

**MINUTES OF PUBLIC HEARING  
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 Public Hearing at 7:00 p.m. The Secretary read the legal notice for the application when the call was made.

**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.

Ms. Teixeira presented her variance request. She said the turkey would reside in the 7' x 7' coop on her property. There is also an enclosed play yard consisting of three 4' x 8' sections covered with plywood and a fourth 4' x 8' section covered with chicken wire. The entire yard is fenced in, Ms. Teixeira said. The owner of the Montville, Connecticut property where the turkey currently lives asked for the turkey to be moved to the applicant's property. Ms. Teixeira said the turkey behaves the same as a chicken. Animal control has seen the coop and says it is well maintained and set away from property lines, she said.

Mr. Haley asked for clarification of the hardship. Ms. Teixeira replied that the turkey lives on another person's property and it is intrusive for her to go onto that person's property to take care of the turkey. She now spends much less time in Montville than she did when the turkey was given to her, she said.

In response to a question from Mr. Topping, Ms. Teixeira confirmed the turkey lives with chickens currently and has no behavioral issues. Mr. Topping said he was concerned about possibility of the turkey infecting the applicant's flock of chickens with any diseases it might have. Ms. Teixeira said her chickens grew up with the chickens in Montville, none have shown any sign of illness, and they are never around other strange animals.

In response to questions from Mr. Haley, Ms. Teixeira confirmed her dog has been around the turkey before.

Mr. Gionet asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

Ms. Bertotti said the applicant is requesting a variance because livestock is prohibited in residential zones, and the definition of livestock includes poultry. The applicant currently has eight hens and she would also be allowed to add four more hens, she said. Ms. Bertotti noted that the Animal Control Officer submitted testimony as part of the staff review of the application stating the owner is a responsible pet owner and the property is secured.

Mr. Topping noted that the application states the turkey is female (a hen) and that the zoning regulations include specific provisions against the keeping of male roosters. Ms. Teixeira confirmed the turkey is female.

Ms. Teixeira stated that the only difference between chickens and turkeys is that turkeys get attached to their humans.

The public hearing on this application was closed.

**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.

Attorney Robert DeCrescenzo, whose office is in Hartford and who represented the applicant, spoke first. He said the applicant requested a variance of the building height restriction because the proposed Bob's Discount Furniture headquarters is proposed to be 46' 6.5" tall with a portion that would be 54' 8" tall.

Mr. Peter DeMallie, president of Design Professionals, came forward. In order to accommodate the company's growth, Bob's Discount Furniture proposed a three-story, 103,000 square foot office building on the parcel adjacent to their Manchester store, Mr. DeMallie said. Development and construction would be done by the applicant and the new building would be between Northwest Park and the existing Bob's Discount Furniture building. Off of the northeast corner of the existing building, the Planning and Zoning Commission approved an expansion of the parking lot at 428 Tolland Turnpike with a net gain of over 100 spaces. The proposed corporate headquarters building would have an entrance from Tolland Turnpike and a shared access drive for the existing Bob's building and the proposed headquarters office building. Some reconfiguration of parcels was proposed to accommodate frontage and parking for both parcels to function independently, Mr. DeMallie said.

Mr. DeMallie said the elevation on Tolland Turnpike is about 175 and the site drops off considerably from there, to an elevation about 15 feet lower than Tolland Turnpike. The top of the proposed building's third floor, not including the curtain wall around mechanical features on the top, is about 35' higher than Tolland Turnpike's elevation, he said. The applicant proposed to add landscaping internally within the site in front of the proposed building and also on the south side adjacent to the park. A circumferential driveway around the building was proposed to accommodate traffic flow and safety vehicles, he said.

Mr. Howard Levine, an architect with Cramer Levine in Massachusetts, came forward to discuss the building design. He said the floor height would be 10 feet from floor to finished ceiling, to allow more natural light for employees. From finished floor to finished floor, the height would be 15 feet to accommodate space required for mechanical equipment, duct lines, sprinkler piping, etc. The building's lighting, heating, and AC equipment would all be energy efficient and its plumbing will meet requirements for efficiency. The curtain wall will be as shown with light

blue glass and aluminum frame, Mr. Levine said, noting that the colors as shown on the projector screen are not exact. The brick would be a jumbo brick pattern similar to the existing Bob's Discount Furniture building.

Mr. Levine said the height of the curtain wall is dictated by two factors: Emphasizing the main entryway of the building and concealing mechanical equipment on the roof that would otherwise be visible from Tolland Turnpike. To make the proposed building look better, the curtain wall was raised on both sides, front and back, he said.

Mr. Tom Gillespie, Vice President of Real Estate and Construction for Bob's Discount Furniture, spoke next. He said he had walked through other office spaces to see possible designs, and saw a building similar to what is being proposed in Braintree Massachusetts, where management is in middle offices with glass walls and cubicles are in the outer portion of the building to give employees sunlight and a better work environment.

Attorney DeCrescenzo said the hardship for the applicant was that changes in building code and building design require that a three story building exceed the 40' height limitation in the zoning regulations. There is a need for greater distance between the ceiling and floor to fit modern HVAC systems and ductwork, he said. Office buildings of a certain design also require greater height to let more light in, he said. Attorney DeCrescenzo said this variance would not impact the comprehensive plan and noted that the ZBA has granted variances of this type before. He added that the proposed building would be perceived as a 40' building from Tolland Turnpike because of the difference in elevation. He noted that the Building Department reviewed the plans and found no conflict with Connecticut state building code.

Mr. Darna asked if Bob's Discount Furniture intended to put a sign on the curtain wall. Attorney DeCrescenzo said there was no sign proposal yet. Mr. Gillespie said Bob's Discount Furniture would come in with a full sign package for this building and their existing building at 428 Tolland Turnpike. He said they intended to have a sign on one side in the front.

In response to a question from Mr. Haley, Mr. Gillespie said the hours of operation would be 8:00 a.m. to 4:30 p.m., five days a week.

Mr. Topping noted that the application said the hardship was the specialized equipment throughout the building which required higher clearances. He asked for more information about the equipment other than the HVAC system. He added that he was concerned about signage and would like some guarantees about signage.

Attorney DeCrescenzo said the signs would not be higher than the building and the size, location and number of signs would be in compliance with the zoning regulations.

Mr. Levine said there are roof access as well as mechanical equipment behind the curtain wall. The curtain wall would conceal it and call attention to the entry.

Mr. Gionet asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

Ms. Bertotti said that if the ZBA granted this variance, the applicant would proceed to the Planning and Zoning Commission who would review the proposal for special exception criteria including access, safety, site layout and neighborhood compatibility. She listed some other building heights for reference, including the East Point building that was 39' high, the CHR

office building at 45' high, and the cancer center that received a variance approval in 2015 to be 48' high. The Building Official said they are seeing more office buildings that require more than 40' to fit 3 stories due to modern design and HVAC systems, Ms. Bertotti said.

Regarding the sign question, Ms. Bertotti said the regulations prohibit internally illuminated signage, meaning the Town does not allow signs with a white box that is lit behind; only the letters can be lit. There is no limitation on the sign location, so the sign could be put on top of the curtain wall, she said.

Attorney DeCrescenzo said the plans were reviewed by the Fire Marshal who indicated no problems with the building height. He noted that a corporate headquarters is a special purpose building with special requirements. He added that the majority of the building is 45' high, less than a 5' variance from the required height. The proposed building would be lower from the highway compared to East Point, he said.

The public hearing on this application was closed.

**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.

Ms. Kaitlin Gee of 121 Ferguson Road in Manchester presented her application for a variance to allow her massage therapy business on the corner of Main and Oakland Streets. There would be a treatment room, waiting room, office, and restroom. There would be seven parking spaces, four off of Oakland Street and three off of Main Street, she said. She planned to place a magnet on the back of her vehicle saying only her clients could park behind her. There are two other tenants in the building and all of the tenants are by appointment only, so there are only six cars at most, Ms. Gee said.

Mr. Darna asked how many clients the applicant planned on having each day. Ms. Gee replied that all seven parking spaces are shared between all tenants of the building. She said she would never have two clients in the building at the same time, so for her business there would only be her vehicle and her client's parked at one time.

Mr. Topping asked for clarification of the hardship. Ms. Gee said she had a hard time finding studio space she liked. Places that are zoned appropriately for her proposed use are in noisy areas, while this building is in a quiet neighborhood, she said. She noted that the space had been vacant for close to a year.

In response to questions from Mr. Gionet, Ms. Gee said she would have no more than five clients per day and each session would be an hour to 90 minutes in length. She said her hours of operation would be Monday through Wednesday from 9:00 a.m. to 7:00 p.m., Friday from 9:00 a.m. to 5:30 p.m., and Saturday from 9:00 a.m. to 4:30 p.m. Her business would be closed on Thursdays and Sundays, she said.

In response to a question from Mr. Haley, Ms. Gee said she was currently doing home visits and working at a small salon elsewhere two days a week. She was previously at another studio but had to leave it suddenly.

In response to a question from Mr. Gionet, Ms. Gee said she went to school for massage therapy, was licensed in Connecticut, had liability insurance, and was registered with the Board of Health.

Mr. Gionet asked if any member of the public wished to comment either in favor of or in opposition to this application. No member of the public came forward at this time.

Ms. Bertotti said the house was built in 1896 and was located in the Residence C zone, at the intersection of a busy road with a somewhat busy road. She noted that certain types of offices, including chiropractor offices, were permitted in the Residence C zone. Because massage is considered a personal service use, the applicant is required to seek a variance.

Ms. Gee said that bringing massage therapy to this area would enhance it, that the area would remain homey and quiet, and that she did not intend to build or remove any walls.

The public hearing on this application was closed and the public hearing portion of the meeting was closed at 7:58 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 PUBLIC HEARING CAN  
BE HEARD IN THE PLANNING DEPARTMENT.**

kmw