

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
MARCH 28, 2007**

MEMBERS PRESENT: James Stevenson, Chair
Kathleen Maffe, Vice Chair
Robert Schneider, Secretary
Albert Gionet
Robert Haley

ALTERNATES PRESENT: Edward Slegeski
Paul Harnois
Susan Shanbaum

ALSO PRESENT: James Davis, Zoning Enforcement Officer
Mark Pellegrini, Director of Neighborhood
Services and Economic Development
Ginger MacHattie, Recording Secretary

The Chair opened the Public Hearing at 7:04 p.m. The Secretary read the legal notice for the application when the call was made.

JAY PITCHELL – application #2271 – request a modification of a condition of the special exception approval to increase the number of cars permitted to be sold from 18 to 28; and site plan modification approval at 333 Main Street, Business III zone.

Attorney Richard Conti, 1091 Main Street, spoke on behalf of the applicant. He reviewed the timeline of his client's application and stated his client has recently addressed the Town's concerns regarding the plans, but staff has not been able to review and comment upon the revisions yet. He requested the Board continue the hearing to allow staff time to review and comment on the recently submitted revised plans.

Mr. Pellegrini suggested that Mr. Conti should explain the major items requested by the applicant so the Board has an idea of the requests.

Attorney Conti stated his client has installed a new water/oil separator as requested by the water department. Mr. Pitchell is seeking to increase the number of cars that can be sold in order to compete with surrounding used car lots and permission to paint the trim of his building yellow and purple.

Mr. Davis reviewed events that have taken place with this applicant and the subject property. Currently, the applicant uses the property in violation of the previously approved plan. The

number of cars for sale exceeds what was approved and according to the site plan, there shall be no parking between the island and the sidewalk, but there is. Mr. Davis asked the Board to consider requiring the applicant to conform to current conditions and inspection by the Zoning Enforcement Officer on April 2, 2007 until such time as the proposed request is decided.

Attorney Conti stated his client would address the parking issue. Part of the reason for parking cars in that manner is for sale purposes, but another part is a safety issue. Cars regularly use the parking lot between the island and sidewalk as a turnaround.

Ms. Shanbaum stated she saw more than eighteen cars with flags, asked if the site is regularly inspected, and if this is an ongoing failure on his part to comply. Mr. Davis answered that this has been an ongoing issue. Ms. Maffe stated that she is not of the mind to grant a continuance if the applicant cannot comply with what has been previously approved.

The Chair continued the hearing until April 25, 2007.

TOWN OF MANCHESTER – application #2314 – request a variance of Article II Section 1.03.05(a) to construct an 8’ fence (6’ permitted); Article II Section 2.01.01 to reduce side yard setback to 4 ft. (15 ft. required); and Article II Section 2.02.13(b)1 to permit a municipal building within 150 feet of a residential dwelling to upgrade a sanitary sewer pump station at 864 Middle Turnpike West, Rural Residence zone.

Jeff LaMalva, Assistant Town Engineer, explained the Town is working on a design to upgrade the existing wastewater pump station on Love Lane. Part of the project involves providing emergency power in the event of power failure, which would require a generator. The generator would be housed in a pre-cast 10’ x 14’ structure for maintenance and security purposes, and to muffle the sound. The proposed building would be located within 15’ of the side yard setback in order to locate the generator and equipment as close to existing pump station as possible and to keep it out of the non-regulated wetlands area. Another variance is needed in order to locate the building within 150’ of an existing structure. This pump station predated the neighboring subdivision. The last variance requested is to permit an 8’ fence. Currently there is an 8’ chain-link fence, and the Town would like to keep the same height for security purposes; however, the plan is to install an 8’ cedar fence around the front of the existing station and around the new building.

In response to a question from Mr. Schneider, Mr. LaMalva stated that the fence should be 8’ high because the building will be 8’ high. If a 6’ fence is installed, 2’ of the building will appear above top of the fence.

KEVIN LOGUE – application #2316 – request a variance to Article II Section 1.03.05(a) to allow a fence height of 8’ (6’ permitted) for a 24-foot section of a 120-foot long fence at 19 Ash Street, Residence B zone.

Kevin Logue explained he would like to install a tongue and groove panel fence to provide screening from the dumpsters used by the pizza business in the parking lot behind his house. His yard has a slope which would require him to use 3 panels that are 8' in height to allow him to diminish the number of steps in the fencing.

In response to questions from Ms. Maffe, Mr. Logue explained the fence would stop approximately 10' from the street. There is access to the yard on the other side of the house.

In response to a question from Mr. Haley, Mr. Logue stated that the pizza place has spotlights that shine in the upstairs windows, but this fencing will help with the headlights that shine into the first floor windows which is more of a concern. In response to a question from Mr. Schneider, Mr. Logue explained that the 8' sections would only be located at the lower topography of his yard; only three 8' panels will be needed.

JOHN BURKE – application #2317 – request a variance to Article IV Section 13.05.02 to permit a projecting sign and to Article IV Section 13.05.03 to allow a 6 sq. ft. sign (2 sq. ft. permitted) at 15 Pitkin Street, Residence A zone.

John Burke is requesting a 2' x 3' sign for his business to be attached perpendicular to his building. The current sign is not visible to motorists in vehicles traveling to his business. A larger sign will be more visible to motorists, eliminating a safety hazard when clients are trying to find his building. He presented a picture of the sign he is proposing for the Board to view.

In response to a question from Mr. Slegeski, Mr. Burke stated that he rents the building and cannot make changes to the building or landscaping.

Mr. Pellegrini stated he received one e-mail in favor of this variance from Terry Bogli, 71 Pitkin Street. He also received one letter in opposition signed by the following: Richard Lemieux, 90 Pitkin Street, Joanne & Robert Tedford, 119 Pitkin Street, David Faxon, 104 Pitkin, Mr. Hancock, 151 Pitkin Street, Steven & Joanne Browning, 118 Pitkin Street, and James Hesketh, 20-2 Pitkin Street.

AHMAD ALI DAVIS – application #2312 – **CONTINUATION** request a variance of Article IV Section 13.06.03.3 to permit a fourth freestanding sign and an additional tenant sign at 346 Middle Turnpike West, and an additional tenant sign at 290 Broad Street, General Business zone.

Ahmad Ali Davis, 465 Hillstown Road, has decided he would like to retrofit the sign that exists and is working with a sign company. To install the sign the contractor would cut the "A" frame off, weld on the prefabricated LED sign and erect an "A" frame consistent with other signs around the Parkade. The sign will not exceed 18'.

In response to a question from Mr. Schneider, Mr. Davis explained the LED sign would only change when the movies change, which is typically weekly.

AHMAD ALI DAVIS – application #2312 – request a variance of Article IV Section 13.06.03.3 for the maximum area of a tenant sign to 52.5 sq. ft. (6 feet permitted) at 290 Broad Street, General Business zone.

Mr. Davis explained that he is no longer looking for an LED sign at this location. He is requesting permission to install a 3' x 12' sign, 2-sided, and backlit. It would be an additional panel on the existing tenant sign. It would be difficult to advertise with a 6 sq. ft. sign and the requested sign is in keeping with the area.

The Chair closed the public hearing portion of the meeting at 8:20 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.: 480, 481

gem