

**MINUTES OF BUSINESS MEETING  
HELD BY THE ZONING BOARD OF APPEALS  
LINCOLN CENTER HEARING ROOM  
SEPTEMBER 28, 2016**

**MEMBERS PRESENT:** James R. Stevenson, Chair  
Albert Gionet, Vice Chair  
Robert Haley, Secretary  
Edward Slegeski  
Armando Darna

**ALTERNATES PRESENT:** John Topping  
Matthew Peak

**ABSENT:** Sandra DeCampos

**ALSO PRESENT:** Renata Bertotti, Senior Planner  
James Davis, Zoning Enforcement Officer  
Katie Williford, Administrative Secretary

The Chair opened the Business Meeting at 9:07 p.m.

**CONSIDERATION OF PUBLIC HEARINGS:**

**FRANCINE REYNOLDS** – application #2016-103 – Request a yard variance of Art. II, Sec. 7.02.02 to allow a deck 19.5 feet from the rear property line (30 feet required) at 49 Woodland Street, Unit R, Planned Residential Development zone.

**MOTION:** Mr. Slegeski moved to approve the variance. Mr. Darna seconded the motion and all members voted in favor.

The reasons for the approval were that the proposed deck would be the same size as the existing patio; that it would provide additional safety for the residents; that there would be no change in the use of the area; and that the topography of the lot was not conducive to growing grass.

**SCOTT COOLEY** – application #2016-107 - Request a yard variance of Art. II Sec. 5.01.01 to allow a deck 15 feet from the front property line (20 feet minimum required) at 42 Hawthorne Street South, Residence B zone.

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

The reason for the approval was the difficulty of egress for the special needs child who lives at this property.

**MARK HARNOIS** – application #2016-108 – Request a yard variance of Art. II Sec. 1.03.04 to allow a shed less than 10 feet high to be located 1 foot from the side property line (3 feet minimum required) at 275 Lake Street, Rural Residence zone.

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

The reason for the approval was the site topography and the location of the septic system and leach field.

**PAUL BOLDUC** – application #2016-109 – Request a yard variance of Art. II Sec. 5.01.01 to allow a deck 20 feet from the rear property line (30 feet required) at 28 Jeffrey Alan Drive, Residence B zone.

**MOTION:** Mr. Slegeski moved to approve the variance. Mr. Darna seconded the motion and all members voted in favor.

The reasons for the approval were the size and shape of the lot.

**TIMOTHY FOX** – application #2016-110 - Request a yard variance of Art. II Sec. 4.01.01 to allow an addition to the existing mudroom 8 feet from the side property line (10 feet required) at 18 Devon Drive, Residence A zone.

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

The reasons for the approval were that a large tree on the property restricts where the mudroom could be located and that the proposed mudroom would provide safer egress for the children living at the property.

**REDEEMED CHRISTIAN CHURCH OF GOD** – application #2016-104 – Request a use variance of Art. II Sec. 23 to allow a church at 252 Spruce Street (a.k.a. 254 Spruce Street), Neighborhood Business zone, and a parking variance of Art. IV, Sec. 9.03.13 to allow 15 parking spaces (19 spaces required).

**MOTION:** Mr. Haley moved to approve the variances with the following conditions:

1. That the applicant or property owner installs a solid fence along their property lines that abut the residential neighbors to the south and west.
2. That there will be pavement markings and signage indicating a one-way passage entering from Eldridge Street and exiting to Spruce Street, with a “Do Not Enter” sign at the Spruce Street exit.
3. That the residential home will be permanently converted to a single family use.

Mr. Slegeski asked whether the Board had discussed fencing on all sides. Mr. Stevenson replied that Mr. Davis had recommended solid fence between the abutting neighbors to the south and west.

Mr. Davis asked whether there would be a “Do Not Enter” onto this site from Spruce Street. Mr. Stevenson said no. Mr. Davis said the revised plans showed an entrance off of Eldridge Street and an exit and entrance off of Spruce Street. Mr. Gionet seconded the motion for the purposes of discussion.

Mr. Davis said, if vehicles can only enter on Eldridge Street and only use Spruce Street as an exit, then every vehicle has to go through that bottleneck which is what he thought the Board wanted to avoid. If vehicles could enter and exit on Spruce Street, half the vehicles wouldn’t have to go through the bottleneck, he said. Mr. Stevenson asked how a car entering on Spruce Street would exit on Spruce Street. Mr. Davis said there would be room to back up a car because it’s not angled parking. Mr. Stevenson asked what would happen if a car entered on Spruce Street and the spots in that parking area were full. Mr. Davis responded that that would be a problem. Mr. Stevenson said that was why the Board did not want vehicles entering on Spruce Street. Mr. Slegeski said the applicant agreed they would be willing to put “Do Not Enter” signs on the Spruce Street entrance.

Mr. Haley noted that there was a mosque on Cottage Street that had a lot of on street parking and that had not been a problem. He said he thought there was plenty of parking on Eldridge Street to hold the overflow.

Mr. Slegeski asked whether the Board wanted to say anything about the times of worship and Mr. Haley said the hours should be just as testified.

Mr. Slegeski seconded the motion and all members voted in favor.

The reasons for the approval were that the parcel abuts Residence B zoned properties and is near the Central Business District, and the proposal meets the special exception requirements for a place of worship.

**HILLIARD MILLS, LLC** – application #2016-111 – Request a use variance of Art. II, Sec. 16.13 to allow health coaching and psychotherapy practices at 642 Hilliard Street, Industrial and Rural Residence zones.

**MOTION:** Mr. Haley moved to approve the variance with the condition that health coaching and psychotherapy practices will be restricted to Building 1. Mr. Darna seconded the motion and all members voted in favor.

The reasons for the approval were the lack of definitions of psychotherapy and health coaching in the zoning regulations; that the use is compatible with other uses in the building and area; and that the building is less conducive to industrial uses than it is to the proposed use.

**APPROVAL OF JULY 27, 2016 MINUTES: PUBLIC HEARING AND BUSINESS MEETING**

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

**RECEIPT OF NEW APPLICATIONS**

**OM FOUNDATION, INC.** – application #2016-115 - Request a variance of Art. II Sec. 1.00.02(e)1 to allow a place of worship on a street that is not an arterial or collector street at 15 Burnham Street Extension, Rural Residence zone.

**OTHER BUSINESS**

Mr. Topping expressed his concern that a member of Town Staff had, for the second time, dismissed a legitimate concern that he had. Specifically, he referred to his concern that emergency vehicles might have difficulty getting by due to on-street parking for the Redeemed Christian Church of God. He said the Town Traffic Engineer and other members of staff who dismissed his concerns did not have firsthand experience, as Mr. Topping had, of being delayed getting to a medical response scene due to impassable streets caused by vehicles parking everywhere. Mr. Stevenson said the Board uses staff comments to formulate its decisions, but Board members also add their experience to go along with staff comments. He said if Board members did not believe staff comments or wanted to take them less seriously than their own experiences, that is the prerogative of the Board. Mr. Stevenson said he personally uses staff comments as a guide. He noted that most of the staff members who comment on plans are not present at the meetings and the Board sees additional information that staff does not, and sometimes Board members' opinions supersede staff's opinions. Mr. Topping replied that his concern was about a staff member at the meeting making light of his concerns.

Mr. Slegeski said that the Cheek's Chicken trailer is now parked in the back of the property. Mr. Davis said it is not supposed to be there and there are a number of violations on that property.

The meeting was adjourned at 9:35 p.m.

I certify these minutes were adopted on the following date:

October 26, 2016  
Date

James Stevenson, Chair

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

kmw