

DRAFT

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION**

MARCH 3, 2014

ROLL CALL:

Members Present: Eric Prause, Chair
Horace Brown, Secretary
Michael Stebe

Alternates: Susan Shanbaum, Sitting
Julian Stoppelman, Sitting
Donald Palmer, Sitting

Absent: Andy Kidd
Chirag Thaker

Also Present: Mark Pellegrini, Director of Planning
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing. The Secretary read the legal notice for the application when the call was made.

DIAKO ENTERPRISES, LLC - to allow auto sales at existing auto repair business located at 159 Middle Turnpike West, Unit#161 - Special Exception (2013-082); Certificate of Location Approval (2013-083)

No one was present on behalf of the applicant. Ms. Bertotti explained the applicant had been denied a variance by the Zoning Board of Appeals at its February 26, 2014 meeting. The lot is approximately 0.25 acres and is used in conjunction with two other lots; all three lots together are less than the 0.5 acres required by Art. IV Sec. 5.03.01 of the zoning regulations, Ms. Bertotti said. She said there were no comments from staff.

Chairman Prause asked if any member of the public wished to comment either in favor of or in opposition to the application. No member of the public was present.

Mr. Palmer asked for confirmation that the reason to deny the application was that the lot was too small. Mr. Prause confirmed and said the applicant would have needed to get a variance approval from the Zoning Board of Appeals.

Ms. Bertotti didn't know how likely it was the applicant would appeal the ZBA's decision. She said the Commission was required to deny the application because the deadline for a decision on the application was about to run out.

In response to questions from Mr. Prause and Mr. Brown, Ms. Bertotti said the applicant could apply for another variance within six months as long as he proved to the Zoning Board of

Appeals that his application was substantially different than the original application. After six months, he could reapply with the exact same application that was denied. His third option would be to appeal the Board's decision in court. There were no time restrictions for the applicant to resubmit his application to the Planning and Zoning Commission, Ms. Bertotti said.

The public hearing was closed.

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