

BOLTON BOARD OF APPEALS

Minutes

December 7, 2009

Town Hall

Present: Chairman, Gerard Ahearn, Brad Reed, Jacqueline Smith, Kay Stoner, Alexander Kischitz, Town Planner, Jennifer Atwood Burney.

Not Present: n/a

HEARING

7:30 p.m. Special Permit to expand or alter a pre-existing non conforming use for property located at 237 Sugar Road (former Carter Manufacturing building)

Applicant: Walter W. Graustein III (owner of building) and Galen Miller (lessee of building).

The Applicant is seeking:

Issuance of a Special Permit to expand or alter a Pre-existing Nonconforming Use (PENC) pursuant to Section 2.1.3.3 of the Bolton Zoning Bylaw to allow L & M Motorsports LL d/b/a Bikework to relocate to Bolton. The business is a power sports business that is currently located in Maynard MA.

David Philbin presented on behalf of the applicant.

The property is owned by Greystone Electronics/Walter Graustein III of 119 Harmony Hill Road, Harwinton, Ct. 06791

The lessee is Danielle Lommi and Galen Miller
L&M Motorsports LLC d/b/a Bikework
20 Main Street
Maynard, MA 01754

Applicant is seeking a Special Permit to alter a pre-existing non conforming use. The business is PENC because it is a business use in a residential district. Any expansion of the structure or use would require a Special Permit by the ZBA. The property is zoned residential and is 7.87 acres.

Comments:

1. Conservation: no comments to date
2. BOH: no comments to date
3. Public comments: no comments to date

4. Police dept questions if the facility will generate any significant regular daily heavy truck traffic. They are suggesting that the board consider if this will have any impact to the neighbors and rural road network. (see email dated 12/02/09)
5. Martha Remington – Historical Commission – Expressed concern that Carter Manufacturing has not been in use in the past 2 years and lost its pre-existing non conforming status.

History:

According to the Applicant the property was acquired in 1950 and in 1972 Carter Manufacturing was established. The business was sold in 1998 and relocated to Florida in July of 2008. The State of Mass provides information that Carter Manufacturing was established on April 15, 1986, merged with Edge River's Acquisition company on September 29, 1998 and was dissolved on May 31, 2007 (for lack of filing) but was revived on May 13, 2008. The town clerk has no files on the property and the assessor's records show industrial use since 1978. There is no further information on the property.

The Applicant has a letter of intent from Bikeworks owned by Glen Miller who has operated out of Maynard for 13 years. Assembles, sells, repairs snow mobiles, motorcycles, scooters, ATV's, and snow machines. Will employ 6 employees. Carter Manufacturing had 20-40 employees. Busy time of year is April, May and June. May have up to 40 customers per day during this time and the rest of the year up to 10 per day. 1 delivery by UPS daily and several times a year an 18-wheeler delivery. Will offer sales, service, assembly, fabrication and have very little inventory outside, most will be on display in an inside show room. Plenty of parking, tree coverage between building and street, will comply with sign bylaw. No more noise expected than what is currently there. Less traffic than what was there. Will service equipment as well. Brad Reed asked if this will be confined to the inside of the shop and questioned if ATV's and motorcycles would be demonstrated outside. Applicant indicated that he had a dealer's plate but it was not common practice to demo due to insurance liability reasons. Will conduct 800 motorcycle inspections per year inside. Will not have any more demand on municipal services than what was there before. Gerard Ahearn asked if the property has been abandoned. The Applicant indicated that the state shows that paper work was dissolved on 5/31/07 and revived 5/13/08. Will provide a copy of lease between Carter Manufacturing and old lessee. Andy Kischitz reviewed copy of lease agreement and shows that tenant was in premises for entire time of lease. Can provide a copy of the check for last rent agreement if necessary. Gerard Ahearn asked if there were any structural changes. He was told that there would not. The owner is trying to take some of the 7.87 acres and sell as a residential lot. Martha Remington's letter expressed concern of lost of use. Gerard Ahearn stated that this was addressed. Brad Reed asked what the hours will be. He was told it will be open Monday through Saturday. 9-7 and 9-5 on Saturday. Tuesday and Thursday it will be open until 8:00 pm. Kay Stoner asked what happens to the fluids and liquids for repairs. She was told that they will be contained and recycled. Michelle Tuck of 231 Sugar Road expressed concern of traffic coming westbound and that there has never been an accident in 31 years.

Gerard Ahearn stated that he wanted clarification from Town Counsel that defines motor vehicles and if this would include atvs, motorcycles etc... Since the sale of motor vehicles is not an allowed use in town. The next meeting is scheduled December 22, 2009 at 8:30 pm.

GENERAL BUSINESS

8:15 p.m. Matthew Hurd – Interested in Associate Member opening

Next Meeting

December 22, 2009 at 7:30pm

Meeting adjourned at

Minutes submitted by Jennifer Atwood Burney, Town Planner