

**MINUTES OF BUSINESS MEETING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
OCTOBER 24, 2012**

MEMBERS PRESENT: James Stevenson, Chair
Albert Gionet, Vice Chair
Robert Haley, Secretary
Edward Slegeski

ALTERNATES PRESENT: Armando Darna
Sandra Stough (sitting)

ABSENT: Michael Stebe

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

The Chair opened the Business Meeting at 8:55 p.m.

CONSIDERATION OF PUBLIC HEARINGS:

BRENDA CARRON-LANG – application #2012-093 – request a variance to Article II Section 16.14 to allow retail sales for an antiques and collectibles co-op at 95 (a.k.a. 95M-1) Hilliard Street, Industrial zone.

Mr. Gionet said 158 spaces in the store plus 13 rooms is a lot. If it is filled, more than 26 parking spaces will be needed.

Ms. Stough said this co-op sounds similar to Cape Cod Crafters, which never had a lot of people shopping. The cubbies are not a huge space; she did not think parking will be that much of an issue.

Mr. Haley pointed out that a variance goes with the land. Who knows what will be in the neighboring buildings or on this property next. The Board needs to look toward the future as well. The parking lot is a mess and the handicap parking worries him. If there was a better parking plan, he may consider approval, but as it is now parking is too dangerous to the public.

MOTION: Mr. Haley moved to deny the request for a variance. Mr. Gionet seconded the motion and Mr. Stevenson, Mr. Haley, and Mr. Gionet voted in favor of the denial. Ms. Stough and Mr. Slegeski voted against the denial. The motion to deny passed three to two.

The reasons for the denial were there is not sufficient parking and there is no lease on parking so it can be removed at any time, the proposed location of the handicapped parking space is a safety concern and the variance runs with the land so the impact of retail in this location may increase with time or with a different retailer.

CLAIRE CAMPBELL – application #2012-098 – request a variance to Article II Section 4.01.01 to reduce the side yard setback to 4' +/- (10' req.) to enlarge the existing garage at 91 Baldwin Road, Residence A zone.

Mr. Slegeski fully understands about the people Ms. Campbell is caring for, but the Board has to think about the abutters as well. The builder changed the plans but the homeowner has to be involved in the process. He cannot believe the homeowner waited until the garage was done before she went to the Town. There will be an impact on the neighbor.

Mr. Haley hates to see another neighbor so put off but he does not think 4' will make a difference. There are three handicap people living in the house that are Manchester citizens. He thinks Ms. Campbell is so overwhelmed that she did not realize what was going on. He thinks her need outweighs the neighbor's displeasure.

Mr. Stevenson said he does not think he can support this application. It is not the neighbor's fault that the applicant has had so many issues. The change was pushed on him and will impact him. Mr. Stevenson does not think Ms. Campbell's hardship outweighs the neighbor's objections.

Mr. Gionet wondered if a drywell would help with drainage.

Mr. Slegeski said hindsight is 20/20. He thinks something smells fishy.

Ms. Stough wondered if gutters on the garage would direct the water flow. Trees on the property line will help too.

Mr. Stevenson said that would be burdening the neighbor and that was not suggested during the public hearing.

Mr. Haley said he understands what is being said about the concern for the whole neighborhood. Going through a demolition process could draw this project out for another year. Mr. Haley wondered if a stipulation requiring a water control system that is satisfactory to Town staff would be considered.

Mr. Stevenson said that was not discussed during the public hearing.

Mr. Davis explained the amount of rainwater coming down on that side of the garage will be decreased by allowing the garage to be enlarged.

Mr. Stevenson said he is concerned with the drainage and the impact of the addition so close to the property line and the house.

MOTION: Mr. Haley moved to approve the request for a variance. Ms. Stough seconded the motion. Mr. Haley and Ms. Stough voted for the motion. Mr. Stevenson, Mr. Slegeski and Mr. Gionet voted against the motion. The motion to approve failed two to three.

The reason for denial was the proposal will negatively impact the abutting neighbor's property.

OUR COMPANIONS ANIMAL RESCUE – application #2012-101 – request a variance to Article II Section 16.13 to allow an animal rescue and training center at 34 Sanrico Drive, Industrial zone.

MOTION: Mr. Slegeski moved to approve the request for a variance with the conditions that overnight boarding and sales of animals is prohibited. Mr. Gionet seconded the motion and all members voted in favor.

The hardship was the proposal will have no adverse impact on neighboring businesses or the premises.

COREY SCHMIDEK – application #2012-102 – request a variance to Article II Section 3.01.01 to reduce the front yard setback to 35' (40' req.) to add a front porch addition at 25 Bayberry Road, Residence AA zone.

MOTION: Mr. Slegeski moved to approve the request for a variance. Mr. Haley seconded the motion and all members voted in favor.

The hardship was the proposal was part of the original design of the house and will not negatively impact the neighborhood.

RANDY JULIANI – application #2012-103 – request a variance to Article II Section 2.01.01 to reduce the side yard setback to 8' (15' req.) to construct a 24' x 32' addition to the existing garage at 593 Bush Hill Road, Rural Residence zone.

MOTION: Mr. Gionet moved to approve the request for a variance. Mr. Haley seconded the motion and all members voted in favor.

The hardship was because of the location of the home's septic system and leaching fields, there is no other place for the addition. There will be no change to the front of the garage and no negative impact to the neighborhood.

ST. JAMES SCHOOL FOUNDATION – application #2012-104 – request a variance to Article IV Section 13.05.02 to allow an identification sign at 97 Park Street and 120 Chestnut Street, Residence B zone.

MOTION: Mr. Haley moved to approve the request for a variance with the condition that the brush at the intersection of Park Street and Chestnut Street be removed. Mr. Gionet seconded the motion and all members voted in favor.

The hardship was the lack of verbiage in the zoning regulations regarding identification signs for schools.

CARTA FAMILY LIMITED PARTNERSHIP – application #2012-105 – request a variance to Article II Section 6.01.01 to reduce the side yard setback to 1' +/- (10' req.) at 192 East Center Street, Residence C zone.

MOTION: Mr. Haley moved to approve the request for a variance with the conditions that collision prevention bollards will be installed, vinyl fencing will be provided around the generator at a height that exceeds the height of the generator and the exhaust pipe, the access doors to the generator must face toward the building, and the generator's exhaust fan must be as far away as possible from the public sidewalk. Mr. Slegeski seconded the motion and all members voted in favor.

The hardship was there is sitting water in front of the building and not enough parking spaces to accommodate locating the generator within the parking lot which would result in a loss of one parking space.

APPROVAL OF MINUTES:

September 18, 2012 – Public Hearing/Business Meeting

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

ACCEPTANCE OF NEW APPLICATIONS:

ROBIN DELLASELVA – application #2012-107, 108 – appeal the Zoning Enforcement Officer's notice of violation order that the home occupation is visible from the street, it excessively draws people and vehicles to the premises, and the occupation shall be conducted and operated by the resident or family members; and request a variance to Article II, Section 1.03.01(r)(1) and (10) to permit limited outdoor activity in connection with personal fitness training and classes for more than two students at a time at 86 Ash Street, Residence AA zone.

JUDY KEHAJIAN – application #2012-110 – request a variance to Article II Section 1.03.05 to allow the installation of an 8' high fence (6' permitted) in the side yard at 64 Shepard Drive, Residence AA zone.

The meeting was adjourned at 9:30 p.m.

I certify these minutes were adopted on the following date:

November 28, 2012
Date

James Stevenson, Chair

NOTICE: A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.

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