

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
APRIL 26, 2023**

MEMBERS PRESENT:

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

ALTERNATES PRESENT:

In Person: Kevin Hood
Harun Ahmed
Electronically: Linda Harris

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.

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

Mr. James Grady, Grady Construction, introduced himself. Mr. Grady reported that the garage is existing. The variance is to construct a sunroom off the back of the house where there is currently a 16 ft. x 16 ft. deck. The clients would like to expand that to 16 ft. x 32 ft. because their parents are getting older and are dealing with health issues. The existing living room would house their parents and the expanded area would allow the family to gather.

Mr. Grady stated that Mr. Davis informed him that a variance is required because the existing garage is between 7.5 ft. and 7 ft. from the property line, which is between 6 in. and 1 ft. too close to the neighbor at 22 North Elm Street.

Mr. Davis explained that a detached accessory structure, if located completely behind the rear plane of the existing house or anything attached to the house, such as a deck, can be closer to the side property line than if it were attached. If the addition sunroom extends beyond the front face of the garage, that garage would then have to maintain, in this particular case based on the zone it is located in, a 10 ft. side yard.

Mr. Grady stated that the hardship is that they need more space as they care for their ill family members.

Mr. Haley informed the applicant that this is not a variance for the sunroom, it is a variance for the garage because it will become noncompliant when the sunroom is built. He asked how long the garage has been on the property.

Mr. Grady explained that the garage was built when the house was built.

Mr. Davis reported that, according to Assessor's records, it was built in 1942.

Ms. Harris asked, if this structure has been there since 1942, what prompts them to come to the Board for a variance. She assumed this would have been grandfathered in.

Mr. Davis explained that the garage is currently detached and located behind the rear plane of the house. Therefore, it only needs to be 5 ft. off the property line, though it is approximately 7-8 ft. off the property line now. He added that the applicant is creating a new rear plane of the house.

Ms. Pilla interjected that, currently, the garage is technically in the rear yard, though after the addition the garage will technically be in the side yard.

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. Stevenson reported that this is a continuation of a public hearing where the Board and Town Staff needed additional information.

Some discussion was inaudible, due to technical issues with the recording equipment.

Mr. Fernandez reported that the back room is not accessible for the applicant. The Fire Department stated that, since they will have their own egress, they wanted another egress in the back area. The landlord will handle that egress.

Mr. Stevenson assumed that would be in the event that there is another tenant in that space in the future.

Mr. Slegeski was concerned that, if the back exit was removed, the only exit would be at the front of the building.

Mr. Fernandez clarified that there is not currently an egress at this location. When DCF occupied this space, they had three points of egress. He noted that they had to create another fire barrier in order to meet code. He explained he will not spend money on the building until he receives the special exception.

Mr. Haley was of the opinion that the second exit had to go upstairs. Mr. Fernandez stated that was not true.

Mr. Haley noted that nothing has been addressed with the dumpsters. Mr. Fernandez explained that the landlord has agreed that it will be taken care of once he signs a lease.

After a comment from Mr. Haley about whether there would be space for the playground, Mr. Fernandez explained that the DCF workers should be parking on the hill with the other vehicles. However, since the space has been vacant, they tend to park in that area.

Ms. Harris made comments that were inaudible.

Mr. Fernandez stated that what may be considered a sidewalk is 6.5 ft. wide. The parking area is not a highly transited area. There is a ratio of 1:4 children and he explained how staff and children walk outdoors.

Mr. Haley inquired whether the State has signed off on the plan, which Mr. Fernandez confirmed.

Mr. Haley asked about the security on the front door. Mr. Fernandez reported that there is a push button system. There is also a power failure option. He noted that there are currently cameras surrounding their location. Mr. Fernandez acknowledged that they have special needs children, and they are fully handicapped accessible.

Mr. Ahmed asked how many locks are on each door, which Mr. Fernandez explained will be one. The mop area will have a latch, required by State guidelines. Mr. Ahmed also asked about their emergency meeting point. Mr. Fernandez reported that it will be past the playground area, and it will be identified in the evacuation plans.

Ms. Pilla noted that the projected plans were not in the original project. Therefore, Staff has not had adequate time for sufficient review. There are also a couple of pieces of missing information (how the fence posts would be installed, the size of the bollards and their installation, as well as the bottom of the fence and how the rubber mulch would be contained within the outdoor play area). All those requests are for safety reasons. Unfortunately, the statutory allowances for extensions have already been exhausted on this application, so this public hearing must be closed tonight.

Mr. Stevenson speculated whether, if this Board decided to approve this application, they could approve it pending the information requested by Town Staff.

Ms. Pilla stated that it could be approved with conditions. The only concern is that, in the event that the additional information is provided and this review is complete and there are still concerns or issues, there would be an approval in place with conditions that cannot be satisfied. Building permits would not be issued if the conditions were not met.

Mr. Fernandez discussed mulch and artificial grass.

Ms. Pilla stated that, since Zoning was not aware of artificial grass, they would need those dimensions, as it appears from the drawing that the dimensions on the fence go to the end of the parking stalls. Nothing can go beyond that, because the drive aisle must be maintained at its existing width.

Mr. Fernandez sought to clarify that, when he refers to artificial grass, he is referring to the carpet grass.

Ms. Pilla noted that they can't cover the drive aisle with that.

Ms. Pilla reported that Staff generally still feel hesitant about this application, primarily because of the outdoor play area information that has been requested but not received.

Mr. Fernandez informed the Board of the difficulty he has had obtaining the requested information.

Mr. Stevenson noted that this is the last night for approval. He speculated whether the Board could approve the application with conditions requiring the satisfactory review of revised plans by Staff and that all requested information is provided to Staff.

Ms. Pilla stated that it could be done. She stated that the applicant would need to be aware that the Board would not be able to move forward until the rest of the information is received. However, it must be noted that it may change the layout if there are any items not currently shown in the plan.

Mr. Stevenson speculated whether, if the application was denied without prejudice, the applicant could return next month, or if they would be required to start the entire process again.

Ms. Pilla acknowledged that, if it were denied without prejudice, they could return next month. The applicant would need to make a new application with the same documents to start a new public hearing.

Mr. Stevenson sought confirmation that Ms. Pilla would not be comfortable with putting those conditions on the approval.

Ms. Pilla said yes, based on her understanding of the feeling of all the Staff that are reviewing. Generally, Staff would be more comfortable seeing a satisfactory plan first.

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.

Mr. Lindsey Boutilier, Athletics Director and Buildings & Grounds Director for Manchester Public Schools, introduced himself. The proposed project involves a board at the corner of

Brookfield Street and Middle Turnpike that is stagnant. It is a manual board that is not updated. It is a highly visible area that could be used by the public school system as well as the Town to disseminate information to the community and to highlight events at the high school for students and Staff.

Mr. Boutilier acknowledged that there are codes that regulate how often the sign can change. They are not interested in advertising or animation. They are looking for the ability to say things like “football game Friday night 6:30,” or “Band concert Saturday 1, 3 and 6.”

Mr. Boutilier stated that he spoke with Chris Silver, Director of Leisure, Family and Recreation, who jumped at the idea of advertising, highlighting events in the town: i.e., fireworks, the road race, voting, etc.

To commence, Mr. Boutilier explained, they would work out a process through the Buildings & Grounds Office. Then they would coordinate the best method to allow all parties to use that board.

Mr. Stevenson noted that Staff had a couple of questions.

Mr. Boutilier referred to a question about the brightness of the sign. The sign has the ability to dim on a timer and has the ability to shut off.

Mr. Stevenson recalled that the sign can only be changed twice a day, which was confirmed by Mr. Boutilier.

Mr. Slegeski referred to the earlier sign proposals which were granted. Mr. Boutilier explained the proposed location of the new sign.

Mr. Boutilier stated that they are trying to make the facility more professional and welcoming, with the state-of-the-art football field and track, the parking lot on Brookfield Street, the tennis courts, and the new gymnasium and pool. Mr. Boutilier gave an explanation of a prominent sport event where individuals did not know where to go due to the lack of signage. The sign that Mr. Boutilier presented is different, but under the same scope of trying to make the campus more welcoming and professional, and with the ability to disseminate information.

Mr. Slegeski remarked that the applicant is using the same script as the last presentation. He was concerned about how the Town would defend future decisions when these applications have been granted. He referred to several prior applications before the Board.

Mr. Boutilier and Mr. Slegeski had a conversation about the number of signs that have come before the Board recently.

Mr. Haley clarified that the applicant is not adding an extra sign. They are replacing that sign with a better sign.

Mr. Boutilier reiterated that each sign is for a different entrance, which is common. He added that they are not adding any signage.

Mr. Hood asked if the signs could be combined.

Ms. Spadaccini referred to the prior meeting regarding signage. She stated that she is not seeing the hardship. Additionally, she is concerned about the increasing frequency of these requests. It was her opinion that these issues belong before the Planning and Zoning Commission.

Mr. Stevenson sought to clarify that Ms. Spadaccini suggested going to the Planning & Zoning Commission to have regulations changed.

Mr. Haley sought to confirm that the applicant is not requesting a larger sign, just higher.

Mr. Boutilier confirmed that they want the sign to be visible to cars, and to keep the electronic sign off the ground to protect it from the elements.

Mr. Davis stated that the sign would be 2 ft. higher than the existing sign and would be electronic, which is not permitted in the residential zone.

Ms. Pilla reiterated the importance of a night mode, so the effect of the lights is not distracting from the nearby traffic signal. In addition, the frequency of the display would not be more than two times per day. Ms. Pilla reported that Mr. Davis requested a revised site plan showing the accurate property lines and the distance to those property lines, which the applicant did provide.

Mr. Haley asked whether a time needs to be set for nighttime use of the sign.

Mr. Boutilier was agreeable to dimming the sign at sunset and turning it off from 10:00 P.M. to 6:00 A.M.

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 8:00 P.M.

I certify these minutes were adopted on the following date:

May 31, 2023

Date

James Stevenson, Chair

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