

**MINUTES OF BUSINESS MEETING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
MARCH 29, 2023**

MEMBERS PRESENT:

In Person: James R. Stevenson, Chair
Robert Haley, Vice Chair
Edward Slegeski
Sandra DeCampos

ALTERNATES PRESENT:

In Person: Kevin Hood
Electronically: Linda Harris, Sitting

ABSENT: Keshet Spadaccini, Secretary
Harun Ahmed

STAFF PRESENT:

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

The Chair opened the Business Meeting at 8:50 P.M.

CONSIDERATION OF PUBLIC HEARINGS:

JESSE FERNANDEZ – Application #ZSE-0001-2022 – *Public Hearing Continued*

DR. WILLIAM SPECTOR – Application #VAR-0043-2023 – Request a variance of Art. II, Sec. 3.01.01 to allow a generator approximately 11 ft. from the side property line (15 ft. required) at 81 Grissom Road, Residence AA zone.

MOTION: Mr. Haley moved to approve the variance. Ms. DeCampos seconded the motion and all members voted in favor.

The hardship is that the proposed location is the only safe location for the generator.

ORFORD VILLAGE HOUSING DEVELOPMENT CORPORATION – Application #VAR-0044-2023 – Request a use variance of Art. II, Sec. 4.01 to construct 4 senior multi-family units at 190 North Elm Street, Residence A zone.

MOTION: Mr. Slegeski moved to approve the variance with the condition that the use of the new parking area by large transportation vans be restricted, and with the following modifications:

1. To add a fence to screen the proposed parking area from the adjacent house.
2. That the lighting for the new parking area be shorter poles and cut-off fixtures to shield them from the adjacent house.

Mr. Haley seconded the motion. Mr. Slegeski, Ms. DeCampos, and Ms. Harris voted in favor. Mr. Stevenson and Mr. Haley voted against the motion. The motion did not pass.

Mr. Haley acknowledged the neighbor's concerns. However, if the variance is denied, the applicant could go for a zone change and the results would be the same. In his opinion, with the modifications, it may be more palatable.

Ms. Harris agreed that she sympathizes with the homeowner, though the Board must take into consideration the needs of the total population. She agreed with the conditions.

Mr. Haley commented that the hardship must be noted in order to approve the motion.

Mr. Slegeski stated that the property was previously zoned, then changed, so the hardship is that the originally approved plan was changed, forcing the applicant to come before the Board. He agreed with Mr. Haley that they could go for a zoning change. He reiterated that he feels deeply for the neighbor, which necessitated his conditions. He commented that, in his opinion, the hardship is valid, through no fault of their own.

Mr. Stevenson reported that he cannot support the motion. In looking at the site, all the parking lots are either on roads or across the street. There are no parking lots that abut a neighbor, as in this case. The original approval back in 1985, which has since expired, did not show a parking lot abutting a neighbor's property. There were only two units there, which would have shared the current parking lot, and there were two units in the open space. Mr. Stevenson remarked that he respects Mr. Lamson's opinion about not being allowed to build two units there when it was already approved, though they were satisfied with two units in the open space in 1985. They could put all the units in the open space today, keeping it away from the residential abutters. He noted that the 1985 plan did not show a parking lot in that area and stated that he presented alternatives to the applicant.

Mr. Haley appreciated Mr. Stevenson's comment, which swayed his vote.

BDC INVESTMENTS LLC – Application #VAR-0045-2023 – Request a use variance from Art. II, Sec. 15.01.01(m) to convert the existing dentist office into a residential unit at 12 Myrtle Street (a.k.a. 12B Myrtle Street), Central Business District zone.

Mr. Stevenson asked Ms. Pilla why a variance is required, since it was originally four residences and more recently there was an illegal dentist office. Ms. Pilla responded that a residential unit on the first floor is not permitted in the CBD zone.

MOTION: Mr. Haley moved to approve the variance. Ms. DeCampos seconded the motion and all members voted in favor.

The hardship is that the building has always had residential uses on the first floor before the Central Business District zone was created, and the space is not to code for a non-residential use.

APPROVAL OF MINUTES

February 22, 2023 – Public Hearing/Business Meeting

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

RECEIPT OF NEW APPLICATIONS

There were no new applications.

OTHER BUSINESS

Ms. Pilla reported an inland wetlands training opportunity on Monday, April 3rd at 5:45 P.M.

The meeting was adjourned at 8:50 P.M.

I certify these minutes were adopted on the following date:

April 26, 2023
Date

James Stevenson, Chair

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