Excerpt from Zoning Board of Appeals Meeting May 4, 2020

Commission Members in Attendance: Laura Edmonds, Chairman, John Mahoney, Secretary, Benjamin S. Bilus, Jessica Cardon, Luke Tashjian

Alternates Present: Becky Walsh, Richard Carratu, Cynthia Dul

Also Present: Lynn Brooks Avni, Town Planner, AICAP

E. O’Hanlan: Madam Chairman? May I speak briefly?

L. Avni: Laura, Mr. O’Hanlan,

L. Edmonds: Yes go ahead.

E. O’Hanlan: Thank you. A number of things aren’t addressed clearly. First of all, you all have every right, having heard the last planner, who was involved in this Keisha thing to talk about how she discussed this and emailed, and I mean having emailed the planning and zoning chairman, to assume that some communications took place. Second, the applicants have the burden here, they haven’t asked Lynn a single question. They don’t’ want to hear what the answer is. And I suspect that, knowing the constant dialogue that goes on between staff, between counsel and between commission, that this is not something that she acted on outside of what she understood under the permit and what she understood to be her authority. Third, the idea that somehow Condition Six locks down the site, it’s an 88 acre site with six buildings, a staff of 50 or 60, there are 225 parking spaces, and there are no limitations for the use of this building except that Grace Farms will use will be limited to a charitable foundation and a religious institution. The idea that somehow the scrutiny of planning and zoning is to lock everything in single place is respectfully preposterous. And if you look at those transcripts, you’ll see the word material and its material intensification, not of the office administration
function of a foundation, but of the use, in other words, if another church was there. That’s an intensification of the religious institution use. If, as was alleged, I think maybe I conceded that, if in fact another foundation was working there, that’s an intensification of the use but the idea that what is implicitly any entity activities and office where staff works is somehow locked down by this special permit is respectfully preposterous. And I don’t think that, that condition means that and if you read that transcript, that will not support that by this counsel and so I believe again, that Ms. Brooks-Avni’s decisions are within her discretionary authority as the Zoning Enforcement Officer. She had every right to make that assumption just as Ms. Fink made that decision and you all upheld that decision with respect to the operations center. And third, the last thing I want to say is, respectfully, the zoning board of appeals does not operate to, you have the discussion to find that the exercise of Ms. Brooks-Avni’s decision to sign off on that permit was proper. Beyond that, you don’t have any authority to do, you don’t have any authority over the building permit, you don’t have any authority over the Grace Farms property now as a result, you have the single thing was, Ms. Brooks-Avni looked at the building application, saw the description of the plans, understood what they were, did whatever she did to investigate it, and you haven’t been offered anything by this appellant to suggest what that was, whether that was an abuse of her discretion under the law and I think you’ve been offered ample heat in your own material and they left out the word material and they tried to insert the word any use, that’s not what that transcript says, it didn’t say any use, it says material intensification of the uses granted. That’s a religious institution and charitable foundation. Who sits where and whose office is where in an 88 acre site in six buildings is not an intensification of use. Again, I think, applying common sense and plain language of what we’re dealing with, you look at what Ms. Brooks-Avni did and you find that the interior minor renovations in buildings there they clearly have an administrative or office functions because they have a religious institution and charitable foundations is legitimate.