

# **BERLIN ZONING BOARD OF APPEALS MEETING ADMINISTRATIVE MINUTES**

**MEETING DATE/LOCATION:** Wednesday, July 13, 2022, via Zoom Webinar 878 7328 2748

## **TOWN OFFICIALS (& OTHERS) PRESENT:**

## **MEMBERS SITTING/PRESENT:**

R/A		34 South St	272 West St	10 Bigelow Road
R	Lynn Ryan, Chair	S	S	S
R	Dennis Bartlett	S	S	S
R	Pat Jackson	S	S	S
R	Jim Royer	S	S	S
R	Ginny Zukatynski	S	S	S
A	Sue Roberts	P	P	P
A	Keith Soucy	P	P	P

Regular/Associate

Sitting/Present/Absent

Wayne Belec, Douglas Amorim, Louise Janda,  
Conservation Commission

## **10 Bigelow Road Hudson/Berlin – Variances**

Chairwoman Ryan opened the hearing at 7:01pm. Wayne Belec of Land Design Collaborative was in attendance on behalf of Kane Industries to request a continuance. Mr. Belec stated they are well into the design plans and storm water analysis, and they expect to be able to file for site plan approval and special permit within a week. It was noted the deadline to file for an August hearing was this evening. Mr. Belec assured the Board they would meet the filing deadline of August 17 for a September hearing. It was suggested they meet with the Conservation Commission and the Board of Health in the meantime.

A motion was made by Board Member Royer to continue the hearing, at the petitioner's request, until Wednesday, September 14, at 7:00pm. The motion was seconded by Associate Member Soucy, and the motion passed 4-1 by roll call vote (Ryan, Bartlett, Jackson, Royer – affirmative, Zukatynski - opposed).

A motion was made by Associate Member Roberts to take a 30-minute recess prior to the start of the next hearing at 8:00pm. The motion was seconded by Board Member Jackson, and the motion passed 7-0. The Board recessed at 7:24pm.

The meeting reconvened at 8:00pm.

## **34 South Street – Sign at Berlin Memorial School**

Chairwoman Ryan opened the hearing at 8:07pm. It was noted the petitioner was not in attendance. Board members expressed their frustration with petitioners either not being prepared or not attending hearings.

A motion was made by Associate Member Soucy to continue the hearing until August 10, 2022, at 7:00pm. The motion was seconded by Board Member Royer, and the motion passed 4-1 by roll call vote (Ryan, Royer, Bartlett, Zukatynski – affirmative, Jackson - opposed).

## **272 West Street – Variance from Side Yard Setback**

Chairwoman Ryan opened the hearing at 8:30pm.

Mr. Amorim, petitioner, reported he had sent the Board a letter from his engineer as requested and reported he had spent some time since the last hearing researching zoning by-laws reporting no zoning by-laws existed when the house was built. Chairwoman Ryan informed Mr. Amorim any changes to the house are required to meet current/existing by-laws.

It was noted had Mr. Amorim's home been in a residential zone rather than commercial village, a variance would not be needed. Associate Member Roberts suggested should the variance be granted that the motion require the property could not be used as commercial village. Chairwoman Ryan reported that if the use of the structure changes in the future, it would require site plan approval from the Board.

Board members are satisfied with the letter provided by the engineer, but it was noted the letter did not address the feasibility of pushing the structure back towards the pool. The Board feels the proposed structure is not harmful to any abutters or wetlands, and Mr. Amorim has provided all necessary documents required by the Board. The Board expressed their appreciation of Mr. Amorim following through on requests from the Board and thanked him for his patience.

A motion was made by Board Member Zukatynski to approve the request for a side lot variance for 272 West Street up to 25 feet. The motion was seconded by Associate Member Soucy, and the motion passed 5-0 by roll call vote (Ryan, Royer, Bartlett, Jackson, Zukatynski).

A motion was made by Board Member Royer to close the hearing. The motion was seconded by Associate Member Roberts, and the motion passed by roll call vote (Ryan, Royer, Bartlett, Jackson, Zukatynski). The hearing was closed at 8:53pm.

## **Administrative**

Motion was made by Associate Member Soucy to approve meeting minutes of June 8, 2022 as presented. The motion was seconded by Board Member Royer, and the motion passed 6-0 by roll call vote (Ryan, Royer, Jackson, Zukatynski, Roberts, Soucy).

It was reported that Board Member Royer and Associate Member Roberts attended the Planning Board meeting on June 28, 2022. They reported a discussion of the proposed contractor's yard at Solomon Pond Mall with more decibel testing to take place. There was a discussion of the housing survey being conducted and an informal review of a proposal for 139 Coolidge Road which will come before the ZBA for variances.

A discussion took place regarding the database to be created by Board Members Jackson and Zukatynski. A new request for the Senior Work Off Program will need to be submitted as we are now in a new fiscal year.

It was reported that remote meetings end on July 15, 2022. There is a bill in legislature to extend the deadline but has yet to be signed by the Governor.

The next meeting of the Board will be Wednesday, August 10, 2022. Board Member Royer will be unable to attend.

A motion was made by Board Member Royer to adjourn the meeting. The motion was seconded by Board Member Zukatynski, and the motion passed 7-0 by roll call vote. The meeting was adjourned at 8:56pm.

*Respectfully submitted by:* \_\_\_\_\_

*Liane Leahy, Clerk for Berlin Zoning Board of Appeals*