

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
OCTOBER 22, 2008**

MEMBERS PRESENT: James Stevenson, Chair
Kathleen Maffe, Vice Chair
Robert Schneider
Mark Connors

ALTERNATES PRESENT: Edward Slegeski (sitting)
Armando Darna

ABSENT: Albert Gionet, Secretary
Paul Harnois

ALSO PRESENT: James Davis, Zoning Enforcement Officer
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

The Chair opened the Public Hearing at 7:00 p.m. The Vice Chair read the legal notice for the application when the call was made.

DAVID LACOSS – application #2375 – request a variance to Article II Section 5.01.01 to reduce the rear yard setback to 18' (25' required) for a deck at 54 Hudson Street, Residence B zone.

David Lacoss, 54 Hudson Street, explained that he would like to build a deck behind his house but there is only 11 feet between his house and the fence behind it. The proposed spot is the only practical spot to build it. If he were to build it conforming to the regulations, the deck would come to the middle of a sliding glass door. The deck will not be visible to the street.

In response to a question from Chairman Stevenson, Mr. Lacoss stated that the deck would not be enclosed. Chairman Stevenson noted that the rear of the house is already non-conforming; this is an existing condition.

Chairman Stevenson asked anyone wishing to speak in favor of or in opposition to the application to come forward. As no one came forward, the chairman closed the public hearing on this item.

Ms. Bertotti said this application had come before the Board in July of 2008 and was denied without prejudice because the applicant was not present. The house is set on the lot in such a way that the deck will encroach into the rear yard less than the house itself, she said.

SERGE & LOUISE POULIN – application #2382 – request a variance to Article II Section 22.05(h)2 to reduce the required landscape buffer area to 20’ (25’ required) at 629 Middle Turnpike East, Special Design Commercial zone.

Attorney Michael Bonanno, Jacobs, Walker, Rice, & Barry, LLC, spoke on behalf of the applicant. Dr. Poulin has an established medical practice in Manchester and would like to build a small building on Middle Turnpike East but will need a variance. The property is .44 acres and currently has a residential dwelling on it. On September 3, 2008 the Planning and Zoning Commission approved a zone change to Special Design Commercial zone. Medical office buildings are an appropriate use in the Special Design Commercial zone. Mr. Bonanno explained that to the west of this property is an office building, across the street are a bar and package store, immediately to the east is residential use, further east is multi-family residence and to the rear of the property is residences.

The applicant plans to build a 2,400 to 2,500 square foot building. The lot has 90’ of frontage and is 214’ deep. The applicant requires a 5’ variance to the required 25’ buffer. The building will be about 38’ wide, there will be 5’ between the building and the driveway, the driveway will be 22’ wide, and there will be 5’ between the driveway and the property line.

The applicant is proposing to reduce the landscape buffer only next to the building, or the first 100’ feet from the road. The area behind the building will have the proper buffer. The reason the buffer is needed is because of the residential property on the east; but the applicant believes he can provide adequate landscaping within the 20’ proposed buffer. This applicant’s property abuts the driveway of the adjacent property and the house is a far distance from the property line. The applicant will be installing a 6’ vinyl fencing for screening in addition to the landscaping. Mr. Bonanno explained that a doctor’s office is a relatively quiet use. The hardship associated with this application is that the lot is very narrow.

Jim Dutton, Professional Engineer, concurred that this is a small lot, 90’ wide and 214’ deep. The proposed building will be 38’ wide and 68’ long. The reason the applicant would like the building to be 38’ is because that is the ideal width for exam rooms on either side of the hallway. A narrower building would compromise the use of the building. The building is to be a single story. The windows on the east side will be set higher, which will allow for taller landscaping. The highest point of the lot is the rear of the lot on the northern side. The parking lot will be in the rear of the lot, cut into grade with a retaining wall. The houses behind this property will be 50’ to 60’ back from the retaining wall. A proposed solid 6’ fence will prevent headlights from affecting the neighbors. The building covers 13.4% of the site, with a footprint of 2,584 square feet. Parking will consist of 17 spaces.

Stephanie Fuss, Landscape Architect, gave a detailed description of the proposed landscaping. A 6’ solid screen fence will be provided for a higher level of screening. Near the road there is an existing 24’ oak that will remain. Along the fence, groupings of holly trees will be planted that will grow to 6’ or 8’ tall. She will create a double row of plantings along the fencing with a little pathway between the office building and the fencing area. At the rear property line, blue spruce will be planted and will grow to 15’ to 20’ in height. At the end of the parking area river birches

will be planted and under-planted with daylilies. There will be a retaining wall along the rear of the property and planted on top of the wall will be hydrangeas and evergreens.

Mr. Dutton added that along the rear and east of the abutting properties there are a large number of existing trees that will remain.

Chairman Stevenson asked anyone wishing to speak in favor of or in opposition to the application to come forward. As no one came forward, the chairman closed the public hearing on this item.

Ms. Bertotti said there are no outstanding staff comments. The environmental planner had a conversation with the applicant regarding of the planting height of hollies and an agreement was reached with the applicant to plant hollies at 30” to 36”, she said.

EDWARD HATEM – application #2383 – request special exception under Article IV Section 5.01.02 to install siding on an automotive repair garage at 270 Hartford Road, Industrial zone.

Edward Hatem, 270 Hartford Road, owns this property and leases it to Hartford Road Auto, LLC. He would like to install vinyl siding to improve the appearance of the building.

Chairman Stevenson asked anyone wishing to speak in favor of or in opposition to the application to come forward. As no one came forward, the chairman closed the public hearing on this item.

Ms. Bertotti informed the Board that there are no outstanding staff comments.

APRIL TIME RESIDENTIAL CARE – application #2384 – request a variance to Article II Section 5.01.01 to reduce the rear yard setback to 19’ (30’ required) to build an addition at 91 Chestnut Street, Residence B zone.

Kevin Dows represented the owner of April Time Residential Care. He introduced Doug Corry who will be the builder on this project. Doug Corry, 7 Birch Road, Avon, explained that the Fire Marshal and the Health Department require the applicant to upgrade their facilities, which will require exterior modifications to the building.

Mr. Stevenson noted that this building is already nonconforming and that this addition would just extend it out more. Mr. Corry stated that the new structure would match the exterior siding and roofing. There will be no windows added.

Chairman Stevenson asked anyone wishing to speak in favor of or in opposition to the application to come forward. As no one came forward, the chairman closed the public hearing on this item.

Ms. Bertotti said there are no outstanding staff comments and reminded the applicant to obtain all necessary permits.

BRUCE COOLBETH – application #2385 – request a variance to Article II Section 4.01.01 to reduce the front yard setback to 19’ (25’ required) to build a front porch at 49 Ridgewood Street, Residence A zone.

Joe Pacheco spoke on behalf of the applicant and explained that Mr. Coolbeth would like to add an open front porch, which would extend out from the house about 6’. In this neighborhood, most of the houses have a front porch so this would make the applicant’s house more in line with the neighborhood. The porch would extend out 6’ and would be as wide as the house.

Chairman Stevenson asked anyone wishing to speak in favor of or in opposition to the application to come forward. As no one came forward, the chairman closed the public hearing on this item.

Mr. Davis said the applicant would need to apply for building permits if the variance is granted.

Ms. Bertotti stated that there are no outstanding staff comments.

SIGN PRO INC. – application #2386 – request a variance to Article IV Section 13.06.03.3 to erect a freestanding sign at 220-260 North Main Street, General Business zone.

Kyle Niles, Project Manager, explained that his company was subcontracted by Icon Solutions to construct a pylon sign for CVS Pharmacy. He is proposing a sign approximately 15’ high with a 5’9” cabinet at the entrance on North Main Street. It will be opaque with red translucent letters and would be illuminated at night. Underneath will be an electronic messaging unit. Mr. Niles explained that there is an existing sign for the bank, but CVS does not have a street sign.

Mr. Stevenson asked how long CVS has been in this location and wondered why the sudden need for a sign. Mr. Niles did not know how long CVS was at this location, but has been hired to refurbish and add signage all around the state. Mr. Stevenson questioned the hardship.

Mr. Schneider asked if the landlord is involved with this application and their opinion of this application. Mr. Niles responded that he did not know the landlord’s opinion as he has been working with Icon.

Ms. Maffe stated the trees near the proposed sign will block some of the sign.

Chairman Stevenson asked anyone wishing to speak in favor of or in opposition to the application to come forward. As no one came forward, the chairman closed the public hearing on this item.

Ms. Bertotti said that there are no outstanding staff comments. The Zoning Enforcement Officer indicated to the applicant that if this sign is approved, the message display cannot change more than twice in a 24-hour period, and that the owner of the property has knowledge of this application.

ROBERT PEDRO – application #2387 – request a variance to Article II Section 4.01.01 to reduce the side yard setback to 7’ (10’ required) to allow existing detached garage to remain after the construction of an addition at 25 Avondale Road, Residence A zone.

Robert Pedro, 25 Avondale Road, stated that the garage has been in the same location for 40 years. He wants to close in his deck to make it a sun porch and put on an additional deck.

Mr. Davis explained that sometime in the past 10 years a deck was constructed without a permit. If there been an application for a permit it would have come before the Zoning Board of Appeals at that time, he said.

In response to a question from Mr. Schneider, Mr. Pedro said he has lived in the home over ten years. When he bought the property a contractor constructed the deck and he believed the contractor obtained the necessary permits.

Chairman Stevenson asked anyone wishing to speak in favor of or in opposition to the application to come forward. As no one came forward, the chairman closed the public hearing on this item.

Ms. Bertotti said Town staff has no outstanding comments.

PIPER GRAPHICS LLC – application #2388 – request a variance to Article IV Section 13.05.03 to install a wall sign 30 sq. ft. (2 sq. ft. permitted) at 297 East Center Street, Residence A zone.

Perry Steed and Kurt Beattie, owners of Piper Graphics, explained that they would like to install a 15’ x 2’ sign on the front of their building. In response to a question from Mr. Stevenson, Mr. Steed explained that they need a bigger sign because of the distance their business is from the road. He provided a drawing to scale to show the sign. The sign will face the rear of the Lenox building.

Mr. Davis said that a 2 sq. ft. sign is intended for a home conducted occupation.

In response to a question from Mr. Davis, Mr. Steed said that the sign would not be illuminated.

Chairman Stevenson asked anyone wishing to speak in favor of or in opposition to the application to come forward. As no one came forward, the chairman closed the public hearing on this item.

Ms. Bertotti said there are no outstanding staff comments. The applicants indicated that they intend to mount the sign directly on the facing of the building and it would not be illuminated, she said.

Chairman Stevenson asked anyone wishing to speak in favor of or in opposition to the application to come forward. As no one came forward, the chairman closed the public hearing portion of the meeting at 7:48 p.m.

I certify these minutes were adopted on the following date:

Date

James Stevenson, Chair

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

OFFICIAL TAPE NO: 503

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