

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
VIRTUAL MEETING HELD VIA ZOOM
MARCH 24, 2021**

MEMBERS PRESENT: James R. Stevenson, Chair
Robert Haley, Vice Chair
Keshet Spadaccini, Secretary
Albert Gionet
Edward Slegeski

ALTERNATES: Linda Harris
Sandra DeCampos

ABSENT: Jonathan Mitchell

ALSO PRESENT: James Davis, Zoning Enforcement Officer
Megan Pilla, Senior Planner
Nancy Martel, Recording Secretary

The Chair opened the Public Hearing at 7:00 P.M.

WCTD INVESTMENTS, LLC – Application #2021-011 – Request a variance of Art. II, Sec. 11.01 to allow a residence on the 1st floor at 244 Main Street, Business II and Design Overlay zones.

Mr. Tom DeSantos, WCTD Investments, Professional Engineer and property owner of 244 and 250 Main Street, introduced himself. Mr. DeSantos reported that 250 Main Street's two residential units are rented. He stated that they are in the process of renovating 244 Main Street's second floor. However, they have been unable to rent the first floor office space due to the decrease in need during the pandemic. In an effort to lease the space, they are looking to change the first floor to a residential apartment. Mr. DeSantos acknowledged that, perhaps in a few years, they could revert the space back to office space once the demand for such space increases.

Mr. Haley questioned what is stored in the garage. Additionally, he inquired about the truck that is currently parked in the lot.

Mr. DeSantos responded that the garage is currently vacant. He stated that one of the 250 Main Street tenants parks his business equipment in the lot. It is a shared parking lot, and the tenant's lease is up this month. The commercial truck is something that will be discussed.

Mr. Haley expressed his concern over the property being residential with a commercial truck onsite.

Mr. DeSantos stated that they do not want the truck parked on the site, which will be discussed as part of the lease renewal. He stated that they are in the process of cleaning both properties. He explained that, to his knowledge, the same owner owned both properties with the second floor being residential.

Mr. DeSantos reported that they plan to make the first floor residential, but intend to keep the option open. He was unsure whether the property was built with commercial on the first floor.

Mr. Haley questioned whether the unused parking lot will be converted to grass.

Mr. DeSantos stated that they could consider that option. However, if office space becomes more desirable in the future, they would seek to change it back to a parking lot. He explained that they hope to rent the garage, but they want parking for both properties.

Mr. Haley asked if they intend to rent the garage to a business, to which Mr. DeSantos stated they would rent it to one of the tenants. He surmised that there would be no commercial on the property, which Mr. DeSantos confirmed.

Mr. DeSantos reiterated that they recently acquired the property and are in the process of renovating the upstairs apartment.

Mr. Gionet inquired as to the number of bedrooms on the 2nd floor, to which Mr. DeSantos replied that there are three bedrooms. Mr. Gionet assumed that there would be three bedrooms on the first floor, with which Mr. DeSantos agreed. He asked how many people live in the 250 Main Street property, to which Mr. DeSantos said there is one person on the second floor and two on the first floor.

Mr. Gionet further questioned whether there are parking facilities for all the apartments. He noted that the applicant mentioned they may convert the first floor back to commercial as an office.

Mr. DeSantos replied that there is plenty of parking for all tenants. He further commented that they are not precluding returning the first floor to office space in the future.

Ms. Harris questioned whether the property was purchased with the intent of changing it from the mixed use it was sold as.

Mr. DeSantos informed the Commission that, prior to purchase, they had endeavored to line up a business on the first floor to make it more worthwhile. He commented that his brother owns property in Manchester and they have been affected by the change in work locations; i.e., in an office vs. working from home. In the short term, businesses have been relinquishing office space because employees are working from home.

Mr. Stevenson commented that the applicant purchased the property in the middle of the pandemic.

Mr. DeSantos remarked that they have been working with the owner for six months to help them to rent the commercial space but they were unable to do so.

Mr. Stevenson interjected that the applicant purchased the property without the space being leased. He sought to understand what the applicant's hardship is.

Mr. DeSantos explained that there has been a global shift in office space. He noted that the neighboring property is also a two family.

Ms. Pilla remarked that there are no comments as a result of Staff review. Everything was satisfactory in terms of the plans submitted.

Mr. Gionet mentioned that the applicant may convert the 1st floor back to business in the future and questioned whether that could be done.

Mr. Davis responded that it is in the Business II zone, so whatever uses are allowed in the Business II zone would be allowed on the first floor.

Mr. Gionet assumed that the applicant can change the property back to a permitted use, with which Mr. Davis concurred.

Mr. Haley questioned whether the property is zoned for a two-family.

Mr. Davis replied that it is in the Business II zone, which would permit residential units above the first floor only.

Mr. Haley asked if the property had originally been zoned as a two-family.

Mr. Davis stated that it is zoned Business II, which does allow for units above the first floor. Any units on the first floor or below would require a variance.

Mr. Haley asked whether they would be allowed to share parking with the lot next door.

Mr. Davis replied that they could share parking and noted that there is a lot of shared parking in town.

Mr. Stevenson asked Mr. Davis if the two-family building at 250 Main Street is not a two-family because residential is not permitted on the first floor.

Mr. Davis responded that, if it is a two-family, it is an existing use. In the past, the zoning regulations were changed so that residential units are only permitted above the first floor. The buildings pre-date zoning.

Mr. Stevenson acknowledged that there is significant first floor residential use up and down Main Street. He assumed those units pre-date the zoning change.

Mr. Davis presumed they pre-date the zoning change. If an applicant comes to the Town and wants to convert the first floor to commercial, they would not go before the Zoning Board. However, if they wish to go back to residential, they would have to come back for a variance, which is what happened in this case.

Ms. Pilla confirmed that the regulations were changed in 2010.

Mr. Haley asked Mr. Davis, if the ZBA allows this, whether the applicant will be limited to one family on the first floor, or if this could become a boarding house.

Mr. Davis reiterated that the variance application is for one residential unit on the first floor, retaining the one residential unit on the second floor.

Mr. DeSantos reiterated that they are simply looking for a variance to match the two-family next door.

BRIAN K. MACE – Application #2021-012 – Request a variance of Art. II, Sec. 4.01.01 to allow a garage addition 7 ft. from the side property line (10 ft. required) at 17 Campfield Road, Residence A zone.

Mr. Brian Mace, 17 Campfield Road, introduced himself. He noted that they have resided at the location for about 18 years. He explained that he is requesting a variance to build an addition to his garage for his two classic vehicles and two daily driver vehicles, as well as motorcycles. With his current situation, it is difficult to maneuver in his garage and he cannot store all of his vehicles in the garage. Mr. Mace explained that the variance is required because of the layout of his back yard and the resultant impossibility to get heavy equipment into the yard.

Mr. Gionet sought confirmation that the addition is in the back of the house, which Mr. Mace confirmed. He also noted that Mr. Mace has two antiques currently and questioned whether there will be more in the future.

Mr. Mace stated his plan is to store everything he owns in the garage.

Mr. Haley questioned whether the applicant intends to run a business from the garage. He also speculated about the increase in height and whether there will be a residence on the 2nd floor.

Mr. Mace responded that the garage is for personal use only. He added that his existing truck is 7 ft. tall and he can barely fit it into his current garage. In addition, he stated, he would like to add additional height in the event that he adds a storage lift. Mr. Mace confirmed that there will not be a residence on the upper level of the garage.

Mr. Slegeski noted that the plans depict a larger front panel overhead door. He questioned whether the larger overhead door is the current door or the proposed door, which was explained by Mr. Mace.

Mr. Mace reported that he is a diesel mechanic by trade. He noted that he tinkers in his garage and he does not want to annoy his neighbors.

The public hearing portion of the meeting was adjourned at 7:35 P.M.

I certify these minutes were adopted on the following date:

April 28, 2021 _____
Date

James Stevenson, Chair

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