

**ZONING BOARD OF ADJUSTMENT  
JUNE 8, 2011 MEETING  
DRAFT MINUTES**

Board members present included Acting Chairman Nicholas Wallner, David Parker, Rob Harrison, James Monahan and Jim Marshall. Also present Zoning Administrator Craig Walker, Code Administrator Michael Santa and Rose Fife, Clerk of the Board.

**18-11 Stephen Yianakopolos:** Applicant requests a Special Exception under Article 28-8-4(b), Change of Non-conforming Use, to permit an existing retail sales establishment (use H-1) and accessory non-conforming parking to be replaced by a hair salon (service use occupying less than 5,000 square feet, principal use D-1) at 39 South Street in an RD Residential Downtown District.

Stephen Yianakopolos testified. Also available to testify was Daren Sweatt. Mr. Yianakopolos lives in Hopkinton. He purchased the property one year ago at foreclosure. He has since rented the upstairs apartment. He is changing the use. It was a retail store then an office and then a retail store again and he would now like to put in a hair salon. It is an existing Concord Hair Salon that resides on the block that would like to move to this location. There is ample on-street parking. There will be 3-4 chairs in the salon.

Harrison asked if it were a real estate office prior. (The last occupant was an army surplus store. Prior to that it was a real estate office and prior to that it was Holt's Flag store.)

Walker stated that the zone is a residential district that does not allow different commercial uses by right. This is a special exception, not a variance. A key factor for consideration is if the proposed use is of equal or less intensity than that existed there.

Harrison asked if it had been occupied commercially for a long time. (Walker stated he believed that it had been since the turn of the last (20<sup>th</sup>) century.)

Parker asked about the salon turnover. How many customers does she see per day? (He's (Steve) not sure.)

Marshall asked about the size of the signage. (They will use the same size as the existing sign.)

Monahan asked about the apartment parking. (They have 2 spaces in the rear.)

In favor: none.

In opposition: none.

Comments from Code Administration: Walker stated that the signage is limited to 20 square feet in a residential district.

DECISION: A motion to approve the request was made by Parker, seconded by Monahan and passed by a unanimous vote.

**19-11 Alana Parmenter:** Applicant wishes to construct a 9' x 18' shed addition to an existing garage and requests a variance to Article 28-4-1(h), The Table of Dimensional Regulations to permit a 5 foot rear lot line setback where a 25 foot setback is required for property located at 24 Prospect Street in a UT Urban Transitional District.

Alana Parmenter testified. She lives at 24 Prospect Street. Richard Neville who resides at 24 Prospect Street was also available to testify. They have a 10'x18' garage and wants to add a 9'x18' shed to store their things. There was one smaller shed there before, but the weather took it down.

Wallner asked why they wanted it placed there. (They will be redoing the garage and it is more convenient and more aesthetic. The rest of the yard is fenced in.) Photos of the garage were submitted. It will be the same length as the garage.

Marshall asked how far the current garage is from the boundary. (Three feet.) Walker stated that the request was written up as 5 feet for a setback which was derived from the plans that they submitted, so the approval has to be for 5 feet. They have letters in favor from the neighbors.

In favor: Paul Vera, 25 Curtice Avenue has no objection to proximity to his property line.

In opposition: none.

Comments from Code Administration: none.

Marshall asked if it were a single family home. (No a two family.) Monahan asked if they can change the setback issue to make the 5' request into 3'. Walker stated that the application was advertised and noticed as 5 feet, so they have to go with the 5 feet.

Letters submitted in favor from Katherine Pond of 25 Curtice Avenue; Jeffrey and Laura Cole of 22 Curtice Avenue; James Motes and Elizabeth Jean Cotes-Motes of 26 Prospect Street.

DECISION: A motion to approve the request was made by Monahan, seconded by Harrison and passed by a unanimous vote.

### **Public Meeting:**

**16-11 Banks Chevrolet-Cadillac: (Request for Rehearing)** Applicant wishes to install 8 building signs covering 260 square feet along the Manchester Street frontage and requests:

- 1) A variance to Article 28-6-9(1), Permitted Building Signs, to permit 8 building signs on one side of a building when a maximum of 3 signs are permitted, and
- 2) A variance to Article 28-6-9(1)(b) to permit a combined square footage of all signage on one side of a building to be 260 square feet when 150 square feet is the maximum permitted

for property at 137 Manchester Street in a CG General Commercial District.

The Board reviewed the information submitted by the applicant.

Parker stated that he felt that they changed the nature of the request enough that he is not opposed to rehearing the request. There is enough new evidence that he's in favor of rehearing.

Mr. Parker and Mr. Monahan both made comments relating to corporate requirements for the applicant to have a certain amount and type of signage verses City regulations. Mr. Monahan commented that he would like a better understanding of how these situations are handled in other

communities where there are conflicts between the applicants contracts and the communities regulations.

A motion to approve the rehearing request was made by Parker, seconded by Monahan and passed by a 5-0 vote.

### **Public Hearing:**

**20-11 Richard Uchida for the Friendly Kitchen:** Applicant wishes to remove a fire damaged building used as a Social Services Center (use B-6), soup kitchen for the purpose of providing meals for the hungry and other services and replace it with a new building for the same purpose and requests the following:

- 1) A variance to Article 28-4-1(h), The Table of Dimensional Regulations, to permit:
  - i) Front setback of 5 feet where 15 is required,
  - ii) Side setback on the north side of 3 feet where 15 is required,
  - iii) Rear setback of 6 feet where 15 is required,
  - iv) Side setback on the south side of 12 feet where 15 is required,
- 2) A variance to Article 28-7-2(b), Parking Requirements to provide no (0) on-site parking spaces when 32 spaces are required based on a Social Services Center use at 1 space per 200 SF of gross floor area,
- 3) A variance to Article 28-7-5, Requirements for Handicapped Accessible Parking Spaces, to permit the provision of no (0) accessible parking spaces when 2 spaces, inclusive of one van accessible space is required,
- 4) Variance to Article 28-7-7, Parking Area Design Standards, to waive the requirements as off-street parking is not provided,
- 5) Variance to Article 28-7-8, Access and Driveway Standards, to waive the requirements as off-street parking is not provided,
- 6) Variance to Article, 28-7-10, Parking Area Landscaping Standards, to waive the landscaping requirements and to permit the Planning Board to determine what is reasonable based on the configuration of the site,
- 7) Variances to Article 28-7-13, Off-Street Loading Requirements, as follows:
  - i) (b), Location of Loading Spaces, to permit a loading space that is also used for refuse container access and requires backing or maneuvering within a street,
  - ii) (c), Design Standards for Loading Spaces, to allow a loading space with a 9 foot width when a 14 foot width is required,
  - iii) (e), Setbacks for Loading Areas, to permit a loading area to be 2 feet from a property line when 10 feet is required, and
- 8) Variances to Article 28-7-14, Off-street Loading Area for Refuse Containers, as follows:
  - i) (b), Location of Refuse Container Loading Areas, to permit a refuse container area that is also used for loading and requires backing or maneuvering within a street,
  - ii) (d), Setbacks for Refuse Container Loading Areas, to permit a refuse container site and loading area 3 feet from a side and rear property line when a 10 foot setback is required,
  - iii) (e), Screening of Refuse Containers, to permit a landscaped buffer of 3 feet on the side and rear where a 10 foot deep landscaped buffer is required,all for property at 12-14 Montgomery St. in a CVP Civic Performance District.

Attorney Richard Uchida stated that they would like to work with the neighborhood to resolve the issues. Mr. Uchida stated that there is an issue that has just been brought to this attention and he does not feel it would be proper to go forward with this request at this time. He would like the Board to either Table or Recess the case for now so that they can try to resolve the issues of the

neighborhood first. He understands that the July 6<sup>th</sup> meeting will be the next meeting that they can attend.

Parker made the observation that the neighborhood is here this evening and that the applicant could have addressed the issues prior to the meeting date. Attorney Uchida stated that they have had 2 neighborhood meetings already and they are still not comfortable with the way things stand with the neighbors to come before the Board at this time.

Walker commented that if there were any changes to the application that it would require a new submittal with fees as it would need to be noticed as a new hearing.

DECISION: A motion to recess this request until the July 6<sup>th</sup> meeting was made by Parker, seconded by Harrison and passed by a unanimous vote.

MINUTES: A motion to approve the June 1, 2011 Minutes was made by Parker, seconded by Harrison and passed by a 3-0 vote.

A TRUE RECORD ATTEST,

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ZONING BOARD OF ADJUSTMENT