



Approved 3-25-08

**Zoning Board of Appeals
Meeting Minutes
February 26, 2008**

Members present: Mark Rutan, Clerk: Richard Kane; Gerry Benson, Alternate; Dan Ginsberg, Alternate

Members excused: Richard Rand, Chairman; Sandra Landau, Alternate

Others present: Bill Farnsworth, Building Inspector; Elaine Rowe, Board Secretary; Attorney Mike Edmonds; Jeff Howland, Graves Engineering; Jeffrey Walsh; Caryn Pittman, Queen Bee Properties; Dr. Pittman; Mike Murphy; Dean Temple

Mark Rutan called the meeting to order at 7:00PM.

In Richard Rand's absence, Mark Rutan assumed the role of acting Chairman.

Public Hearing to consider the petition of Doris Densmore for a Variance/Special Permit to allow a change of use of an existing two family home to a three family home on the property located at 51 Main Street, 7:00PM

Mark Rutan appointed Gerry Benson as the third voting member for this public hearing.

Attorney Mike Edmonds discussed the applicant's request for her two-family home to be allowed as a three-family. He noted that the home has actually been a three-family home since 1988 when the town issued a building permit for an in-law apartment. Mrs. Densmore is now seeking to have that portion of the home allowed as an independent living unit instead of an in-law apartment. Mr. Edmonds explained that the house touches the lot line, but there should be no impact to the neighborhood and no parking issues. He noted that plans have been submitted showing a separate entrance and egress for the third dwelling. He also stated that the home is in a neighborhood surrounded by other multi family homes. Mark Rutan noted that the packet included a plan showing the layout of the units, and asked Attorney Edmonds if he had a copy for public viewing this evening.

Mr. Kane asked Mr. Edmonds to discuss the major changes to the structure. Mr. Edmonds noted the creation of a separate entrance and egress, and stated that there will be no additional construction to the major portion of house. He explained that the configuration will not change except for the entrance way and stairways. Mr. Edmonds also noted that the in-law apartment is a stand-alone unit. Mr. Farnsworth explained that constructing a barrier to convert the in-law apartment into an independent living space requires a variance to allow for a three-family home. He also explained that once

it is established as an independent dwelling unit, it is required to have two independent means of egress.

Mr. Rutan asked for clarification about the location of the stairway, and also questioned whether the carriage house sits on or over the property line. Mrs. Densmore stated that she is uncertain about the property line issue. Attorney Edmonds stated that, according to the deed, the entire house is on the Densmore property. Mr. Farnsworth commented that the exterior stair shown on the new plan will not encroach on the property line and will not be any closer than existing conditions.

Attorney Edmonds cited the uniqueness of the structure and its location on the lot in close proximity to the lot line as the hardships providing justification for approval. He noted that the pre-existing in-law apartment does not constrict or change the use of the dwelling, the project is not detrimental to the neighborhood, and there are no traffic or noise impacts.

Mr. Ginsberg noted that on the plan there appears to be a new room on the second floor. Attorney Edmonds noted that this is the new entrance, and will be constructed to fit with the house and enhance curb appeal.

Mr. Rutan asked about the setback of the new stairs from the property line. Mr. Edmonds indicated he was uncertain. Mr. Farnsworth commented that it is no closer to the property line than the existing structure. Mr. Benson asked if the property on the adjacent lot is a multi-family unit. Mr. Edmonds confirmed that it is a two-family.

Mr. Benson reiterated that the hardship in this case is the shape of the lot and position of the house on the lot.

Richard Kane made a motion to close the hearing. Gerry Benson seconded, vote unanimous.

Public Hearing to consider the petition of Queen Bee Properties LLC for a Variance/Special Permit/Special Permit with Site Plan Review to allow construction of a 5000-square foot medical office building with associated parking and a detached garage/maintenance building on the property located at 172 Main Street, 7:21PM

Mr. Rutan appointed Gerry Benson as the third voting member for this hearing.

Jeff Howland from Grave's Engineering discussed plans for the construction of a 5,000 square foot medical building that will be used as an oral surgeon's office, for which they are seeking two special permits and a special permit with site plan review. He explained that they have appeared before the Planning Board, who offered no comment on the proposal.

Mr. Graves explained that the existing single family home will be removed, and the new structure will include a basement and partial attic for file space and mechanicals with two garages in the back. He noted that the code requires 17 parking spaces, but the

applicant has indicated that their business will require a total of 30 spaces. The project will include a septic system in the back, which has already been approved by the Board of Health, and the building will be served by town water. There is an existing fire hydrant at the front of the property. Mr. Graves also explained that the plan includes a combination of underground infiltration and some surface water quality swales that will discharge to the rear. Mass Highway has already provided verbal comments about providing station numbering, and he is currently in discussions with them to attempt to reduce the required 30-foot curb cut to a 25 foot radius or smaller.

Mr. Graves stated that the Fire Chief has requested a striped area in the back for a turnaround for emergency vehicles, and they have already worked out the size for that area. Chief Durgin has also requested that H2O loading be provided, which they have agreed to do.

Mr. Graves indicated that he has already revised the plans to accommodate requests and comments received from town staff and, with the exception of the permeability tests, all other work has been done.

Mr. Graves discussed plans to remove and replace portions of the existing fence along the property line, and noted that the old fence along the school property will be removed entirely with the stone wall to remain. In addition, the stand of trees between this property and the Castillo property are to remain as much as possible. A sidewalk will also be provided along Route 20.

Mr. Kane commented that he did not see any handicapped parking spaces designated on the plan. Mr. Graves indicated that there are two spaces indicated on the layout plan, sheet 4.

Mr. Ginsberg asked if the removal of the fence along the school property line will result in student's using this area as a means of egress. Mr. Graves indicated that it is not likely, as it is not an easy path.

Mr. Rutan asked about the back of the lot where the racetrack is located. Mr. Graves indicated that the tracks will be removed and the entire parcel will be regraded, with the septic system being located on what was previously the RC car track. He also noted that a garage will be built in the area previously used as the BMX track, and the remainder of the area will be cleaned up, seeded, and grassed.

Mr. Benson asked about the purpose of the two-car garage. Mr. Graves explained that it will be used to garage the doctor's vehicle and for storage of the landscaping equipment.

Mr. Rutan commented that the proposed 20x25-foot dumpster pad appears to be oversized. Mr. Graves explained that a 20-foot depth is standard so that the front tires of the truck are on the pad to prevent rutting of the pavement. Mr. Rutan asked about storage of medical waste. Mr. Graves explained that the applicant uses a separate service to handle removal of medical waste.

Mr. Rutan asked if runoff will be directed in a preferred direction. Mr. Graves explained that the runoff currently flows in four different directions – out to route 20, toward the corner of the Castillo property, to the school, and to the parking lot for cabinet shop and he plans to mirror the conditions that currently exist. He noted that the roof runoff will be picked up, flow from a small portion of the parking lot will be directed to a rain garden, and flow from the back of the site will be directed to a water quality swale. He also noted that the amount of water flowing to the school property was negligible, and will be even less post-construction. He explained that he tried to get as much infiltration as possible in order not to increase the amount of discharge. He explained that there are currently no catch basins on site or in Route 20, so by including recharge basins he is able to take more of the flow than what currently is happening on the site.

Mr. Rutan asked about lighting. Mr. Graves noted that the lighting plan has been revised. Mr. Murphy discussed the photometrics plan, and explained that he has included 14-foot high fixtures that are designed to push light onto the parking areas and keep it away from the property lines. Plans also include a free standing sign, which will be illuminated using ground fixtures, and the front of the building will be illuminated with small uplights. Mr. Kane asked about the hours of operation for the business. Mr. Graves indicated that the hours are 8:00AM to 6:00PM, with an occasional emergency service. He stated that the lights will be turned off by 10:00PM with the exception of those by the door, which will be left on for security reasons.

Mr. Benson asked how many doctors will be housed in the building. Mr. Graves indicated there will be two. Mr. Kane asked how many additional employees will be working at the facility. Dr. Pittman explained that he expects to have 5 or 6 surgical assistants and 3 or 4 front office staff.

Mr. Rutan read the following comment letters into the record:

- Review letter from Chief Durgin dated January 31, 2008.
- Letters from Health Agent, Jamie Terry, dated February 5 and February 19, 2008
- Reply letter from Jeff Walsh to Jamie Terry dated Feb. 7, 2008 addressing all of the concerns noted in Ms. Terry's comment letter dated Feb. 5, 2008
- Comment letter from Rick Leif, Chairman of the Planning Board, dated Feb. 12, 2008 in which he notes that the board agrees with the plans as presented
- Comment letter from the Design Review Committee
- Comment letter from town staff dated Feb. 21, 2008

Mr. Farnsworth noted that the Health Agent has indicated that all of her concerns have been resolved, and the septic permit has been issued.

Mr. Ginsberg asked about the status of the items noted in the letter from the Design Review Committee. Mr. Graves explained that they have been working to address all of the issues, and specifically noted the following:

- They are working to lighten up the color of the building instead of altering the plantings.

- Divided lights will be provided.
- The gable ends will be treated with a batten system to provide more shadow lines.
- The fencing will be removed along the property as requested.
- Generic details for curb transitions will be shown on the plans.

Comments from town staff were also addressed as follows:

- An Oil/water separator will be incorporated as requested.
- Permeability tests will be conducted as requested.
- Snow storage areas will be shown on the plan.
- The as-built plan and statement about the drainage system will be provided as requested.
- The water quality swale will be equipped for maintenance, with a 12-foot wide access road to be provided.
- Rip-rap will be provided on the outlet pipe as requested.
- The O&M Plan will be revised as requested.
- The fence along the property line will be removed and replaced with like materials.

Mr. Farnsworth explained that conditions already mandated by other boards or incorporated into the approved plans do not need to be stipulated in the decision. Mr. Kane stated that the board needs the latest plan date for the revised plans that incorporate all of the changes previously discussed so that it can be referenced in the decision.

Richard Kane made a motion to close the hearing. Gerry Benson seconded, vote unanimous.

DECISIONS:

51 Main Street – Board members noted that there are other multi-residential units in the area, and that this is already a nonconforming use. It was agreed that this proposal is in line with the character of the neighborhood and does not pose a detriment.

Richard Kane made a motion to grant a variance as requested in the petition. Gerry Benson seconded, vote unanimous. Members of the board noted that the hardship was created due to the shape of the lot.

172 Main Street - Mr. Benson voiced his opinion that this project will be a vast improvement for the neighborhood. The applicant has addressed all of the issues that were raised, the design is a good one, and there appears to be no downside.

Richard Kane made a motion to grant a special permit to allow use as a medical center and a special permit to allow use as a professional office building. Gerry Benson seconded, vote unanimous.

Special Permit Site Plan Review : Richard Kane made a motion to approve with the following conditions:

- The applicant has agreed to construct a sidewalk along the front of the property on Route 20. This will assist the Town with their plans to construct a sidewalk along the length of Main Street.
- The Applicant has addressed the comments of the February 5, 2008 Health Agent letter and the septic permit has been issued.
- The plan shall have a permanent benchmark tied to the Town's vertical datum.
- The Hydrology Report should reflect no more than 50 feet of sheet flow in the calculations of runoff.
- A permeability test shall be performed within the limits of the proposed infiltration area to verify the design.
- The snow storage areas shall be shown on the plan.
- Upon completion of the project and prior to the issuance of a Certificate of Occupancy permit, the applicant shall submit a site as-built plan to the Town Engineer. The as-built plan shall include, at a minimum, and as applicable to the project, elevation of all pipe inverts and outlets, pipe sizes, materials, slopes; all other drainage structures; limits of clearing, grading and fill; all structures, pavement; contours; and all dates of fieldwork. Three paper copies and one mylar copy of the as-built plan shall be submitted. The as-built plan shall also be submitted electronically on a format compatible with the Town's GIS system. The as-built plan shall be reviewed and approved by the Town Engineer. Along with the as-built plan the applicant shall submit a statement by a professional engineer stating the drainage system was constructed in accordance with the approved plan and will function as designed.
- The water quality swale shall be equipped with a 10-foot wide level area for future maintenance and access to the proposed parking area.
- The outlet pipe from the water quality swale should be equipped with rip-rap to minimize any future erosion.
- The Stormwater Management Operation and Maintenance (O&M) Plan should be revised to include the following:

All responsibility outlined in the O&M Report shall automatically transfer to any new owner of the property and should be so noted in the decision.

A sample log should be provided as part of the O&M Plan.

A vacuum sweeper shall be used to perform all street sweeping operations and be performed a minimum of twice per year.

Copies of the maintenance log, and contract and invoices of all work performed on the drainage system shall be provided to the Town Engineer.

- The applicant shall provide exterior window simulated divided lights.
- The applicant will explore the use of texture on the gable facing Main Street.
- The applicant shall reconsider scale and color of plantings based on the paint color of the building.
- On sheet L1 of 2 and sheet 5 of 8, the fence needs to be removed along property line between this parcel and abutting parcel at 168 Main Street (New England Design & Modeling Inc.)

Gerry Benson seconded, vote unanimous.

Updated zoning reorganization –

Mr. Farnsworth explained that, because the comprehensive rezoning was delayed to 2009, he has submitted the following “wish list” to the Planning Board for two warrant articles for this year’s Town Meeting:

1. The bylaw currently limits expansion of nonconforming structures to no more than 50% of the gross living area. He has requested that this be changed to 80% as a matter of right.
2. Signs in Business A & B Districts – The current zoning bylaw allows a primary wall sign over the entrance facing the street, and a secondary sign over the door. With the new designs, we have many businesses that do not face the street, so he is requesting a revision to the bylaw to allow a primary sign no larger than 32 square feet over the entrance to a business. If a second sign is requested, it can be placed anywhere as long as the total area for all signage for the business does not exceed 32 square feet.

Richard Kane made a motion to adjourn. Gerry Benson seconded, vote unanimous.

Adjourned at 8:44PM.

Respectfully submitted,

Elaine Rowe
Board Secretary