

ZONING BOARD OF REVIEW MINUTES
Tuesday, January 28, 2020 Meeting 7:00 pm
Town Council Chambers, Town Hall

Present: Richard Land, Chairman; Melody Alger, Ashley Cullion, Jody Sceery, and Barry Golden (Alternate).

Absent: Christopher Mulhearn, Vice-Chairman and David Collier (Alternate).

Staff: Lea Anthony Hitchen, Assistant Town Planner and Michael Ursillo, Legal Counsel.

Mr. Land, Chair of the Board, called the meeting to order at 7:00 PM and introduced the members and staff present. He then read the Board's procedures into the record. Each person addressing the Board will first state his or her name and address for the record. The applicant and his or her legal representative will present the case and witnesses may be called to testify. Such testimony must be relevant to the application. Expert witnesses will be sworn in and there will be no prejudgment as to the expertise of any witness. Pictures, diagrams and other documents given to the Board as evidence will be appropriately marked as exhibits and will be retained by the Board for the record. Upon completion of the applicant's presentation all other persons wishing to offer evidence in favor of the application may then do so one at a time. Following that all persons wishing to offer evidence against the application may then do so one at a time. It is asked that comments are confined to the zoning matter being heard and that repetitive remarks are avoided. Cross examination or rebuttal may be allowed if the Board feels it would be appropriate and useful. All questions from the floor will be directed through the Chair only. After all relevant facts have been heard the Chair will call for a motion; the Board will then discuss the motion and the Chair will call for a vote. During the discussion among voting Board members, the Board will not accept any new and further testimony unless it is specifically requested by a Board member. The Board

will make every attempt this evening to render a decision. The written decision will be recorded in the Town Clerk's Office as soon as possible following the approval of the minutes of the meeting.

Zoning Board of Review Hearings - 7:00 PM

1. **Joseph D'Alfonso** for property located at 201 South Pierce Road; Map 54 A.P. 7 Lot 215 (Zoned Residential, R-30). The Applicant seeks Dimensional Variances from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 - Dimensional Regulations by Zone and Section 260-14(B), Nonconforming by Dimension. The Applicant requests to construct a permanent 20'x20' two-vehicle carport to be located 15.5' from the southwest property line where a 30' side setback is required on the land locked property.

Mr. Joseph D'Alfonso, applicant and owner of the property was on hand representing the petition. He testified he properly notified all the abutters as required and received all return receipts but one, being 211 South Pierce Road. Mr. D'Alfonso explained he was before the Board requesting a variance to construct a 20'x20' permanent two-vehicle carport to be adjacent to the existing gravel driveway which will not meet the side setback.

Mr. D'Alfonso described the proposed structure as having a peaked roof with four posts, side-by-side carport with no intention of a storage area as the sole purpose is to protect vehicles from inclement weather and falling debris. He pointed out after living in this home for 39 years he has had to replace several windshields over that timeframe.

Mr. Land opened the hearing for public comment. No public comment.

Mr. Land asked for a motion.

Motion by Ms. Sceery to approve the application as submitted.
Seconded by Ms. Alger.

Chairman Land noted after reviewing the application he believes the Applicant has met the relevant standards for the specific relief which are as follows:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

VOTE: 5 - 0 (Land, Alger, Cullion, Sceery, and Golden).

2. **The Washington Trust Company** for property owned by **20 Water Street Realty, LLC** located at 695 Main Street; Map 75 A.P. 3 Lot 76 (Zoned Commercial Downtown, CD-1). The Applicant seeks a Use Variance from Chapter 260 of the Town Code; Zoning Ordinance, Table 1 - Permitted Uses by Zone. The Applicant is proposing to construct a new financial institution which will require a use variance to accommodate the drive-thru at the subject property.

Mr. Joseph Brennan from the Law Offices of Joseph Shekarchi, 33 College Hill Road, Suite 15E, Warwick, RI 02886, represented The Washington Trust Company. Also present was Nicole Reilly, P.E. of DiPrete Engineering and Dennis Algieri, the Executive Vice-President of Washington Trust.

Mr. Brennan explained the Applicant was requesting a use variance specific for a drive-thru for the proposed bank. He felt the application was fairly simple in that the property is located in a Commercial Downtown (CD-1) zone which requires a use variance for the drive-thru although a drive-thru use is an allowable use in the Commercial Downtown (CD-2) which is very close, being across the street.

Mr. Brennan noted the project has been before the Historic District Commission (HDC) and received conceptual approval as well as a demolition approval for the existing gas station structure; the project still requires final plan approval before the HDC. Additionally, the project has been vetted with the Planning Board and has received Master Plan approval and has met a couple of times with the Technical Review Committee. The Preliminary and Final Plan approvals are contingent upon the use variance being granted by the ZBR.

Mr. Brennan explained the project entails improved circulation with access/egress where there will be no access from Main Street but with flow from the side streets instead. He described the parcel as being 33,885 square feet with 170 feet of frontage on Main Street which is ideal for a bank and there are no other variances required other than the use variance; all dimensional requirements will be adhered to.

Mr. Brennan noted the subject property has been vacant for the last eight years although several projects have been proposed but failed to follow through for one reason or another. As for existing conditions, Mr. Brennan said it was formerly a gas station with

almost 100 percent impervious concrete covering the entire parcel. He noted the underground storage tanks have already been removed and the proposed project will provide for plenty of landscaping and appropriate drainage.

Mr. Brennan explained banks typically create low traffic counts as this Washington Trust bank will have normal bank hours and it will not be open on evenings or weekends. He commented the bank will be a 2,500 s.f. structure with public utilities (water and sewer) and its design will correlate well with the downtown historic Main Street area.

Mr. Brennan reviewed the standards of review and how the application met the standards.

1. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area. Mr. Brennan stated the unique characteristic is that the subject parcel is located on the cusp of the CD-1 zone even though the CD-2 zone is adjacent and across the street.
2. The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.
3. Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.
4. The relief to be granted is the least relief necessary. Mr. Brennan stated the Applicant only needs relief from the one use variance for the drive-thru which is the only way for the bank to survive as the bank cannot be built in this day in age without a drive-thru; people like speed and convenience so it is a necessity in order for this project to move forward.
5. That the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance.

Mr. Brennan explained the subject property has been vacant for eight years. There have been several proposed projects

although none have come to fruition for one reason or another. This is proof the only way for the site to be redeveloped is if some use like a bank come in with a drive-thru.

Mr. Land asked the Applicant if they had received correspondence from The Barchester Corporation, whom opposed the use variance be granted. Mr. Brennan said he had seen the opposition letter and understood the letter of objection since that is the location of Santander Bank which they themselves have a drive-thru and would consider the application direct competition. Mr. Brennan was of the opinion the proposed application is a good use for the site, it is a great use for the residents as well as for the surrounding properties and will provide a less intense use for the area.

Mr. Land opened the hearing for public comments. No public comments.

Mr. Dennis Algieri, of 23 Broad Street, stated he looked forward to coming to East Greenwich and working with the Town and community as well as building a structure which will be an aesthetically appealing building to the community while recognizing the importance to the Main Street historic district. He added the team will continue working with the Planning Department and HDC in finalizing the building and site design along with a landscape and sign design that will be suitable and the community will be happy with. Mr. Algieri pointed out the project will consist of working with the Town to improve sidewalks and crosswalks in the area as well.

With no further questions Mr. Land asked for a motion.

Ms. Cullion motioned to approve the application as submitted.
Seconded by Ms. Alger.

Ms. Cullion felt the proposed project was a very applicable use. She was also of the opinion that more importantly the project will not alter the general surrounding area especially since there are

other existing drive-thrus adjacent to the subject property. She credited the project engineer and designer for providing a great overall design and layout and improving internal circulation and access points to the property and a general overall improvement to the existing conditions.

Ms. Alger initially thought the entrance would remain the same which would have been her concerns with the Dunkin Donuts across the street but the new layout makes a lot of sense coupled with anticipated landscaping which will be a tremendous improvement particularly since the property has been such an eyesore for so many years. She will be voting in favor of the application.

Mr. Land felt the Applicant's counsel did a great job of identifying the relevant standards and demonstrating how those standards have been satisfied. He also agreed the property has been significantly underutilized for many years and the proposed application is a good development for the community, is an appropriate use and the Applicant has met the standards for approval.

Atty. Ursillo recommended the motion be amended to support standards.

Ms. Cullion amended the motion to approve the application as submitted taking into consideration the Planning Staff's favorable recommendation, the Planning Board's Master Plan approval and the Historic District Commission's conceptual/provisional approval. Seconded by Ms. Alger.

VOTE: 5 - 0 (Land, Alger, Cullion, Sceery, and Golden).

3. **Hill & Harbor Design + Build** for property owned by **Zachary & Julie Singer-Leavitt** and located at 40 Knollwood Avenue; Map 74 A.P. 4 Lot 69 (Zoned Residential, R-10). The

Applicant seeks Dimensional Variances from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 - Dimensional Regulations by Zone which sets forth the side yard setback. Additionally, the Applicant seeks relief from Article V, Section 260-14(B) Nonconforming by Dimension. The Applicant requests to construct a second level addition above the existing garage in the side setback which constitutes as intensification to the legal nonconforming property.

Mr. Paul Vespia of Hill & Harbor Design + Build represented the application. Also present was Zachary Singer-Leavitt, homeowner. Mr. Vespia stated the abutter notifications were properly mailed to all property owners within the 200' radius in which he received one back as "undeliverable" from 66 Virginia Avenue.

Mr. Vespia explained the property owners have owned the 2 story colonial home for the last several years. They would like to expand upon the second floor, specifically adding over the 24'x21'-6" garage footprint to include a master bedroom suite. The building footprint will remain unchanged; relief is required for the project because the existing home is legally non-conforming and any extension, addition or enlargement of a nonconforming structure must comply with the dimensional regulations of the zoning ordinance. The R-10 zone requires a 15' side setback. The home is currently set back between 6'-7' from the north side lot line. Since the parcel is a substandard lot (9,000 s.f.) the setback can be reduced to 13.6 feet; therefore 6.6'-7.6' of relief if required. Mr. Vespia again noted the footprint is not changing and not increasing and he believes the proposed architecture will fit within the neighborhood. He nor the property owners did not receive any negative feedback from the neighbors.

For the record Ms. Cullion confirmed the project will not encroach any further into the setback than the existing structure. Mr. Vespia established the setback will remain the same, the addition will go straight upwards over the garage.

Ms. Alger questioned the height of the new addition. Mr. Vespia noted the new height will remain lower than the height of the main home.

Ms. Sceery questioned the purpose of the addition. Mr. Vespia said the addition will include a master bedroom, bathroom, closet and rearrangement of space to include laundry area.

Mr. Land opened the hearing for public comments. No public comments.

Ms. Alger motioned to approve the application as submitted. Seconded by Ms. Sceery.

Mr. Land noted after reviewing the application he believes the Applicant has met the relevant standards for the specific relief which are as follows:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

Mr. Land stated the proposal enhances the existing home, ties into the neighborhood well and will not alter the general character of the surrounding area.

VOTE: 5 - 0 (Land, Alger, Cullion, Sceery, and Golden).

4. **Pamela Unwin-Barkley** for property owned by **Seth & Sophia O'Donnell** and located at 17 Marion Street; Map 85 A.P. 1 Lot 268 (Zoned Residential, R-10). The Applicant seeks Dimensional Variances from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 - Dimensional Regulations by Zone which sets forth the side yard setbacks. Additionally, the Applicant seeks relief from Article V, Section 260-14(B) Nonconforming by Dimension. The Applicant requests to construct a two-story addition on an existing footprint which will be attached to the existing structure in the north side setback which constitutes as intensification to the legal nonconforming property.

Ms. Pamela Unwin-Barkley of Greenwich Bay Design represented the applicants. Also present was Mr. Seth O'Donnell, property owner. Ms. Unwin-Barkley explained the request is to remove/demolish the rear (west) 10'x12' single story structure currently being used as a laundry room as it is currently uninsulated, not weather tight and the walls, frame and threshold are in poor condition. There is also an outhouse that would be removed as it is no longer in use. The old configuration will be replaced with a 18'-6 1/2"x13'-7" two-story addition that will provide a new mudroom and bathroom on the first floor and a laundry room and walk-in closet on the second floor which is a lesser footprint than the existing. All new materials will match the existing conditions. The historic home has an existing nonconforming encroachment of 4'-9" along the north side setback line. The new addition will sit flush with the main house and also be 4'-9" from the north side setback; it will not extend any closer to the north property

line than the existing house already sits. The proposed addition will sit 4'-9" from the north side setback, requiring 10'-3" of relief.

Ms. Alger inquired about Mr. Wayne Johnson's letter of support. Mr. O'Donnell explained Wayne Johnson is his north immediate abutter and most affected neighbor to the project whom supports the project. Mr. O'Donnell added all abutters were notified and two certified letters were returned.

Ms. Cullion confirmed the project has received conceptual HDC approval. Ms. Unwin-Barkley stated the HDC has approved initial design plans and the intent is to return for final plan approval soon after this Board grants the variance.

Mr. Land opened the hearing for public comments. No public comments.

Ms. Sceery motioned to approve the application as submitted. Seconded by Ms. Cullion.

Mr. Land noted after reviewing the application he believes the Applicant has met the relevant standards which are as follows:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

Mr. Land felt the proposal was a significant improvement to the property with no dramatic changes to the footprint coupled with support from the Planning Staff recommendation as well as the Historic District Commission's provisional approval.

VOTE: 5 - 0 (Land, Alger, Cullion, Sceery, and Golden).

5. **Melissa Lawson of Lacuna Design** for property owned by **Gary Pollard** and located at 95 Rector Street; Map 85 A.P. 1 Lot 328 (Zoned Residential, R-10). The Applicant seeks Dimensional Variances from Chapter 260 of the Town Code; Zoning Ordinance, Table 2 - Dimensional Regulations by Zone which sets forth the side yard setbacks. Additionally, the Applicant seeks relief from Article V, Section 260-14(B) Nonconforming by Dimension. The Applicant requests to construct a 3'-6"x17' addition which will fall within the north side setback and constitutes as intensification to the legal nonconforming property.

Ms. Melissa Lawson of Lacuna Design represented Mr. Gary Pollard the property owner. Ms. Lawson explained the proposed project as being a small rear addition to the home which will be 3'-6"x16'-9 1/2" in size will and add 55 square feet which will contain a mudroom/drop-off zone and revised back entry for easier access to the existing garage. She commented the existing house represents encroachments on the north side setback line. The proposed rear addition encroaches on the side lot line but its wall plane will not extend any closer to that line than the existing house already sits. The existing house, at its closest point, is about 4' off the north property line; the new addition will sit 5.5' from the property line requiring 9'-6" of relief.

Ms. Cullion confirmed there will be no further extension into the setback than what the existing home already sits. Ms. Lawson said that was correct.

Mr. Land opened the hearing for public comments. No public comments.

Mr. Land asked for a motion.

Ms. Alger motioned to approve the application as submitted. Seconded by Mr. Golden.

Mr. Land noted after reviewing the application he believes the Applicant has met the relevant standards which are as follows:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

Mr. Land felt the proposal was a matter of common sense in terms of the requested relief coupled with the fact there were no objectors to the application. Additionally the application is well within reason and the standards have been met to approve the application. The plan has received conceptual approval from the Historic District

Commission and the Applicant has very narrowly defined the relief to be sought in the area and is limited to its historic nature and it is an improvement to the property overall.

VOTE: 5 - 0 (Land, Alger, Cullion, Sceery, and Golden).

6. **T.J. Martucci** for property owned by **Shiv Main LLC** and located at 232 Main Street; Map 85 A.P. 1 Lot 164 (Zoned Commercial Downtown, CD-1). The Applicant seeks a reconsideration of a November 28, 2017 decision of the Zoning Board of Review wherein a petition was approved for Kai Bar seeking to lift the condition relating to the valet parking service requirement for one year with the Applicant returning to the Board to reassess within one year from the rendered decision. The subject condition was imposed on the original March 22, 2016 ZBR decision. The Applicant is requesting to remove the parking valet requirement in its entirety.

Mr. T.J. Martucci and Mr. Jason Kindness represented the application. Mr. Martucci explained they were before the Board as a result of a November 2017 ZBR decision which the prior owner did not follow through on. He conveyed the Kai business model has not changed since the original decision was put in place as a “mix and mingle” establishment back in March 2016.

Mr. Martucci asserted the sales data provided indicate 65 percent of the business is performed after 9PM when the traditional restaurants generally close as it is basically a night and weekend business and similar to Main Street Coffee.

Mr. Martucci explained a valet service was originally in place for the first year but data showed the valet was parking on average three

vehicles per night with many instances people would park their car, visit a different establishment for dinner knowing they would end up at Kai Bar after. It financially did not make sense given how much the service was being used.

Mr. Martucci added that all 60 abutters were notified in which he received one returned as “undeliverable.”

Mr. Golden questioned the type of food that is served in the establishment. Mr. Kindness explained poke bowls are part of the menu which is rice with protein on top. He has been with the business since the beginning as a manager. In terms of the previous valet service, Mr. Kindness said there were times 3 to 4 cars were valeted per week as it seemed most people would park their vehicle pre-dinner and Kai was the after dinner spot. He noted food sales are about 8 percent of total sales. Typically when Kai gets busy the streets are clear as far as parking goes.

Mr. Golden probed as to whether patrons were frequenting the business specifically for dinner. Mr. Kindness confirmed no since Kai has a reputation as being a craft cocktail bar.

Ms. Alger questioned when Mr. Martucci took over the business. Mr. Martucci explained TMJ Holdings II kept the DBA the same name, being Kai; he took over as a managing company on November 4, 2019 with the liquor license being transferred at the beginning of December 2019.

Ms. Alger asked about the business model and whether it will remain the same. Mr. Martucci confirmed the business model will remain the same as there was no need to change it although he wishes the food sales would grow, currently at 6 percent, not the 8 percent noted earlier. He said 94 percent of business is alcohol sales and late night food is served from the pizza shop.

Mr. Martucci said in the 60 days since he has been operating the business it has remained status quo with no complaints or issues.

Mr. Land asked about the frequency and time of live music. Mr. Kindness asserted originally music was 7 nights per week but music is down to 5 nights per week as the business on Sunday and Monday are slow; in terms of time music is between 8PM-11PM or 9PM-midnight.

Ms. Sceery asked about the timeline regarding not having a valet service. Mr. Kindness asserted there has been no valet associated with the business since November 2017 when the ZBR approved suspending it for one year.

Ms. Sceery queried about the number of patrons visiting the establishment. Mr. Kindness noted there has not been a decline in patrons and sales have gone through the roof - the financial burden of the valet was almost \$1,000/month which is tough in this type of business with limited profit margins which cut into our ability to succeed on Main Street.

Mr. Land confirmed the business does not have any on-site parking therefore the Applicant is seeking full parking relief. Atty. Ursillo pronounced the Applicant requires 100 percent parking relief.

Mr. Land voiced his concerns about the difficulty of downtown parking and economic allocation which were the same concerns when Mr. Muir originally came before the Board in 2016. He was concerned about whether the Board is simply shifting the burden to other business owners, meaning shifting the expense of valeting cars to other businesses and other parties for the benefit of the subject business. He understood the Kai Bar business model is different and the Applicant's expectation is patrons are visiting the area anyway but just drawing them in a little later at night than what they might otherwise stay. Mr. Land asserted there is still an economic component of this that there is no data for in terms of the effect of what that is on other businesses. He also pointed out there are several downtown businesses that have no parking requirements at all because they are grandfathered so they too are

shifting the burden to others on Main Street but fairness is not necessarily part of the equation.

With no further questions from the Board Mr. Land opened the hearing for public comment. No public comments.

Ms. Hitchen pointed out the Applicant has to return to the Town Council in March as the Council granted the Applicant a 90 day liquor license conditioned upon this relief.

Mr. Land asked for a motion.

Motion by Ms. Sceery to approve the application as submitted.
Seconded by Ms. Cullion.

Mr. Land affirmed that he would like to see more evidence of what the Applicant is doing at the business; his inclination is to allow for interim relief.

Atty. Ursillo asserted the Board can condition an approval that is for a certain amount of time (just like the last approval). If the Board is simply looking for more evidence that there is not a problem over the summer months then he suggested the Board condition the Applicant return later in the year seeking permanent relief.

Mr. Land confirmed he was inclined to approve a conditional approval and can explore additional evidence at a later date since from a community perspective the Board has an obligation to make sure what Mr. Muir purported and the Applicant adopted is really playing itself out. He recognized there may be some economic shifting but he wants some sense of reason to be shown.

Ms. Sceery asked what that would entail.

Mr. Land explained the Applicant provided financial information showing what their sales are and timing of their sales - those numbers have meaning. He would like to see the same updated

financial information as well as evidence of where their patrons are parking. Mr. Land provided an example of what he was talking about - survey customers as to where they are parking from time to time in order to demonstrate patrons are using a valet, parking on their own, using an Uber, etc. - information that supports the Applicant's position factually so when they return there is something to support a decision. Mr. Land felt the Applicant should return to the Zoning Board before their liquor license is renewed (next year) so they are not going into it blind.

Mr. Martucci commented the business has self-imposed security on Friday and Saturday evenings; that employee is already stopping patrons at the door who could ask and tally where/how patrons arrived via valet, park on their own, Uber/Lyft, etc.

Mr. Land thought that was a great idea. Ms. Cullion also added that was a good idea especially since the Applicant has a different business that does not fit the normal restaurant mold and the backup information is very important.

Mr. Kindness ventured to guess that between 20-30 percent of patrons used an Uber or Lyft to the business.

Ms. Sceery questioned how the Board's decision will affect the Applicant going back to the Town Council. Mr. Land noted the Board can provide provisional relief since the idea is to not hold the Applicant up but it is to facilitate the use.

Atty. Ursillo suggested amending the motion to permit relief that has been requested through October 27, 2020 - meaning no valet service necessary. Mr. Land picked up on the fact if the Board approves that there will be a gap and perhaps extending the time through the end of November with the condition the Applicant has to return to the ZBR in October to provide the necessary information in order for there to be no gap in time. Atty. Ursillo agreed that would be a better situation, being extend through November 30, 2020 on condition the Applicant return to the ZBR on

October 27th and if the ZBR is not satisfied then as of December 1, 2020 the condition gets reinstated but they still have a liquor license.

Mr. Land queried whether the Applicant is “continued” to the October agenda or if an application is required. Atty. Ursillo was of the opinion the Applicant can be docketed as a review. Ms. Hitchen was not familiar with that type of procedure and asked whether abutters would need to be notified. Atty. Ursillo confirmed the right thing to do would be to notify abutters. Ms. Hitchen argued then it would be an advertisement of a “new” application. Atty. Ursillo asserted anyone who wanted to be here this evening was notified; no person was here therefore it should it should be a “review” on October 27th.

Mr. Land summarized the Applicant will return on October 27th; it automatically be on the calendar and they will provide the data accumulated at the security checkpoint, along with sales, records and anything else that supports the position of removing the valet service.

Motion amended by Ms. Sceery to grant relief thru November 30, 2020 on condition the Applicant returns to the ZBR on October 27, 2020 with additional information. Seconded by Ms. Cullion.

Chairman Land noted after reviewing the application he believes the Applicant has met the relevant standards for the specific relief which are as follows:

The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and not the general characteristics of the surrounding area.

The hardship is not the result of any prior action by the applicant and does not result primarily from the desire for greater financial gain.

Granting the request will not alter the general character of the surrounding area or impair the purpose or intent of the Zoning Ordinance or Comprehensive Plan.

The relief to be granted is the least relief necessary.

The hardship suffered by the owner if the variance is not granted shall amount to more than a mere inconvenience.

VOTE: 5 - 0 (Land, Alger, Cullion, Sceery, and Golden)

Zoning Board of Review Business

1. Minutes: Review/action on the minutes of the November 26, 2019 ZBR and ZBA meetings.

Motion by Ms. Alger to approve the November 26, 2019 ZBR minutes as written. Seconded by Ms. Sceery.

Approved 5-0.

Motion to adjourn by Mr. Golden. Seconded by Ms. Alger.
Approved 5 -0.

Zoning Board of Review meeting adjourned at 7:35 pm.

Minutes respectfully submitted by:

Lea Anthony Hitchen,
Assistant Town Planner

For more information, please refer to the recording available in the Planning Department.