

**MINUTES OF BUSINESS MEETING
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 Business Meeting at 8:00 P.M.

CONSIDERATION OF PUBLIC HEARINGS

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.

MOTION: Mr. Haley moved to deny the special exception without prejudice. Ms. DeCampos seconded the motion and all members voted in favor.

The reason for the denial without prejudice is that staff concerns have not yet been satisfied. The applicant can return next month if the issues are worked out.

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.

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

The hardship is that the garage has existed since the house was built, and the change to the house is permitted by right.

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.

Variance of Art. IV, Sec. 13.09 for Use of Electronic Message Board

MOTION: Ms. DeCampos moved to approve the variance with the conditions 1) that the sign dims at sunset, turns off at 10:00 p.m., and turns back on at 6:00 a.m. and 2) that Staff are satisfied with the revised site plan. Mr. Haley seconded the motion. Mr. Stevenson, Mr. Haley, and Ms. DeCampos voted in favor. Ms. Spadaccini and Mr. Slegeski voted against the motion. The motion did not pass.

Mr. Haley offered that, since this is replacing an old sign in bad shape, it will improve the overall appearance of the neighborhood. Even though the sign is not permitted, it does not state that it is not allowed. In his opinion, the variance should be approved.

Mr. Stevenson stated that he supports the variance. He stated that the current sign does not reflect on the quality of the school and the new sign will bring it to the 21st century. The sign could also be utilized for community events. He added that there is only one high school; there will not be other high schools coming before the Board.

Mr. Slegeski expressed his conflict over the variance. He stated that he could not support the variance.

Mr. Haley commented that the only negative to the sign is the current Zoning regulations, which were made before electronic signs were considered. The size will be the same but it will be a nicer, more attractive sign.

Ms. Spadaccini felt this situation is not that unique, as it is not the first time the high school has come before the Board. Since the regulations were in place prior to electronic signs, applicants should go before the PZC to have the regulations changed.

Mr. Haley concurred that the regulations should be changed. In the meantime, the ZBA is the board of relief to regulations until the time that they can be changed.

Mr. Stevenson was skeptical that the PZC would change a regulation for a high school, as there is only one high school. He noted that the high school is not going to go out of business.

A general discussion was held between Mr. Stevenson, Mr. Haley, and Ms. Spadaccini about the merits of changing the regulations.

Variance of Art. IV, Sec. 13.06.01 for Height of Signage:

MOTION: Mr. Haley moved to approve the variance. Ms. DeCampos seconded the motion.
Mr. Stevenson, Mr. Haley, and Ms. DeCampos voted in favor. Ms. Spadaccini and Mr. Slegeski voted against the motion. The motion did not pass.

Mr. Stevenson acknowledged that, regardless of the type of sign, vehicles block the view. Regardless of the sign, it should be higher for visibility's sake.

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.

Ms. Pilla displayed the new site plan for the new application. The applicant considered the reasons for the denial given at the last meeting and revised the plan to swap the locations of the parking and the building. Some of the concerns from the Board and the public involved the proximity of the proposed parking area to the neighbor's home. Ms. Pilla described the changes to the plan.

Mr. Haley noted that there are significant changes to accommodate problems of concern for the neighborhood. In his opinion, it would be worth hearing the applicant.

Mr. Stevenson agreed. The applicant has addressed some of the neighbors' concerns. He preferred the applicant bring the plan to the neighbors before the ZBA meeting. Mr. Stevenson sought the support of the neighbors prior to the next meeting before the ZBA.

Mr. Stevenson commented that neighbors felt the posting of the ZBA meeting was not adequate. He requested multiple signs be posted prior to the next meeting.

The Board voted unanimously to accept application VAR-0049-2023.

APPROVAL OF MARCH 29, 2023 MINUTES: PUBLIC HEARING AND BUSINESS MEETING

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

RECEIPT OF NEW APPLICATIONS

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.

Ms. Pilla announced the Orford Village Housing Application to be accepted as a new application.

The Business Meeting was closed at 8:30 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 BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.