

**AGENDA
ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
AND VIRTUALLY VIA ZOOM
APRIL 26, 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 <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.

A. PUBLIC HEARINGS

JESSE FERNANDEZ – application #ZSE-0001-2022 (*Continued from March 29, 2023*) – 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.

JAMES GRADY – application #VAR-0048-2023 – Request a variance from Art. II, Sec. 1.03.04(c) to allow a garage approximately 7 feet from the side property line (8 feet required) at 16 North Elm Street, Residence B zone.

MANCHESTER PUBLIC SCHOOLS – application #VAR-0047-2023 – Request variances from Art. IV, Sec. 13.06.01 and 13.09 for the height of signage and for use of an electronic message board in a residential zone at 134 Middle Turnpike East, Residence A and Residence B zones.

B. BUSINESS MEETING

1. Consideration of Public Hearings
2. [Determination on Acceptance of Application VAR-0049-2023](#)
 - **ORFORD VILLAGE HOUSING DEVELOPMENT CORPORATION** – application #VAR-0049-2023 – Request a use variance from Art. II, Sec. 4.01 to construct 4 senior multi-family units at 190 North Elm Street, Residence A zone.
3. Approval of Minutes
 - [March 29, 2023](#) – Public Hearing, Business Meeting

4. Acceptance of New Applications

5. Other Business

- Upcoming Training Opportunities

**TOWN OF MANCHESTER
LEGAL NOTICE**

The Zoning Board of Appeals will hold a public hearing on April 26, 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 applications:

JAMES GRADY – application #VAR-0048-2023 – Request a variance from Art. II, Sec. 1.03.04(c) to allow a garage approximately 7 feet from the side property line (8 feet required) at 16 North Elm Street, Residence B zone.


MANCHESTER PUBLIC SCHOOLS – application #VAR-0047-2023 – Request variances from Art. IV, Sec. 13.06.01 and 13.09 for the height of signage and for use of an electronic message board in a residential zone at 134 Middle Turnpike East, Residence A and Residence B zones.

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

**TOWN OF MANCHESTER
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals

FROM: Megan Pilla, Principal Development Planner 

DATE: April 20, 2023

RE: Jesse Fernandez – Application #ZSE-0001-2022
346 Middle Turnpike West – Form-Based zone

*****This hearing is continued from the March 29, 2023 meeting.***

Introduction

The applicant is requesting a special exception under Art. II, Sec. 26.04 to allow a child day care center at 346 Middle Turnpike West, Form-Based zone.

Project Description

The applicant owns and operates Fun Luvn Daycare Center, which is currently located at 358 Hartford Road, and is seeking approval for a new location at the subject property. The proposed space is located near the middle of the existing shopping center and faces the south parking lot. The directly adjacent units are currently occupied by the Manchester branch of the CT Department of Children & Families (DCF) and the plaza's maintenance space. The proposed floor plan is attached.

Outdoor Play Area

Both local and state regulations require that child day care centers provide a securely enclosed outdoor play area. The submitted plans show a fenced-in playground within the parking lot, directly across the drive aisle from the facility entrance. Six (6) parking spaces would be eliminated to create this space.

Traffic and Parking

Parking at the shopping center is adequate to meet the minimum requirements, and any increase in traffic is expected to be minimal in relation to the size of the shopping plaza. Customers of the proposed facility would most likely park in the rear of the shopping center off of Green Manor Boulevard, which is where the facility's entrance would be.

For the Board's Consideration

Child day care centers are permitted in the Form-Based zone by special exception from the Zoning Board of Appeals. The Board should consider whether the proposed day care center meets the requirements of Article IV, Section 10, as well as the general requirements for special exceptions as outlined in Article IV, Section 20.

Staff Review

At the March 29, 2023 meeting, the Board continued the public hearing and directed the applicant to submit the required site plans showing details of the proposed outdoor play area. As of the writing of this memo, revised plans have not been received.

mp

\\TOWNFILE2\Users\Planning\ZBA\2023\04 - April 26\Packet\ZSE-0001 Fernandez - Memo.docx










Attachments

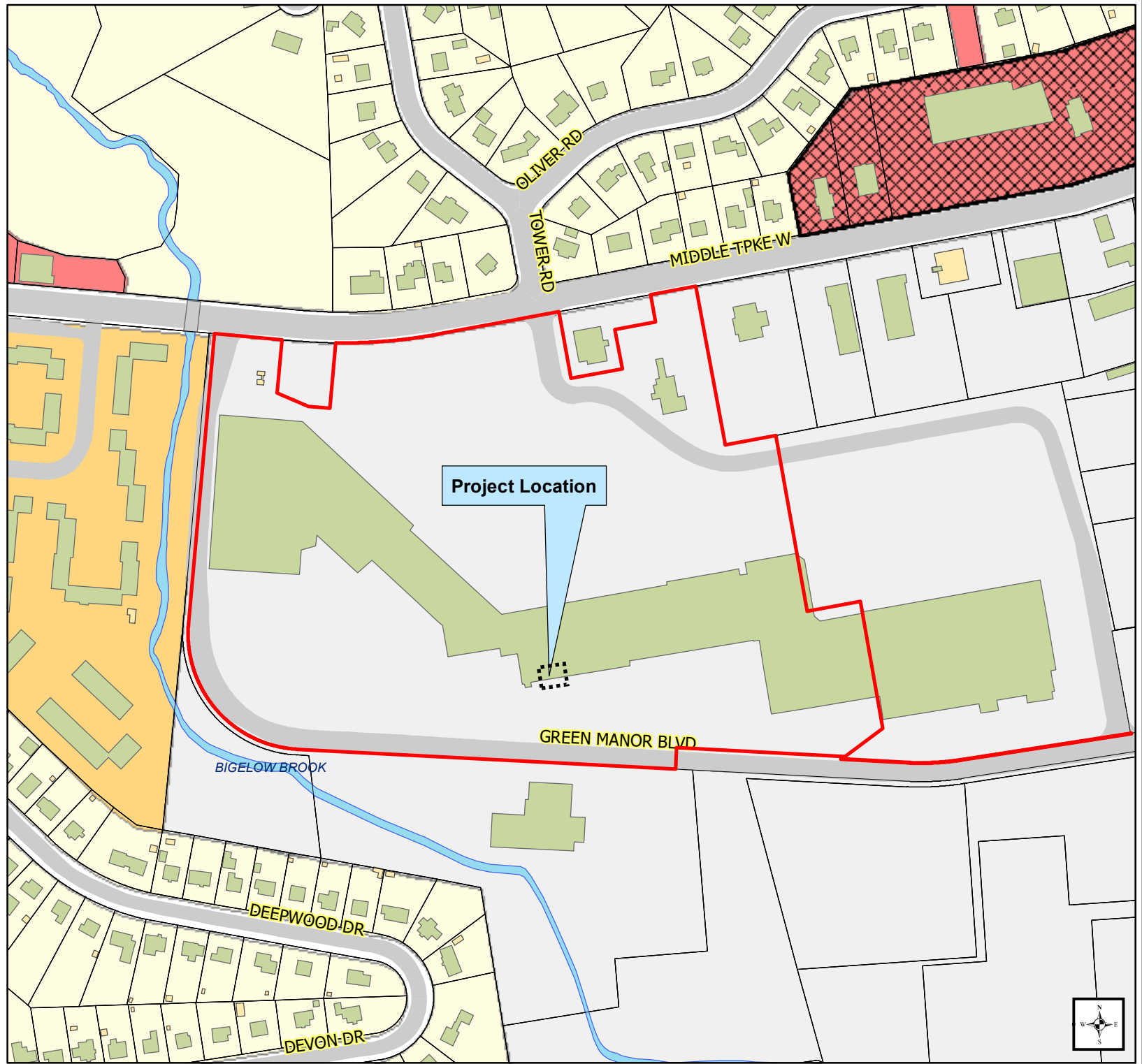
Town of
Manchester, CT



Geographic Information
Systems

346 Middle Tpk. West

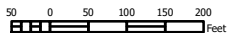
-  Bridges
-  Roads
-  Manchester Town Boundary
-  FBZ - Form-Based Zone
-  GB - General Business
-  RA - Residence A
-  RC - Residence C
-  RR - Rural Residence
-  Design Overlay Zone



DISCLAIMER:
The Town of Manchester, CT assumes no legal responsibility for the information contained in this map. This map is provided "AS IS" without warranty of any kind.

NOTES:
Planimetric and topographic information were compiled by stereophotogrammetric methods from photography dated April 24, 1999 in accordance with ASPR accuracy standards for 1"=40' large scale Class I maps. Real property compiled from recorded deeds, subdivision plans and other public records. Utility networks compiled from record plans, as-builts and/or field survey data. Aerial photography dated April 24, 1999.

1 inch = 250 feet



Date: 11/21/2022



Fun Luvin Daycare Center Narrative

Fun Luvin Daycare Center opened in Manchester October 2015, fully license by the State of Connecticut, owned and operated by Yudyssa and Jesse Fernandez. It is a minority, veteran owned business. It's a daycare center, but when you walk in a lot of parents feel like they're walking into a home. With that said, "Everyone that works here loves children and wants to be here. It's more than a job."

We hire local Manchester residents and cater to low-income families. Yudyssa founded Fun Luvin Home Daycare in 2008. Yudyssa began in her home in Manchester, Connecticut and since 2008, she has always dreamed of someday opening her our own daycare center. She always wanted to expand and finally had the opportunity when the previous daycare in our current location was shut down. She has steadily grown her dream to its present state.

Jesse and Yudyssa have extensively renovated the property after acquiring it. Jesse did the work himself, inside and out. They even researched what colors influenced positive moods of children. New furniture, a playscape, paint, lights, and a number of other fixtures and additions have all become a part of the building that is now Fun Luvin Daycare Center.

They have two boys of their own. We perform thorough background checks on all workers, interviews parents, and even gives parents the opportunity to interview us. Also, every one of our staff members are certified in CPR and Infant First Aid.

Fun Luvin Daycare is truly a family affair.

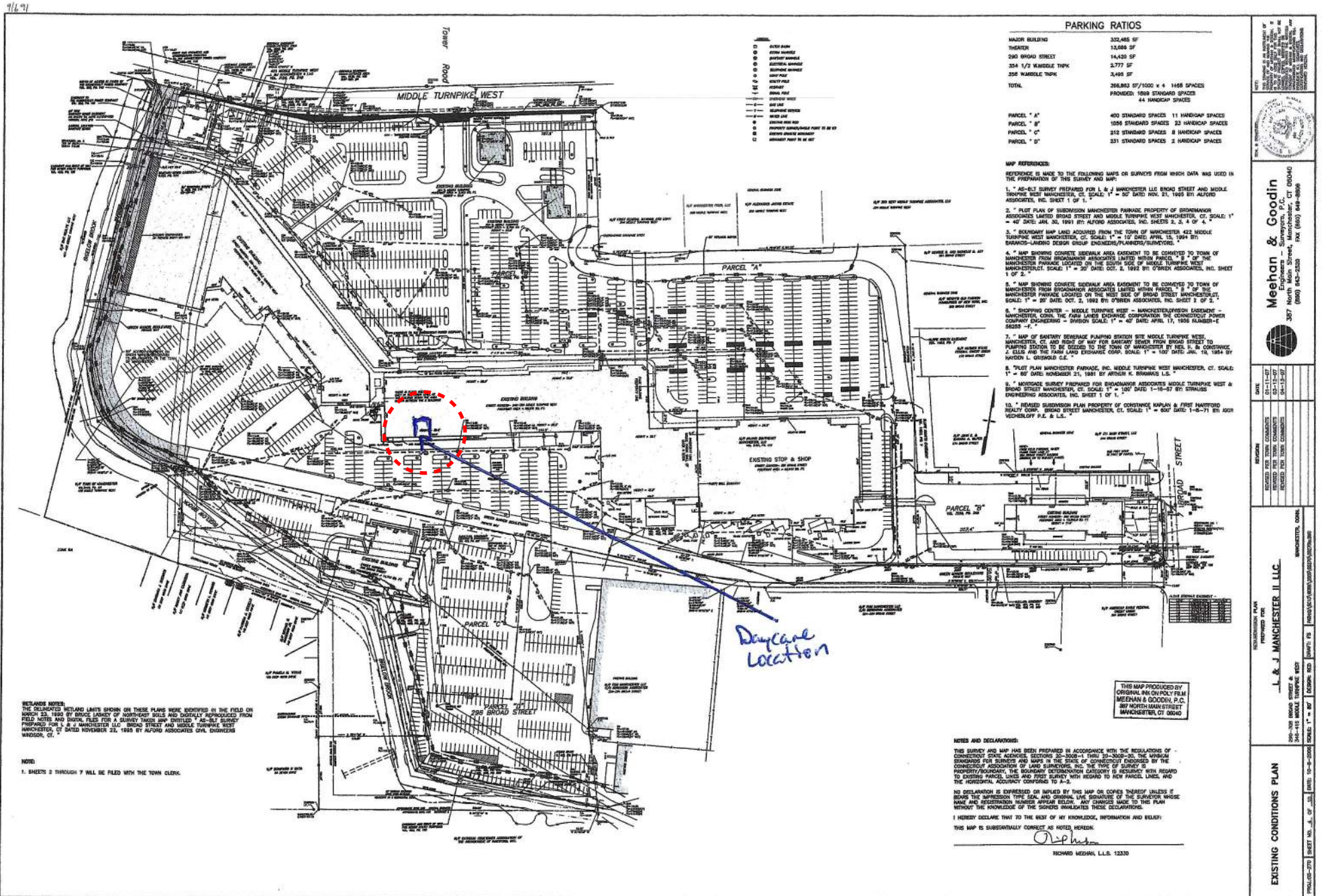
Now we are looking to expand into the 376RA Middle TPK W location. We see a need for quality daycare who focuses on quality care and teaching children from newborn to age 5. In Connecticut there is a dire need for childcare, especially low-income families. We have a waiting list and need to expand due to that need. We were searching for a location to stay in Manchester and found this location with is on a bus line and easy access to highways. We are excited to revitalize this space and bring life to this section of the plaza.

Additional information received 10/17/22:

Business operations are as follows: We will open from 7:30am - 5:45pm. We have a total of 7 employees currently, we will have to staff an additional 3 employees if we get approved for this location as enrollment increases. We will have a total of 38 children once enrollment is at capacity, we currently have 24 children in the Hartford Road location. We have a pre-k program that gets children ready for Kindergarten.

We do not anticipate any disruption to the traffic flow in the parking lot. There is ample parking on the back of the plaza that we will share with both DCF employees and parents.

Overall site plan showing location of the proposed space in the shopping center



PARKING RATIOS

MAJOR BUILDING	322,485 SF
THEATER	12,088 SF
2ND BROAD STREET	14,428 SF
354 1/2 NARDDLE TRPK	2,777 SF
356 NARDDLE TRPK	3,495 SF
TOTAL	366,873 SF/1030 x 4 1448 SPACES
	PROVIDED 1850 STANDARD SPACES
	44 HANDICAP SPACES
PARCEL " A "	400 STANDARD SPACES 11 HANDICAP SPACES
PARCEL " B "	1056 STANDARD SPACES 22 HANDICAP SPACES
PARCEL " C "	218 STANDARD SPACES 8 HANDICAP SPACES
PARCEL " D "	231 STANDARD SPACES 2 HANDICAP SPACES

- MAP REFERENCES:
- AS-BUILT SURVEY PREPARED FOR L & J MANCHESTER LLC BROAD STREET AND MIDDLE TURNPIKE WEST MANCHESTER, CT SCALE 1" = 50' DATE NOV. 21, 1995 BY ALFORD ASSOCIATES, INC. SHEET 1 OF 1.
 - PLAT PLAN OF SUBDIVISION MANCHESTER PARADE PROPERTY OF BROADMAN ASSOCIATES LIMITED BROAD STREET AND MIDDLE TURNPIKE WEST MANCHESTER, CT SCALE 1" = 40' DATE JAN. 30, 1991 BY ALFORD ASSOCIATES, INC. SHEETS 2, 3, 4 OF 4.
 - BOUNDARY MAP LAND ACQUIRED FROM THE TOWN OF MANCHESTER 422 MIDDLE TURNPIKE WEST MANCHESTER, CT SCALE 1" = 12' DATE APRIL 13, 1994 BY MANANOS-LANDINO DESIGN GROUP ENGINEERS/PLANNERS/SURVEYORS.
 - MAP SHOWING CONCRETE SIDEWALK AREA EXTENDED TO BE CONVEYED TO TOWN OF MANCHESTER FROM BROADMAN ASSOCIATES LIMITED WITHIN PARCELS 2 & 3 OF THE MANCHESTER PARADE LOCATED ON THE SOUTH SIDE OF MIDDLE TURNPIKE WEST MANCHESTER, CT SCALE 1" = 20' DATE DEC. 2, 1992 BY OTHER ASSOCIATES, INC. SHEET 1 OF 2.
 - MAP SHOWING CONCRETE SIDEWALK AREA EXTENSION TO BE CONVEYED TO TOWN OF MANCHESTER FROM BROADMAN ASSOCIATES LIMITED WITHIN PARCELS 2 & 3 OF THE MANCHESTER PARADE LOCATED ON THE WEST SIDE OF BROAD STREET MANCHESTER, CT SCALE 1" = 20' DATE OCT. 2, 1992 BY OTHER ASSOCIATES, INC. SHEET 1 OF 2.
 - SHOPPING CENTER - MIDDLE TURNPIKE WEST - MANCHESTER/STATION EASEMENT - MANCHESTER, CT, THE FARM LANDS EXCHANGE CORPORATION THE CONNECTICUT POWER COMPANY ENGINEERING - BRIDGE SCALE 1" = 60' DATE APRIL 11, 1956 KRAMER-BECKER 35580 - 1."
 - MAP OF SANITARY SEWERAGE DRAINAGE SECTION SITE MIDDLE TURNPIKE WEST MANCHESTER, CT AND RIGHT OF WAY FOR SANITARY SEWER FROM BROAD STREET TO PARTIAL STATION TO BE SIZED TO THE TOWN OF MANCHESTER BY THE CONNECTICUT POWER COMPANY ENGINEERING - BRIDGE SCALE 1" = 100' DATE JAN. 18, 1984 BY HAYDEN J. GOSWAMIS, L.L.C.
 - PLAT PLAN MANCHESTER PARADE, INC. MIDDLE TURNPIKE WEST MANCHESTER, CT SCALE 1" = 80' DATE NOVEMBER 21, 1981 BY ARTHUR K. BRANNAN, L.S.
 - MORTGAGE SURVEY PREPARED FOR BROADMAN ASSOCIATES MIDDLE TURNPIKE WEST & BROAD STREET MANCHESTER, CT SCALE 1" = 100' DATE 1-18-87 878 STRANDES ENGINEERING ASSOCIATES, INC. SHEET 1 OF 1.
 - REARZED SUBDIVISION PLAN PROPERTY OF CONSTANCE KAPLAN & FIRST HARTFORD REALTY CORP. BROAD STREET MANCHESTER, CT SCALE 1" = 400' DATE 1-8-77 BY JOHN VEEHNERLOFF P.E. & L.L.C.

WETLAND NOTICES:
 THE DELINEATED WETLAND LIMITS SHOWN ON THESE PLANS WERE DETERMINED IN THE FIELD ON MARCH 23, 1999 BY BRUCE LARNEY OF NORTHEAST SOILS AND GEOTECHNICAL REPRODUCED FROM FIELD NOTES AND DATA FILES FOR A SURVEY TAGS MAP ENTITLED "AS-BUILT SURVEY PREPARED FOR L & J MANCHESTER LLC BROAD STREET AND MIDDLE TURNPIKE WEST MANCHESTER, CT DATED NOVEMBER 23, 1995 BY ALFORD ASSOCIATES CIVIL ENGINEERS WINDSOR, CT."

NOTE:
 1. SHEETS 2 THROUGH 7 WILL BE FILED WITH THE TOWN CLERK.

NOTES AND DECLARATIONS:
 THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REGULATIONS OF THE CONNECTICUT STATE ACADEMY OF SURVEYORS (SAS) AND THE REGULATIONS OF THE CONNECTICUT BOARD OF SURVEYORS AND MAPS IN THE STATE OF CONNECTICUT GOVERNED BY THE CONNECTICUT REGISTERED PROFESSIONAL ENGINEERS ACT AND THE REGULATIONS OF THE REGISTERED PROFESSIONAL ENGINEERS BOARD. THE BOUNDARY DETERMINATION CATEGORY IS REGULARITY WITH REGARD TO EXISTING PARCEL LINES AND THESE SURVEYS WITH REGARD TO NEW PARCEL LINES, AND THE HORIZONTAL ACCURACY CONFORMS TO A-2.
 NO DECLARATION IS EXPRESSED OR IMPLIED BY THIS MAP OR COPIES THEREOF UNLESS IT BEAR THE IMPRESSION OF THE SEAL AND ORIGINAL SIGNATURE OF THE SURVEYOR WHOSE NAME AND REGISTRATION NUMBER APPEAR HEREON. ANY CHANGES MADE TO THIS PLAN WITHOUT THE KNOWLEDGE OF THE SURVEYOR INVALIDATES THESE DECLARATIONS.
 I HEREBY DECLARE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.
 Richard Meznal, L.L.S. 12330

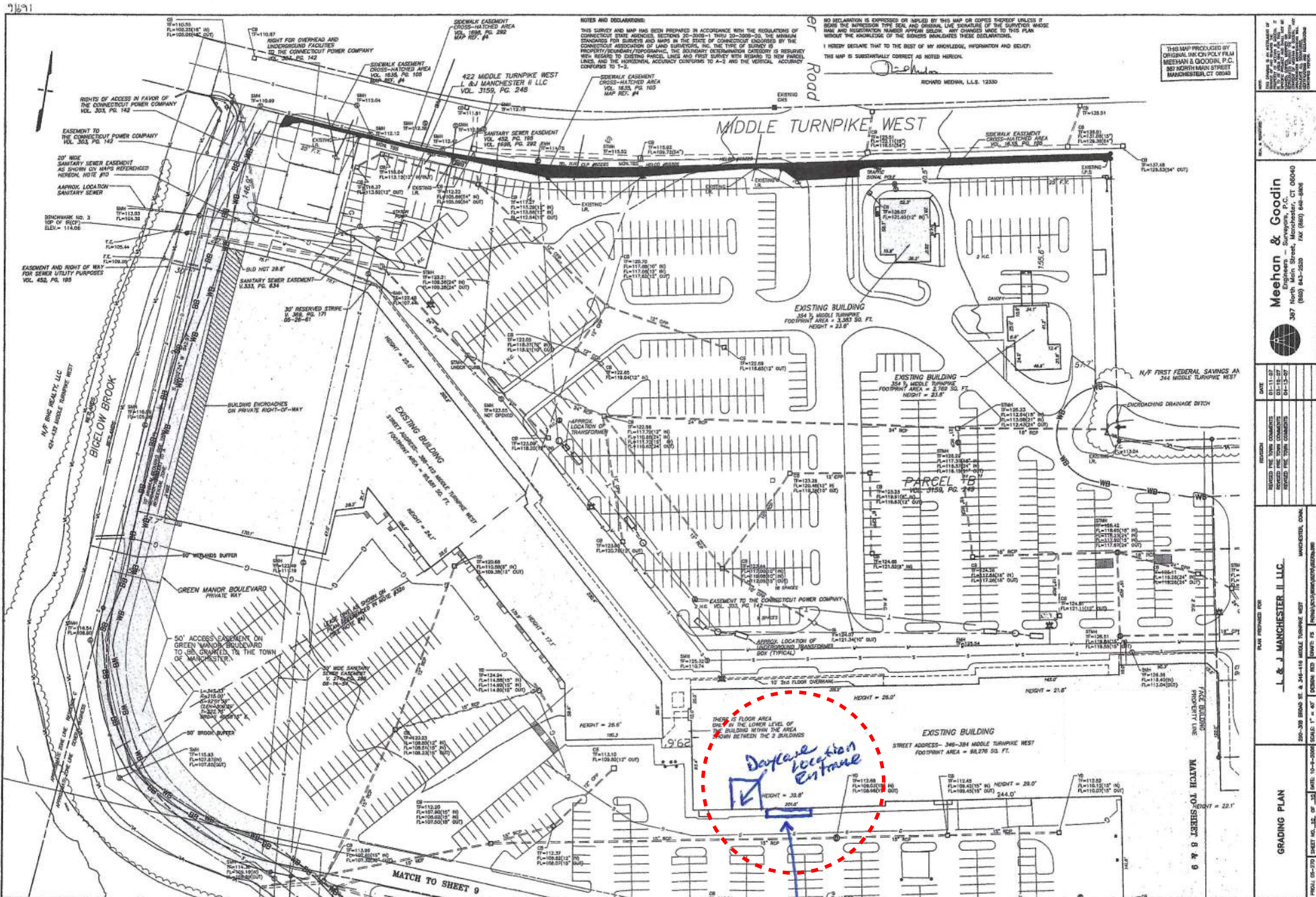
Meehan & Goodin
 Engineers - Surveyors, P.C. 03040
 367 North Main Street, Manchester, CT 06040
 (860) 940-2000
 (860) 940-9000

DATE: 01-11-2027
 REVISION: 01-11-2027
 PREPARED FOR: L & J MANCHESTER II, LLC
 PROJECT: 200-107 BROAD STREET & JAY-115 MIDDLE TURNPIKE WEST
 MANCHESTER, CT
 SHEET: 1 OF 7
 SCALE: 1" = 80'

L & J MANCHESTER II, LLC
 200-107 BROAD STREET & JAY-115 MIDDLE TURNPIKE WEST
 MANCHESTER, CT
 PROJECT: 200-107 BROAD STREET & JAY-115 MIDDLE TURNPIKE WEST
 SHEET: 1 OF 7

EXISTING CONDITIONS PLAN

Overall site plan showing location of the proposed space in the shopping center



7/19/21

THIS MAP PROVIDED BY ORIGINAL INC OR PLY BY MEEHAN & GOODIN, P.C. 387 NORTH MAIN STREET MANCHESTER, CT 06040

NO WARRANTY IS EXPRESSED OR IMPLIED BY THIS MAP OR COPIES THEREOF UNLESS IT BEAR THE SIGNATURE OF THE ENGINEER OR SURVEYOR WHOSE NAME AND REGISTRATION NUMBER APPEAR BELOW. ANY CHANGES MADE TO THIS PLAN WITHOUT THE SIGNATURE OF THE ENGINEER OR SURVEYOR SHALL BE VOID.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

Richard Medina, L.L.S. 12330

Meehan & Goodin
 Engineers - Surveyors
 387 North Main Street, Manchester, CT 06040
 (860) 643-2520 Fax (860) 644-5800

DATE: 07-11-21
 REVISIONS:
 01-11-21 REVISED THE TYPING COMMENTS
 02-11-21 REVISED THE TYPING COMMENTS
 03-11-21 REVISED THE TYPING COMMENTS

SCALE: 1" = 40'-0" (AS SHOWN)
 SHEET NO. 10-1-20000
 PROJECT: 200-308 BROAD ST. & 345-110 MIDDLE TURNPIKE WEST
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 10-1-2020

PROJECT: 200-308 BROAD ST. & 345-110 MIDDLE TURNPIKE WEST
 SHEET NO. 10-1-20000
 DATE: 10-1-2020

PROJECT: 200-308 BROAD ST. & 345-110 MIDDLE TURNPIKE WEST
 SHEET NO. 10-1-20000
 DATE: 10-1-2020

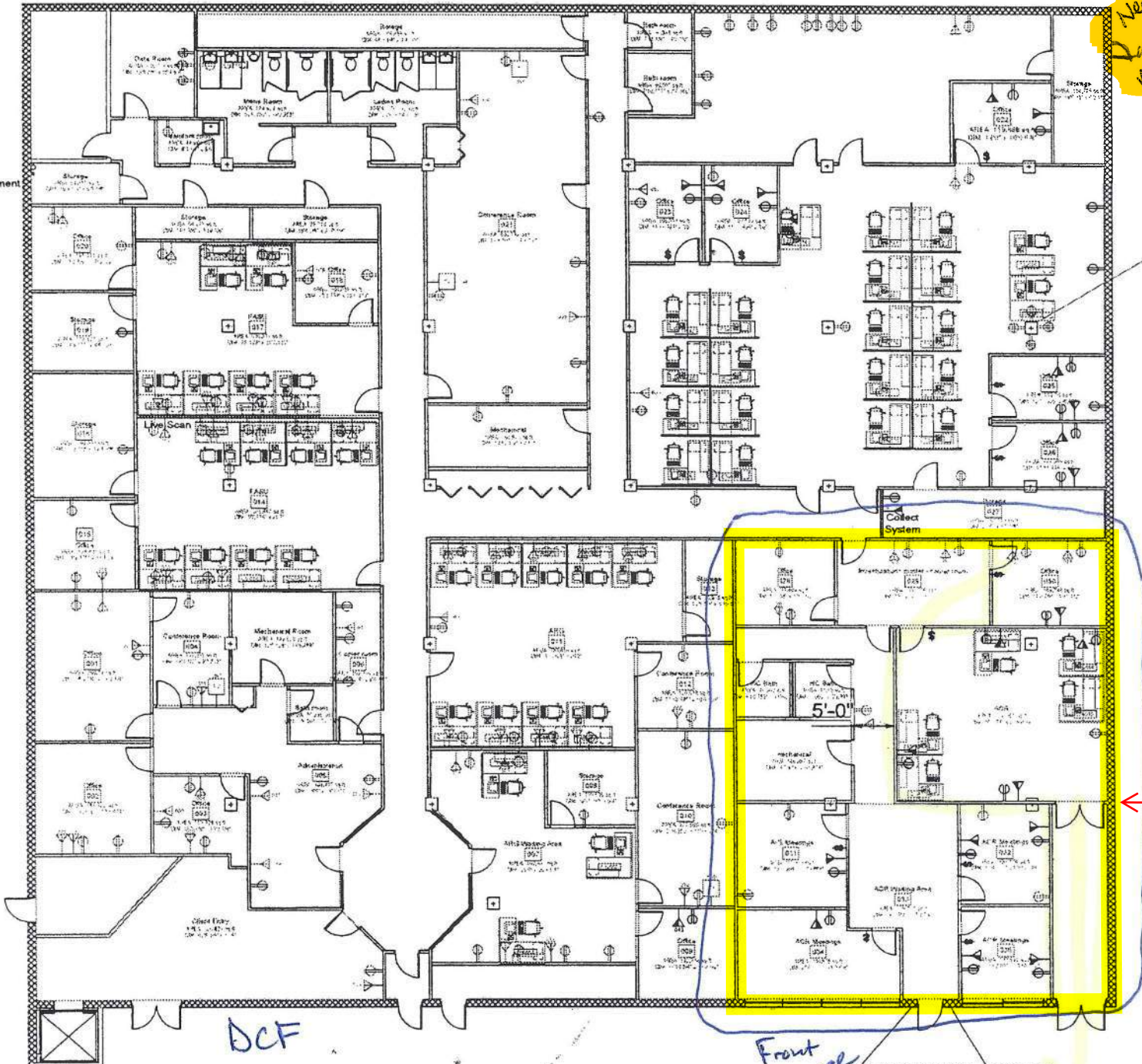
PROJECT: 200-308 BROAD ST. & 345-110 MIDDLE TURNPIKE WEST
 SHEET NO. 10-1-20000
 DATE: 10-1-2020

Existing Conditions Floor Plan showing proposed space in relation to DCF space

REV
1
2
3

*New Exit
has discuss with Fire
marshal*

4" and 2" conduit
from 2nd floor to basement
Data room



073B, 074B, 071B
072B, 070B, 068B

wall switch
with motion
sensor
nema
5-20R

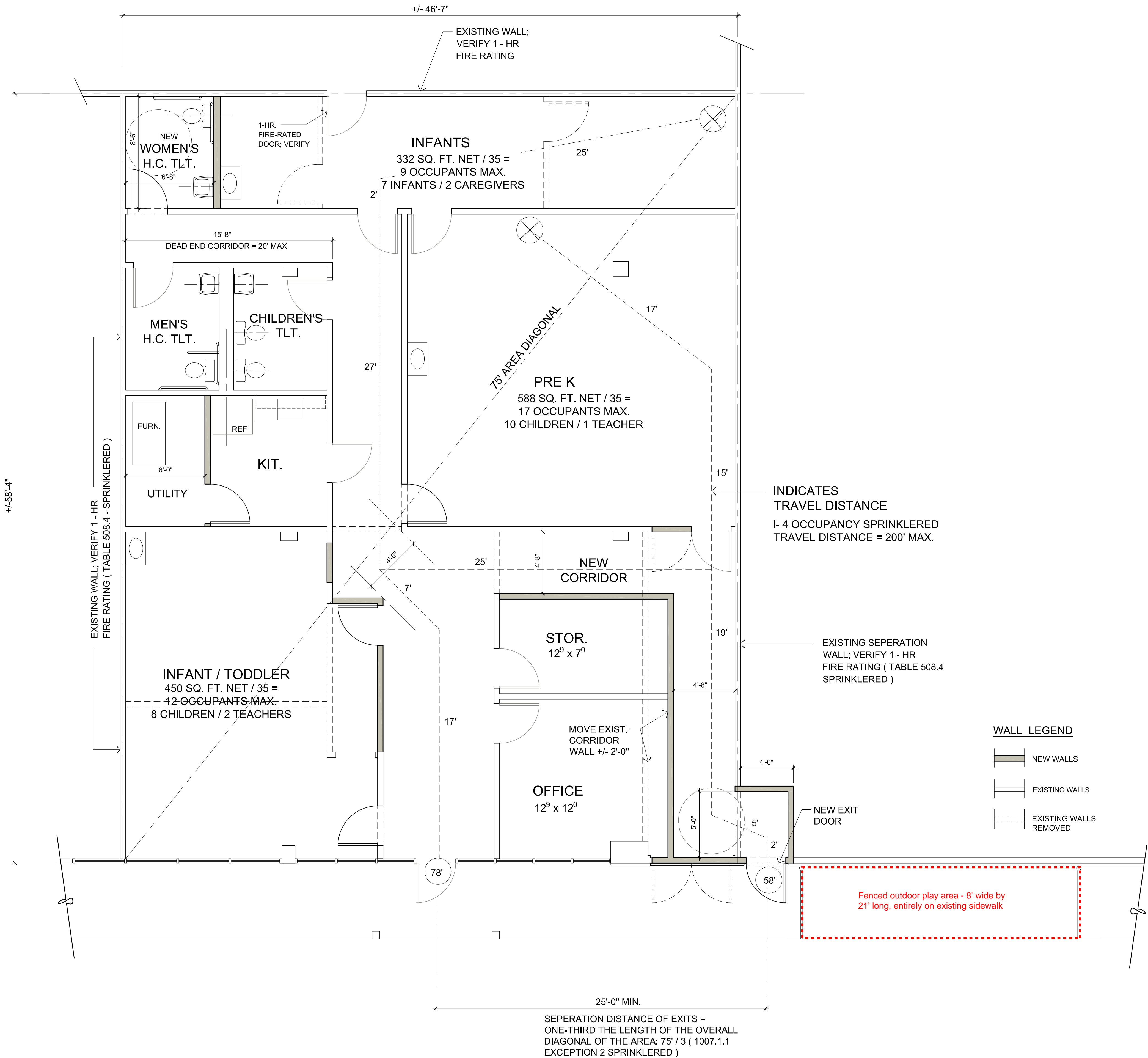
Interior space
(existing)

DCF

Front
Entrance
remove glass and replace with panel 15 or equal
for walls to butt against

ph
3/4
an

Proposed daycare space



1 NEW FLOOR PLAN
 A1 +/- 2715 SQ. FT. GROSS AREA
 +/- 2666 SQ. FT. NET AREA

1/4" = 1'-0"

PRELIMINARY
 5-4-2022

JAMES T. TUTTLE ARCHITECT
 464 WOLCOTT ROAD
 WOLCOTT, CONNECTICUT 06716

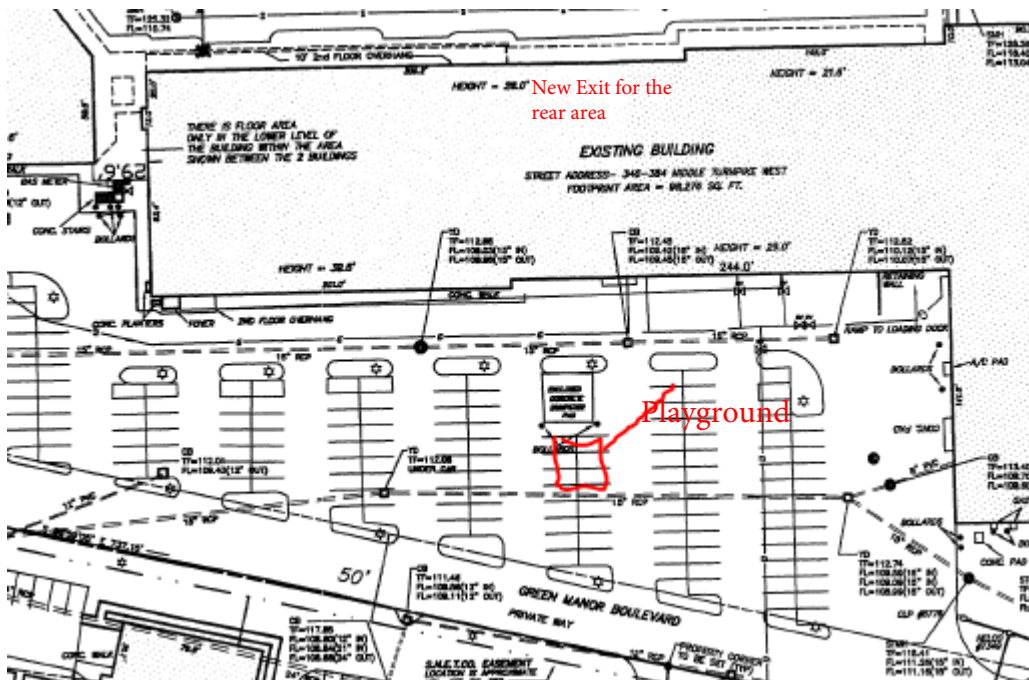
FUN LUVIN DAYCARE CENTER
 376RA MIDDLE TURNPIKE WEST
 MANCHESTER, CT.

REVISIONS

SHT. 1 OF 1


A1
 JOB NO. 20XX

Alternate location for playground suggested by applicant on 11/29/22



**TOWN OF MANCHESTER
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals

FROM: Megan Pilla, Principal Development Planner 

DATE: April 20, 2023

RE: James Grady – Application #VAR-0048-2023
16 North Elm Street – Residence B zone

Introduction

The applicant is requesting a variance from Art. II, Sec. 1.03.04(c) to allow a garage approximately 7 feet from the side property line (8 feet required) at 16 North Elm Street, Residence B zone.

Variance Request

Art. II, Sec. 1.03.04(c) describes the dimensional requirements for detached accessory structures, including detached garages. In the current configuration of the lot, the existing garage is located in the rear yard. Sub-section 1.03.04(c)-2 states that accessory structures over 10-ft. in height that are located in the rear yard may be within 5 feet of any lot line. Therefore, in the current configuration, the garage is in compliance.

Because the proposed addition to the principal structure extends beyond the front plane of the garage, in the proposed layout the garage would be located within the side yard. According to sub-section 1.03.04(c)-1, if the accessory structure is in the side yard it must comply with the minimum side yard setback for the zone. In the Residence B zone, the minimum side yard setback is 8 feet. Therefore, in the proposed configuration, the garage would not be in compliance.

The applicant is requesting a variance to allow the garage to be located within the side yard, approximately 7 feet from the property line.

Stated Hardship

The applicant has provided the following answers regarding hardship:

Strict application of the regulations would produce UNDUE HARDSHIP because:

“Clients parents are getting older and health is declining. When parents are in need of care they stay with client at 16 N elm st. This is difficult since mother in law can not use

stairs. The Sun room will be essential to clients because it adds valuable living space on the ground level, allowing them to care for their parents in time of need.”

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

“Garage was built too close to property line when house was originally constructed.”
(*Staff note: This is not exactly correct. The garage is in compliance with the lot in its current configuration. It is the proposed addition to the principal structure which would make the garage non-conforming.)

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

“Garage is not moving, the sun room fits inside the building set back lines.”

Staff Review

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

mp

\\TOWNFILE2\Users\Planning\ZBA\2023\04 - April 26\Packet\VAR-0048-2023 (16 N Elm) - Memo.docx

Attachments






Town of
Manchester, CT



Geographic Information
Systems

16 North Elm Street

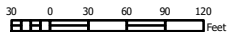


-  Manchester Town Boundary
-  GB - General Business
-  IND - Industrial
-  RA - Residence A
-  RB - Residence B

DISCLAIMER:
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NOTES:
Planimetric and topographic information were compiled by stereophotogrammetric methods from photography dated April 24, 1999 in accordance with ASPR accuracy standards for 1"=40' large scale Class I maps. Real property compiled from recorded deeds, subdivision plans and other public records. Utility networks compiled from record plans, as-built and/or field survey data. Aerial photography dated April 24, 1999.

1 inch = 150 feet



Date: 4/20/2023



To whom it may concern,


My client is looking to remove their 16x16 deck and build a 16x32 sun room. We are requesting a variance for 16 N elm st. In Manchester Ct. The existing garage is non conforming to the side set back line (roughly 6-12" too close to property line).This garage has been part of the property since the original construction of home. My clients are experiencing difficulty caring for their parents as they get older. They are in need of more living space on the ground level (mother in law can not do stairs). Please consider a variance for their property so they can take care of their parents without being forced to move somewhere with more space on ground level.

Thanks,

James Grady

**TOWN OF MANCHESTER
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals

FROM: Megan Pilla, Principal Development Planner 

DATE: April 20, 2023

RE: Manchester Public Schools – Application #VAR-0047-2023
134 Middle Turnpike East – Residence A and B zones

Introduction

The applicant is requesting variances from Art. IV, Sec. 13.06.01 and 13.09 for the height of signage and for use of an electronic message board in a residential zone at 134 Middle Turnpike East, Residence A and Residence B zones.

Variance Request

The applicant is seeking approvals to install a new electronic message board sign at Manchester High School near the intersection of Middle Turnpike East and Brookfield Street. The proposed sign would be placed in the same location as the existing reader board sign. Two (2) variances from the signage regulations are required:

1. Art. IV, Sec. 13.06.01 states that the maximum height of a free standing sign in a residential zone is 5 feet. The existing sign at this location is 8-ft. and 2-in. high. The proposed sign is 10-ft. and 2-in. high.
2. Art. IV, Sec. 13.09 lists the types of signs that are permitted in residential zones. Electronic message boards are not listed as permitted.

Stated Hardship

The applicant has provided the following answers regarding hardship:

Strict application of the regulations would produce UNDUE HARDSHIP because:

“The additional height would allow the community to read the sign over the parked cars in front of Manchester High School. The electric message board would allow for the school to regularly share and update information with the community. Currently, because of weather and ease of use the information is rarely current.”

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

“The surrounding properties are not a public school wishing to highlight their programs and disseminate information to the community.”

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

“There is currently a sign in the same proposed location. The intent would not be to program the signs message to change often, rather allow the performing arts, athletics, counseling department, student activities to highlight their programing and their students.”

Staff Review

Town staff has reviewed the plans and documents submitted with the application and the following clarifications were requested. If these have not been received in advance of the April 26, 2023 meeting, the Board could include them as modifications to an approval.

1. A revised site plan should be submitted that accurately shows the property lines.
2. Confirm if the sign has an automatic night mode or equivalent that will reduce the brightness/intensity of the display at night. (The concern is that it will be a distraction and detract from drivers’ attention to the traffic signal indications at night.)
3. Confirm the frequency with which the message will be changed. (The regulations state that an electronic message board sign may change not more than two (2) times in a 24-hour period.)

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\\TOWNFILE2\Users\Planning\ZBA\2023\04 - April 26\Packet\VAR-0047-2023 (134 MTE) - Memo.docx

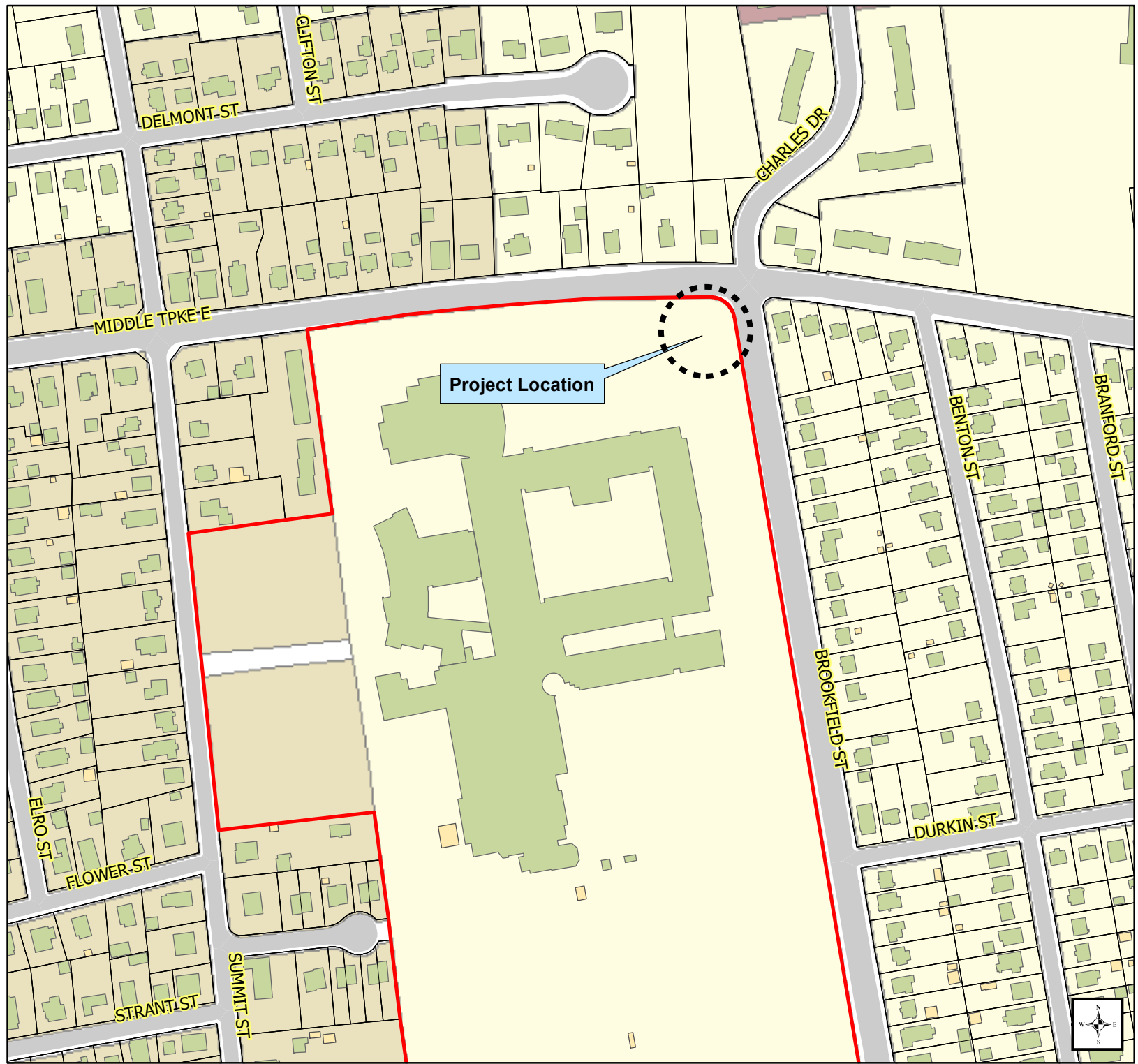
Attachments





Town of
Manchester, CT



Geographic Information
Systems

134 Middle
Turnpike East

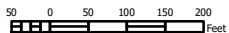


-  Manchester Town Boundary
-  RA - Residence A
-  RB - Residence B
-  RM - Residence M

DISCLAIMER:
The Town of Manchester, CT assumes no legal responsibility for the information contained in this map. This map is provided "AS IS" without warranty of any kind.

NOTES:
Planimetric and topographic information were compiled by stereophotogrammetric methods from photography dated April 24, 1999 in accordance with ASPR accuracy standards for 1"=40' large scale Class I maps. Real property compiled from recorded deeds, subdivision plans and other public records. Utility networks compiled from record plans, as-builts and/or field survey data. Aerial photography dated April 24, 1999.

1 inch = 250 feet



Date: 4/20/2023





Manchester Public Schools

Buildings & Grounds Department
325 Olcott Street Manchester, CT 06040
Phone: 860-645-6056 fax: 860-647-3381
www.mpspride.org

Mr. Lindsey Boutilier, Director of Operations & Athletics

Mr. David Grande, B&G Supervisor

Mr. Laurence Cedrone, B&G Supervisor

Mr. Jamie Rivera B&G Supervisor

Mr. Charles Lacasse, Maintenance Technician Supervisor

Mrs. Grahame Slogesky, Department Secretary

3/31/23

To whom it may concern,

Manchester High School is requesting the variance to allow for the installation of a digital sign in the front of Manchester High School. Additionally, the district is requesting a height variance for the sign. The height variance is requested in order to keep the sign far enough off the ground to prevent damage from snow and rain but also to allow the sign to be viewed over the parked cars on Middle Turnpike and the cars parked on Brookfield Street

The high school currently has a manually changed, individual letter display sign that was installed in 2001. Primarily due to the difficulty and time requirements, the sign is rarely updated and does not offer the ability to highlight the many student and community events and the many activities offered at the high school. The ability to change a message easily and therefore more frequently would allow the community to better learn about and possibly attend the many outstanding events and activities the high school offers. The district's communications team has assisted the school with getting some of this information out to the community, but not everyone is connected to these platforms. The vision is also to have the ability to highlight, for the families and the community, exceptional student achievements, display important upcoming dates, and offer information regarding games, concerts and theater events.

The district is attempting to freshen up a building and campus that has remained relatively unchanged since 1955. A variance was recently awarded to install wayfinding signs throughout the exterior of the building to help guests navigate the campus. The digital sign out front will help support the goals of providing additional information and it will also provide a more welcoming and professional appearance for the entire community.

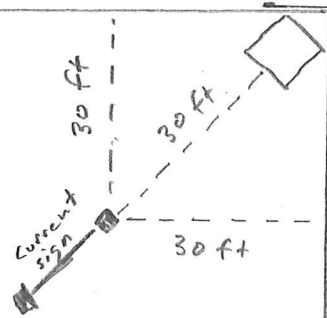
Sincerely,

Lindsey Boutilier
Director of Operations and Athletics

East Middle Tpk



Sidewalk



Current sign
 6'3 length
 8'2 height
 13" depth

Sidewalk

Brookfield St.

Driveway to front lot

MHS

RENDERING DETAILS

Scoreboard Model:

Daktronics GT6-108x216-10-RGB-2V
Cabinet Dimensions - 4'2" H x 7'6" W

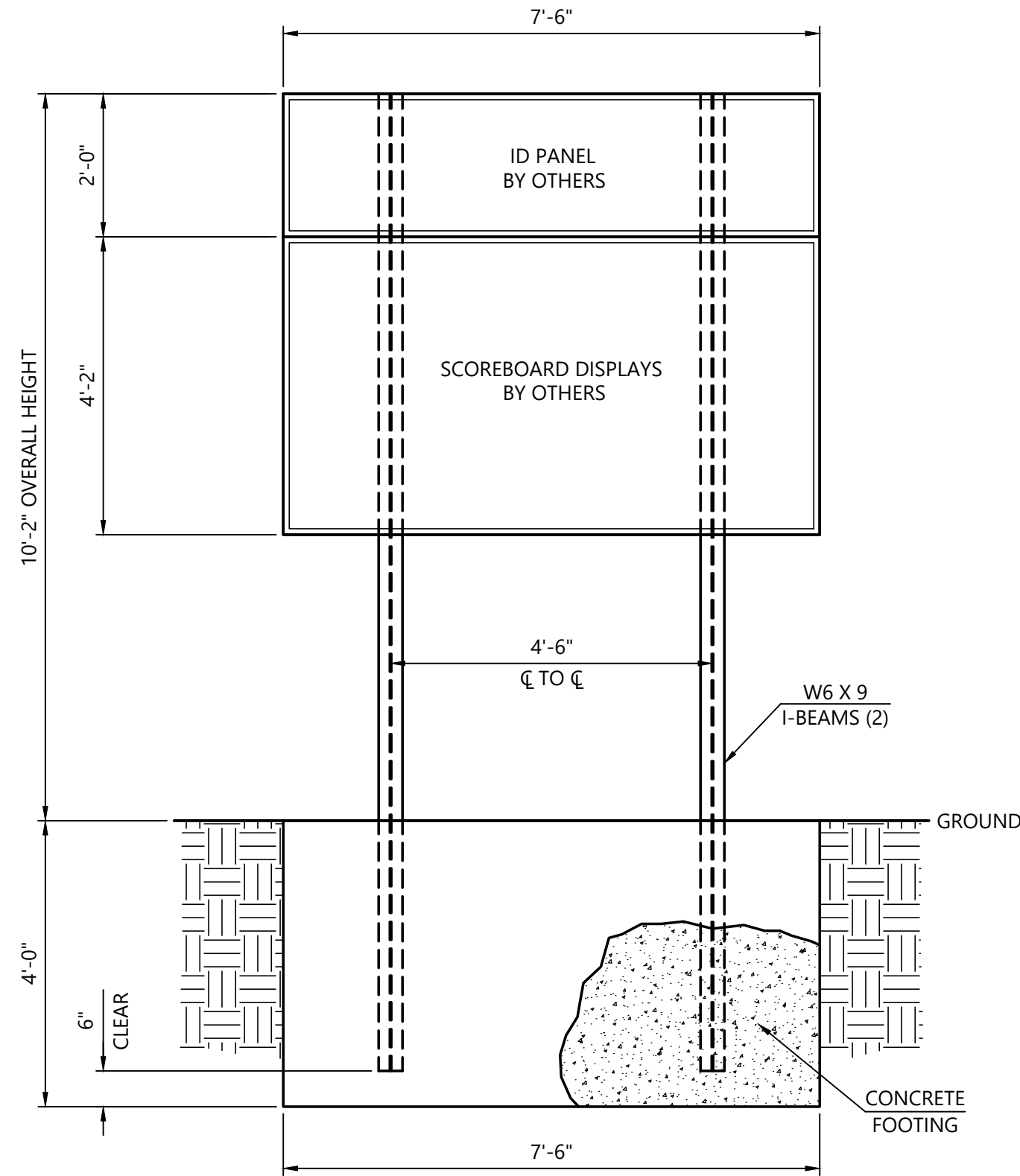
Decorative Accents:
Custom 2' x 7.5' Long

Paint Color:
Black #8800

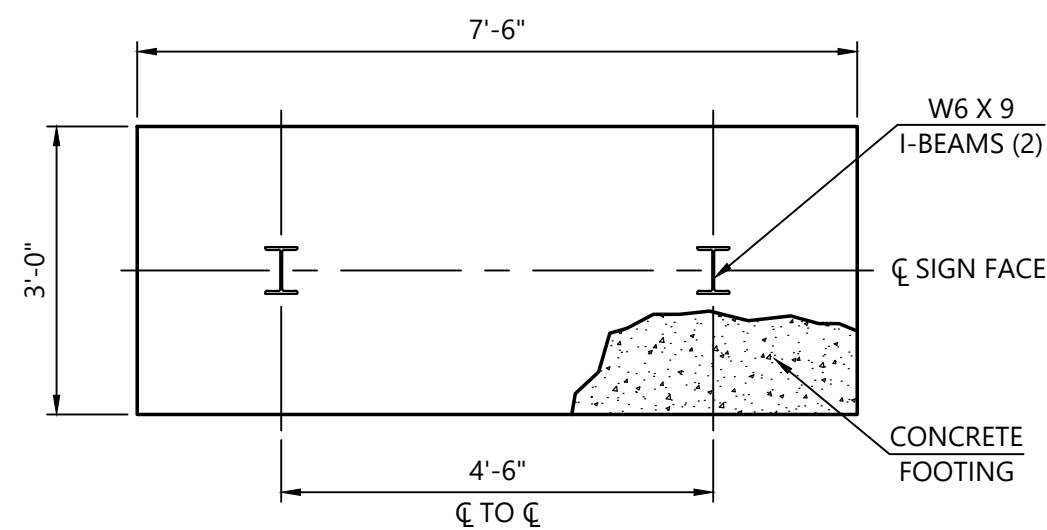


GENERAL NOTES:

- All design, fabrication, installation and construction shall conform to the following specifications, unless specifically noted otherwise on the drawing:
 - The 2018 Connecticut Building Code
 - The 2015 International Building Code
 - American Concrete Institute Building Code Requirements for Reinforced Concrete (318-14).
 - American Institute of Steel Construction, Inc Manual of Steel Construction (13th Edition).
 - American Welding Society ANSI/AWS D1.1 Structural Welding Code - Steel
- All steel components shall be as listed below, unless noted otherwise:
 - All rolled shapes, plates and bars shall be ASTM A36, or equal.
 - Steel I-beam shall be ASTM A992, Grade 50, ASTM A572, Grade 50, or equal.
 - All pipe shall meet the requirements of ASTM A53, Type S or E, Grade B, or equal.
 - All structural tubing shall be ASTM A500, Grade B, or equal.
 - All bolted connections shall be made with ASTM A325 Bolts and shall be installed as per AISC Specifications
 - All exposed materials shall be properly protected from weathering and/or corrosion.
- All field welds shall be made by a welder certified in the specified position.
 - All welds shall be made with E70XX electrode, or equal.
 - All welds shall be made in a sequence that will balance the applied heat of welding while the welding progresses.
 - All plug (slot) welds shall be filled completely as per AWS requirements.
- All concrete shall have a minimum compressive strength at 28 days of 3000 psi.
 - Signage may be installed on the structure after a minimum curing time of 3 days, provided the curing process has been properly maintained in accordance with ACI 318-14.
- No steel reinforcement is required in cube or auger style footings where the support column is embedded directly to the bottom of the footing.
- The structure has been designed to withstand a 125 mph (3-sec gust) design wind speed with a maximum design pressure of 41.5 psf according to ASCE 7-10. (Exposure C - Risk Cat. II)
 - Seismic design was considered as per ASCE 7-10 assuming $S_{ds}=0.19$, $I=1.0$, and Site Class D.
 - This design is not valid for areas with special wind requirements in excess of those listed above.
 - If the proposed structure is located in the proximity of a bluff, the top or base of a steep hill, or any other geographical feature that may affect the wind flow around the sign, the installer shall contact Cornerstone for potential redesign or re-evaluation.
- The foundation has been designed assuming the following average soil conditions:
 - Allowable Lateral Bearing Pressure of 150 psf/ft (This value is used for cube and auger footings.) The soil allowable is multiplied by two for isolated footing as per IBC 1806.3.4.
 - 150 psf/ft corresponds to sand, silty sand, clayey sand, silty gravel, clayey gravel or equal.
 - If soil conditions other than those assumed are encountered (including soft soils, unstable or collapsing soils, expansive soils, organic materials, groundwater, adjacent utilities, or any other condition of potential concern) cease excavation immediately and contact Cornerstone so that the foundation design can be re-evaluated.
 - If the structure is to be located in the proximity of a building or any other structure, Cornerstone shall be contacted prior to installation to evaluate any potential impact on the adjacent footings.
 - If the structure is located on the side or top of a slope in excess of 3:1, the installer shall contact Cornerstone for re-evaluation. The foundation shall not be placed in or near a fill slope without Cornerstone's approval.
 - All concrete shall be placed in direct contact with undisturbed soil. There shall be no backfilled soil placed in or around the foundation without written approval from Cornerstone.
- Cornerstone is in no way responsible for the safety of the work site during installation. The installer shall take appropriate measures to make sure that the installation of the foundation and the erection of the structure is performed using methods in compliance with applicable OSHA regulations.
- If existing and proposed conditions are not as detailed in this design drawing the installer shall cease work and notify Cornerstone immediately.
 - Cornerstone will not be performing on-site inspections or verification of conditions. It is the responsibility of the installer, the structure owner, and the property owner to identify the on-site conditions and to contact Cornerstone with any discrepancies or concerns. It is the owner's responsibility to locate and mark all underground utilities.
- Any deviation from these plans or non-compliance with the general notes without written approval from Cornerstone will render the entire design to be void.



ELEVATION VIEW



FOUNDATION PLAN VIEW

NOTICE:
 CORNERSTONE ENGINEERING, INC. IS RESPONSIBLE FOR COLUMN AND FOOTING DESIGN ONLY. SCOREBOARD COMPONENTS AND ATTACHMENT ARE THE RESPONSIBILITY OF THE SIGN MANUFACTURER.

CORNERSTONE ENGINEERING, INC.
 1020 William Blount Drive - Maryville, TN 37801
 (865) 273-2688 - www.cornerstoneTN.com

PREPARED FOR:
SCOREBOARD ENTERPRISES, INC.
 274 Fruit Street - Mansfield, MA 02048

Manchester High School Video Display @ 10'-2" Overall Ht
 134 Middle Turnpike East - Manchester, Connecticut

Drawn By: CRS

Date: 10/05/2022

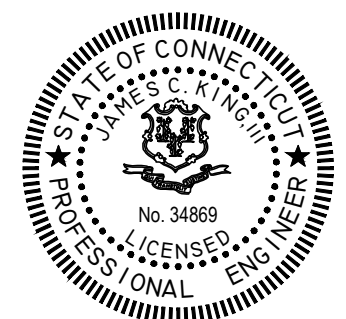
Sheet: 1 of 1

Project #: 220792

Dwg #: CA27104

Scale: 1/2" = 1'-0"

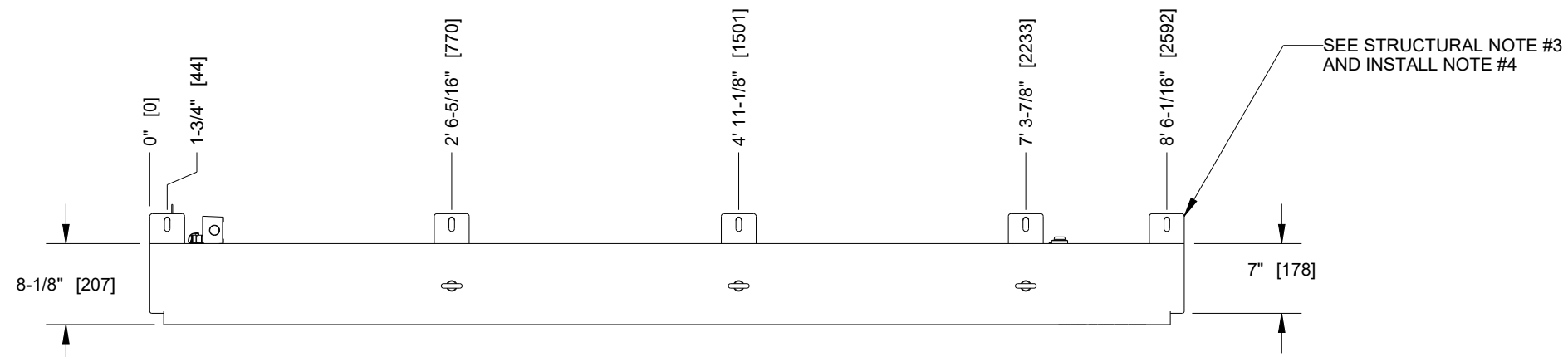
JAMES C. KING, III



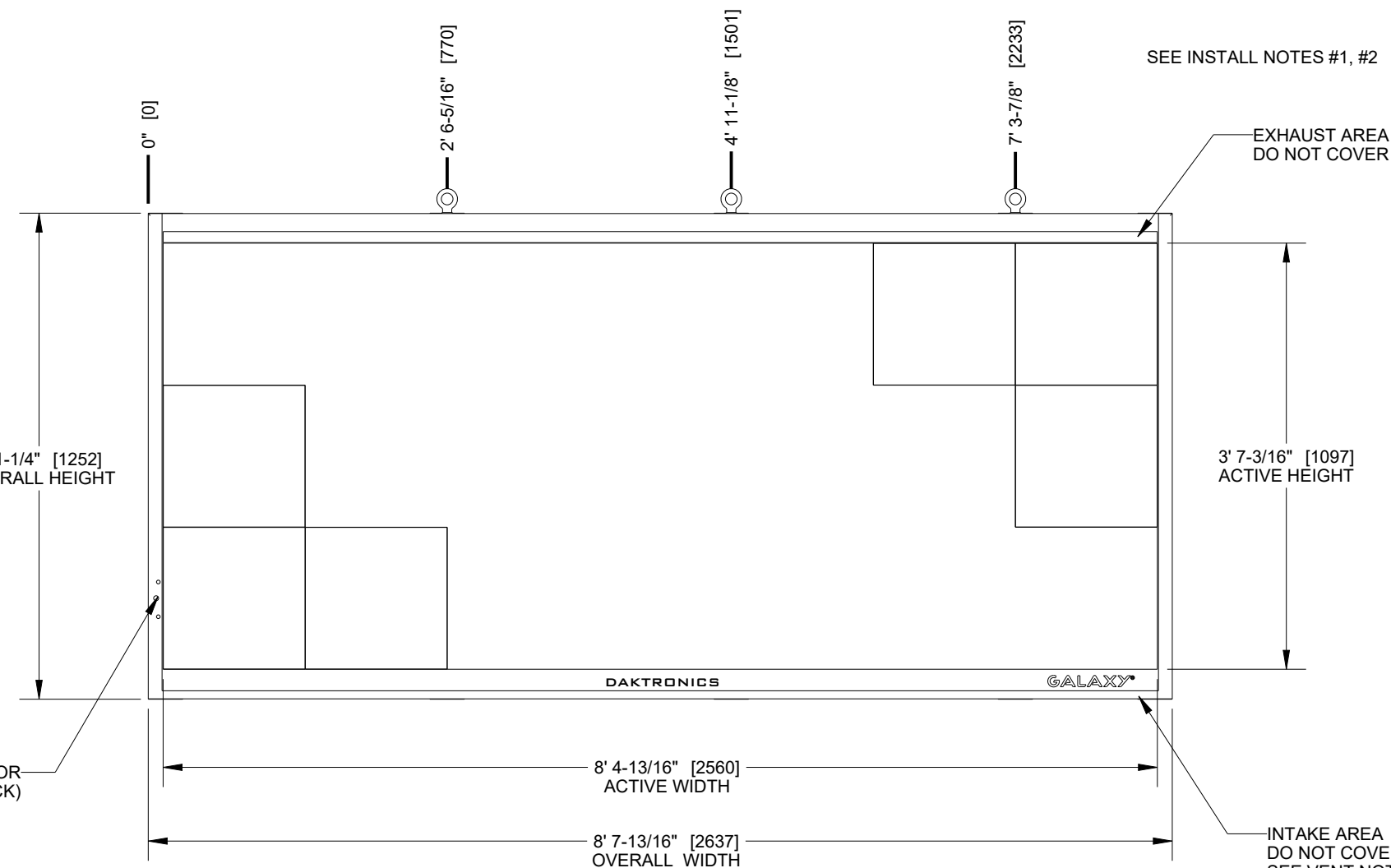
THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY JAMES CORDELL KING III, P.E. ON THE DATE SHOWN ON THE TIME STAMP USING A DIGITAL SIGNATURE.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

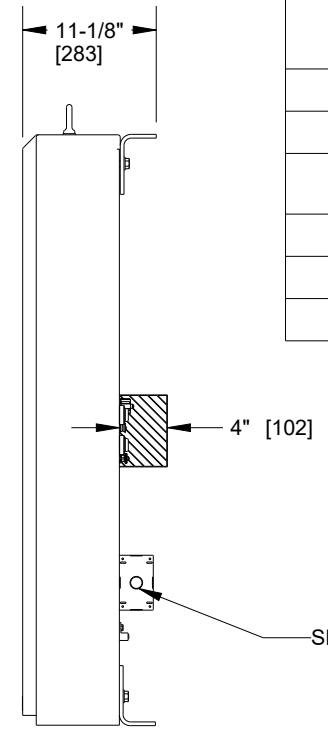
CT P.E. # 34869



TOP VIEW



FRONT VIEW



RIGHT VIEW

LIGHT SENSOR
(DO NOT BLOCK)

SEE STRUCTURAL NOTE #3
AND INSTALL NOTE #4

SEE INSTALL NOTES #1, #2

EXHAUST AREA
DO NOT COVER

3' 7-3/16" [1097]
ACTIVE HEIGHT

INTAKE AREA
DO NOT COVER
SEE VENT NOTE #2

#	DETAIL	DESCRIPTION
1	DISPLAY	GT6 - 108 x 252 - 10
2	LED COLOR	RGB
3	ACTIVE AREA	3' 7-3/16" [1097] X 8' 4-13/16" [2560]
4	OVERALL SIZE	4' 1-1/4" [1252] X 8' 7-13/16" [2637]
5	CABINET	ALUMINUM & STEEL
6	VENTILATION	FRONT
7	ACCESS	SERVICE FROM FRONT OF DISPLAY
8	WEIGHT	316 LBS [144 KG] (APPROX)
9	SHIPPING	SHIPPED AS A SINGLE UNIT
10	DIMENSIONS	FEET AND INCHES [MILLIMETERS]
11	PAINTED	SEMI-GLOSS BLACK

STRUCTURAL RATING		
1	DESIGN WIND PRESSURE "P" (CASE A)	P<=:100 PSF (ASD)
2	STANDARD/CODE	IBC 2009/ASCE7-05, IBC 2012/ASCE7-10
3	ALL CLIP ANGLES MUST BE USED TO MOUNT DISPLAY	

POWER RATING PER SINGLE FACE: FOR SIZING ELEC.SERVICE MAX REQ'D SHOWN						
TECHNOLOGY	COLOR	MAX WATTS	120 VAC 1 PH 50/60 HZ AMPS	120/240 VAC1PH 50/60Hz (3 WIRES+GND)		240VAC 1PH 50Hz (2 WIRES + GND)
				LINE 1 (AMPS)	LINE 2 (AMPS)	LINE 1 (AMPS)
GT6	RGB	2117	N/A	9.77	7.87	SPECIAL ORDER

VENTILATION REQUIREMENTS	
1	DISPLAY RELIES ON VENTILATION TO FUNCTION PROPERLY. INTAKES, LOCATED AT THE FRONT OF THE DISPLAY, MUST BE ABLE TO DRAW IN AIR AT A TEMPERATURE NO GREATER THAN 120° F.
2	IN ORDER TO ENSURE AMBIENT TEMPERATURE AIRFLOW IS MAINTAINED, NO PORTION OF THE VENTILATION OPENINGS ALONG THE FRONT OF THE DISPLAY MAY BE COVERED OR OBSTRUCTED IN ANY WAY.


INSTALL NOTES	
1	IN ORDER TO PRESERVE THE STRUCTURAL INTEGRITY OF THE DISPLAY CABINET, THE 90° ANGLE BETWEEN THE CABINET AND THE LIFTEYE MUST BE MAINTAINED - USING A SPREADER BEAM IS SUGGESTED. ALL EYEBOLTS MUST BE USED WHEN LIFTING.
2	1/2" LIFTEYES TO ASSIST WITH DISPLAY INSTALLATION. LIFTEYES MAY NOT BE USED FOR PERMANENT INSTALLATION. LIFTEYES MAY BE REMOVED.
3	MECHANICAL AND SIGNAL CONNECTIONS OCCUR EXTERNAL TO DISPLAY.
4	CLIP ANGLE FOR MOUNTING. CLIP ANGLES CAN BE ADJUSTED VERTICALLY DURING INSTALLATION. CLIP ANGLE CAN BE WELDED OR BOLTED TO STRINGER. ALL CLIP ANGLE LOCATIONS MUST BE USED.
5	DAKTRONICS IS NOT RESPONSIBLE FOR THE MOUNTING HARDWARE OR THE INTEGRITY OF THE MOUNTING STRUCTURE.
6	DAKTRONICS IS NOT RESPONSIBLE FOR THE MAIN ELECTRICAL DISCONNECT. SEE POWER RATINGS ABOVE.
7	SEE DWG-03864398 FOR SIGNAL & MTG DETAILS

01	16 MAY 19	PER CN-79899: CHANGED 240VAC TO SPECIAL ORDER	EJW 20020
REV	DATE:		BY:

DAKTRONICS				THIRD ANGLE PROJECTION	
PROJECT: GT6 DISPLAYS					
TITLE: SHOP DWG, GT6, 4' 2"x8' 8" (3x7 MODS)					
DATE: 16-MAY-19	DIM UNITS: INCHES [MILLIMETERS]		SHEET	REV	
SCALE: 1/16	DO NOT SCALE DRAWING		1 OF 1	01	
DESIGN: TWHITEH	JOB NO.	FUNC - TYPE - SIZE			
DRAWN: BDRAKE	P2056	E - 07 - B	3895607		

**TOWN OF MANCHESTER
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

TO: Zoning Board of Appeals

FROM: Megan Pilla, Principal Development Planner 

DATE: April 20, 2023

RE: Orford Village Housing Development Corporation – Application #VAR-0049-2023
190 North Elm Street – Residence A zone

Determination on Acceptance of Application

On March 29, 2023 the Board denied a variance application for four (4) new residential units at the subject address (VAR-0044-2023). Subsequently, the applicant submitted a new variance application with a revised plan in response to the stated reasons for denial.

Connecticut statute CGS § 8-6 states the following regarding variances: “*No such board (Zoning Board of Appeals in Manchester’s case) shall be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the board or by a court on an earlier such application.*” The intent of this statute is to prevent instances where the Board must reconsider the same proposal immediately following a denial.

Based on staff discussion with the Town Attorney’s office, the Board has the authority to determine whether the new application constitutes reconsideration of the same proposal, or a new and separate proposal. In making this determination, the Board should consider whether the revised proposal is ***materially and substantively different*** from the original proposal. Also note from the statute that while the Board is not required to hear an application, even if it is deemed to not be materially and substantively different, there is nothing statutory prohibiting the Board from doing so.

If the Board decides not to hear the revised application, it will not be officially accepted and the applicant must wait a period of 6 months after the denial to be heard. If the Board decides to entertain the revised proposal, the Board can officially accept the application. This determination will be placed on the Board’s April 26 regular agenda.

Staff Comments

After review, staff believes the revised proposal is materially and substantively different from the original proposal, and therefore constitutes a new proposal. Revisions have been made in an effort to address the reasons that were expressed by the Board for the previous denial, namely switching the location of the proposed building and parking lot to keep the parking away from the neighboring house. That said, it is the authority of the Board to make the final determination.

mp

\\TOWNFILE2\Users\Planning\ZBA\2023\04 - April 26\Packet\VAR-0049-2023 (190 N Elm) - Memo (DETERMINATION ON ACCEPTANCE).docx

Attachments

SURVEY NOTES:

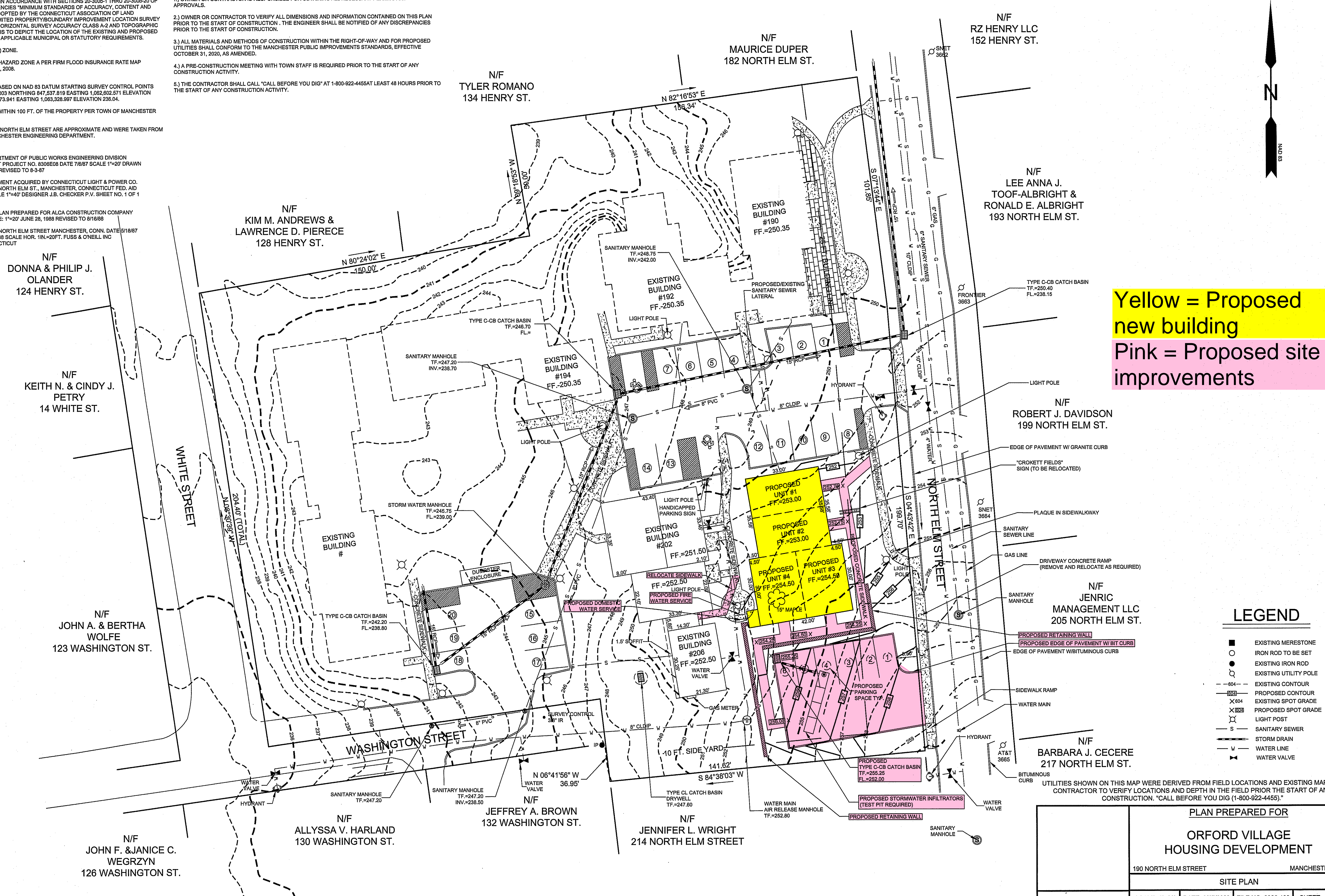
- 1.) THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES' MINIMUM STANDARDS OF ACCURACY, CONTENT AND CERTIFICATION FOR SURVEYS AND MAPS, AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS INC. ON AUGUST 29, 2019. IT IS A LIMITED PROPERTY/BOUNDARY IMPROVEMENT LOCATION SURVEY MAP BASED ON A RESURVEY CONFORMING TO HORIZONTAL SURVEY ACCURACY CLASS A-2 AND TOPOGRAPHIC ACCURACY CLASS T-2. THE INTENT OF THIS MAP IS TO DEPICT THE LOCATION OF THE EXISTING AND PROPOSED IMPROVEMENTS SHOWN WITH RESPECT TO THE APPLICABLE MUNICIPAL OR STATUTORY REQUIREMENTS.
- 2.) PROPERTY IS LOCATED IN A RA (RESIDENCE A) ZONE.
- 3.) THE PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE A PER FIRM FLOOD INSURANCE RATE MAP NUMBER 09003C0392F EFFECTIVE SEPTEMBER 26, 2008.
- 5.) BEARINGS AND COORDINATES SHOWN ARE BASED ON NAD 83 DATUM STARTING SURVEY CONTROL POINTS WERE TOWN OF MANCHESTER CONTROL POINT 003 NORTHING 847,537.819 EASTING 1,082,602.571 ELEVATION 233.23 AND CONTROL POINT 004 NORTHING 847,673.941 EASTING 1,083,328.997 ELEVATION 236.04.
- 6.) NO WETLANDS EXIST ON THE PROPERTY OR WITHIN 100 FT. OF THE PROPERTY PER TOWN OF MANCHESTER GIS MAPPING.
- 7.) EXISTING UTILITY LOCATIONS SHOWN ALONG NORTH ELM STREET ARE APPROXIMATE AND WERE TAKEN FROM INFORMATION PROVIDED BY THE TOWN OF MANCHESTER ENGINEERING DEPARTMENT.

MAP REFERENCES:

- 1.) TOWN OF MANCHESTER CONNECTICUT DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION HOUSING GOT THE ELDERLY NORTH ELM STREET PROJECT NO. 8308E08 DATE 7/8/87 SCALE 1"=20' DRAWN BY F.F., M.S. CHECKED BY P.V. SHEET NO. 1 OF 1 REVISED TO 8-3-87
- 2.) TOWN OF MANCHESTER CONNECTICUT EASEMENT ACQUIRED BY CONNECTICUT LIGHT & POWER CO. FROM THE TOWN OF MANCHESTER WHITE ST. & NORTH ELM ST., MANCHESTER, CONNECTICUT FED. AID PROJ. NO. - PROJ. NO. 8306E08 DATE 7/20/88 SCALE 1"=40' DESIGNER J.B. CHECKER P.V. SHEET NO. 1 OF 1 REVISED TO 8/19/88
- 3.) ELDERLY HOUSING FOUNDATION LOCATION PLAN PREPARED FOR ALCA CONSTRUCTION COMPANY NORTH ELM STREET MANCHESTER, CONN. SCALE: 1"=20' JUNE 29, 1988 REVISED TO 8/16/88
- 4.) GRADING & UTILITY PLAN ELDERLY HOUSING NORTH ELM STREET MANCHESTER, CONN. DATE: 5/18/87 PROJECT 85-348 SHEET 3 OF 8 REVISED TO 1-18-88 SCALE HOR. 1"=20FT. VERT. F.USS & O'NEILL INC CONSULTING ENGINEERS MANCHESTER, CONNECTICUT

CONSTRUCTION NOTES:

- 1.) OWNER OR CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- 2.) OWNER OR CONTRACTOR TO VERIFY ALL DIMENSIONS AND INFORMATION CONTAINED ON THIS PLAN PRIOR TO THE START OF CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION.
- 3.) ALL MATERIALS AND METHODS OF CONSTRUCTION WITHIN THE RIGHT-OF-WAY AND FOR PROPOSED UTILITIES SHALL CONFORM TO THE MANCHESTER PUBLIC IMPROVEMENTS STANDARDS, EFFECTIVE OCTOBER 31, 2020, AS AMENDED.
- 4.) A PRE-CONSTRUCTION MEETING WITH TOWN STAFF IS REQUIRED PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY.
- 5.) THE CONTRACTOR SHALL CALL "CALL BEFORE YOU DIG" AT 1-800-922-4455 AT LEAST 48 HOURS PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY.

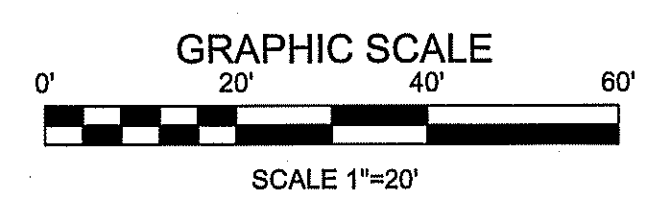


Yellow = Proposed new building
Pink = Proposed site improvements

LEGEND

- EXISTING MERESTONE
- IRON ROD TO BE SET
- EXISTING IRON ROD
- ⊕ EXISTING UTILITY POLE
- - - EXISTING CONTOUR
- - - PROPOSED CONTOUR
- X EXISTING SPOT GRADE
- X PROPOSED SPOT GRADE
- ⊙ LIGHT POST
- S SANITARY SEWER
- SD STORM DRAIN
- W WATER LINE
- ⊕ WATER VALVE

Original plan - denied by the ZBA on March 29, 2023



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

ANDREW F. BUSHNELL, P.E. L.S. 24591
 THIS MAP IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE LICENSED LAND SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE.

PLAN PREPARED FOR			
ORFORD VILLAGE HOUSING DEVELOPMENT			
190 NORTH ELM STREET		MANCHESTER, CT.	
SITE PLAN			
SCALE: 1"=20'	DATE: 3/17/2023	FILE NO. 2022-128	SHEET: 1 OF 2
BUSHNELL ASSOCIATES LLC. CIVIL ENGINEERING AND LAND SURVEYING 563 WOODBRIDGE STREET MANCHESTER, CT. 06042 860-643-7875			
REVISIONS:			

SURVEY NOTES:

1.) THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES "MINIMUM STANDARDS OF ACCURACY, CONTENT AND CERTIFICATION FOR SURVEYS AND MAPS" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS INC. ON AUGUST 29, 2019. IT IS A LIMITED PROPERTY BOUNDARY IMPROVEMENT LOCATION SURVEY MAP BASED ON A RESURVEY CONFORMING TO HORIZONTAL SURVEY ACCURACY CLASS A-2 AND TOPOGRAPHIC ACCURACY CLASS 1-2. THE INTENT OF THIS MAP IS TO DEPICT THE LOCATION OF THE EXISTING AND PROPOSED IMPROVEMENTS SHOWN WITH RESPECT TO THE APPLICABLE MUNICIPAL OR STATUTORY REQUIREMENTS.

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- GRADING & UTILITY PLAN ELDERLY HOUSING NORTH ELM STREET MANCHESTER, CONN. DATE 6/19/87 PROJECT 85-348 SHEET 3 OF 8 REVISED TO 1-18-88 SCALE HOR. 1IN=20FT. FUSS & O'NEILL INC CONSULTING ENGINEERS MANCHESTER, CONNECTICUT

N/F
DONNA & PHILIP J.
OLANDER
124 HENRY ST.

N/F
KEITH N. & CINDY J.
PETRY
14 WHITE ST.

N/F
JOHN A. & BERTHA
WOLFE
123 WASHINGTON ST.

N/F
JOHN F. & JANICE C.
WEGRZYN
126 WASHINGTON ST.

N/F
KIM M. ANDREWS &
LAWRENCE D. PIERCE
128 HENRY ST.

N/F
ALLYSSA V. HARLAND
130 WASHINGTON ST.

N/F
TYLER ROMANO
134 HENRY ST.

N/F
JEFFREY A. BROWN
132 WASHINGTON ST.

N/F
JENNIFER L. WRIGHT
214 NORTH ELM STREET

N/F
MAURICE DUPER
182 NORTH ELM ST.

N/F
RZ HENRY LLC
152 HENRY ST.

N/F
LEE ANNA J.
TOOF-ALBRIGHT &
RONALD E. ALBRIGHT
193 NORTH ELM ST.

N/F
ROBERT J. DAVIDSON
199 NORTH ELM ST.

N/F
JENRIC
MANAGEMENT LLC
205 NORTH ELM ST.

N/F
BARBARA J. CECERE
217 NORTH ELM ST.

Yellow = Proposed new building
Pink = Proposed site improvements

LEGEND

- EXISTING MERESTONE
- IRON ROD TO BE SET
- EXISTING IRON ROD
- EXISTING UTILITY POLE
- - - EXISTING CONTOUR
- PROPOSED CONTOUR
- × EXISTING SPOT GRADE
- × PROPOSED SPOT GRADE
- LIGHT POST
- S - SANITARY SEWER
- - - STORM DRAIN
- W - WATER LINE
- ⊕ WATER VALVE

PLAN PREPARED FOR
ORFORD VILLAGE
HOUSING DEVELOPMENT

190 NORTH ELM STREET MANCHESTER, CT.

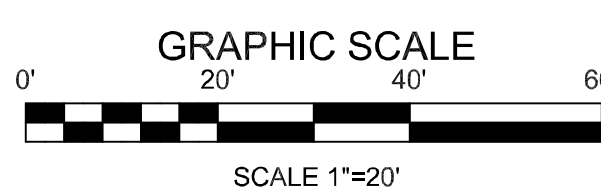
SITE PLAN

SCALE: 1"=20' DATE: 3/17/2023 FILE NO. 2022-128 SHEET: 1 OF 2

BUSHNELL ASSOCIATES LLC.
CIVIL ENGINEERING AND LAND SURVEYING
563 WOODBRIDGE STREET MANCHESTER, CT. 06042
860-643-7875

REVISIONS: 4/6/2023 PROPOSED BUILDING AND PARKING LAYOUT

New plan



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

ANDREW F. BUSHNELL P.E. L.S. 24591
THIS MAP IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE LICENSED LAND SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE.



DRAFT

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
MARCH 29, 2023**

MEMBERS PRESENT:

In Person: James R. Stevenson, Chair
Robert Haley, Vice Chair
Edward Slegeski
Sandra DeCampos

ALTERNATES PRESENT:

In Person: Kevin Hood
Electronically: Linda Harris, Sitting

ABSENT: Keshet Spadaccini, Secretary
Harun Ahmed

STAFF PRESENT:

In Person: Megan Pilla, Principal Development Planner
Electronically: James Davis, Zoning Enforcement Officer
Nancy Martel, Recording Secretary

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

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.

Mr. Jesse Fernandez, 350 Hartford Road, introduced himself. Mr. Fernandez stated that the business intends to move the location to 346 Middle Turnpike West.

He explained that their business is a local, family-owned day care operated by himself and his wife, Julissa. The business has operated since 2015; prior to that, Ms. Fernandez operated a home day care. They provide services to low-income families. The current property was recently sold, and the new owner is raising the rent, prompting them to look for a new location. Mr. Fernandez reported that they sought to stay in Manchester because they serve 24 families, but the proposed location is not zoned for day care.

Mr. Fernandez remarked that he has been working with Ms. Pilla, the Planning Department, and the Fire Marshal. Their business has been in good standing with all the inspections, both State and local.

Hours of operation will be from 7:30 A.M. to 5:45 P.M. There are a total of six employees and Mr. Fernandez. Additional staff will be added if they are able to open at the new location. There are currently 24 children enrolled and they could bring their capacity to 30 in the new site.

Mr. Fernandez stated that they do not expect any traffic impact. They hope to stay within a reasonable proximity to a bus line for those who utilize buses. In addition, there will be no impact on utilities and there is a surveillance system and fire system.

The landlord of this location will allow the installation of a playground, which will not obstruct traffic or parking. The playground will be enclosed by a 4 ft. tall fence with barrier protectors around the fencing. Mr. Fernandez detailed the drop-off and pick-up plan.

Mr. Fernandez explained the confusion about the floor plans. The Health Department did an initial review of the floor plans and stated that they needed a separate mop closet for cleaning and chemical storage. Based on the Fire Marshal's recommendations, fire barrier walls will be constructed inside.

Mr. Haley asked where the rear entrance leads into. Mr. Fernandez responded that the rear entrance will be a vacant area. They will take the front side in hopes of expanding into the back area. The landlord will add an additional rear egress.

Mr. Haley asked for clarification on the doors. He understood that there will be two doors in the front. According to Mr. Fernandez, a rear door will be constructed for the rear egress.

Mr. Stevenson interjected that the Board is looking for greater detail on the exit. He inquired whether the children would be led out through office space. Mr. Fernandez explained that the rear is now fully open.

Mr. Haley asked if there is a timeline for the installation of the door. Mr. Fernandez noted that door must be in place when the State does an inspection.

Referring to the playground, Mr. Haley inquired about the material to be used. Mr. Fernandez reported that it will be rubber mulch on top of the asphalt, which is certified by the State. He reiterated that there will be fencing around the playground.

Mr. Haley requested detail on how the children will be moved to the playground and how many adults will be escorting them. Mr. Fernandez pointed to the drawing and explained the procedure. For every four children, there must be a teacher or assistant when the children are being led out. He also explained that there will be no parking in that area.

Pointing out the dumpster, Mr. Haley noted that there are no gates on the front. Mr. Fernandez explained that the children will be unable to leave the playground area. They intend to install vinyl fencing which will prevent the children from climbing. There will also be bollards for protection.

Mr. Stevenson asked whether the Board needs more detail of the play area, with which Ms. Pilla agreed. Mr. Fernandez stated that he will provide more detail.

Mr. Slegeski referred to the back page, Staff review. He acknowledged the child play area, the back doorway, and two comments about the kitchen and the utility closet. Staff mentioned that, as of that writing, the plan had not been submitted.

Ms. Pilla reported that the Planning Department received new plans yesterday and this morning, which is why they are not in the packet. Staff has not had a chance to fully review the new plans, since they were just received.

Mr. Stevenson speculated that it may be in the Board's best interest to continue the application.

Ms. Pilla replied that, if the Board is inclined to keep the Public Hearing open until the next meeting, that would give Staff time to review the documents recently received. She noted that Staff is still awaiting a more detailed plan of the playground area itself, and this will give the applicant time to submit that as well.

Mr. Stevenson referred to the rear portion of the space, which the applicant is not leasing, and speculated whether someone could rent it. He asked how that would affect the rear egress. Mr. Fernandez stated that, in the lease, the landlord will not be able to rent that space.

Mr. Stevenson requested more detail about the rear space. He additionally requested the reason for the special exception, what other locations were investigated, and how they settled on this particular location.

Mr. Fernandez remarked that they had scoured the entire town themselves and with a realtor. None of the vacant spots were workable, due to lack of parking and area for a playground, and they cannot afford to build a new building.

Mr. Hood asked whether the playground material is loose or solid. Mr. Fernandez responded that it is loose. He explained how they currently handle loose material being kicked around.

Mr. Hood informed the applicant that the egress must be lit. Mr. Fernandez reported that he met with the Fire Marshal and the Building Department; they explained what will be required.

Mr. Slegeski stated that, in fairness to the Board and the applicant, he determined it would be appropriate to continue this application.

MOTION: Mr. Slegeski moved to continue the public hearing on this application. Ms. DeCampos seconded the motion and all members voted in favor.

DR. WILLIAM SPECTOR – Application #VAR-0043-2023 - Request a variance of 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.

Ms. Danielle Chartier, representing Dr. Spector, introduced herself. Ms. Chartier reported that regulations changed from a 15 ft. setback and she, unfortunately, was not aware of that change. She noted that they submitted an application for the permit and the gas company submitted for their permit. The gas company received approval. She stated that her company set the generator, and the gas company hooked up the generator and got a passing permit. According to Ms. Chartier, when they called to have the final inspection, they were told that the permit now must go through Zoning.

When inquiring why they need to go through Zoning, Ms. Chartier stated that they were told it must meet a 15 ft. setback. According to the Town's online mapping, if drawing a line from the side of the house to the property line, it appears to come up at approximately 17 ft. from the side of the house. They allotted approximately 2 ft. for the chimney and 2 ft. required in clearance from the chimney to the back side of the generator. The generator is approximately 2 ft. and the distance to the property line is 11 ft. They did not retain a land surveyor because of the cost already expended.

Ms. Chartier reported that the placement of the generator is the best location due to safety. Factors that need to be checked include carbon monoxide intake concerns, allowable distance to combustibles, window clearances, and sources of ignition. They must meet NEC code, as well as the installation requirements for the generators. The distance to the neighbors' homes is more than 40 ft., the generator is not obtrusive from the street, and the exhaust direction was taken into consideration. They are asking for the generator to remain in place, as the alternate locations are not in the best interest of the homeowner for safety reasons.

Mr. Haley sought confirmation that Ms. Chartier is testifying that this is the safest place for the generator, which Ms. Chartier confirmed.

Mr. Slegeski asked why the generator was not placed on the other side of the house. He speculated that it could have been placed on the left or rear of the house.

Ms. Chartier reported that the other side of the house is not an economical setting. The driveway and garage are on that side, and the availability to access the electrical service and getting it to the other side of the house along with gas was an exponential cost and not a good fit for meeting the variances for the NEC code in terms of window variances, openings, and combustibles.

Ms. DeCampos observed that, when reviewing the hardship, additional cost to the homeowner is not relevant, but the safety issue is.

ORFORD VILLAGE HOUSING DEVELOPMENT CORPORATION – Application #VAR-0044-2023 – Request a use variance of Art. II, Sec. 4.01 to construct 4 senior multi-family units at 190 North Elm Street, Residence A zone.

Mr. Alan Lamson, Architect, FLB Architecture and Planning, introduced himself. Mr. Lamson reported that they are the architects for Orford Village Housing Development Corporation, which owns the property at 190 North Elm Street.

The site was approved in 1985, noted Mr. Lamson, by the Planning & Zoning Commission when it was owned by the Town of Manchester. This particular property belonged to one of the Crockett families, who donated it to the Town of Manchester with the explicit instructions that it be used for the construction of elderly housing. If, within a certain period of time, it was not constructed for elderly housing, it was to revert to a park. The Town of Manchester went before the Planning & Zoning Commission and received approval for the site plan before the Board, which included 24 elderly housing units and retained the existing house.

At the time of the approval, the property was zoned Residence A, which it remains. Mr. Lamson explained that, at that time, there was a provision in the Residence A regulations that allowed the approval by the Planning & Zoning Commission of multi-family by special exception. The approval was for the 24 units shown on the plan, retaining the house. Since that time, stated Mr. Lamson, the regulations have changed multiple times, with new multi-family and elderly housing zones being created. As that occurred, the special exception provision in the Residence A zone was removed.

When the Town actually constructed the project, they only constructed 20 units. The four units not constructed were pointed out on the site plan. The current situation is that the area toward the west side of the property is used by the tenants now as an open green space. Mr. Lamson reported that the reason the four units were not put there is that the Town wanted to retain the house for the caretaker; they did not want the house removed and all four units could not be placed, leaving two in the middle.

When Orford Village Housing Development Corporation purchased the property with all the rights to the property, stated Mr. Lamson, they purchased it to operate and maintain it. He reported that Orford Village has done a tremendous job renovating the units. They would like to construct the other four units on the property, but do not want to put the two units on the west side and destroy the green space. Prior to Orford Village purchasing the property, the existing house was demolished by the Town.

Mr. Lamson reported that, after reviewing all the options with the Planning Department, to apply for a zone change to either elderly housing or one of the other zones, in every single instance, the units currently there would violate the provisions of those zoning regulations and create nonconformities. Therefore, the decision was made to remain Residence A; they would construct the new building on North Elm Street and observe the front yard 25 ft. setback that has been in place since 1985. However, currently four units cannot be built in the Residence A zone, though it meets all requirements.

Mr. Lamson referred to the site plan and detailed the four units and parking areas. New sidewalks will be constructed that will not only connect the parking to the units, but also across the front of the new building on North Elm Street, connecting the existing sidewalk.

Mr. Stevenson asked if the four units could be built based on the original plan without coming before the Board. Mr. Lamson replied that they could not, because the site plan approval that went with the special exception, by statute, has expired.

Mr. Andrew Bushnell, Professional Engineer and Licensed Land Surveyor with Bushnell Associates, introduced himself. Mr. Bushnell reported that they prepared the site plan displayed in this meeting.

Mr. Bushnell detailed the site plan regarding utilities, parking, catch basin and parking regulations. He reported on gas onsite, water, sewer, electrical, telephone and cable.

Mr. Lamson offered that this is the only property in the neighborhood with elderly housing and a previous approval for four more units. This may be the only Residence A piece of property in the town of Manchester that has approval for four more units on it. The existing buildings on the site are small scale residential, Cape Cod appearance, simple structures. The new building will be similar in design, though slightly larger for handicap accessibility. As these buildings will be smaller than those in the neighborhood, they do not believe they will change the character of the neighborhood. When Orford Village purchased the property, they had every expectation that they could build the four units, only to be informed the approvals had expired. Mr. Lamson reported that the four units to be constructed will help with the management of the property.

Mr. Haley sought confirmation that this is strictly elderly housing, which Mr. Lamson confirmed. Mr. Haley asked whether Orford Village is for profit and Mr. Lamson reported it is non-profit. Mr. Haley asked who makes the decision on who is accepted as tenants and Mr. Lamson responded it is the management.

Mr. Michael Grant, with the management company, introduced himself. He explained that there is an application process followed by screening of the applicant, picture ID, and Social Security cards for identification. They will go through a credit and background check. Reasons for rejection would be prior evictions, unfavorable credit, unfavorable landlord verification and criminal history. There is an income to rent ratio of 40% income/rent minimum. Mr. Grant reported that they do allow pets, with a 50 lb. maximum on dogs, and cats are restricted to indoor cats. He added that they require updated vaccination records from veterinarians as well as licenses.

Mr. Haley asked whether this qualifies as affordable housing. Mr. Grant responded that, when Orford Village purchased the property from the Town of Manchester, they were required to keep their rents at 85% of the published HUD fair market rents on an annual basis.

After a question from Mr. Haley about the State standard, Mr. Grant responded that he was not familiar with State requirements.

Mr. Stevenson assumed that would be comparable with the Manchester Housing Authority in terms of rents. Mr. Grant responded that some Manchester Housing Authority rents are subsidized. He stated that they have some residents that receive housing choice vouchers, but they are mobile vouchers and nothing project based.

Mr. Stevenson asked whether it would be comparable to the Housing Authority in terms of operation. Mr. Grant responded that there are many different programs, some of which require

tax credits and below-market rents, but they are restricted by the deed restriction signed upon purchase.

Mr. Haley speculated why two bedrooms are needed in elderly only housing. He was concerned about long-term visitors.

Mr. Grant stated that there may be a medical issue with a married couple that necessitates a two bedroom. In addition, there may be visitors. It is really a personal choice.

Ms. DeCampos related her personal experience with the Housing Authority.

Mr. Stevenson sought clarification of what was approved in 1985 vs. today. He assumed that the parking lot would be where the house was, which Mr. Lamson confirmed. The footprint of the two units is obviously an expansion of where the four units will be built.

Mr. Lamson reported that the units proposed are slightly larger than the previous units because they need the space to meet ADA requirements. Generally, he said, they are the same size, and they are putting those four units in front of the building that has four units.

Ms. Pilla reported one outstanding comment from Staff review, which the applicant is aware of. It relates to relocating a retaining wall to maintain a proper clearance from a nearby water line. That is the only outstanding comment that requires a revision to the plan, and if the Board was so inclined, that could be a modification to an approval.

Ms. Jennifer Wright, 214 North Elm Street, introduced herself. Ms. Wright stated that she owns and lives at 214 North Elm Street and objects to the commercial construction on the Residence A zoned lot adjoining her property. She commented on environmental issues: There was previously a single-family home on the site at 208 North Elm Street, built well before the 1950s, which was demolished. Her concern is that, when the site is excavated, the residual asbestos, lead paint, etc. will become airborne. The Town allows the demolition contractors to crush and leave a portion of the demolition in place and her concern is the airborne contaminants and what guarantees will be provided to the neighborhood.

Ms. Wright noted that the plans are calling for 10 ft. of side yard from a proposed parking lot, which will be 10 ft. from her property line. It will be directly outside her dining room window with cars and headlights into her dining room. Currently, the parking lots are well lit at night and the new parking lot will provide constant light, which is a privacy issue. She also noted the gas fumes from residents' vehicles and emergency vehicles. Fire, Ambulance, and Greater Hartford Transit Authority vans will be running 20 ft. from her kitchen and dining room. It will encroach on her home and will diminish the quality of life. If the proposed commercial project on a Residence A lot is built, it will impact her quality of life on a daily basis. One of her decisions that factored into the purchase of her home was the residential lot open space and the buffer provided from the apartments, which maintains a certain level of distance and privacy. Currently, the first building is toward the back of her house and not invasive to her property.

Ms. Wright reported that the Ansaldo Company was on the property recently, digging and testing soil. She was surprised to see that was allowed prior to this hearing. When she inquired why they were digging, she was told she had no choice in the matter.

Although the housing is zoned for elderly housing, Ms. Wright noted that there are children onsite, apparently to be watched by grandparents during the day during the school year and more frequently during summer breaks.

Ms. Wright reported that the Notice of Hearing signage has been laying on the ground since it was delivered. It was never put into the ground, resulting in no one reading the sign. She stated that she has pictures with times and dates and that the neighborhood was never correctly given notice, which seems to be an attempt to keep the hearing under wraps.

Regarding quality of life, according to Ms. Wright, vehicles entering the proposed parking lot 10 ft. from her property will result in headlights shining directly into the house through the dining room, living room and kitchen windows. Sidewalk and parking area lighting currently goes on at dusk and remains on all night. Building this 10 ft. from her home will create light pollution. Increasing the volume of renters in the proposed complex by an additional 20% will increase the inherent problems, directly affecting their right to quiet enjoyment of their home and quality of life. Additionally, ice melt and other residual parking lot residue from cars and trucks will be plowed and/or snowblown off the parking lots and piled onto the property from the landscape service. The grade of the yard is lower to the south and the west than the proposed parking area. With a 10 ft. side yard, the landscape company will pile the snow, ice melt and other debris onto the 10 ft. wide area between the parking lot and the yards. The landscape company already snowblows this type of material in the yards from the sidewalk.

Ms. Wright commented that the longest open side of the proposed parking lot is against her property line. The landscape company pushes and piles the snow where there are no buildings present. This will create runoff from this proposed commercial complex expansion onto and across the yards of all the lower-lying properties going downhill. There is no consideration as to how the snow removal will be undertaken and has been historically handled on the property line between 214 North Elm Street and the former 208 North Elm Street property.

Regarding noise pollution, Ms. Wright stated that the Greater Hartford Transit District buses with a weight capacity of more than 10,000 lbs. pick up and drop off between the hours of 5:30 A.M. to as late as 10:00 P.M. The vans are equipped with back-up warning devices. The volume of these devices is a minimum of 97-112 dB, which can be heard through the walls of their house clearly, even at well over 100 ft. away from the current parking area.

The Manchester Fire Department and the Eighth District Fire Department, according to Ms. Wright, sometimes send two different fire trucks for one call, and have probably made more than 75 visits with full-sized fire trucks and supervisory vehicles in the last year to the complex providing paramedic support. Again, with lights on and diesel engines running for the duration, the calls are most likely 911 and always seem to be on site with ambulances. The ambulances also back into the complex with the previously mentioned high dB backup warning alarms.

Ms. Wright concluded that putting the proposed complex 10 ft. from her home would certainly disrupt their right to privacy and quiet enjoyment of their home, negatively affecting their ability to sleep and their quality of life. Though she has heard many comments about the benefits to the residents of the Orford Village community, she feels not much consideration has been taken for the residents in the surrounding area, especially with the parking lot 10 ft. from her property line.

Mr. Haley asked Ms. Wright, if this was reversed, with the house behind her and the parking lot further away, if would that be acceptable.

Ms. Wright stated that, if it was behind her and the parking lot was not 10 ft., in a different area, it might be a different story.

Mr. Haley asked if Ms. Wright would be satisfied if the houses were where the parking lot is and the parking lot were where the houses were.

Ms. Wright remarked that she would not want the houses that close to her either.

Mr. Haley stated that, in the Residence A zone, a regular house could go in there.

Ms. Wright commented that it could, but it would be a house, not four more units with a parking lot next to a house.

Mr. Haley assumed the parking lot is Ms. Wright's biggest concern, which Ms. Wright confirmed.

Mr. Stevenson requested that Mr. Davis speak to the concern from the neighbor regarding the demolition, the signage, and the soil testing that is already being performed before approval.

Mr. Davis responded that, regarding the demolition, he will check with the chief building official, but he believes the health code allows for clean fill to be buried onsite from a demolition.

Mr. Stevenson clarified his question.

Mr. Davis acknowledged that not all dust can be contained. He went on to describe the various methods that should be employed during the process. Soil testing is permitted without a permit.

Ms. Pilla stated that the sign was posted, and they have a photo from the day it was posted. However, it is not routinely checked, so if the sign fell, she cannot speak to that. She confirmed that it was posted, letters were sent to abutters, and the notice was published online and in the newspaper.

Mr. Lamson reported that, when the house was filled in, it was filled with earthen material. It is his understanding that the material from the house itself was hauled away. The foundation is still there, and they recognize that they will have to remove all or a part of it. When reviewing the site plan on this particular property, the entire site flows away to the northwest, away from 214 North

Elm Street. When the project is complete, all the drainage in the parking lot flows to the northwest, away from North Elm Street and away from the adjacent property. The flow will be captured in a catch basin at that corner, so anything on the parking lot would flow into that catch basin, which would flow into a subsurface system to absorb the water.

Mr. Lamson explained that, when the parking was laid out, all the parking spaces faced away from the abutting property.

Mr. Stevenson observed that the lighting is currently on all night, which was confirmed.

Mr. Lamson stated that, in this parking lot, they can do lower fixtures and cutoff, which could not be done in 1985.

Mr. Stevenson asked whether there will be any high fencing around the area. Mr. Lamson stated that they were not planning to, but they could. He stated that they could put fencing on the side between there and the adjacent property. They would probably add landscaping as well, so if the fence was near the parking lot, the south side of the fence could be landscaped.

Mr. Stevenson inquired about the transit buses.

Mr. Grant explained that many elderly residents use public transit or municipal services. He acknowledged the sound transmitted when the vehicles are in reverse. Additionally, the vehicles are left running when picking up/dropping off people. He was unaware of the hours the transportation vehicles operate.

Mr. Lamson reported that they would be willing to restrict Greater Hartford Transit from using the new parking area. The individuals in the two proposed units can easily go to the sidewalk and walk to the existing parking, which is north of the building.

Mr. Haley asked whether any consideration was given to relocating the parking lot. Mr. Lamson stated there was, but the grading made it difficult to access the parking and meet all the accessibility requirements with the sloping of the sidewalks.

Mr. Stevenson speculated about putting the units where the original two units were, in the open space. Mr. Lamson explained the difficulty with that possibility.

Mr. Haley asked whether there was a demand that led to this increase. Mr. Lamson reported that there is a long list waiting for this property.

Mr. Steve Garofalo spoke on behalf of Jen Wright, 214 North Elm Street. He noted that the properties to the south and west are lower than the proposed parking lot. There is nowhere to pile snow except to the south. He acknowledged that Mr. Lamson addressed rainwater, but they are speaking about debris from the parking lot, ice melt and snow piled into the 10 ft. very small area between the curb of the parking area and the property line. The house at 214 North Elm Street is 10 ft. from the property line.

BDC INVESTMENTS LLC – Application #VAR-0045-2023 – Request a use variance from Art. II, Sec. 15.01.01(m) to convert the existing dentist office into a residential unit at 12 Myrtle Street (a.k.a. 12B Myrtle Street), Central Business District zone.

Mr. Kyle French introduced himself. Mr. French stated that he is speaking about the previously used dental space at 12 Myrtle Street, a property he co-owns and manages. He stated that they feel the best use for this unit is as a residential unit and not as a commercial unit. It is currently in a business district zone and has traditionally been used as a mixed-use property with three residential units and one commercial unit. However, on the Assessor's database, it is listed as a four-unit residential multi-family building, with no reference to a commercial space in that building. He noted that it is not the typical commercial space, as it is not located on Main Street. It is located on Myrtle Street, which is a road that leads into a residential neighborhood across from a park. On the outside, no one would assume it is a commercial space.

Mr. French stated that this building has been vacant for some time. In addition, the demand for residential space is very high and the supply is very low. With the recent shift to individuals opting to work from home, there has been less need for commercial space. Many commercial spaces have been having trouble filling their buildings, with tenants leaving for smaller places or moving to work from home.

There is also an issue with the Fire Marshal regulations. The building does not currently comply. If it was to be used as a commercial space, the entire building would need to be sprinklered, which would be a financial burden and would also disturb and displace the current residential tenants who reside in the building. Additionally, there is not ample parking space to service a commercial unit. There are three parking spaces for employees and customers, making it unfriendly for that type of use. In addition, there is not a separate entrance; a common entrance would be used that the residential tenants would use.

In addition, Mr. French noted that the plans would not require any site work. All work would be contained inside the current boundaries of the unit. He added that they would have to remove partition walls. There are already two rooms that could be converted to bedrooms. Other modifications to the space were explained in detail.

After a question from Mr. Stevenson, Mr. French replied that there are currently three residential units, two of which are occupied. All plans to convert the unit into a residential unit would not require any site work. All work would be contained inside the current bounds of the unit and there is a fully finished bathroom in the prior dentist's office.

Mr. Haley asked whether the four units all have a bathroom, which Mr. French confirmed. Mr. Haley asked whether they all have a kitchen. Mr. French pointed out one unit which will be part of the plans.

Mr. French explained that the plans are for just the one unit. It does not include the other three residential units. He stated that the plans are just for Unit 2, on the west side of the first floor.

Mr. Haley asked for confirmation that this will be a single-family unit, which Mr. French confirmed.

Mr. Haley sought information about the parking. Mr. French explained the parking in detail.

Ms. Pilla reported no comments from Town Staff that require any changes on the application. She did clarify that the applicant mentioned the discrepancy in the Assessor's information. Her understanding is that this was originally a four-family house and, at one point, one of the first-floor units was converted to a dentist's office. Ms. Pilla suspects it may have been converted without being properly permitted, which would require significant code upgrades per the Fire Marshal, and that may be why the Assessor's information does not reflect the office.

Mr. Haley sought confirmation that this was built as a four-unit house before the CBD zone was established, which Ms. Pilla confirmed.

Mr. Stevenson asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

The Public Hearing was closed at 8:45 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.**

DRAFT

**MINUTES OF BUSINESS MEETING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
MARCH 29, 2023**

MEMBERS PRESENT:

In Person: James R. Stevenson, Chair
Robert Haley, Vice Chair
Edward Slegeski
Sandra DeCampos

ALTERNATES PRESENT:

In Person: Kevin Hood
Electronically: Linda Harris, Sitting

ABSENT: Keshet Spadaccini, Secretary
Harun Ahmed

STAFF PRESENT:

In Person: Megan Pilla, Principal Development Planner
Electronically: James Davis, Zoning Enforcement Officer
Nancy Martel, Recording Secretary

The Chair opened the Business Meeting at 8:50 P.M.

CONSIDERATION OF PUBLIC HEARINGS:

JESSE FERNANDEZ – Application #ZSE-0001-2022 – *Public Hearing Continued*

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

MOTION: Mr. Haley moved to approve the variance. Ms. DeCampos seconded the motion and all members voted in favor.

The hardship is that the proposed location is the only safe location for the generator.

ORFORD VILLAGE HOUSING DEVELOPMENT CORPORATION – Application #VAR-0044-2023 – Request a use variance of Art. II, Sec. 4.01 to construct 4 senior multi-family units at 190 North Elm Street, Residence A zone.

MOTION: Mr. Slegeski moved to approve the variance with the condition that the use of the new parking area by large transportation vans be restricted, and with the following modifications:

1. To add a fence to screen the proposed parking area from the adjacent house.
2. That the lighting for the new parking area be shorter poles and cut-off fixtures to shield them from the adjacent house.

Mr. Haley seconded the motion. Mr. Slegeski, Ms. DeCampos, and Ms. Harris voted in favor. Mr. Stevenson and Mr. Haley voted against the motion. The motion did not pass.

Mr. Haley acknowledged the neighbor's concerns. However, if the variance is denied, the applicant could go for a zone change and the results would be the same. In his opinion, with the modifications, it may be more palatable.

Ms. Harris agreed that she sympathizes with the homeowner, though the Board must take into consideration the needs of the total population. She agreed with the conditions.

Mr. Haley commented that the hardship must be noted in order to approve the motion.

Mr. Slegeski stated that the property was previously zoned, then changed, so the hardship is that the originally approved plan was changed, forcing the applicant to come before the Board. He agreed with Mr. Haley that they could go for a zoning change. He reiterated that he feels deeply for the neighbor, which necessitated his conditions. He commented that, in his opinion, the hardship is valid, through no fault of their own.

Mr. Stevenson reported that he cannot support the motion. In looking at the site, all the parking lots are either on roads or across the street. There are no parking lots that abut a neighbor, as in this case. The original approval back in 1985, which has since expired, did not show a parking lot abutting a neighbor's property. There were only two units there, which would have shared the current parking lot, and there were two units in the open space. Mr. Stevenson remarked that he respects Mr. Lamson's opinion about not being allowed to build two units there when it was already approved, though they were satisfied with two units in the open space in 1985. They could put all the units in the open space today, keeping it away from the residential abutters. He noted that the 1985 plan did not show a parking lot in that area and stated that he presented alternatives to the applicant.

Mr. Haley appreciated Mr. Stevenson's comment, which swayed his vote.

BDC INVESTMENTS LLC – Application #VAR-0045-2023 – Request a use variance from Art. II, Sec. 15.01.01(m) to convert the existing dentist office into a residential unit at 12 Myrtle Street (a.k.a. 12B Myrtle Street), Central Business District zone.

Mr. Stevenson asked Ms. Pilla why a variance is required, since it was originally four residences and more recently there was an illegal dentist office. Ms. Pilla responded that a residential unit on the first floor is not permitted in the CBD zone.

MOTION: Mr. Haley moved to approve the variance. Ms. DeCampos seconded the motion and all members voted in favor.

The hardship is that the building has always had residential uses on the first floor before the Central Business District zone was created, and the space is not to code for a non-residential use.

APPROVAL OF MINUTES

February 22, 2023 – Public Hearing/Business Meeting

MOTION: Mr. Haley moved to approve the minutes as written. Mr. Slegeski seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS

There were no new applications.

OTHER BUSINESS

Ms. Pilla reported an inland wetlands training opportunity on Monday, April 3rd at 5:45 P.M.

The meeting was adjourned at 8:50 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.