AGENDA ZONING BOARD OF APPEALS LINCOLN CENTER HEARING ROOM AND VIRTUALLY VIA ZOOM FEBRUARY 22, 2023 7:00 P.M.

This meeting will be held both in person and virtually, via Zoom. Individuals who wish to speak at or attend the virtual meeting must complete a Request to Attend Virtually form, available at <u>https://manct.us/meeting</u> by 4:00 p.m. on the day of the meeting. These individuals will need to join the Zoom meeting and will be allowed to speak when directed by the Chairman. Zoom meeting information will be sent to individuals who complete a Request to Attend Virtually form. Only individuals who complete a Request to Attend Virtually form will be allowed to join the Zoom meeting. A physical location and electronic equipment will be provided for the public to use if a written request is received at least 24 hours in advance, via email to <u>pzccomments@manchesterct.gov</u>, or by mail to the Planning Department, 494 Main Street, P.O. Box 191, Manchester, CT 06045-0191.

A. PUBLIC HEARINGS

HERMES BAEZ, SOCHLO CREAM LLC – application #VAR-0036-2022 – Request a variance of Art. II, Sec. 1.03.01 (b) to allow a commercial vehicle exceeding one ton on a personal residential driveway at 15 Chester Drive, Residence A zone.

B. BUSINESS MEETING

- 1. Consideration of Public Hearings
- 2. Approval of Minutes
 - January 25, 2023 Public Hearing, Business Meeting
- 3. Acceptance of New Applications

DR. WILLIAM SPECTOR – application #VAR-0043-2023 – Request a variance from Art. II, Sec. 3.01.01 to allow a generator approximately 11 feet from the side property line (15 feet required) at 81 Grissom Road, Residence AA zone.

- 4. Other Business
 - Upcoming Training Opportunities

TOWN OF MANCHESTER LEGAL NOTICE

The Zoning Board of Appeals will hold a public hearing on February 22, 2023 at 7:00 p.m., both virtually and in person in the Lincoln Center Hearing Room, 494 Main Street, Manchester, Connecticut to hear and consider the following application:

HERMES BAEZ, SOCHLO CREAM LLC – application #VAR-0036-2022 – Request a variance of Art. II, Sec. 1.03.01 (b) to allow a commercial vehicle exceeding one ton on a personal residential driveway at 15 Chester Drive, Residence A zone.

At this hearing interested persons may be heard, either in person or virtually via Zoom, and written communications received. Individuals who wish to speak at or attend the virtual meeting must complete a Request to Attend Virtually form, available at https://manct.us/meeting by 4:00 p.m. on the day of the meeting. These individuals will need to join the Zoom meeting and will be allowed to speak when directed by the Chairman. Zoom meeting information will be sent to individuals who complete a Request to Attend Virtually form. Only individuals who complete a Request to Attend Virtually form will be allowed to join the Zoom meeting. A physical location and electronic equipment will be provided for the public to use if a written request is received at least 24 hours in advance, via email to pzccomments@manchesterct.gov, or by mail to the Planning Department, 494 Main Street, P.O. Box 191, Manchester, CT 06045-0191. Individuals may also submit comments in writing to the Planning and Economic Development Department via email to pzccomments@manchesterct.gov, or by mail to the Planning Department, 494 Main Street, P.O. Box 191, Manchester, CT 06045-0191. All written comments received by 4:00 p.m. on the day of the meeting will be presented and recorded as part of the hearing. Information about these applications will also be available online at https://Manchesterct.gov/zba by the Friday before the hearing.

James R. Stevenson, Chair Zoning Board of Appeals

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TOWN OF MANCHESTER PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

TO:	Zoning Board of Appeals
FROM:	Megan Pilla, Principal Development Planner MP
DATE:	February 15, 2023
RE:	Hermes Baez, SoChlo Cream LLC – Application #VAR-0036-2022 15 Chester Drive – Residence A zone

Introduction

The applicant is requesting a variance from Art. II, Sec. 1.03.01 (b) to allow a commercial vehicle exceeding one ton on a personal residential driveway at 15 Chester Drive, Residence A zone.

Variance Request

Art. II, Sec. 1.03.01 of the zoning regulations lists accessory uses that are permitted where the primary use is residential. Item (b) stipulates that a maximum of one commercial vehicle may be parked on a residential lot, and the commercial vehicle shall not exceed one ton.

The applicant is requesting a variance to allow one commercial vehicle exceeding one ton to be parked in the driveway of the subject parcel.

Stated Hardship

The applicant has provided the following answers regarding hardship:

Strict application of the regulations would produce UNDUE HARDSHIP because:

"The ice cream truck needs to be parked in the driveway because it needs to be plugged into the electrical outlet which is on the side of the house."

The hardship created is UNIQUE and not shared by all properties alike in the neighborhood because:

"Not all properties have a vehicle that requires access to an electrical outlet."

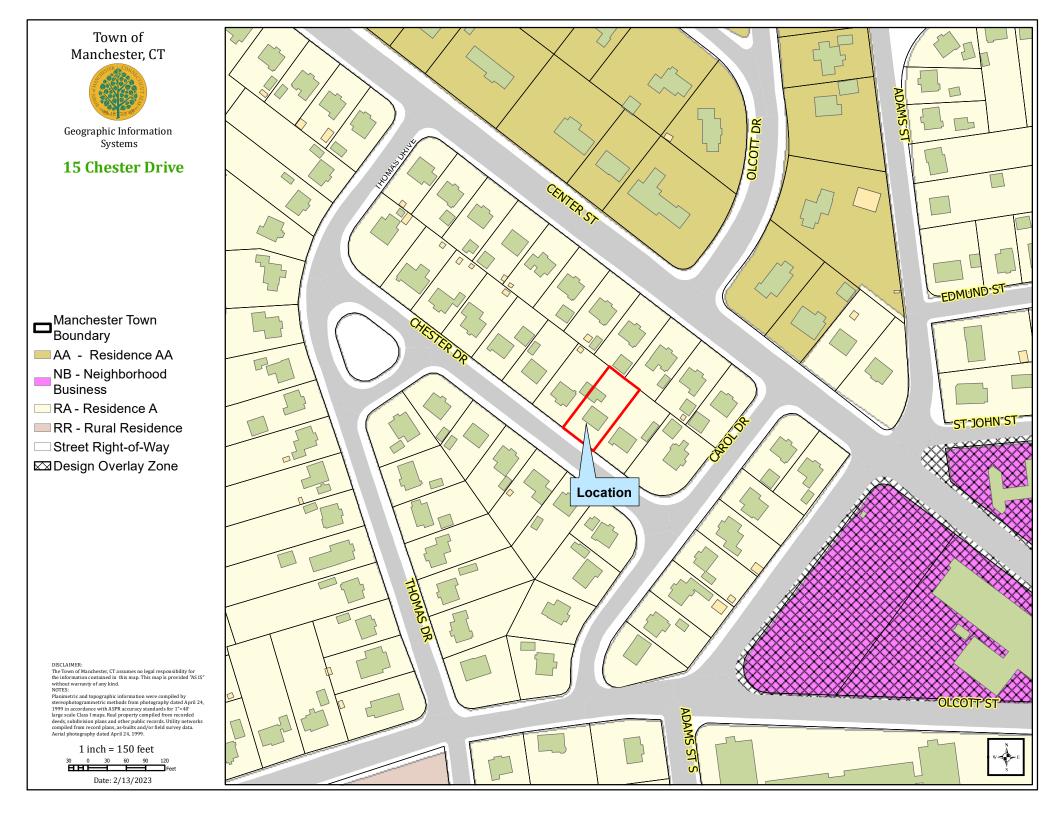
The variance would not change THE CHARACTER OF THE NEIGHBORHOOD because:

"The property will not change. The only difference is the ice cream truck will be parked in the driveway, and the truck is not too big. See photos for comparison to other vehicles in the driveway and the neighbor's driveway."

Staff Review

Town staff has reviewed the plans and documents submitted with the application and there are no outstanding comments.

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Narrative to Appeal

Reason to appeal my commercial vehicle on my residential property driveway is due to the fact that my vehicle is electrical. I am a new ice cream business who runs my business through my vehicle. My vehicle holds my ice cream merchandise which needs to be charged through electricity in order for my ice cream not to melt or I will lose all merchandise. I would greatly appreciate if the town of Manchester can accommodate this appeal. Thank you for your time

Hermes Baez







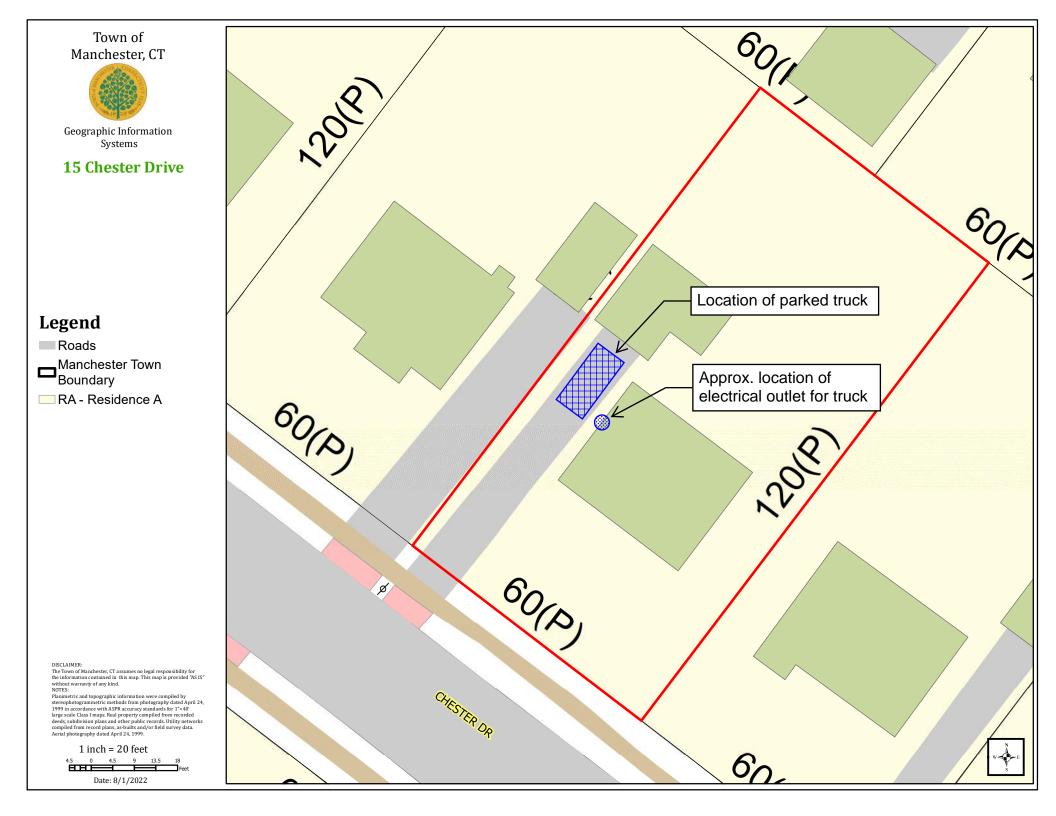












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MINUTES OF PUBLIC HEARING HELD BY THE ZONING BOARD OF APPEALS LINCOLN CENTER HEARING ROOM JANUARY 25, 2023

MEMBERS PRESENT: In Person:	Robert Haley, Acting Chair Edward Slegeski Sandra DeCampos		
Electronically:	Keshet Spadaccini, Secretary		
ALTERNATES PRESENT:			
In Person:	Harun Ahmed, Sitting Kevin Hood		
Electronically:	Linda Harris		
ABSENT:	James R. Stevenson, Chair		
STAFF PRESENT: In Person: Electronically:	Megan Pilla, Principal Development Planner James Davis, Zoning Enforcement Officer Nancy Martel, Recording Secretary		

The Acting Chair opened the Public Hearing at 7:00 P.M. The Secretary read the legal notice for the application when the call was made.

ADOPTION OF REVISED AGENDA

MOTION: Ms. Harris moved to adopt the revised agenda, removing application ZSE-0001-2022 and adding a request for an extension for that application. Mr. Slegeski seconded the motion and all members voted in favor.

CORPORATION FOR PUBLIC MANAGEMENT, MELISSA LESTER – Application #ZSE-0002-2022 – Request a special exception under Art. II, Sec. 16.15.01 (b) to allow an adult day care center at 199 Adams Street, Industrial zone.

Ms. Melissa Lester, 199 Adams Street, Corporation for Public Management, introduced herself. Ms. Lester stated that her company provides adult daycare services currently at 75 Summit Street to adults with developmental disabilities. Their program runs from approximately 7:00 A.M. until 2:00 P.M. They engage in day support options, specifically skill sets based around independence. Individuals would be transported to job sites in the community for the majority of the day and return to the site at approximately 1:45 to 2:00 P.M. for transport home. Ms. Lester reported that their intention is to have 199 Adams Street replace the Summit Street location. In addition, the traffic pattern and the storm water procedure will remain the same. The outside of the building will be kept the same, with minor changes to the interior of the building. Throughout the day, sensory skills would be taught, and there would be a tech lab. The remainder of the individuals will be out in the community.

Ms. Lester displayed the first floor of the location and explained that there will be a small café, a kitchenette without a stove, but with items such as an air fryer, a self-ventilating oven, and a microwave. In addition, art therapy will also be held on the first floor. The staff ratio is one staff member to four individuals, for a maximum of five people in each room during the day. Typically, this location has only between 8 and 12 individuals onsite throughout the day.

Ms. Harris asked whether there would be a time that all individuals would be in the building at the same time. Ms. Lester responded that the total of the program is 40 individuals. The only time all individuals would be present would be a 10- to 20-minute window when they are transported in by their five vans.

Ms. Harris noted that the application states that 10 of the vans would be housed overnight at the property. Ms. Lester replied that, between their residential and day programs, at any point in time the maximum would be 10 vans. There would only be three or four vans left overnight.

Ms. Harris sought confirmation that there would be no cooking in the cafeteria, which Ms. Lester confirmed.

Ms. Harris asked why they are seeking the location change. Ms. Lester explained that they have outgrown their current location and the fire marshal requested a fire wall be installed between their operation and the adjoining church. The landlord did not want to make that change.

Mr. Slegeski noted that there is a wide range of clients and asked what the age groups are.

Ms. Lester reported that DDS provides services to adults ages 22 up to whatever age they would like to attend. This specific site has an individual aged 32 and the oldest is in their mid-sixties. For any individual who falls under DDS care who attends the program, DDS tailors the program to the individuals. There is a 45-day review period to determine the best program for the individual.

After a question from Mr. Haley, Ms. Lester stated that their program's funding is from ABI through Sunset Shores, all under Developmental Disabilities. Mr. Haley inquired whether they would be closing their Summit Street location, which Ms. Lester confirmed.

Mr. Haley speculated whether there would be alarms on the doors for the safety of the clientele.

Ms. Lester explained that their other sites have doors that beep. All individuals have an assessment done prior to attending, at which time it is ascertained if there is a history of wandering. However, under their care, the policy is that each individual is in the line of sight.

Ms. Pilla displayed the location of the proposed outdoor recreation area, which will be approximately 1,000 sq. ft. State regulations require 50 sq. ft. per enrolled individual, so 1,000 sq. ft. is more than adequate. She pointed out the abutting 205 Adams Street, noting that it is owned by the same property owner as 199 Adams Street, which is why the outdoor recreation area crosses over onto 205 Adams Street. An access easement is recommended, in the event that the property owner sold only one of the lots. Ms. Pilla explained the Staff review comments. Most comments were addressed, though there were a couple of comments from the Zoning Enforcement Officer that need to be discussed:

- The newly-provided site plan does not reflect the current limits of pavement and parking spaces; i.e., the layout on the plan is not up to date and should be amended.
- The ZEO requested that the applicant provide detailed information about the proposed outdoor recreation area regarding its specific location and size, surface, and any proposed improvements. It was noted that there is currently a dumpster at that location.
- The ZEO asked if the vehicle traffic flow will work for the proposed parking and handicapped parking in the drop-off lane, including dumpsters and garbage trucks.
- The ZEO asked for confirmation of all uses, including any other uses on the property, specifically the rear portion of the building which is not to be used by this group, as well as the house on 205 Adams Street.

Mr. Davis stated that the survey is approximately 20 years old. He remarked that additional paving was done to the north of the building and he would like that added to the site plan. The pickup/drop-off area is a concern because of the handicapped parking spaces, and he explained his concerns.

Ms. Lester commented that she will check to see if there are updated plans and agreed with Mr. Davis's comments.

After a remark from Mr. Davis, Mr. Jon Piela, the property owner, explained that, once he was made aware of the requirement for a recreation area, all items were moved. He stated that he operates a business out of the back building, with approximately 10 employees in six cars who arrive at 7:00 A.M., setting out for the day at 7:30 A.M., and returning at 3:00 P.M.

Mr. Davis requested that Ms. Lester utilize GIS information and demonstrate the relocated dumpster.

After a question from Ms. Harris, Ms. Pilla explained that an easement would be filed on the land records, similar to a deed, stating that the tenant of 199 Adams Street has permanent access to this portion of 205 Adams Street. It is then permanent, unless the property owner sought to relinquish the easement and the land records would be changed again. Typically, an easement between two parties involves an agreement between the two property owners, but in this case, the properties are owned by the same person.

Mr. Piela confirmed that he has no issue with an easement.

Mr. Haley asked whether the applicant is certified by the State, which Ms. Lester confirmed. He further asked whether the certifying agency will be required to visit and recertify the site.

Ms. Lester informed Mr. Haley that, prior to the application, she had the resource manager for DDS, who is in charge of allocating the funds to locations, survey the site. There was a list of items that needed to be done, which Mr. Piela and his contractor completed with ease.

Mr. Haley asked Staff if there were any comments from the Fire Department or Traffic Engineer. Ms. Pilla replied that there were no comments from the Fire Department. The only comment from the Traffic Engineer was the same comment from Mr. Davis about the location of the handicapped parking spaces to ensure that access is suitable.

Mr. Haley additionally asked whether they have to be certified by the Health Department, since they are teaching food skills. Ms. Pilla commented that they will probably need to have a permit in place, and after the special exception approval, they may file for that permit.

Mr. Haley closed the public hearing at 7:35 P.M.

I certify these minutes were adopted on the following date:

Date

James Stevenson, Chair

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

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MINUTES OF BUSINESS MEETING HELD BY THE ZONING BOARD OF APPEALS LINCOLN CENTER HEARING ROOM JANUARY 25, 2023

MEMBERS PRESENT:

In Person:

Robert Haley, Acting Chair Edward Slegeski Sandra DeCampos Keshet Spadaccini, Secretary

Electronically:

ALTERNATES PRESENT:

In Person:

Electronically:

ABSENT:

James R. Stevenson, Chair

Harun Ahmed, Sitting

Kevin Hood Linda Harris

STAFF PRESENT: In Person: Electronically:

Megan Pilla, Principal Development Planner James Davis, Zoning Enforcement Officer Nancy Martel, Recording Secretary

The Acting Chair opened the Business Meeting at 7:35 P.M.

CORPORATION FOR PUBLIC MANAGEMENT, MELISSA LESTER – Application #ZSE-0002-2022 – Request a special exception under Art. II, Sec. 16.15.01 (b) to allow an adult day care center at 199 Adams Street, Industrial zone.

MOTION: Mr. Slegeski moved to approve the special exception with the condition that an access easement be filed on the land records for the outdoor recreation area on 205 Adams Street, and with the modification that the plan be revised to show handicap parking to the north and the new location of the dumpster. Ms. DeCampos seconded the motion and all members voted in favor.

JESSE FERNANDEZ – application #ZSE-0001-2022 – Request a special exception under Art. II, Sec. 26.04 to allow a child day care center at 346 Middle Turnpike West, Form-Based zone. – *Request for Extension*

MOTION: Ms. Spadaccini moved to approve the request for extension for 65 days. Ms. DeCampos seconded the motion and all members voted in favor.

APPROVAL OF NOVEMBER 30, 2022 MINUTES: PUBLIC HEARING AND BUSINESS MEETING

MOTION: Ms. Spadaccini moved to approve the minutes as written. Mr. Ahmed seconded the motion and all members voted in favor.

ELECTION OF OFFICERS

- **MOTION:** Mr. Slegeski nominated Mr. Stevenson for Chair. Mr. Ahmed seconded the motion and all members voted in favor.
- **MOTION:** Mr. Slegeski nominated Mr. Haley for Vice Chair. Ms. DeCampos seconded the motion and all members voted in favor.
- **MOTION:** Mr. Slegeski nominated Ms. Spadaccini for Secretary. Ms. DeCampos seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS

HERMES BAEZ, SOCHLO CREAM LLC – Application #VAR-0036-2022 – Request a variance of Art. II, Sec. 1.03.01 (b) to allow a commercial vehicle exceeding one ton on a personal residential driveway at 15 Chester Drive, Residence A zone.

OTHER BUSINESS

Upcoming Training Opportunities

Ms. Pilla reminded the Board of the statutory training requirement. In this, the first year, members are required to obtain four hours of training, and subsequently four hours every two years. Of those four hours, one must be on the topic of affordable housing; the other three can be on any topic related to planning and zoning boards and commissions. The Planning Department will provide at least two sessions internally this year, which she detailed.

Ms. Pilla stated that, at each meeting, she will have upcoming training opportunities listed, and she will also continue sending e-mails. When the members complete the training, they must provide the certificate to her.

The meeting was adjourned at 7:50 P.M.

I certify these minutes were adopted on the following date:

Date

James Stevenson, Chair

NOTICE: A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.