

UNAPPROVED MINUTES
Town of Auburn
Zoning Board of Adjustment
July 23, 2019

Present: Mark Wright, Chairman. Mike DiPietro, Vice-Chairman, Kevin Stuart, Stephen Carroll & Dennis Vieira, Members of the Board. Dale Phillips & Shawn Matte, Alternate Member. Minutes prepared by Denise Royce.

Also, Present: Carrie Rouleau-Cote, Building Inspector/Code Enforcement.

Absent: No-one absent.

Mr. Wright called the meeting to order at 7:00 p.m.

Mr. Wright informed everyone that they had all the Board members present tonight and that both applicants were present as well. Mr. Wright also stated that, they would take the cases out of order due to conditions that need to be met before they can hear the Longmeadow Church case.

Mr. Wright began by introducing the members of the Board and moved on to explain the procedure for tonight's hearing. With that said, Mr. Wright reiterated that, they would be taking the cases out of order for the benefit of both applicants and explained that, they have a Zoning Determination and that they have provisions in their Zoning Ordinance that talks about the requirement that they meet with the Conservation Commission before they hold a public hearing. Mr. Wright further added that, what he would like to do so they don't have to re-notice this, is to, open the case and read it into the minutes and then vote to Table the case and therefore did not want Mr. Mitchell to present it and wanted to wait until they go before the Conservation Commission and it would be in the minutes and would be public record and therefore they would not have to re-notice the matter. Mr. Wright suggested that, anyone who wanted to check with Ms. Royce to make sure that the case was still on for the month of August that they could do so by calling the town hall and speaking with Ms. Royce. At this time, Mr. Wright asked Ms. Royce to read the second case into the minutes first for the record.

Case #19-15
Longmeadow Congregational Church
Wilson's Crossing Road & Route 121 – Tax Map 5, Lot 50
Zoned Residential One

Applicant is requesting a Variance to allow the creation of 3 new house lots to have a 50-foot buffer to a Level Two wetlands where 75-feet is required in a Residential One zone. (Article 5, Section 5.08(1)(b))

Mr. Wright believed that there was a representative for the applicant was present tonight. Mr. Mitchell said yes and began by saying that, he was here along with Mr. Wood, who was present on behalf of the church was present tonight as well. Mr. Mitchell indicated that he understood that the Conservation Commission had to weigh in before the Board could make their decision, however, the Conservation Commission did not meet in July and that they wanted to get the ball rolling and if the Board wanted him to explain anything to them now that he would but that Mr. Wright had stated that they may want to continue. Mr. Wright said yes, that he would rather wait and hear it all at once rather than piece meal it. Mr. Mitchell indicated that they were on the Conservation Commission's Agenda for August. Mr. Wright asked Ms. Royce if the ZBA Public Hearing would be the fourth Tuesday of August. Ms. Royce said yes, that it would be on Tuesday, August 27th at 7:00pm. With that said, Mr. Wright stated that, he would entertain a motion to TABLE the case until our next scheduled hearing date.

Mr. Vieira made a motion to TABLE the case for Longmeadow Congregational Church, Wilson's Crossing Road and Route 121, Tax Map 5, Lot 50, for Case #19-15 until our next scheduled meeting which would be Tuesday, August 27th. Seconded by Mr. Stuart. A vote was taken and, all voted to grant and the case was TABLED until Tuesday, August 27th.

Mr. Wright informed Mr. Mitchell that they would see them next month.

**Case #19-14
Nancy Smith
Robert & Jodi Emery
c/o Matthew Emery
280 Bunker Hill Road – Tax Map 8, Lot 25-2
Zoned Residential Two**

Applicant is requesting a Variance to be allowed to maintain operation of home beauty shop to be conducted by someone other than resident in a Residential Two zone. (Article 2, Section 2.02(39))

Mr. Wright asked Mr. Matthew Emery if he gives permission for Nancy Smith to present tonight so that the Board could hear the case. Mr. Emery said yes. Mr. Wright indicated that, they could go forward with hearing the case and asked Ms. Smith to read her application into the minutes for the record. Ms. Smith read her application before the Board members for the record.

Mr. Wright asked if there were any abutters present. None were noted. Mr. Wright asked Mrs. Rouleau-Cote if she had any questions or anything else to add. Mrs. Rouleau-Cote commented that Ms. Smith came to her because she needed the town to sign off on a State form for her licensing for the beauty salon in the home literal enforcement of the ordinance would prohibit her from doing that because she does not live with her grandson on that property. Mrs. Rouleau-Cote went on to say that, nor does her grandson have

any interest in the beauty salon otherwise, she could be the second employee that would be there. As far as the property file is concerned, they went through all the proper procedures to acquire the beauty salon and that the beauty salon has been in place for approximately 30 years. The only real caveat is that she technically does not live in the home in order for it to be a home business, although she does have a family relationship with the property owner and that may be something that the Board would want to consider in the approval is that it be some kind of family relationship with the occupying owner of the home and the person running the business. Mrs. Rouleau-Cote went on to say that, it would otherwise be considered a Commercial Service Establishment if there wasn't a connection to the homeowner. Mr. Wright added that, they could tie the condition to make sure that it was limited to that type of business and that it must be a relative.

Mr. Wright asked the Board members if they had any questions for the applicant. None were noted. Although, Mr. Stuart added that he was in agreement with what Mr. Wright had stated above that they could limit it to the type of business being a hair salon. Mr. Wright stated that he did not have any further questions or comments and asked the Board members if they were all in agreement with limiting it to a family member. A brief discussion ensued and the Board members were all in agreement to condition it upon it being a hair salon and that the non-resident must be a family member. Mrs. Rouleau-Cote explained that, if it didn't pass her that they would then have to Appeal her decision and then they would be before the ZBA. Mr. Wright commented that, he believed the spirit was there and that the minutes would reflect the discussion and like Mrs. Rouleau-Cote indicated that, if it didn't pass her that they would be before the Board and then they could have a big discussion then.

In conclusion, Mr. Wright stated that he would entertain a motion to vote on the Variance and suggested that they include the two (2) conditions being the hair salon and that the non-resident must be a family member of the homeowner.

Mr. DiPietro made a motion to vote on the Variance with the condition that it include the two (2) conditions being the hair salon and that the non-resident must be a family member of the homeowner, for Case #19-14, 280 Bunker Hill Road, Tax Map 8, Lot 25-2. Seconded by Mr. Vieira. Mr. Vieira voted to grant as he believes all five (5) factors have been met, Mr. Carroll voted to grant as he believed all five (5) factors have been met, Mr. Stuart voted to grant as he believes all five (5) factors have been met, Mr. DiPietro voted to grant, and, Mr. Wright also voted to grant as he also believes that all five (5) factors have been met. A vote was taken and, all were in favor and the motion passed.

Mr. Wright informed Ms. Smith that their decision can be appealed within 30 days but did not see any abutters present tonight. Ms. Smith and Mr. Emery thanked the Board and exited the meeting and the discussion ended.

Minutes

Mr. Stuart made a motion to accept the minutes of June 18, 2019 as written, seconded by Mr. DiPietro. All were in favor, and the motion passed.

Other Business

Mr. Wright stated that they knew that there was one case scheduled for July and asked Ms. Royce when the cut off was for the hearing in July. Ms. Royce stated that there were five (5) cases with one being Tabled and that the deadline has passed so, there would be no more cases added to the Agenda. Mr. Wright informed the Board that it was going to be a long night and believed he would be around on August 27th. Ms. Royce showed Mr. Wright the potential Agenda for the ZBA for August.

With that said, Mr. Wright asked for a motion to adjourn.

Adjourn

Mr. Stuart made a motion to adjourn, seconded by Mr. Carroll. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7.27 p.m.

The Zoning Board of Adjustment is scheduled for Tuesday, August 27, 2019 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.