

**MINUTES OF BUSINESS MEETING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
JUNE 22, 2016**

MEMBERS PRESENT: Albert Gionet, Vice Chair
Robert Haley, Secretary

ALTERNATES PRESENT: Armando Darna, Sitting
Sandra DeCampos, Sitting
John Topping, Sitting

ABSENT: James R. Stevenson, Chair
Edward Slegeski

ALSO PRESENT: Renata Bertotti, Senior Planner
James Davis, Zoning Enforcement Officer
Katie Williford, Administrative Secretary

The Vice Chair opened the Business Meeting at 7:58 p.m.

CONSIDERATION OF PUBLIC HEARINGS:

MARY A. TEIXEIRA – application #2016-063 – Request a variance of Art. II, Sec. 1.03.03 to allow one turkey to be kept on the property (livestock including poultry prohibited) at 94 Broad Street, Residence B zone.

MOTION: Ms. DeCampos moved to approve the variance. Mr. Topping seconded for the purposes of discussion.

Ms. DeCampos said she was in favor of approval because the turkey has been the applicant's pet for three years and gets along with chickens.

Mr. Topping asked if Ms. DeCampos would consider adding a condition that the approval would be for a female turkey only. Ms. DeCampos agreed.

AMENDED MOTION: Ms. DeCampos moved to approve the variance with the condition that the turkey be female. Mr. Topping seconded the motion. Ms. DeCampos, Mr. Topping, and Mr. Darna voted in favor. Mr. Gionet and Mr. Haley voted against the motion. The motion did not pass.

The reason for the denial was that regulations regarding livestock were adopted recently and approving this variance would weaken them and encourage variance requests for other types of livestock.

WATERSTONE RETAIL DEVELOPMENT, INC. – application #2016-070 – Request a variance of Art. II Sec. 24.04 to allow a building up to 54' 8" tall at its highest point (40' maximum height permitted) at 444 Tolland Turnpike, a.k.a. 434 Tolland Turnpike, General Business zone.

MOTION: Mr. Haley moved to approve the variance with the condition that no wall sign be located on the building above 40 feet. Mr. Topping seconded the motion.

Mr. Darna said the proposal was a good design as far as allowing enough space to support all the necessary utilities.

Mr. Topping said he was in favor of the approval, but wanted to know if there would be anything to prevent the applicant from bringing in fill, leveling the property, and building a building 55' above ground level. Mr. Haley said that was the purview of the Planning and Zoning Commission.

All members voted in favor.

The hardship was the topography of the lot and the necessity of more ceiling space required for a modern building.

KAITLIN GEE – application #2016-071 – Request a use variance of Art. II Sec. 6.01 to allow a massage therapy business at 395 North Main Street (a.k.a. 397 North Main Street), Residence C zone.

MOTION: Mr. Topping moved to approve the variance with the hours of operation as testified by the applicant. Mr. Haley seconded the motion.

Mr. Davis noted that limiting the hours and days of the week would create a logistical issue for enforcement. He added that a similar variance was approved recently on Middle Turnpike East, and he did not recall whether the hours of operation were limited for that variance. Ms. Bertotti noted that the application was for one massage therapist having one client at any given time in an office building.

Mr. Haley responded that the ZBA sets limits for every business and he did not want to allow massage therapy at 11:00 p.m. and midnight. He said setting the hours to no later than 9:00 p.m. would be acceptable, but there needed to be a cutoff point at night. Mr. Davis agreed with having a cutoff time, but did not want to limit the business by ruling out Thursdays, for example.

AMENDED MOTION: Mr. Topping moved to approve the variance with the condition that the hours of operation be Monday to Saturday 9:00 a.m. to 9:00 p.m. Mr. Haley seconded the motion and all members voted in favor.

The hardship was the interpretation of the massage therapy rules.

APPROVAL OF MAY 18, 2016 MINUTES: PUBLIC HEARING AND BUSINESS MEETING

MOTION: Mr. Haley moved to approve the minutes as written. Mr. Topping seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS

HILLVIEW CONDOMINIUMS – application #2016-073 - Request a variance of Art. II Sec. 1.03.05 (a) to allow an 8' high fence (6' maximum height permitted) at 292 Green Road (Hillview Condominiums), Residence A zone.

The meeting was adjourned at 8:15 p.m.

I certify these minutes were adopted on the following date:

7/27/16
Date

James Stevenson, Chair

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

kmw