



Georgetown Zoning Board of Appeals
Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833
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MINUTES OF A PUBLIC HEARING
4 Carleton Drive, Georgetown MA
Barry M. Enos
ZBA FILE File #15-03
Special Permit

Board Members Present:

P. Shilhan, Acting Chair regular member
After opening Jeff Moore took over as chair
Sharon Freeman, regular member
Paul Shilhan, regular member
Dave Kapnis, regular member
Gina Thibeault, Chairman - Absent

Applicant present: Barry M. Enos

P. Shilhan opened the Hearing at 7:30pm, and read the Rules of Procedure paragraph.

D. Kapnis read legal ad; A Public hearing will be held on October 7, 2014, at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room at for an Application filed by Barry M. Enos, Carleton Realty Trust LLC, Georgetown Ma, for the property located at 4 Carleton Drive, Georgetown, MA, Assessor's Map 15, Lot 44 in the IB zone. The Applicant/Owner requires a Special Permit from the Zoning Board of Appeals operate a Martial Arts school (private educational use) which requires a Special Permit in the Industrial B District under the Georgetown Bylaws Chapter 2 (use schedule) and Chapter 165-9, 78 & 79 and pursuant to M.G. L. Chapter 40A, Section 9 of the State Code. *ZBA File #15-03*

After a 5 minutes recess, Jeff Moore took over as Acting Chairman J. Moore introduced the Board members. J. Moore - We only have 4 members so you would need a unanimous vote. We will give you the opportunity to have us take a vote or continue if you don't want go with 4 members.

Applicants Presentation:

Mr. Enos describes his plan for the school in the existing building, he stated; we are proposing to place the martial arts studio on the second floor. Mr. Enos it's now located at at 9 West Main Street, (International Martial Arts Inc.) to move to this location, it's safer for drop off and pickup. No changes to the building outside.

Mr. Enos presents pictures to show the outside of the building showing the locations.

D. Kapnis – Does a walk way exist? Is there lighting.

Enos – The entrance way is the middle of the front of the building, and there will be lighting added so that the walkway will be illuminated, low voltage to illuminate to that area. Yes the walk way exists.

Kapnis – What about a sign?

Enos - There is existing pylon sign, and will be a sign in the space available and it will not be illuminated.

J. Moore – As long as the sign conforms, we don't need to address the sign.

Enos – As far as parking, the entire right hand side of the building there are 24 spaces including 3 handicap spots, and the walkway, and there is an emergency exit.

J. Moore – Does the walkway go around the building. It looked like a sidewalk.

Enos – No, it's in the across the front, the drop off and pickup would be on a private driveway, instead of downtown and the middle of the street. I think what looks like a sidewalk is a contour line.

Mr. Enos also provided a plot plan showing all parking to the office on 9/24/14, Drawn by Professional Land Services, by Robert M. Grasso, PLS, dated 2/3/03 showing parking spaces.

J. Moore – What are your hours of operation?

Eric Jackson - 76 Farwood Drive, Bradford (martial arts school)
Mon, Tues Fri - 5pm -9 and Sat 9-2pm

S. Freeman – Over time would the hours change?

Eric Jackson– They could not now maybe til 4 eventually.

S. Freeman – You would have to come back to change them, also would that interfere with employees?

Enos – The employees park in the rear. The way the doors are set up so they would not interact.

J. Moore – You won't have manufacturing people using that door. Enos – No.

D. Kapnis – Do you see having special hours for special promotions?

Eric Jackson – Mostly all my promotions are done on Saturday 9-2.

D. Kapnis – I would make it longer, I have been at them they can go long; I would do 9-5pm.

J. Moore – So the parents and students will be parking on the side, will you have the parking delineated to separate your employees. I think they should be designated.

Enos – My employee's park in the back, trucks are not there that late. The lot has 71 parking spots on it. I can do that with signs.

J. Moore – How many students do you typically have in class?

Eric - An average class during the day before 7pm is about 6-8 students, and sometimes they car pool and some are brothers and sisters. Then at 7pm about 15 students teenagers most get dropped off, some parent's stay not all, it's about half and half. So 24 spots will be designated.

J. Moore – What about a sign for the parking.

Enos – We can put up a sign with the name or reserved.

J. Moore – You don't know what will be there in the future so this way it's designated.

D. Kapnis – Is there existing lighting now near those 24 spots?

Enos – We have side lighting on the 3 sides of the building, there is lighting in the back and two tower lights in front that have been there for years and we have timers on them they we can adjust, and we will installed low ground lighting at the walkway and front of building at the entrance.

Shilhan – Did you have to retro fit any additional plumbing and is your septic big enough?

Enos – The septic is big enough, and we put in 2 handicapped bathrooms on the second floor, you can see in the pictures. No showers are needed.

J. Moore – They don't need site plan review do they (to Patty). Patty – No it's not on the denial.

New Correspondence

J. Moore asks for audience.

Audience

Joe Tirone, 2 Carleton drive, I am the only residence on street, I think it's a great thing for the kids, I don't have any problem with it at all, he keeps the street clean, never have any problems on the street.

There were others in the audience and they just stated they were there for support.

D. Kapnis – To me they meet all of 165-79.

The board suggested extending the hours if they wanted to go longer they could. After brief discussion.

J. Moore – So we are going with hours of Monday – Friday 4pm - 9pm and Sat & Sunday 9-5pm.

D. Kapnis – Are there elevators?

Enos – No, but I checked and we had to put in the handicapped bathroom.

J. Moore – I would like you to designate parking for 21 spots to delineate, I would not designate the handicap for the school.

S. Freeman – Also lighting on the walkway.

J. Moore – do you have a lease at this time pending a couple of conditions, I wonder about the term of the permit, once the space is no longer being used for this purpose, and should expire if he leaves.

Enos – yes.

Motion – P. Shilhan to grant Barry M. Enos, Carleton Realty Trust LLC, Georgetown MA, for the property located at 4 Carleton Drive, Georgetown, MA, Assessor's Map 15, Lot 44, as further delineated in the plan marked as Exhibit A, a Special Permit to operate a Martial Arts school (private educational use), in the Industrial B zone, pursuant to the Georgetown Bylaws, Chapters 165-9, 78 & 79 and M.G. L. Chapter 40A, Section 9 of the State Code.

I further move the Board find that the application meets the Georgetown Zoning Bylaw Chapter 165-79 (a-d), specifically;

1. The application is desirable to the public convenience or welfare;
2. 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;
3. Will not impair the integrity or character of the district or adjoining districts;
4. Will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

With the following Conditions:

- 1. Hours of operation shall be limited to: Monday through Friday 4-9pm, Saturday and Sunday 9-5pm.**
- 2. The 21 Parking spaces along the East side of the building shall be reserved and designated with signage for the Martial Arts School's use.**
- 3. Appropriate outdoor lighting shall be maintained along the parking area and on the front of the building.**
- 4. The special permit shall expire if the martial arts tenant vacates the premises.**

Seconded by S. Freeman. No further discussion.

J. Moore asked Board, All in Favor. All answered yes. **Motion carried unanimously 4-0.**

Motion – Shilhan - I make a motion to close the hearing on 4 Carleton Drive at 8:15 seconded by S. Freeman. Yes. Motion carried.

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. An applicant may file this decision before the 20 days but does so at their own risk.

Lapse of Special Permit - Per M.G.L. 40A §9, Special Permits granted shall lapse within a specified period of time, not more than two years, which shall not include such time required to pursue or await the determination of an appeal referred to in Section 17. If a substantial use thereof has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun by such date except for good cause.

Patty Pitari
Zoning Administrative Assistant

Approved 12-2-14