

MEMBERS PRESENT: Hal Gaffin, Hank Besanceney, Mark Donahoe, Jim Hoh, Theresa Markham

ALSO PRESENT: Danny Bassette, Charlie Johnson, Rick & MaryLou Milne, Ryan Stoner, Gary Garofalo

Chair Gaffin called the meeting to order at 7:35 PM.

AREA VARIANCE: 31 & 33 NORTON STREET

Ryan Stoner and Gary Garofalo presented plans for a three stage development of 25-33 Norton St., which is zoned as Traditional Village (TV). Phase 1 (25-29 Norton St) has already been approved and is not included in this variance request.

Mr. Stoner and Mr. Garofalo are requesting a variance for 31 & 33 Norton St. (phase 2 and 3), to provide relief from §190-31.1(b) of the Village Code, which requires that any lot in the TV district with more than one building must have a minimum of 25% commercial usage. They are requesting that the commercial requirement be lowered to 0% for a five year period, after which time the variance would be reviewed. Mr. Stoner explained that the current economic climate makes it virtually impossible to fill commercial space. It is likely that any commercial space would remain vacant, which would be bad for him and for the Village.

The Board explored various alternatives with the applicant. Chair Gaffin read in a letter from the Planning Board (see attached).

Chair Gaffin opened the meeting to the public at 8:13 PM. The public hearing was closed at 8:37 PM.

Motion by Hank Besanceney, seconded by Mark Donahoe to grant a variance for 0% commercial space, to increase to a minimum of 12.5% commercial space within five years. The variance will be reviewed at the end of the five year period to determine if the original variance should be continued, modified or abandoned.

This variance expires on July 25, 2015. It is the responsibility of the applicant to apply to the ZBA for renewal of this variance. If the applicant fails to apply for renewal before that date, the minimum commercial percentage reverts to 25%, as stipulated in §190-31.1(b).

ROLL CALL VOTE

1. H. Besanceney – Aye
2. M. Donahoe – Aye
3. H. Gaffin – Aye
4. J. Hoh – Aye
5. T. Markham – left meeting before vote

**ALL IN FAVOR
MOTION CARRIED – AREA VARIANCE GRANTED**

The Board filled out the Area Determination Worksheets for 31 & 33 Norton St. (see attached).

Motion by Jim Hoh, seconded by Mark Donahoe to adjourn the meeting at 9:13 PM.

ALL IN FAVOR, MOTION CARRIED

*Respectfully submitted,
Judi Barrett
Clerk for the Zoning Board of Appeals*

Dear Zoning Board of Appeals Members:

This letter pertains to the development of property on Norton Street by Ryan Stoner for which you will hear a request for a zoning variance for relief from the requirement to include commercial development for 25% of the developed area on Monday.

After considerable thought and discussion, we ask that you consider the variance with the positions of the planning board on the various aspects of this application which are as follows:

1. We can support a modest reduction of the commercial % requirement, however, any relief from the percentage of commercial use should be for a clearly defined period of time. At the end of this period the original requirement (the full 25%) would take effect unless an extension of the variance was approved. This would ease the enforcement, ambiguities and oversight that would result if the time frame is not defined.
2. It should be noted that there is a remedy that would not require variance. If the applicant merged lots 2 and 3 and had the percentage required on the one lot, the 3 building allowance for the mixed use could be utilized. Infrastructure could be shared because of the single lot. The onsite parking for commercial and residential could be planned. The single lot would require only 25% commercial mixed use. The two lots, after the defined time had passed would require a total of 50% commercial use.
3. Further, if the applicant requests complete relief from the 25% requirement, there may be need for a second variance to allow for more than one building on a lot because Residential use allows one building per lot.
4. It is only the mixed use that enables the applicant to build more than one building on the sites, therefore, the commercial % requirement should kept significantly high to maintain the intended character of the TV district.

Thank you for your attention to the details of this application. Please contact me if you have any questions.

Sincerely,
Joseph Cooley, VHF Planning Board

