

**MINUTES OF BUSINESS MEETING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
APRIL 27, 2016**

MEMBERS PRESENT: James R. Stevenson, Chair
Robert Haley, Secretary
Edward Slegeski – Recused for 2016-045 and 2016-046

ALTERNATES PRESENT: Sandra DeCampos, Sitting
John Topping, Sitting
Armando Darna, Sitting for 2016-045 and 2016-046 Only

ABSENT: Albert Gionet, Vice Chair
Kevin Dougan

ALSO PRESENT: Renata Bertotti, Senior Planner
Katie Williford, Administrative Secretary

The Chair opened the Business Meeting at 8:17 p.m.

CONSIDERATION OF PUBLIC HEARINGS:

AMIE HODGE – applications #2016-040 and #2016-041 - Request a variance of Art. IV Sec. 13.10.04.04 to allow a 16' x 5' novelty sign (32 sq. ft. permitted) and a special exception under Art. II Sec. 9.14.02(e) to allow the sale of fireworks from June 15 to July 15, 2016 at 1524 Pleasant Valley Road, General Business Zone.

MOTION: Mr. Haley moved to approve the special exception with the following conditions:

1. That no signs be placed at any location other than the tent;
2. That the site be maintained in a clean, debris-free manner at all times; and
3. That the tent, storage container and trash dumpster be removed by July 15, 2016.

Mr. Slegeski seconded the motion.

Mr. Stevenson said the proposal is similar to applications in other locations in the past, and the applicant appears to have taken into consideration the location of the tent and the sawhorses surrounding it. Mr. Stevenson said he supported the application.

All members voted in favor. Mr. Stevenson said the reasons for the approval were that the proposal would have no negative impact on the neighborhood, the location is in a retail commercial parking lot, and it was similar to other applications the Board has approved in the past in the Buckland area.

MOTION: Mr. Haley moved to deny the variance. Mr. Topping seconded the motion.

Mr. Haley said there was a lack of hardship. He noted that the Town just went through the process of revising the zoning regulations for signage and he did not see a reason not to stick with the required dimensions. Mr. Stevenson agreed, saying that the 32 s.f. sign permitted in the regulations would be enough visibility for this temporary business.

All members voted in favor of the denial.

MANCHESTER PUBLIC SCHOOLS – application #2016-042 - Request a use variance of Art. II Sec. 4.01 to allow a metal storage container at 134 Middle Turnpike East, Residence A and Residence B zones.

MOTION: Mr. Haley moved to approve the variance with the condition that the storage containers be encompassed with a fenced enclosure similar to that required for dumpster enclosures, to screen them from the neighborhood. Ms. DeCampos seconded the motion.

Ms. Bertotti said the containers are taller than the zoning regulations permit for fencing, so landscaping screening would have been preferable. She said the best approach would have been to require the applicant to return to the Board for review because this condition is a bit subjective for staff to review. If the Board used fencing as a condition of approval, only the lower portion of the containers would be screened, she said.

Mr. Topping said a fence would hide the clutter from 6' down, and asked if the Board wanted to limit the type of fencing. Ms. DeCampos did not want to limit type of fencing. Mr. Slegeski asked if a high shrub would be acceptable instead of a fence and Mr. Haley replied he was not set on a fence. Mr. Topping said the Board could require arborvitae, but once they die it defeats the purpose. Mr. Haley added that fencing offers security while shrubs would not. Mr. Stevenson asked Ms. Bertotti how the required fencing for dumpsters is described, and she replied it is described as a “fenced enclosure.” Mr. Stevenson said the same language should be used in the condition of approval, requiring a fenced enclosure similar to what the zoning regulations require for dumpster enclosures. Ms. Bertotti noted that the fence could not be taller than 6’ without getting another variance.

All members voted in favor.

OUR COMPANIONS ANIMAL RESCUE – application #2016-043 - Request a use variance of Art. II Sec. 16.13 to allow a veterinary clinic at 34 Sanrico Drive, Industrial zone.

MOTION: Mr. Slegeski moved to approve the variance with the conditions as specified in a staff memorandum from Jim Mayer, Traffic Engineer, dated April 11, 2016, to Renata Bertotti, Senior Planner. Mr. Haley seconded the motion.

Mr. Haley asked if the Board could require that the clinic remains nonprofit. Ms. Bertotti replied that the Board could not necessarily place conditions on how the applicant manages their business, so she recommended against that. Mr. Haley said he was in favor of the proposal.

All members voted in favor.

MICHAEL MULL – application 2016-044 - Request a variance of Art. II Sec. 1.03.01 (f) and of Art. II Sec. 4.01.01 to allow a 280 s.f. shed (240 s.f. maximum permitted) 3 ft. 5 in. from the side property line (minimum 10 ft. required) at 11 Clyde Road, Residence A zone.

MOTION: Mr. Haley moved to approve the variance. Mr. Topping seconded the motion.

Mr. Haley said the undersized lot was a hardship. Mr. Stevenson agreed, saying that this was probably the only place on the small lot where the shed could be placed. He added that the shed is also larger than permitted but he did not think it had a negative impact on the surrounding neighborhood. Mr. Haley said he thought the applicant acted in good faith, not maliciously, and probably would have put his shed behind the house if he didn't have an addition on the back of his house.

All members voted in favor.

PARKADE CINEMAS – application #2016-045 - Request a special exception under Art II Sec. 26.04.04 (d) and Art. II Sec. 9.14.02(e) to operate a family fun day at 416 Middle Turnpike West and 296 Broad Street, Form Based Zone.

MOTION: Mr. Topping moved to approve the special exception with the following conditions:

1. That there will be no outdoor movie screening;
2. That the aerial photo with the green outlined areas in the parking lot is excluded from the application;
3. That the hours of operation will be Saturdays and Wednesdays from 10:00 a.m. to 9:00 p.m. starting on June 4, 2016 and running through the first weekend of September for the next three years;
4. That no signs be placed at any location unless specifically permitted by the Zoning Enforcement Officer;
5. That the site be maintained in a clean, debris-free manner at all times; and
6. That any storage and/or trash containers be removed at the end of each day of the Family Fun Day operation.

Mr. Darna seconded the motion.

Mr. Haley suggested limiting the approval to only one year to see how it works out, and adding a condition that no outside vendors leave their trucks on the property overnight.

AMENDED MOTION: Mr. Topping moved to approve the special exception with the following conditions:

1. That there will be no outdoor movie screening;
2. That the aerial photo with the green outlined areas in the parking lot is excluded from the application;
3. That the hours of operation will be Saturdays and Wednesdays from 10:00 a.m. to 9:00 p.m. starting on June 4, 2016 and running through the first weekend of September, for this calendar year only;
4. That no signs be placed at any location unless specifically permitted by the Zoning Enforcement Officer;
5. That the site be maintained in a clean, debris-free manner at all times;
6. That any storage and/or trash containers be removed at the end of each day of the Family Fun Day operation; and
7. That there will be no overnight storage of vending vehicles on the property.

Mr. Darna seconded the amended motion.

Mr. Stevenson said he supported the motion because a similar application was approved in 2011, the proposed location is in a commercial zone and is ideal for this type of event, and the proposal would not have any negative impact on the surrounding area.

All members voted in favor.

PARKADE CINEMAS – application #2016-046 - Request a special exception under Art II Sec. 26.04.04 (d) and Art. II Sec. 9.14.02(e) to operate a flea market at 416 Middle Turnpike West and 296 Broad Street, Form Based Zone.

MOTION: Mr. Topping moved to approve the special exception with the following conditions:

1. That the approval is for Sundays from May 1, 2016 through the first weekend in September, for this calendar year only;
2. That the hours of operation will be 10:00 a.m. to 6:00 p.m.;
3. That no signs be placed at any location unless specifically permitted by the Zoning Enforcement Officer;
4. That the site be maintained in a clean, debris-free manner at all times; and
5. That any storage and/or trash containers be removed at the end of each day of the flea market operation.
6. That there will be no overnight storage of vending vehicles on the property.

Mr. Darna seconded the motion.

Mr. Stevenson said the proposed location is in a commercial zone and is a good area for the operation, and the proposal would have no negative impact.

All members voted in favor.

APPROVAL OF MARCH 30, 2016 MINUTES: PUBLIC HEARING AND BUSINESS MEETING

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

RECEIPT OF NEW APPLICATIONS

STEVEN MURRAY – application #2016-048 – Request a special exception under Art. II Sec. 9.14.02(e) to allow food vending from a truck at 670 Center Street, Neighborhood Business and Design Overlay zones.

168 MAIN, LLC – application #2016-056 – Request a variance of Art. II Sec. 6.01 to allow a three-family house at 168 Main Street, Residence C and Residence A zones.

The meeting was adjourned at 8:47 p.m.

I certify these minutes were adopted on the following date:

May 18, 2016
Date

James Stevenson, Chair

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

kmw