



## Georgetown Zoning Board of Appeals

*Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833*

### MINUTES OF A PUBLIC HEARING

38 East Main Street–Bank of America

Special Permit – Addition to extend Nonconforming setback

ZBA FILE #12-03

April 3, 2012

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Board Members Present:           **Jeff Moore, Chairman**  
  **Paul Shilhan, regular member**  
  **Dave Kapnis, regular member**  
  **Gina Thibeault, regular member**  
  **Sharon Freeman, regular member**  
Absent: **Evan O'Reilly, associate member**

Zoning Administrative Assistant: **Patty Pitari**

Present for Hearing: **Mil Abella, Gensler Associates/Architect, One Beacon Street, Boston MA**

**Mr. William Foley, Project Manager**

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J. Moore opened the Hearing at 7:30pm. P. Shilhan read legal ad; An Application has been made by Owner, Bank of America, 101 N. Tryon St, Charlotte, NC and Applicant, Bank of America c/o William Foley & Gensler Associates of Boston Ma, for the property located at 38 E. Main Street, Georgetown MA, 01833, for a Special Permit under; M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning Bylaws, Chapter 165 Sections 9, 78 and 79, for an addition that extends the existing nonconforming front setback to build a new ADA compliant ATM entry, that requires a 20 ft. front setback, the proposed addition is 16.2 ft. from the front setback. The premises affected is 38 E. Main Street, in the RA district and identified on Assessor's Map 11A, Lot 117.

J. Moore introduced the board members.

#### **Applicants Presentation:**

Mil Abella, Gensler – The proposed project is an ADA upgrade and ATM renovation to the existing Bank of America branch with site plan improvements. We investigated the site we noticed there was no ADA van accessible to the site so we submitted 4 plans. He explains Sheet C1, 15 side setback, and 20 ft. front yard setback shown with a dashed line. On Sheet C2, the proposed plan, it shows the new accessible entrance. We are taking the existing parking spaces and bringing them to the back of the building, and creating more landscaping to blend the changes we are making, and providing 2 van accessible parking spaces, currently there are 20 parking spaces and there will still be 20 spaces. The new addition sits about 4 feet above the street level, will require us to build a new accessible ramp and stairs leading to the new entry. This will give us the opportunity to reconfigure the parking space for better vehicular and pedestrian circulation, while keeping the same amount of parking spaces. This will make the new parking lot layout less prominent and provide a better balance of parking spaces,

new pedestrian walkways and new landscaping. The new addition is placed so that it aligns with the existing building, keeping a continuous plan at the front façade and moving the new entry towards the back of the new proposed addition.

The building is about 15 ft. high; Mr. Abella shows the side front elevation on Sheet A02.01.

The existing building which has been in use as a banking branch since 1954 by Merrimack National, Fleet Bank and now Bank of America has always been located within the front setback. The new proposed addition is to build a new ADA compliant ATM entry and supplement the currently non-compliant ATM entry.

Plans submitted with Application:

Sheet C1 – Existing Conditions Plan dated 2/27/12- Site Plans by Stonefield Engineering & Design

Sheet C2 – Proposed Site Plan, dated 2/27/12 – Marked as Exhibit A

Sheet A02.01 – Dated 2/27/12 Floor Plan

Sheet A09.00 – Dated 2/27/12 Exterior Elevation Plan

The applicants are meeting with the Planning Board for Site Plan Review on April 18, 2012.

**New Correspondence - None**

Audience

Tom Wentworth, 9 Maple St., - My property backs up to the Bank, so my concern if any changes are being made to the back, there is a little bit of a buffer zone, there are some trees that offer some privacy and shade, and I was wondering if this will affect the back of the property.

G. Thibeault – Do you know what parcel number you are.

Mr. Wentworth – Map 11A, lot 9.

J. Moore – As far as I can tell there is not change on the plans to the back area, the closest they are coming is the addition of the parking lot spot, which is already a paved area, so the traffic flow is already paved anyway.

Mil – Yes we are not doing any work to the back and will not be touching the trees or that buffer area.

Board Questions/discussion

D. Kapnis – How many spaces where the diagonal spaces are moving,

Mil – Six spaces.

D. Kapnis – So when they come in, they will have to make a u turn not to exit through the drive thru. Can you turn around without going thru the drive thru?

Mil –No.

S. Freeman – I think the drive thru allows for only one car.

G. Thibeault – It is the same as it is now. It's not any worse than it is now.

P. Shilhan – It's definitely better, there is a big dead space, the way it is currently, They just eliminated that lane, I think it's good.

G. Thibeault – There is a code for the width of a lane and you're following that.

J. Moore – You're only disturbing on the right side, now there is some room there if you wanted to come in and exit, you can't make a u turn, you can pull in back up straight. The traffic may be slightly closer coming in but not by much.

J. Moore – The existing structure at the ATM vestibule if 11.1 ft. is the closest point of existing construction.

Mil – Yes 11.1 to door entry.

J. Moore – Then it's 16.2 on the left side of the new entrance, and 16.8 on the right side. You're actually making it less non-conforming. Although the closest point is 15 ft. that is not being disturbed. The existing non conformity is already encroaching. As far as parking and other items, you will be going to Planning for Site Plan Review.

Patty stated they are going April 28, 2012.

P. Shilhan – I think this looks much better from the front.

J. Moore – You're doing a stone wall, is the wall setback or in line with the fence. Is the stone wall at the front?

Mil – It is in front at the foundation. He explains on the plan.

J. Moore – Does the stone wall get filled to the level of the ramp.

Mil – The concrete ramp, the south elevation shows near the first landing it stops and the stonewall comes and hits it, there are grass and the shrubs against the new building, there will be some concrete exposed, and to the rear everything will meet grade.

Mil – We just want to make it a better site. Planning will deal with landscaping also.

D. Kapnis – The new asphalt parking in the back on sheet C2, will that affect the current grade and runoff?

Mil – No the idea is to get the runoff toward the back where there is catch basin, so any water will go to that area, there is an another catch basin existing.

J. Moore – You are actually getting rid of payment. My opinion is this is a substantial improvement to the current site. Aesthetically and functionally it is great.

P. Shilhan – What about signage for the new ATM.

Mil – There is existing signage there, and then we will be doing new signage on the addition, it will be in proportion to the building and have some in the back as well as the front.

P. Shilhan agrees its much nicer entrance, this was well designed.

Mil – The entrance is toward the back now. The sidewalk leads to the ATM and the ramp with landscaping.

S. Freeman – Can you get to the ATM from inside the bank.

Mil – Yes you can. The new addition will be at the same level as the existing, so you have access to the ATM and the Bank.

S. Freeman – If you are on the sidewalk toward the bank, what will you do to make it clear from the sidewalk. What can you do about steps from the street to the sidewalk, they are in disrepair.

Mil – We will have signage, and we will see planning about that also.

Patty – They should check with Peter Durkee. It may be town property. We should let Planning know of the concern of the steps.

S. Freeman – I can check with Peter Durkee. Patty will contact Planning on the concern.

**Motion** – D. Kapnis – I move that the Board find per Georgetown Zoning Bylaw Chapter 165-94, that the proposed change to the pre-existing nonconforming structure at 38 E. Main Street., that includes altering the building from an existing front setback of 11.1 ft. at the closest point of the existing structure, to a proposed front setback of 15 ft. at the closest point of existing structure and 16.2 ft. at the closest point of new construction, is not substantially more detrimental than the existing non-conforming use to the neighborhood.

I further move that the special permit application meets the requirements of 165-79 and is desirable to the public convenience or welfare; will not overload any public water or other municipal services so as to unduly subject any area to hazards affecting health, safety or the general welfare; will not impair the integrity or character of the district or adjoining districts; and, will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

And that this Board grant a Special Permit to Bank of America, 101 N Tryon St, Charlotte, NC and Applicant, Bank of America c/o William Foley & Gensler of Boston Ma, for the property located at 38 E. Main Street, Georgetown MA, 01833 under; M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning Bylaws, Chapter 165 Sections 9, 78,79 and 94, for an addition that alters the existing nonconforming front setback per the plans shown in Exhibit A - Sheet C2, proposed site plan dated 2/27/12, by Stonefield Engineering; With the following condition;

1. The applicant shall go to the Planning Board for Site Plan Review as scheduled on April 18, 2012.

Motion was seconded by S. Freeman. No further discussion.

J. Moore took a roll call vote:

P. Shilhan– Yes  
D. Kapnis – Yes

S. Freeman – Yes  
J. Moore – Yes

G. Thibeault - Yes

**The Special Permit was Granted 5-0 in Favor.**

J. Moore – The Zoning clerk has 14 days to file a decision any appeal of this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after the date the notice of decision was filed with the Town Clerk.

**Motion** – G. Thibeault/D. Kapnis to close the hearing, all in favor. Motion carried.

*Patty Pitari*  
*Zoning Administrative Assistant*

*Approved – May 1, 2012*