

TOWN OF NEW BOSTON
ZONING BOARD OF ADJUSTMENT

MEETING MINUTES
02/19/13

CASE # 2013-1

APPROVED 03/12/13

Board Members Present were: Chairman David Craig, Bob Todd, Greg Mattison, Phil Consolini and Laura Todd, clerk

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

Chairman Craig opened the hearing at 7PM, and reviewed the application. He then asked the applicant to speak to his application.

Mr. Dan Donovan introduced his wife JoAnn, who gave background on the existing facilities. She, Dan and their son operate two existing facilities, which are assisted living facilities for brain and spinal injury residents. A slide show was shown during her presentation. Rose Meadow Farm is located on Briar Hill Road and Rose Meadow Garden is located on Bedford Road. Briar Hill location was opened in 1995, is an 11 bed facility which provides long term care and sometimes short term respite care. Some of the residents have ALS and end stage MS. They live in a home like environment. The Bedford Road facility opened in 2007 and has 14 residents' rooms. Both facilities blend into the community. They both have 24 hour supervision and nursing support and try not impact on the town of New Boston. 95% of the residents are in wheelchairs, some are tube fed and the staff to resident ratio is 1-2. A private rescue company is used for emergency. They have 75 employees with 1/3 being New Boston residents; they pay \$65000 in property taxes and don't impact the school system. They are very proud to be part of the New Boston community. They encourage school children to be involved by visiting, singing and performing for the residents. They are now looking to work with Veterans coming back from the war.

Dan Donovan stated the proposed facility would have the same footprint as the Bedford Road facility, but would not have a second story. It would be a 16 bed facility and the room would be double. The building would be in two sections, a public, and a private. The bedroom is the residents' space, but they go to the public section, just as it is in a regular home. This facility will have few changes from the last one.

Chairman Craig asked where this new facility would be built on Old Coach Road. The answer was it is approximately ¼ mile from the Transfer station on the left hand side.

Mr. Donovan showed a map of the site with the building, with 15 parking spaces. The traffic would be staggered due to shift changes.

Chairman Craig question what was on each side of the lots. The answer was abutters' property, (Creel and Ferris Terra LLC).

Chairman Craig said he was confused by the application. The letter from Ed Hunter (New Boston Building Inspector) denied a construction permit and advised that a "Variance" should be applied for and this application is for a "Special Exception".

Ed Hunter spoke to his letter, saying that this is a variance issue, not a special exception issue. If the definition of the proposed use is read, then you look at the zoning, it is not on the list of special exceptions, the zoning changed in 2006.

Chairman Craig read the family definition in our zoning ordinance, and the reference to the Federal Fair Housing Act and what is needed to grant a variance. He then clarified that this was Ed Hunters interpretation.

Chairman Craig then said he had a concern with application for a special exception , when a variance was really needed. He asked the applicant why he thought he needed a special exception.

Mr. Donovan said it is considered a residence under 805 rights.

It was decided that a variance was needed. Discussion followed as to whether the application could be modified at this hearing or a whole new application was needed. Even though the abutters had no objection to completing the application at this meeting it was determined that legally a new application was needed.

Mr. Donovan withdrew his application without prejudice/precedence.

Respectfully Submitted
Laura Todd, Clerk
02/19/13