

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
JANUARY 25, 2023**

MEMBERS PRESENT:

In Person: Robert Haley, Acting Chair
Edward Slegeski
Sandra DeCampos
Electronically: Keshet Spadaccini, Secretary

ALTERNATES PRESENT:

In Person: Harun Ahmed, Sitting
Kevin Hood
Electronically: Linda Harris

ABSENT: James R. Stevenson, Chair

STAFF PRESENT:

In Person: Megan Pilla, Principal Development Planner
Electronically: James Davis, Zoning Enforcement Officer
Nancy Martel, Recording Secretary

The Acting Chair opened the Public Hearing at 7:00 P.M. The Secretary read the legal notice for the application when the call was made.

ADOPTION OF REVISED AGENDA

MOTION: Ms. Harris moved to adopt the revised agenda, removing application ZSE-0001-2022 and adding a request for an extension for that application. Mr. Slegeski seconded the motion and all members voted in favor.

CORPORATION FOR PUBLIC MANAGEMENT, MELISSA LESTER – Application #ZSE-0002-2022 – Request a special exception under Art. II, Sec. 16.15.01 (b) to allow an adult day care center at 199 Adams Street, Industrial zone.

Ms. Melissa Lester, 199 Adams Street, Corporation for Public Management, introduced herself. Ms. Lester stated that her company provides adult daycare services currently at 75 Summit Street to adults with developmental disabilities. Their program runs from approximately 7:00 A.M. until 2:00 P.M. They engage in day support options, specifically skill sets based around independence. Individuals would be transported to job sites in the community for the majority of the day and return to the site at approximately 1:45 to 2:00 P.M. for transport home.

Ms. Lester reported that their intention is to have 199 Adams Street replace the Summit Street location. In addition, the traffic pattern and the storm water procedure will remain the same. The outside of the building will be kept the same, with minor changes to the interior of the building. Throughout the day, sensory skills would be taught, and there would be a tech lab. The remainder of the individuals will be out in the community.

Ms. Lester displayed the first floor of the location and explained that there will be a small café, a kitchenette without a stove, but with items such as an air fryer, a self-ventilating oven, and a microwave. In addition, art therapy will also be held on the first floor. The staff ratio is one staff member to four individuals, for a maximum of five people in each room during the day. Typically, this location has only between 8 and 12 individuals onsite throughout the day.

Ms. Harris asked whether there would be a time that all individuals would be in the building at the same time. Ms. Lester responded that the total of the program is 40 individuals. The only time all individuals would be present would be a 10- to 20-minute window when they are transported in by their five vans.

Ms. Harris noted that the application states that 10 of the vans would be housed overnight at the property. Ms. Lester replied that, between their residential and day programs, at any point in time the maximum would be 10 vans. There would only be three or four vans left overnight.

Ms. Harris sought confirmation that there would be no cooking in the cafeteria, which Ms. Lester confirmed.

Ms. Harris asked why they are seeking the location change. Ms. Lester explained that they have outgrown their current location and the fire marshal requested a fire wall be installed between their operation and the adjoining church. The landlord did not want to make that change.

Mr. Slegeski noted that there is a wide range of clients and asked what the age groups are.

Ms. Lester reported that DDS provides services to adults ages 22 up to whatever age they would like to attend. This specific site has an individual aged 32 and the oldest is in their mid-sixties. For any individual who falls under DDS care who attends the program, DDS tailors the program to the individuals. There is a 45-day review period to determine the best program for the individual.

After a question from Mr. Haley, Ms. Lester stated that their program's funding is from ABI through Sunset Shores, all under Developmental Disabilities. Mr. Haley inquired whether they would be closing their Summit Street location, which Ms. Lester confirmed.

Mr. Slegeski speculated whether there would be alarms on the doors for the safety of the clientele.

Ms. Lester explained that their other sites have doors that beep. All individuals have an assessment done prior to attending, at which time it is ascertained if there is a history of wandering. However, under their care, the policy is that each individual is in the line of sight.

Ms. Pilla displayed the location of the proposed outdoor recreation area, which will be approximately 1,000 sq. ft. State regulations require 50 sq. ft. per enrolled individual, so 1,000 sq. ft. is more than adequate. She pointed out the abutting 205 Adams Street, noting that it is owned by the same property owner as 199 Adams Street, which is why the outdoor recreation area crosses over onto 205 Adams Street. An access easement is recommended, in the event that the property owner sold only one of the lots. Ms. Pilla explained the Staff review comments. Most comments were addressed, though there were a couple of comments from the Zoning Enforcement Officer that need to be discussed:

- The newly-provided site plan does not reflect the current limits of pavement and parking spaces; i.e., the layout on the plan is not up to date and should be amended.
- The ZEO requested that the applicant provide detailed information about the proposed outdoor recreation area regarding its specific location and size, surface, and any proposed improvements. It was noted that there is currently a dumpster at that location.
- The ZEO asked if the vehicle traffic flow will work for the proposed parking and handicapped parking in the drop-off lane, including dumpsters and garbage trucks.
- The ZEO asked for confirmation of all uses, including any other uses on the property, specifically the rear portion of the building which is not to be used by this group, as well as the house on 205 Adams Street.

Mr. Davis stated that the survey is approximately 20 years old. He remarked that additional paving was done to the north of the building and he would like that added to the site plan. The pickup/drop-off area is a concern because of the handicapped parking spaces, and he explained his concerns.

Ms. Lester commented that she will check to see if there are updated plans and agreed with Mr. Davis's comments.

After a remark from Mr. Davis, Mr. Jon Piela, the property owner, explained that, once he was made aware of the requirement for a recreation area, all items were moved. He stated that he operates a business out of the back building, with approximately 10 employees in six cars who arrive at 7:00 A.M., setting out for the day at 7:30 A.M., and returning at 3:00 P.M.

Mr. Davis requested that Ms. Lester utilize GIS information and demonstrate the relocated dumpster.

After a question from Ms. Harris, Ms. Pilla explained that an easement would be filed on the land records, similar to a deed, stating that the tenant of 199 Adams Street has permanent access to this portion of 205 Adams Street. It is then permanent, unless the property owner sought to relinquish the easement and the land records would be changed again. Typically, an easement between two parties involves an agreement between the two property owners, but in this case, the properties are owned by the same person.

Mr. Piela confirmed that he has no issue with an easement.

Mr. Haley asked whether the applicant is certified by the State, which Ms. Lester confirmed. He further asked whether the certifying agency will be required to visit and recertify the site.

Ms. Lester informed Mr. Haley that, prior to the application, she had the resource manager for DDS, who is in charge of allocating the funds to locations, survey the site. There was a list of items that needed to be done, which Mr. Piela and his contractor completed with ease.

Mr. Haley asked Staff if there were any comments from the Fire Department or Traffic Engineer. Ms. Pilla replied that there were no comments from the Fire Department. The only comment from the Traffic Engineer was the same comment from Mr. Davis about the location of the handicapped parking spaces to ensure that access is suitable.

Mr. Haley additionally asked whether they have to be certified by the Health Department, since they are teaching food skills. Ms. Pilla commented that they will probably need to have a permit in place, and after the special exception approval, they may file for that permit.

Mr. Haley closed the public hearing at 7:35 P.M.

I certify these minutes were adopted on the following date:

February 22, 2023
Date

James Stevenson, Chair

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