

TOWN OF NEW BOSTON
ZONING BOARD OF ADJUSTMENT

MEETING MINUTES
03/12/13

Case # 2013-1
Variance

Approved 04/16/13

Board Members Present: Chairman David Craig, Bob Todd, Phil Consolini and Laura Todd, clerk.

2013-1 Castle Donovan III Real Estate LLC "VARIANCE" for property located on Old Coach Road, Map/Lots 10/3-2 and 3-3, to construct an assisted living residence.

This is the second application for the Castle Donovan III Real Estate LLC for this particular location, the first application for a (special exception) was withdrawn without prejudice or precedence by the applicant on 02/19/13. See meeting minutes approved 03/12/13.

Chairman Craig opened the meeting at 7:03, reviewed the application noting that the applicant had presented support for this facility at the previous hearing. The applicant was asked to speak to this application for a variance.

Mr. Donovan said that this facility would be similar to the other two facilities in town, and was allowed under the fair housing act. He explained that the fair housing act was established when the state institutions were closed the people went into the communities where they could be better served. Zoning restrictions made it difficult, so state and warrant articles said unless these residences were incompatible with the community, they must be allowed. The need is great. He also said his business is a family run business and a third generation. The proposed location and building design is the same as the first hearing. The applicant then read from his variance application (see application in file).

Bob Todd noted that there wasn't any place in town where this facility would be allowed without a variance.

Chairman Craig said that everyone on the board was familiar with Rose Meadow.

Karen Kersting (David Kersting) of 540 Old Coach Road spoke as an abutter, saying she respects and thanks the applicant for what he does. She did question why this facility was so large for such a small parcel of land.

Mr. Donovan answered that this facility would be 16 beds, saying that the code requirement was for 1-16 beds. This would be a small intimate facility which makes a difference to the residents. He also noted that economics was a part also, it is expensive to build and 16 beds were needed to make this financially viable.

Chairman Craig asked why this property?

Mr. Donovan said it is flat and will work; it has been vacant for 10 years.

Bob Todd questioned the plan that showed an old office building, asking if the building still existed.

George St. John (not a direct abutter), but who lived in the area and who was familiar with the property said that all structures had been demolished.

Karen Kersting said she was still struggling with the application, saying that Bedford Road facility is 20,000 sq. ft. on 18 + acres of land, Briar Hill Road facility is 10,000 sq. ft. on 3.45 acres and this proposed facility is 20,000 sq. ft. on 4.4 acres of land. She has concerns about the lighting, shift changes, and the loss of living in a small community feeling.

Chairman Craig asked Karen if she felt this facility would diminish the value of her property?

She answered, somewhat, but knows something will go there, just such a big footprint right across the street.

Mr. Donovan said that neighbors always have concerns when first presented with the idea of a facility going in next door, but after there are no concerns. He noted that there would be only 2 lights and the parking would be in back so Karen would not be bothered by the lighting. In further discussion it was stated that because of slopes, the building could not be moved further back on the lot, and it was 75' from center of road. Also, the lights would be on the building and not on free standing poles.

Abutters to the west on Old Coach Road, Buckner Creel and Kathleen Nichols spoke to the application. There is no residence on their property of 40 acres, which is flat near road, but slopes down to river, so only building area is right near where facility would be. They both have concerns, they understand the fair housing act, but don't feel it trumps zoning. They presented a letter (from them) to the board and read the letter. (see letter in file).

Chairman Craig clarified that their first choice was for the board to deny and second was if granted to impose conditions as stated in letter.

George St. John explained why he thought lots 3-4, 3-5, 3-6 and 3-7 would not be suitable to add onto lot 3-2 and 3-3 to accommodate the facility. One lot has a mound of ledge, wetlands, a brook which runs into a wetland. Nothing would be gained by adding these lots.

Creel/Nichols still concerned with the density.

Bob Todd noted that the ZBA is not authorized to do a site plan review, only the Planning Board.

Mr. Donovan said they did not have to go for site plan review because this is a residence. He further stated that this is very consistent with the other two residences in town. There are few deliveries, maybe medical truck once a month, UPS occasionally and he buys the food/nourishment for the residents. He feels they will contribute value not diminish value.

Bob Todd said in note of the density, the lots could hold a duplex on each and that could be a bigger impact with no review. He was ready to vote on the application.

Mr. Creel said the feels the deliveries are under estimated, saying that he drove by the Bedford Road facility and counted 17 cars in the parking lot. He also questioned if there would be any accessory buildings.

Mr. Donovan explained the 17 cars could have been because of a staff meeting and normally there would not be that many cars on one day. He also said that they would probably have a 3 bay garage to house their vans.

Mr. Creel said this will have a serious impact on the property, the campground which was here before was seasonal, but this is aspect of commercial.

Bob Todd moved to approve the application with a condition, saying it meets all 5 criteria of a variance. Won't decrease the value of property, lack of complaint of other facilities in town, no testimony regarding health, safety or welfare , denial would be unreasonable, meets the spirit of the ordinance as understood. The approval condition is that the applicant must go before the New Boston Planning board for site plan review. Motion 2nd by Phil Consolini, passed unanimously, with the condition.

Chairman Craig addressed the applicant and abutters saying that the site plan review would address the concerns of the abutters. He then explained the process of 30 day period for requests for a rehearing and the requirement of new/unknown evidence necessary for a rehearing to be granted.

Minutes from the 02/19/13 hearing were approved.

Meeting adjourned at 8:30 PM

Respectfully Submitted

Laura Todd, clerk

Approved 04/16/13