

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
APRIL 25, 2012**

MEMBERS PRESENT: James Stevenson, Chair
Albert Gionet, Vice Chair
Robert Haley, Secretary
Edward Slegeski (recused for #2012-027; #2012-032)

ALTERNATES PRESENT: Armando Darna (sitting)
Sandra Stough (sitting for #2012-027; #2012-032)
Michael Stebe

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

The Chair opened the Public Hearing at 7:02 p.m. The Secretary read the legal notice for the application when the call was made.

LESLIE & LINDA VANDINE – application #2012-025 – request a variance to Art. II Sec. 3.01.01 to reduce the side yard setback to 12' (15' req.) to build an attached two-car garage at 117 Plymouth Lane, Residence AA and PRD zones.

Mr. Leslie Vandine, 117 Plymouth Lane, requested permission to reduce his side yard setback to 12' in order to add a two-car garage. During the October snowstorm, a 60' oak tree just missed landing on his cars. He would like to add a garage that would safely house his two cars. Mr. Vandine had a survey completed by Bob Messier while considering the best place to put his garage. He said the property line is very peculiar; the lines are not very straight. There is only one really close spot he would be able to place a two-car garage. He kept the size small at 22' x 22'. If the garage is placed in exactly the right spot within the setback, there would be a 3' space between the garage and the house, which would not allow for a smooth connection because there will need to be two steps to the garage level including a landing, he said. He has considered alternatives and spoke to several builders. In the end, he decided he would like to have a breezeway connecting the garage to the house. This will allow for a better connection, he said. The garage will be finished the same as the house with a relatively low pitched roof so none of the upstairs windows will be blocked. Since it is set off the house, no windows will lose any light. He said it is, aesthetically, the right thing to do. The garage is consistent with the rest of the neighborhood. Within the seven houses immediately adjoining his, there are two one-car garages and five two-car garages. There is a fence between his house and the neighbor's house on the side where the garage is proposed, which will remain. The garage would be 5' inside the fence. Trees had to be removed on that side of his property and this garage will actually improve the privacy for the two houses.

In response to a question from Mr. Slegeski, Mr. Vandine said the garage is set back far enough that it will not impinge on the window. The roof line will clear the bottom of the window.

In response to a question from Mr. Haley, Mr. Vandine explained there will be two steps down from the kitchen onto a landing in the breezeway and then one step down to the garage.

Mr. Stevenson noted the hardship of the size and configuration of the lot and thought this is the only spot that works for a garage.

In response to a question from Mr. Haley, Mr. Vandine confirmed that the garage would be strictly for personal use; there will be no commercial use of the garage.

Chairman Stevenson asked if any member of the public wished to comment in favor of or in opposition to this application.

Mr. Richard Bidwell, 54 Union Place, spoke in favor of the project. He has been a contractor for 30 years and the applicants have done more leg work on this project than any homeowner he has ever seen. Mr. Bidwell said the applicant is not asking for anything that will not fit in the neighborhood. The lot lines make it difficult for the applicant, but because of all the work they have put into it, the garage will fit nicely into the neighborhood.

Mr. Mike Boudreault, 131 Plymouth Lane, lives diagonally across the street. He said he thinks this project will enhance property values in the neighborhood.

Ms. Bertotti said Town staff reviewed this application and there are no outstanding staff comments.

The public hearing on this application was closed.

MARC, INC. OF MANCHESTER – application #2012-027 – request a use variance under Art. IV Sec. 16 to allow a summer outdoor concert series to be held on July 12, 19, & 26, 2012 on the grounds of 151 & 161 Sheldon Road, Industrial zone.

Mr. Slegeski recused himself and Ms. Stough sat in his place.

Mr. Stevenson noted the legal notice advertised July 28, which should have been July 26.

Mr. Kevin Zingler, Director of Marketing at MARC, Inc., explained the application will allow MARC, Inc. to celebrate its 60th anniversary with a summer outdoor concert series. The concerts will take place on the lawn between 151 and 161 Sheldon Road. A nice amphitheater setting will be provided. The event will allow people to learn more about MARC, Inc. and the industrial park. Mr. Zingler distributed letters of support from neighbors in the industrial park, including Donwell Co., Rovic, and New Beverly Realty. MARC, Inc. has permission to use the parking lots at 50 Utopia Road. MARC, Inc. also received letters of support from the Manchester Bicentennial Bandshell Corporation and the Little Theater of Manchester. Mr. Zingler distributed a map showing the proposed parking arrangements. All parking will be on the north

side of Sheldon Road so no one will be crossing Sheldon Road. Liability insurance will be provided by Beverly Realty. Mr. Zingler estimated that 266 parking spots will be available to MARC, Inc. in the industrial park. The event will begin at 6:30 p.m. and end at 8:30 p.m. Family-friendly entertainment will be provided, he said. Most businesses in the industrial park close between 4:30 and 5:00 p.m.

Mr. Zingler said logistics have been worked out with the Manchester Police Department to ensure proper security. MARC, Inc. will hire two officers for the first concert on the 12th and reevaluate the need. Signs for parking will be provided and volunteers with vests will guide guests. Mr. Zingler said he has been involved in the Pride in Manchester event for sixteen years and has experience in dealing with crowds of 3,000. There will be about 300 guests at this event, and he feels confident he can handle the logistics.

In response to a question from Ms. Bertotti, Mr. Zingler said the dates of the concerts will be July 12, July 19, and July 26; all Thursdays. July 12 is the grand opening of the new facilities. Tours will begin at 4:30 p.m.

In response to a question from Mr. Haley, Mr. Zingler said the concession stands will be located on the corner of 161 Sheldon Road. There will be two 10' x 10' tents. Local restaurants will be serving items such as hamburgers, hot dogs and pizza. No alcoholic beverages will be served, he said.

Chairman Stevenson asked if any member of the public wished to comment in favor of or in opposition to this application. No member of the public wished to speak at this time.

Ms. Bertotti said Town staff reviewed this application and the applicant has responded to all initial comments; there are no outstanding items. The Town's Fire and Building Departments will have to conduct an inspection at the beginning of the event.

The public hearing on this application was closed.

PHILIP MACVANE – application #2012-032 – request a variance to Art. II Sec. 3.01.01 to reduce the rear yard setback to 26' (30' req.) for an addition on the rear of the house at 425 Hackmatack Street, Residence AA zone.

Mr. Slegeski recused himself and Ms. Stough sat in his place.

Mr. Gary Sweet, ADM Architects, 75 Forest Street, said Mr. MacVane could not attend and sends his regrets. Mr. Sweet will be speaking on his behalf. He explained Mr. MacVane has a young teenager confined to a wheelchair living in the home. He would like to take a house built in the 1950s and make the first floor accessible so the young man can be more self-sufficient. There are 32 inches from the grade outside the house to the first floor. The problem is getting him from the car into the house and then maneuvering inside the house. Mr. Sweet said the kitchen, bathroom, and much of the first floor will be redone. The changes will include a wheelchair lift. If a ramp were put in, it would have had to be 32' long, which is a lot for this site. The lift will be placed in the garage and come up to a landing where the breezeway was,

and enter the house into a mudroom. The applicant would like to expand the mudroom and kitchen to allow maneuverability for the young man. In doing this, the rear yard setback would be exceeded. He is requesting the rear lot line be amended from 30' to 26'. This portion of the house cannot be seen from the street, he said. The rear yard neighbor is the only one who will see the addition. Mr. Sweet said the result will be better than what is there now. Mr. Sweet pointed out the area on a displayed plan. In white, on the floor plan, is what exists and in blue is the proposed addition. From the front, the roof will be a bit higher, he said.

Chairman Stevenson asked if any member of the public wished to comment in favor of or in opposition to this application. No member of the public commented on this application.

Ms. Bertotti said there are no outstanding staff comments.

The public hearing on this application was closed.

MICHAEL VENDETTA – application #2012-033 – request a variance to Art. II Sec. 2.01.01 to reduce the side yard setback to 10.5' (15' req.) to enlarge an existing deck at 39 Niles Drive, Rural Residence zone.

Ms. Karen Silvergleid, 39 Niles Drive, said she purchased this property seven years ago. It has a wraparound deck and although she has tried two different tables on the porch, neither fit well. She thought if she could push out the deck it would work well. The deck is 16.5' from the property line; the other side is 20' from the line. Ms. Silvergleid said she is requesting a variance to make the deck more functional and aesthetically pleasing. Extending the deck three feet will not be noticeable to most neighbors, she said. Most of her neighbors have their decks in the back of their houses; hers is on the side. Right now, a table won't fit on her deck, she said.

Chairman Stevenson asked if any member of the public wished to comment in favor of or in opposition to this application.

Mr. James Barzee, 11 Diane Drive, showed where his house is on the displayed map. He is opposed to the variance request. Although other homeowners were provided legal notice, he is the only neighbor affected. Ms. Silvergleid claims it is a hardship not to have a larger deck. However, she knew when she purchased the property what the deck looked like. Her deck is already too close to his two bedroom windows. He said the noise from people on her deck and their ability to view into his windows diminish his privacy. There is plenty of room to expand the deck toward Diane Drive or in her back yard. Rather than choose one of those alternatives, they have a personal preference to expand this deck, which does not rise to the level of hardship and is not sufficient grounds for granting a variance.

In response to a question from Mr. Slegeski, Mr. Barzee said the distance from the property line to the house is 20 feet.

Mr. Barzee said having a deck so close to the bedroom windows and people on the deck when the weather is nice is a real inconvenience and encroachment on his privacy.

Ms. Bertotti said there are no outstanding comments from Town staff.

Ms. Silvergleid said she did not realize she would need a variance and did not think four feet would make a difference. She already has tables in this area and just off the deck. She did not think there would be any difference in noise. It would still be 30' away from her neighbor's house. She said no one is peering in his windows from her deck.

In response to a question from Mr. Stebe, Ms. Silvergleid said the yard was tree lined on the neighbor's side. The trees were cut down one month before she purchased the house.

Mr. Barzee said the pine trees were on his property and were so tall that he was getting moss on his roof and needed a new roof. There is nothing there now for a buffer.

Ms. Silvergleid explained that she does not have a back yard because this is a corner lot. There is no door going out into what her neighbor referred to as a back yard.

The public hearing on this application was closed.

BOB'S DISCOUNT FURNITURE – application #2012-036 – request a variance to Art. IV, Sec. 9.03.02 to increase the usable floor area of an existing building by 4,357 sq. ft. without adding the 18 required parking spaces (267 permitted by previous variance, 362 required) at 428 Tolland Turnpike, General Business zone.

Mr. Peter DeMallie, President of Design Professionals, said the subject property, 428 Tolland Turnpike, is located in the General Business zone. The applicant is applying for a variance for less than the required parking. Currently, 362 spaces are required and 267 are present. That is a 91 space difference currently. The applicant intends to add 4,357 sq. ft. of usable floor space to the second floor, which would require an additional 18 spaces. The applicant is requesting an additional variance for those 18 spaces. The property is just under eight acres and has received a series of variances. The total building floor area will be 90,335 sq. ft. A floor plan submitted depicts the proposed configuration of uses within the building. The second floor change is proposed office space above the IT area. There are no proposed improvements with the exception of the small 4,357 sq. ft. addition to accommodate some corporate office space needs. Mr. DeMallie anticipates commencing construction toward the end of this year.

Mr. DeMallie pointed out the odd shape of the parcel as well as the topography, which consists of very steep slopes. There is a sanitary sewer main easement in favor of the Town through the property on the north and east sides. The building placement is difficult for traffic and truck maneuvering. There is really not sufficient land to provide the full additional 91 spaces to meet the parking requirements. Providing the required parking would not be warranted because the parking that currently exists is not used to its fullest extent. There are always ample unoccupied spaces. There are certain peculiar things with the nature of this configuration that does not lend itself to providing the full 91 spaces. The applicant is proposing the addition of some office space internally on the second floor. External to the site, one will not see this additional space. The only thing one would notice would be a few extra people going in and out of the building and using the parking lot. There will be no adverse impact to the neighborhood.

Mr. DeMallie stated that in the immediate neighborhood there is no other similar use, which makes this unique within this neighborhood. It functions as corporate offices for Bob's Discount Furniture, minor warehouse space, and a retail furniture store. The building and parking lot configuration was originally designed for another business, which he believes was Economy Electric. A retail furniture business does not require a lot of parking, which has been acknowledged through prior variances. There are nine handicap parking spaces. The 271 spaces are excessive. There are 19 spaces along Tolland Turnpike and 13 spaces on the northwest corner of the site that are empty virtually all of the time. During peak periods of parking, the minimum available spaces at all times are 32 spaces. All spaces are never exhausted, he said.

Mr. DeMallie said the original building was not 90,000 square feet as recorded in 1985; it was actually 72,000 sq. ft. There was a second floor addition of 13,742 sq. ft., which brought the total to today's 85,978 sq. ft. In 1985, a 160 space variance was granted. In 2000 a variance was granted for a 12,000 sq. ft. addition with the same 200 parking spaces. The change occurred when retail was added in 2001. Approximately 24,625 sq. ft. was converted from warehouse space to furniture retail space. At that point they proposed adding 57 spaces owned by others on the south side of the property. Then it was found that the building was not as big as originally thought. Mr. DeMallie said there are currently 271 spaces on the site, which he thinks is adequate for the total of 90,335 square feet they are proposing with this small addition.

In response to a series of questions from Mr. Slegeski, Mr. DeMallie said the building will be 90,335 sq. ft. The second floor will contain corporate offices within the 4,357 sq. ft. being remodeled.

In response to a question from Mr. Slegeski, Tom Gillespie, Bob's Discount Furniture, expects the space to be for about 12 people and some conference space.

In response to a question from Mr. Slegeski, Mr. DeMallie said the nine acres behind this site is separate property.

Mr. Gillespie added that Bob's is a tenant and leases space owned by Bob Kaufman and Jean Rosenberg, who own both sites.

Mr. Slegeski wondered why that property was never developed, given the two properties are owned by the same people and a parking variance was needed. He said he struggles to look at the space added and the number of people that will be there. He said they will have to park somewhere. We have zoning regulations that require a certain number of spots.

Mr. Gillespie said existing parking along Tolland Turnpike is never used. The busiest time for the furniture business is President's Day weekend, but there will be no corporate people working during that time.

Mr. Stevenson concurred; corporate hours are typically 9-5, and shoppers are usually out during holidays, evenings, and weekends.

Mr. DeMallie repeated that at no point during the course of the year are there fewer than 32 spaces available. About 12 people are being added with the interior renovations. Building parking for 40 or 50 vacant spaces is not logical, he said.

Chairman Stevenson asked if any member of the public wished to comment in favor of or in opposition to this application. No member of the public wished to speak at this time.

Ms. Bertotti said there are no outstanding staff comments remaining. She noted there will be no physical changes to the exterior appearance of the building.

In response to a question from Mr. Gionet, Ms. Bertotti explained that a variance remains with the building and/or land, not the business. If Bob's Discount Furniture was to move out of this building and another furniture store was to move in, it would have to meet the approved floor and site plans exactly. If a restaurant were to move in, there is an entirely different set of parking requirements, she said.

The public hearing portion of the meeting was closed at 8:17 p.m.

I certify these minutes were adopted on the following date:

Date May 30, 2012

James Stevenson, Chair

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

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