

**ZONING BOARD OF ADJUSTMENT**  
**December 19, 2017**  
**DRAFT MINUTES**

**1. Call to Order**

The session was called to order by Chair Robert Prior at 7:00 pm.

**2. Introductions**

Members present, Bob Prior Chair, Rick Thielbar, Kevin Baum, and Alternates Martha Pennell were also present. Staff present: Doug Eastman, Building Inspector/Code Enforcement Officer and Barbara McEvoy, Deputy Code Enforcement Officer. Members of the public were present as well.

**3. New Business**

**The application of Anthony Callendrello, Manager of Vino e Vivo, LLC for a variance from Article 5, Section 5.6.6 to permit no off-street parking where eight (8) parking spaces are required for a proposed change of use from a consignment store to a wine bar. The subject property is located at 163 Water Street, Unit C-1, and is situated in the WC-Waterfront Commercial zoning district. Tax Map Parcel #72-17-1. Case #17-27.**

The attorney for the applicant has requested a continuance until the Board's next meeting scheduled for January 16<sup>th</sup>, 2018 due to the lack of a full board.

**Other Business**

**Varsity Wireless Investors LLC – ZBA Case #17-16 Request for Re-hearing for proposed Communications Tower at 8 Kingston Road**

Mr. Prior said that this is not a public session so there will be no public comment on this item. Mr. Prior explained the process for deciding on a rehearing. Mr. Baum read the three reasons presented by the applicant why they believe they should be granted a rehearing. Mr. Prior explained why he had voted against, based on the ability to screen the site. Ms. Pennell had given thought to the obscure word in the bylaw, and she feels she may have made a mistake in her reasoning, because you cannot hide a cell tower. She also feels the zoning ordinance needs to be reworded. Mr. Prior still felt comfortable with this part of the decision. Mr. Baum explained that at one of the hearings, Ms. Davies read the definition of obscure into the record. Mr. Thielbar asked if another applicant tries to build something that cannot be obscured is that a reason for denial. Mr. Prior said that yes it would be. Mr. Thielbar did not feel that it was logical to say that because a tower is impossible to screen that it can be allowed, it should be the other way around. If it can't be screened, then the location is inappropriate. The Board discussed the screening issue at length. The Board dismissed A & C as reasons for a rehearing. The Board continued to discuss reason B. Mr. Baum doesn't necessarily agree with the decision, but he feels it was fully vetted. He is leaning towards denying the rehearing as it's unfair to the applicant and the abutters to go through the hearings again. It doesn't make sense to run a rehearing to go through the same process again. Mr. Thielbar agreed. Ms. Pennell disagreed.

**MOTION:** Mr. Thielbar moved to deny the request for the rehearing, Mr. Baum seconded. The motion passed 3-1. Ms. Pennell voted nay.

**Approval of Minutes:**

October 17: The Board discussed amendments to be made.

**MOTION:** Ms. Pennell moved to accept the October 17, 2017 minutes as amended. Mr. Baum seconded. The motion passed 3-0. Mr. Thielbar abstained.

November 21: The Board discussed amendments to be made.

**MOTION:** Ms. Pennell moved to approve the minutes as amended, Mr. Baum seconded. The motion passed unanimously.

**Adjournment**

There being no other business before the Board this evening, Mr. Baum moved to adjourn at 7:35PM, seconded by Mr. Thielbar and the vote was unanimous. The session was adjourned by Ms. Davies.

Respectfully submitted,

Jennifer Dionne  
Recording Secretary