

DRAFT

**MINUTES OF BUSINESS MEETING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
FEBRUARY 28, 2024**

MEMBERS PRESENT:

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

ALTERNATES PRESENT:

Electronically: Linda Harris, Sitting
Harun Ahmed

ABSENT:

Kevin Hood
Gailyn Hill

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 8:00 P.M.

CONSIDERATION OF PUBLIC HEARINGS:

NAPOLITANO AND SOVERNS DEVELOPERS, LLC – Application #VAR-0061-2023 – Request a variance from Art. II, Sec. 15.01.01 to allow a proposal for a zone change to Central Business District (CBD) for a property with an existing multi-unit residential home (which is not a permitted use in CBD zone) at 12 Pearl Street, Residence B zone.

Mr. Haley sought clarification on whether a variance can be granted, since the zone has not been changed yet.

Ms. Pilla explained that state law states that, if any proposal requires multiple applications and one of those is a variance, the variance must come first.

A discussion was held on the matter before the ZBA, not the new zone. Ms. Pilla reiterated that the zone could not be changed because the house would be non-conforming, and the variance for a house in a CBD zone must come first.

Ms. DeCampos inquired about merging the two locations. Ms. Pilla stated that does not require any approvals. Anyone can merge two lots simply by filing a map with the Town Clerk.

Ms. Harris asked for clarification, as she assumed that the Board was going to approve using the front yard for a 12-space parking lot. Ms. Pilla explained that the applicant is seeking the zone change, and if that is approved, the proposed parking would be permitted by right. The variance request is to allow the house to remain if they obtain the zone change.

Mr. Stevenson elaborated that residential structures are not allowed, per the regulations, in a CBD zone. The applicant wants to keep the residential house and their next step is to submit an application to the Planning and Zoning Commission (PZC) to change it to a CBD zone.

Ms. Pilla stated that this variance decides whether or not the applicant can apply for the zone change without demolishing the house.

After a question from Ms. Harris, noting that this is a non-conforming house, Mr. Stevenson reported that, when the CBD zone was created, that parcel was not included in that zone.

Ms. Pilla confirmed that, if the house already existed and the original CBD zone included that property, it would have been considered existing non-conforming.

A discussion was held about merging the two parcels, issuing an easement, the pros and cons of each, and the timeline for each.

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

The hardship is that the house predates zoning, and to demolish the house would be a loss of needed housing units.

AYAZ ENTERPRISES LLC – Application #VAR-0001-2024 – Request a variance from Art. II, Sec. 23.03 for a proposed canopy over fueling dispensers 5.3 feet from the front property line (25 feet required) at 220 Spruce Street, Neighborhood Business zone.

Mr. Stevenson commented on the importance of protecting the electronic components.

MOTION: Ms. DeCampos moved to approve the variance with the modifications as per a staff memorandum from Megan Pilla, Principal Development Planner, dated February 20, 2024. Ms. Harris seconded the motion and all members voted in favor.

The hardship is the need for protection of customers and electronic fuel pumps from the elements.

APPROVAL OF JANUARY 24, 2024 MINUTES: PUBLIC HEARING AND BUSINESS MEETING

MOTION: Ms. Harris moved to approve the minutes as written. Ms. DeCampos seconded the motion and all members voted in favor, except for Mr. Slegeski, who abstained.

RECEIPT OF NEW APPLICATIONS

There were no new applications.

UPCOMING TRAINING OPPORTUNITIES

Ms. Pilla updated the Board on upcoming training opportunities.

Mr. Stevenson commented that, if any members have any documentation for applications, they should get it to Ms. Pilla before the meeting with a copy to the applicant. She will either add it to the packets or send it by e-mail.

Ms. Pilla reported that she will be giving applicants the Variance Fact Sheets.

MOTION: Ms. DeCampos moved to close the Business Meeting. Ms. Harris seconded the motion and all members voted in favor.

The meeting was adjourned at 8:25 P.M.

I certify these minutes were adopted on the following date:

Date

James Stevenson, Chair

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