

**MINUTES OF PUBLIC HEARING  
HELD BY THE ZONING BOARD OF APPEALS  
APRIL 28, 2021**

**MEETING HELD VIA ZOOM**

**Members Present:** James R. Stevenson, Chair  
Robert Haley, Vice Chair  
Keshet Spadaccini, Secretary  
Albert Gionet  
Edward Slegeski

**Absent:** Sandra DeCampos  
Linda Harris  
Jonathan Mitchell

**Also Present:** James Davis, Zoning Enforcement Officer  
Megan Pilla, Senior Planner  
Nancy Martel, Senior Administrative Secretary  
Gary Anderson, Director of Planning and Economic  
Development

The Chairman opened the Public Hearing at 7:00 P.M. The secretary read the legal notice when the call was made.

**DAVE PECK** – Application #2021-019 – Request a variance from Art. IV, Sec. 13.10.05.01 to allow six (6) projecting signs along with the existing freestanding sign at 240 Middle Turnpike West, Form-Based zone.

Mr. Dave Peck, representing the owner, Maganti Oil Energy, Inc., introduced himself. Mr. Peck explained that they are proposing very minor design updates to the gas station; i.e., Synergy logos on the existing Synergy blades attached to the canopy columns. This is being proposed to help identify that this Exxon gas station is selling the Synergy brand gas, which has been engineered to clean intake valves and improve gas mileage. He noted that there are clients that seek out this Synergy gas. The logos are only 1.84 sq. ft. and are not believed to be detrimental to the neighboring properties or passing vehicles.

Mr. Haley asked Mr. Peck to describe the hardship. Mr. Peck reported that the blades are already installed and should not be counted as signs. The applicant wants to advertise and promote the brand.

Mr. Haley questioned whether there is another reason to put on these blades. Mr. Peck replied that the reason is that Exxon is promoting this Synergy gas.

Mr. Haley stated that he observed that every pump has “Synergy” on it, with which Mr. Peck agreed. Mr. Haley concluded that this is to double up on signage. He was skeptical that customers will seek this type of gas out.

Mr. Peck responded that people in Manchester who know what Synergy gas is will.

Mr. Haley described the various signs currently on the property, which he felt is sign heavy. According to Mr. Haley, on the east entrance, there is a sign that advertises diesel. On the Broad Street entrance, there is a sign that can be lit advertising Marvel cigarettes. In the front, there is a cardboard sign selling another product.

Mr. Peck stated that he was unaware of the other signs. He acknowledged the diesel sign and stated that, if that is going to be a condition, they can remove those.

Mr. Haley noted that the Town is attempting to revitalize the area.

Mr. Slegeski questioned how many Exxon stations there are in Manchester.

Mr. Peck reported that he is not entirely sure as his company handles only this one Exxon station. He explained that he is representing the owner of this particular station.

After a question from Mr. Slegeski, Mr. Peck reported that the signs can be read from the street.

Mr. Davis questioned whether the applicant could accomplish what they want by putting Synergy on the one permitted sign.

Mr. Peck stated that he would need to talk to Exxon Mobil as he does not believe that would be part of their brand standard. They have corporate brand standards for any sites selling Synergy gas.

Mr. Davis assumed that, as more Exxon stations start selling Synergy, there will be more of these signs, with which Mr. Peck concurred.

Mr. Stevenson noted that there are signs on the pump and questioned whether the Synergy logo could be incorporated on them.

Mr. Peck responded that Exxon Mobil has brand standards and all stations selling Synergy gas will look the same.

Mr. Haley reiterated that every pump says Synergy at the bottom.

Ms. Pilla reported no Staff comments after review.

Mr. Haley asked Mr. Davis if the additional free-standing signs at the location are legitimate.

Mr. Davis was unsure which signs were being referred to. They would be permitted only one free-standing sign. There have been violations for excessive signage in the past. Many of the convenience store gas stations allow their suppliers to put up signs without permits.

Mr. Peck added in a final comment that they are proposing six more signs on the site, but as stated previously, Synergy logos are only 1.84 sq. ft. per blade.

**FELIX SOTO** – Application #2021-020 – Request a variance of Art. II, Sec. 6.01.01 to allow a deck in the rear yard setback approximately 6 ft. from the rear property line (26.25 ft. required) at 90 Union Street, Residence C zone.

Mr. Felix Soto, 101 Clinton Street, Manchester, introduced himself as the applicant's contractor. Mr. Soto reported that they received a permit to build and it was determined that they would have to apply for an Inland Wetlands permit, which was approved. Subsequently, they were told to stop building due to a variance issue because the deck passes the setback line. The applicant's property line is awkward, making it difficult for him to enjoy his deck.

Mr. Stevenson noted that the deck was already built, and Mr. Soto acknowledged that the deck is approximately 85% built at this point.

Mr. Haley questioned if this is a single family home, which Mr. Soto confirmed.

Mr. Haley sought information on the deck configuration, which Mr. Soto provided.

Mr. Soto noted that the garage corner also passes the setback, and he assumed there was also a prior variance for that garage.

Mr. Stevenson agreed that there was a previous application on May 20, 1990.

Mr. Davis did not know what that application was for.

Mr. Gionet asked if Mr. Soto built the deck himself or is a contractor building it. Mr. Soto reiterated that he is the contractor.

Mr. Soto detailed the steps that were taken, which were complicated by the Covid-19 policies.

Mr. Stevenson asked for confirmation from Mr. Davis that those were the steps taken.

Mr. Davis explained that a permit was applied for on January 15, 2021. It was marked non-applicable by Engineering, Health, and Water & Sewer. Mr. Davis denied the application on January 20, 2021 and it was put on hold by the Building Official on January 26. Mr. Davis informed the applicant that, due to the location of the wetlands, a Wetlands application was required. There was no plot plan submitted with the application for the deck. As the application went through the Wetlands process, it was noted that the proposal was within the side yard setback. The applicant was notified at that time that he would need a variance, according to Mr. Davis. A permit has never been issued for the deck.

Mr. Soto reported that he has a Town of Manchester permit that says “approved,” and on the bottom it says “denied.” On January 20, 2021, the permit was stamped “not applicable” by the Health Department. On February 11, 2021, the Building Department stamped “approved,” and then “Zoning Department denied.”

Mr. Davis agreed with Mr. Soto. However, a permit cannot be issued in the State of Connecticut unless the Zoning Enforcement Officer approves the permit beforehand. Mr. Davis informed Mr. Soto that he or the homeowner will receive an actual “permit to build” after all the parties approve it. He added that they had a phone conversation on February 4, 2021, which Mr. Soto confirmed.

Ms. Spadaccini requested clarification of the chain of events, and Mr. Soto reported that he had a conversation with Mr. Davis after he was told to stop building. He added that when he saw “approved,” he prematurely went ahead.

Mr. Slegeski expressed confusion because the plot plan states “existing residence” and also “existing garage.” He questioned whether the garage is also not permitted.

Ms. Pilla did not see a variance, but the date on the form is from 1990. When the application regarding the deck was received, they did check for a variance application and she did not recall seeing one.

Ms. Spadaccini understood that it would be difficult to remove a deck that is 85% built out, but asked what the hardship would be regarding the deck itself.

Mr. Soto replied that the goal is to enjoy the back of his house and the configuration of the property makes that difficult. He added that his one abutting neighbor has no objection to the deck.

Mr. Slegeski asked the size of the deck without the variance.

Mr. Soto responded that the deck would be cut at an angle, and referred to the plot plan for explanation.

Mr. Gionet questioned why there will be two decks, and Mr. Soto informed him that was the way the homeowner designed it.

Ms. Pilla informed the Commission that the plot plan from 1989 shows a 30 ft. rear yard. However, at the time of application, in reading the regulations, she and Mr. Davis realized it is not quite 30 ft., noting that the regulation states 30 ft. or 25% of the depth of the lot. Ms. Pilla reported that 25% of the depth of the lot is 26.25 ft., as per the notice. She added that the only available plot plan to use was from 1989 and it is not quite correct, making it a couple of feet over, with which Mr. Davis concurred.

Ms. Pilla noted that there was a wetlands application. That has been completed and is pending approval any day.

Mr. Haley sought confirmation from Mr. Davis that, if the application is approved, nothing other than a deck could be built.

Mr. Davis stated that there is nothing preventing the homeowner from building up, though they cannot increase the square footage.

Mr. Haley questioned whether the homeowner could build bedrooms within the space and Mr. Davis responded that they could.

Mr. Soto added that, per the homeowner, there is no intention to ever add square footage to the house.

Mr. Davis speculated that may be a legitimate condition of approval.

Mr. Stevenson commented that the application states it is for a deck, and nothing else. A condition could be “limited to an open air wood framed deck.”

The Public Hearing meeting was closed at 7:45 P.M.

I certify these minutes were adopted on the following date:

May 19, 2021  
Date

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James Stevenson, Chairman

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