



Approved 8-24-10

**Zoning Board of Appeals  
Meeting Minutes  
July 27, 2010**

**Members in attendance:** Richard Rand, Chairman; Richard Kane; Gerry Benson; Chan Byun; Sandra Landau, Alternate

**Members excused:** Mark Rutan, Clerk

**Others in attendance:** Kathy Joubert, Town Planner; Bill Farnsworth, Building Inspector; Elaine Rowe, Board Secretary; Attorney George Pember; Mike Sullivan, Connorstone Engineering; Sean Durkin; Mike Scott, Waterman Designs; Ken Bishop, Matec

**Chairman Rand called the meeting to order at 7:00PM.**

Chairman Rand appointed Sandra Landau as a voting member for tonight's hearings.

**Public Hearing to consider the petition of Joseph S. Brossi Limited Partnership, for a Variance/Special Permit to allow four 10-foot by 30-inch tenant wall signs to be placed on the north exterior wall of the building, in addition to the existing four 10-foot by 30-inch tenant wall signs on rear of the building, on the property located at 10 Southwest Cutoff**

Attorney George Pember appeared on behalf of the applicant to discuss plans to install additional signage for the tenants at 10 Southwest Cutoff. He explained that there are businesses in the rear of the building that are below ground level and therefore cannot be seen from the street. The applicant is seeking permission to install additional signage on the north wall of the building to identify those businesses.

Mr. Kane asked about the size of the signs. Attorney Pember indicated that they will be 10 feet by 30 inches, and will be similar to those that the board allowed at 290 West Main Street.

Chairman Rand asked about the uniformity of the signs. Attorney Pember noted that the tenants have asked for signage identical to those over their entrances, so the signs will be uniform in size but have custom lettering. Ms. Landau voiced her opinion that having signs that make the businesses more visible to traffic is important from a safety standpoint. Ms. Joubert suggested that, if the board opts to approve this request, the

decision should include the same stipulations as those in the decision for 290 West Main Street.

Mr. Farnsworth commented that the decision for 290 West Main Street contained a limit to the number of signs or a maximum square footage, and suggested that the board impose similar conditions for this property.

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

**Continued Public Hearing for consideration of the petition of 240 Turnpike Inc. for a Variance/Special Permit to allow construction of a 5,000 square-foot office and accessory automobile service facility to facilitate expanded used-vehicle sales on the property located at 1C Belmont Street**

Chairman Rand noted that the board had received a letter from the applicant requesting a continuance to the next meeting to allow them the opportunity to submit plans to the Design Review Committee.

Richard Kane made a motion to continue the hearing to August 24, 2010 at 7:00PM. Gerry Benson seconded, vote unanimous.

**Continued Public Hearing for consideration of the petition of 168 East Main Street Realty Trust, Tim Shay, Trustee, for a Variance/Special Permits to allow a mixed-use building with retail use on the first floor and residential use (two 2-bedroom units) on the second floor, on the property located at 168 East Main Street**

Mike Sullivan of Connorstone Engineering noted that there were outstanding issues with the lighting and landscaping plan at the May meeting that he can now address. He explained that he had evaluated the existing buffers on the property and determined that the existing line of arborvitae can remain. In addition, the proposal includes a landscaping bed to wrap around the building, with both high and low plantings, and arborvitae to be planted around the dumpsters.

For the lighting plan, Mr. Sullivan proposes 7 pack lights to be installed on the building to illuminate the sidewalks. He noted that the light will not impact the abutting properties. Mr. Sullivan also confirmed that the plan includes subsurface drainage throughout, with stormceptors to filter runoff before it recharges back into the ground.

Ms. Landau voiced her understanding that the plan has been approved by both the Design Review Committee and the Groundwater Advisory Committee.

Mr. Byun asked if the applicant has complied with the requests made by the Fire Chief. Mr. Sullivan explained that the proposed building is not large enough to require sprinklers, and the Chief has agreed to allow the use of a 2-inch water line into the building, which is now shown on the plans. Ms. Landau asked if the applicant has any communication from the Fire Chief indicating his approval. Mr. Sullivan noted that they have not yet received a follow-up letter from the Chief. Mr. Farnsworth confirmed that

the building is to be less than 7,500 square feet, so sprinklers are not required. He also explained the building permit will be reviewed by the Fire Chief, and if he is not comfortable with any part of the plan at that time he will not allow it to move forward.

Ms. Landau cited a letter from Janice and Richard Hight, in which they voice several concerns about the project. Mr. Sullivan stated that all of the drainage will be self-contained on the site, with three drainage basins to handle all of the flow, so this project will not exacerbate any drainage issues on the Hights' property.

Ms. Landau noted Mr. & Mrs. Hight were also concerned about lighting from this project affecting their property. Mr. Sullivan reiterated that abutting properties should not be impacted by any light from this project. Mr. Farnsworth asked about the wattage of the light fixtures to be used. Mr. Sullivan voiced his opinion that they will likely be 100-watt or 150-watt fixtures. Ms. Joubert suggested that the board stipulate a maximum wattage in their decision.

Ms. Landau stated that the Hights' letter also highlighted concerns about traffic and suggested that the scope of the project was too big for this parcel. Mr. Durkin voiced his opinion that the recent bridge work on Boundary Street caused more traffic issues than will result from this project, and that the reopening of that bridge should lessen the traffic on both Allen Street and East Main Street. Mr. Sullivan agreed that there should not be a substantial traffic impact from this project.

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

**Public Hearing to consider the petition of NB Real Estate, LLC, for a Variance/Special Permit/Special Permit with Site Plan Approval to expand a pre-existing, non-conforming light industrial use on the property located at 56 Hudson Street**

Mike Scott from Waterman Design distributed photos of the site and discussed existing conditions. He noted that there is an existing 74,000 square foot building with frontage on Hudson Street and River Street, parking is located across Hudson Street (60 spaces) and the Assabet River runs across the southeastern border of the property. Mr. Scott explained that there are currently two buildings on the site, one of which is a 2-story, L-shaped metal building with a partial brick façade, with a smaller building behind it. The driveway is accessed from River Street and the entries are on the lower levels. Mr. Scott also stated that Cold Harbor Brook runs underneath the building and out to the Assabet River.

Mr. Scott discussed plans to demolish a portion of the building that is not seen from Hudson Street, and construct a more efficient, useable space of sufficient height to allow the use of an overhead crane for moving heavy parts around the facility.

Mr. Scott explained that the building houses a mixture of uses, including professional offices, light industrial, office and retail space, and a commercial kitchen that is currently vacant. The proposal calls for the demolition of 11,400 square feet of light industrial

space, which will be replaced with 10,500 square feet. In addition, the plan will result in 89 parking spaces, 64 of which will be striped with the remaining to be held in reserve.

Mr. Scott noted that the Design Review Committee's comments included the following:

1. The existing building features a long expanse of metal, and the proposed alteration effectively has the same roof line.
2. The more dramatic change will be visible from River Street.
3. The DRC requested that the dumpsters be screened with arborvitae, which the applicant has agreed to.
4. There should be no major removal of existing screenings/vegetation.
5. It was noted that there are only two lights that are not building mounted, with one on a pole that illuminates the intersection. There are lights on some of the eaves and doors, and the facility appears to be amply lit. The DRC has requested confirmation that the light on the building is appropriately angled to illuminate the intersection of River & Hudson Streets.

Mr. Scott indicated that the new addition will meet all of the setback requirements, as well as open space and lot coverage requirements. He also noted that the parking will conform as long as the reserve is considered to be acceptable.

Mr. Scott also referenced a comment letter from the Fire Chief, dated July 2, 2010, which cited four concerns. Two of the issues involved water supply and fire protection, and the applicant is proposing to tie into a new water service from a 12-inch main on River Street to provide for a fire suppression system in the building. The other two comments related to access and maneuvering by emergency vehicles, and included the Chief's request for the driveway to be widened to approximately 22 feet. Mr. Bishop has agreed to this request. It was noted, however, that this will require additional pavement and a revision to the footprint of the building so the applicant will be required to go back to Conservation Commission for their consideration.

Chairman Rand asked about the disposition of roof runoff. Mr. Scott indicated that water will shed off the roof to crushed stone that will absorb the impact, and then flow laterally.

Ms. Landau asked about the impact that the demolition and construction will have on Hudson Street and River Street, especially now given the proposed closing on a portion of Hudson Street. Mr. Farnsworth commented that the closure involves a sewer line installation, and should only last about three days. Mr. Scott voiced his opinion that the impacts will be minimal.

Chairman Rand asked if the applicant anticipates an increase in the number of employees at the facility. Mr. Bishop mentioned that he has a small facility in Franklin that he would like to integrate into this location, but the impact would only be two additional employees.

Mr. Farnsworth commented that a special permit is needed because the 2009 zoning bylaw change resulted in this being a preexisting nonconforming structure and nonconforming uses. He noted that, under the bylaw for a special permit (section 7-08-020A(1) on page 77 of the bylaw), the applicant must show that this proposal is not more detrimental to the neighborhood.

Chairman Rand noted that the Design Review Committee (DRC) has requested some additional trees on Hudson Street. Mr. Bishop indicated his desire to do some re-siding on that side of the building, and agreed to comply with the request made by the DRC. Ms. Joubert also requested that the applicant investigate the possibility of moving a utility pole on site, which Mr. Bishop agreed to address if possible. He also noted that the dumpster can be relocated.

Sandra Landau made a motion to close the hearing. Richard Kane seconded, vote unanimous.

## **DECISIONS:**

**56 Hudson Street** – Members of the board agreed that the proposal was well thought out and all details were adequately addressed. Mr. Benson commented that there are a number of small issues that will need to be provided for in the decision. Mr. Farnsworth suggested that the handicap-accessible parking spaces do not need to be conditioned in the decision as they will be incorporated during the building permit review process.

Mr. Byun voiced his opinion that this proposal will be an improvement, but noted that the existing color of the building makes it stand out. Mr. Bishop agreed to try to find a less obtrusive color if he ever has the opportunity to re-side the building.

Sandra Landau made a motion to grant a special permit with the conditions proposed by the DRC in memo dated July 27, 2010 and by the Fire Chief in letter dated July 2, 2010. Richard Kane seconded, vote unanimous.

**10 Southwest Cutoff** – Members of the board agreed that there was good reason to approve the request, specifically from a safety perspective.

Sandra Landau made a motion to grant a variance to permit four (4) identical signs in size and style not to exceed 10 feet by 30 inches per sign, up to a maximum of 25 square feet. Richard Kane seconded, vote unanimous.

**168 East Main Street** – Mr. Byun commented that he has no issues with the proposal and feels that it will improve the site. Members of the board agreed.

Chan Byun made a motion to grant a variance to allow for two residential units on the second floor. Richard Kane seconded, vote unanimous.

Chan Byun made a motion to grant a special permit for the accessory garage to be no closer than 5 feet from the side setback. Richard Kane seconded, vote unanimous.

Chan Byun made a motion to grant a special permit for groundwater to allow for the impervious coverage to be increased by 9828 square feet, or seventy-seven (77) percent. Richard Kane seconded, vote unanimous.

Chan Byun made a motion to grant a special permit with site plan review, as shown on the plan dated July 12, 2010. Sandra Landau seconded, vote unanimous.

**Review Minutes of the Meeting of June 22, 2010** – Richard Kane made a motion to approve the Minutes of the Meeting of June 22, 2010 as submitted. Chan Byun seconded, vote unanimous.

**Adjourned at 8:30PM.**

Respectfully submitted, Elaine Rowe, Board Secretary