approximately 44 ft. before responding. A driver braking on dry asphalt at 30 MPH takes 44 ft. to come to a complete stop. This means an average driver driving at 30 MPH needs 88 ft. to come to a complete stop once seeing their destination. Currently, with a 5 ft. high sign, a driver heading east on East Middle Turnpike with parked cars would not see the sign until 40 ft. from the entrance, which would not give the proper amount of time to turn in to the entrance. With the proposed 7.5 ft. high sign, the driver would have 220 ft., exceeding the minimum 88 ft. to react and slow down to enter safely. Mr. Melnick explained that the 220 ft. distance is because the height of the letters is 12” high and every one-inch-high letter gives 25 ft. viewable. Therefore, heading eastbound, the higher sign can be read from 300 ft. away, and westbound can be read from 220 ft. away. He added that, heading westbound, the 5 ft. high sign cannot be seen with parked cars until past the entrance. Mr. Melnick added that allowing a visible 7.5 ft. high sign at this entrance will give MHS the welcoming and professional image they seek.

Based on the previous feedback, Mr. Melnick stated that they have taken into consideration the Board’s comments. They made the following adjustments on the heights of all three signs:

- Based on the recommendations, the Brookfield Street entrance sign height was brought down to regulation standard, widened, and repositioned to be viewable above the cars. This allowed the full names of the facilities, out of respect for the families they are named after.
- Based on the recommendations, the Summit Street entrance sign height was brought down to regulation standard and widened. This allowed the space for the full facility names, out of respect for the families they are named for.
- Based on the recommendations, the East Middle Turnpike entrance sign variance for height is still being requested, but has been lowered by 0.5 ft. while still allowing drivers to read and turn into the entrance in a timely and safe manner. Mr. Melnick stated that, in his professional experience, this is as low as the sign can be placed while keeping safety as the top priority.

Mr. Haley commented that the sign meets the zoning regulation size-wise. That has never been in question, only the height. Therefore, the sign is within zoning no matter what is done, which Mr. Melnick confirmed.

Ms. Spadaccini referred to signs #1, #15 and #16 which all require a variance.

Mr. Melnick reported that all of the signs will need a variance: #1 needs a height variance, and #15 and #16 need a quantity variance.

Ms. Spadaccini inquired whether there have been any accidents at the school as a result of the current signs.

Mr. Melnick was not aware of any accidents but there are known traffic issues. He asked whether they should wait until someone gets hurt.

Ms. Spadaccini felt that, if it is not urgent, the applicant could go to the Planning and Zoning Commission and follow the right channels to have them change their regulations.

Mr. Melnick noted that it was brought up when doing Charter Oak Park multiple years ago. However, nothing ever came to fruition.

Ms. Spadaccini stated that it is her concern that this was discussed, and everyone is aware of it, but this is still before the ZBA.

Mr. Melnick reported that he is willing to help if someone were to initiate it, but for this project the applicant should not be held back just because the matter has not been addressed. He noted that the rebranding started a few years ago and they are trying to get everything up to date.

Ms. Spadaccini assumed that Mr. Melnick meant renaming when he spoke of rebranding, which she did not see as a hardship. She asked whether there had been any talk about putting up a smaller sign with the new name, temporarily, until the Zoning Regulations are changed, which Mr. Melnick felt was a worst-case scenario.

Ms. Harris sought clarification that all the information can fit on signs #15 and #16 without getting a height variance because they are within 5 ft., which Mr. Melnick confirmed. She further commented that they need approval to have those signs because only one free-standing sign is allowed on any property, which he also confirmed. Ms. Harris remarked that, for sign #1, a variance is required for the height of the sign so people can see it, which he also agreed with. She asked whether a 5 ft. sign would be visible as people approach and Mr. Melnick assured her that it will on Brookfield Street, because they repositioned it to a different part of the hill; on Summit Street, it will be partially seen.

Mr. Haley commented that there are not parking problems on Summit Street.

Ms. Pilla referred to Ms. Spadaccini's remark about a regulation amendment and the previous discussion about the Charter Oak project. When Mr. Melnick appeared before the Board last

month, there was a discussion about how the Manchester Public Schools operate separately from other Town of Manchester government entities. When Charter Oak Park was renovated, the Town of Manchester was the applicant and thought was given to looking at a regulation amendment. Unfortunately, the Town of Manchester has been unable to do that, as it has not been a top priority. The entire signage regulation section needs to be addressed, and the Town's current goal is to take a comprehensive look at that section in the future, hopefully within a year.

Mr. Haley remarked that it is his understanding that the purpose of this Board is to give relief on zoning questions. For example, if it is a side yard, the Board does not go back and state that you have to change the side yard rules. In this case, it is a sign, and the Board should not have to say, "You have to change the sign rules." The Board's purpose is to give relief if there is a good reason, he said, and Ms. Pilla agreed.

**SWAN RIVER ASSOCIATES, LLC** – Application #VAR-0039-2022 – Request a use variance from Art. II, Sec. 16.13 to allow a personal service business at 41 Chapel Street, Industrial zone.

Ms. Julie Clay, 41 Chapel Street, Manchester, introduced herself as representing the applicant. Ms. Clay asked for a use variance because the current space is not conducive to another light industrial use. It is geared toward office, and they thought it would be adaptable for the request by a lash technician.

Ms. Clay reported that the proposed tenant is starting a business applying lashes and they like to encourage and support small businesses in town. It will be a one-on-one service where a customer will have eyelashes applied. After a question from Mr. Stevenson, Ms. Clay said she assumed the hours of operation would be standard daytime work hours with no support staff.

Mr. Haley asked how long the unit has been vacant, to which Ms. Clay stated it has been vacant for three or four months. The previous audio production studio had been there for approximately two to three years. Prior to that, it was vacant for three to five years.

Mr. Haley asked Ms. Clay if, during this vacant period, they looked for a tenant that would fit the zoning regulations.

Ms. Clay responded that they had not because this opportunity arose, but from previous experience, there was no one even remotely interested in renting the area.

Mr. Slegeski requested that the proposed tenant share the hours of operation

Ms. Hernandez reported that she works Monday through Friday with two to four clients per day. Normal business hours vary, sometimes 9:00 to 5:00, sometimes 12:00 to 5:00, depending on the needs of her clients.

Mr. Slegeski asked if she would agree to a 6:00 P.M. closure as a condition of approval.

Ms. Hernandez stated that she does have clients who need appointments after their workday. She currently has one late day from 3:00 to 8:00 to accommodate those clients. However, her clients

are requesting another day of late appointments, and she is planning to change her schedule to two later days. Ms. Hernandez felt she would like a four day on/three day off schedule with two long days, perhaps 11:00 to 7:00 or 12:00 to 8:00. She noted that she does not currently have set hours, as she tries to accommodate her clients' schedules.

Ms. Clay inquired why there would be a restriction on hours.

Mr. Slegeski replied that, with some businesses, the Board will ask as a condition of approval.

Mr. Stevenson asked what square footage of the building the business would be occupying, to which Ms. Clay answered roughly 1,100 sq. ft.

Mr. Haley asked about the lighting for the area at night.

Ms. Clay responded that there is outside lighting at the dock area, which is right in front of the office door. She stated that there is lighting on the road because it is a public road.

Ms. Pilla stated that there were no Staff comments or objections.

Mr. Stevenson reported that Mr. Hood will be sitting as a regular member in the absence of Ms. DeCampos.

The Public Hearing was closed at 7:55 P.M.

I certify these minutes were adopted on the following date:

November 30, 2022  
Date

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James Stevenson, Chairman

**NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD  
IN THE PLANNING DEPARTMENT.**