



TOWN OF NORTHBOROUGH Zoning Board of Appeals

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Approved 6/26/12

Zoning Board of Appeals Meeting Minutes March 27, 2012

Members in attendance: Richard Rand, Chairman; Mark Rutan, Clerk; Craig Gugger; Fran Bakstran; Robert Berger, Alternate; Richard Kane (arrived at 7:20PM)

Members excused: Jeffrey Cayer, Alternate

Others in attendance: Kathy Joubert, Town Planner; Bill Farnsworth, Building Inspector; Fred Litchfield, Town Engineer; Elaine Rowe, Board Secretary; Mike Sullivan, Tim Shay; Sean Durkin; Attorney Marshall Gould; Dr. John Stevenson; Dan Wosniak; John Grenier; Ranjit Prakash, 15 Gladwalt Road; Beryl Krause, 22 East Main Street; Aaron Hutchins, 91 Brigham Street; Jim Furlong, 307 Davis Street; Paul Maher, 48 Collins Road; Bill Scully; Anthony & Carol Chione, 15 Brigham Street; Tricia Foster, Ashby MA; Katee & Jarrett Craver, 19 Brigham Street; Janet Robbins, 44 Brigham Street; Karen Ares, 31 Leland Drive; Amy White, 23 Brigham Street; Ellen Picone, 64 Brigham Street; Fred & Virginia George, 96 Wesson Terrace

Chairman Rand called the meeting to order at 7:06PM.

Public Hearing to consider the petition of JSJTS Company, LLC, for a Variance/Special Permit/Special Permit with Site Plan Approval to allow a professional (medical) office building (existing building to be demolished) to be located less than the required distance from a side property line and with the principle entry and façade facing the rear of the property, on a pre-existing, non-conforming lot with less than the required minimum lot area, located at 162 Main Street, GIS Map 53, Parcel 130

Chairman Rand indicated that he, Rob Berger, Fran Bakstran, Craig Gugger, and Mark Rutan will vote on this hearing.

Attorney Marshall Gould distributed copies of documents detailing the proposed project and introduced Dr. John Stevenson, architect Dan Wosniak, and project engineer John Grenier. He noted that Dr. Stevenson and his wife are both physicians, and have lived in town since 2005. Attorney Gould explained that Dr. Stevenson took over Dr. Jaffe's practice at 112 Main Street and has been practicing in town since 2007. He also noted that, in 2005, Dr. Stevenson volunteered to serve as the sports medical officer at Algonquin Regional High School.

Attorney Gould explained that the application references Charles River Medical, with which Dr. Stevenson is affiliated. He explained that Dr. Stevenson is proposing to construct a medical office on the property at 162 Main Street, and operate normal office hours Monday through

Friday and only as needed on weekends. He anticipates employing a small staff of 3 to 4 people.

Attorney Gould explained that there is currently a non-conforming, multi-level house on the parcel that in the past has been used as a business, a residence, and a mixed use building. He noted that there are currently five parking spaces located along Route 20, some in what would be the southerly side of the lot, and a driveway and parking spaces in the middle of the lot.

Attorney Gould discussed the non-conformity of the existing building as follows:

1. Minimum lot requirement is 20,000 square feet, but this lot is 12,000 square feet.
2. The building is less than the required 20 feet from the lot line, and the new building is proposed to be as well.

Attorney Gould explained that the applicant is seeking a special permit because of a reconstruction alteration resulting in the reconfiguration of 10 or more parking spaces. He noted that the proposed medical building has a slightly larger footprint than the existing structure, but will be a single story only. Also, for safety reasons, the parking will be relocated to the back of the building. He stated that post-development conditions will be equal or better than existing conditions.

Attorney Gould explained that the application requires a finding by the Zoning Board of Appeals (ZBA) that the changes and reconfigured parking spaces are not substantially more detrimental than the existing conditions. He noted that, in the past, the building has housed a retail operation with more traffic than the estimated 20 patients per day visiting the medical office. He indicated that the parking is reasonable for the activity.

Attorney Gould explained that the second issue is a requirement for a special permit with site plan approval. He noted that the property slopes gently back from Main Street to the southern portion, with town water and sewer and an easement on the abutting property to the west. Attorney Gould also commented that the site plan has been presented to the Design Review Committee (DRC) on two occasions, has been reviewed by the Planning Board, and both boards have provided letters of support. Attorney Gould explained that the application includes images and elevations, and noted that the building is to be sided and will look similar to the oral surgeon's building located two lots to the east.

Attorney Gould stated that the project also requires a variance of section 5C of the bylaw, which stipulates that the front entry and façade should be oriented to the street. He noted that, due to the long narrow nature of the proposed building, it is not possible to have an effective entry on Main Street. The proposal, as presented, results in the property being more conforming than it has been in the past.

Attorney Gould stated that it is safer to have traffic come off of Gladwalt Street as opposed to the wide open parking area along Route 20, and both the DRC and Planning Board have agreed. He also stated that it is safer to have the employee and patient parking in one area instead of

the multiple locations as it is now. He commented that, even though the bylaw says that the entry should be oriented toward Main Street, it does allow for a change in orientation per Section 7-09-020(D). He voiced his opinion that the proposal features the best possible layout for the building.

Attorney Gould stated that the second page of the application addresses the improvements over existing conditions. The building size is similar to the current structure, while the primary entrance, setback, parking, and snow storage are greatly improved. He also noted that there is currently no stormwater management on the site, and water sheet flows off of the property, so the inclusion of stormwater management will be a positive impact to the drainage from the property. Attorney Gould stated that the new building will have sewer by easement onto an adjacent property, underground utilities, a new water connection, and a lighting plan that has been approved by the DRC. He confirmed that the lighting plan shows no spillover onto adjoining properties.

Ms. Joubert advised the board that they have also received a review letter from the Town Engineer, who is present this evening to address any questions. Mr. Litchfield explained that his review letter includes standard procedural requirements. He also voiced some concern about the sewer that is accessed through an adjacent property, but noted that the applicant is able to meet the minimum velocity so that the line will not clog.

Mr. Litchfield noted that the applicant has also agreed to install an oil/water separator to provide a mechanism to siphon off any hydrocarbons. There will also be a stone tracking pad during construction to contain mud and debris. Mr. Litchfield also stated that the pavement will be extended so that cars are not travelling over a gravel roadway to the paved parking lot. In addition, the as-built is required to verify the locations of all utilities including the sewer that runs across the street. He reiterated that, other than the oil/water separator, these are all standard conditions. Attorney Gould confirmed that the applicant has agreed to comply with all of the conditions outlined in Mr. Litchfield's review letter.

Mr. Rutan asked about sidewalks. Mr. Litchfield stated that the goal is to have sidewalks everywhere, but it is difficult in this area because the buildings on either side are closer to Route 20 and have their parking in front. He voiced his desire to have a continuous sidewalk at some point.

Robert Berger asked if a condition can be imposed requiring maintenance of the oil/water separator. Mr. Litchfield noted that there is a Stormwater Operations & Maintenance Plan that requires annual inspection and maintenance as required.

Ranjit Prakash, 15 Gladwalt Road, explained that his home is located directly behind this property. He congratulated Dr. Stevenson and voiced support for the project. He noted that this portion of Gladwalt Road is a dirt road and asked if there are any plans to pave the road, given the anticipated increase in traffic. He also asked about if the drainage system will capture runoff from the parking lot, since 162 Main Street slopes back towards his property. Lastly, he

asked if there are any plans for a tall fence at the rear of the property to provide better privacy for him.

Attorney Gould commented that the applicant has the right to use the property directly in front of their building, and they have been asked by the town to ensure that at least the area to the rear entrance will be paved so that there will be no wear and tear. Mr. Prakash asked how far the paving will extend. Attorney Gould indicated that there was no definitive plan as yet, but both the Fire Chief and Town Engineer have requested that the portion up to at least where the driveway comes in be paved. He also stated that the applicant has no legal right to go beyond his property. He commented that they will try to ensure that passage into the parking lot is safe, and any paving beyond that would be the responsibility of Mr. Prakash, but that he might be able to negotiate with the contractor to do the work at the same time.

Richard Kane arrived.

Attorney Gould reiterated that right now everything sheet flows off of the property. He noted that the infiltration system was designed so that it will no longer flow off the property, and the post-development runoff will be improved over current conditions. The parcel will also be landscaped to ensure better flow during those times when the ground is not frozen. Attorney Gould indicated that, while there are no specific plans to install a fence, there will be landscaping that will block some of Mr. Prakash's view of the building. Dr. Stevenson agreed to look into whether additional landscaping will help.

Bill Farnsworth discussed the pavement issue, and requested that a specific minimum dimension be established. Attorney Gould suggested that the paving be extended to at least the end of the curb cut rounding. He noted that, since the applicant will want to be sure it looks good, a field adjustment may be necessary. Mr. Farnsworth requested that the engineer provide a minimum dimension to use as a reference point. Attorney Gould suggested stipulating that the paving should extend at least 15 feet beyond the edge of the curb cut rounding.

Mr. Rutan noted that there will be more impervious cover added, and asked Mr. Litchfield if there will be any issues with drainage coming down Gladwalt Road and washing out the rest of the street. Mr. Litchfield voiced his opinion that it should not be an issue, especially since there will be less water running off of the parking lot because of the addition of drainage structures there.

Beryl Krause, 22 East Main Street, commented about the façade not facing the street and asked if there is any way to modify the plan so that it will be more attractive from the road. Attorney Gould noted that the DRC had asked that it not be made to look like the back or the side of the building.

Mr. Rutan asked about the typical office hours. Dr. Stevenson stated that hours will be 8:15AM to 4:00PM, Monday through Friday, with later hours only in the event of an emergency.

Mark Rutan made a motion to close the hearing. Craig Gugger seconded, vote unanimous with Dick Kane abstaining.

Continued Public Hearing to consider the petition of Tim Shay, LLC for a Variance/Special Permit/Special Permit with Site Plan Approval to allow a Horizontal Mixed-Use development containing 12 residential dwelling units and 12,880 square feet of business uses on the property located at 130 Main Street, GIS Map 53, Parcel 152

Mike Sullivan explained that an additional traffic study was requested at the last meeting, and introduced Bill Scully to present the results of that study. Mr. Sullivan reiterated that the project is expected to be a relatively low generator of traffic, producing minimal increases to the surrounding roadways. He noted that traffic from the site can be accommodated on Main Street and access can be safely integrated. Mr. Sullivan stated that the Town Engineer had asked the applicant to conduct a traffic signal warrant study, and Tim Shay had agreed to do so.

Mr. Scully explained that a corridor study was done 9 or 10 years ago as part of the corridor plan, and over the next year or two would have been due for a reevaluation. He noted that Route 20 is under the jurisdiction of Mass DOT, so requires state approval for anything done.

Mr. Scully explained that, as part of the warrant study, he collected additional traffic volume data for Brigham Street, Maple Street, and Main Street over the course of 9 hours. In addition, he obtained 4 years of crash data from the Police Chief, which he then evaluated in terms of signal warrants that take into account volumes and crash experiences. He also stated that, simply meeting the criteria does not mean that you go ahead and put a signal in. Mr. Scully explained that he focused on the volume warrants, but specified that the state will generally not approve a signal at a location that meets just the peak hour warrant. He noted that warrant 1 requires a certain level of volume on all streets over an 8 hour period, while warrant 7 looks for a certain number of crashes that would be correctable by installing a signal. Based on volumes, he voiced his opinion that the intersection of Maple Street and Main Street does not meet the warrants. Crash data, showing only 8 recorded crashes between 2008 and 2011, also did not support a signal.

Volumes on Maple and Brigham combined do meet the warrants.

Mr. Scully stated that preliminary analysis indicates that, if Maple Street is signalized, there would likely be turn lanes from Main Street onto Maple Street which would result in very good operating conditions during peak periods. Another option would be to tie Brigham Street into Maple Street at that end. Mr. Scully noted that the estimated costs would be between \$250,000 to \$350,000, depending on the types of components, level of roadwork, sidewalks, type of curbing, etc. His recommendation to the town was to pursue a signal with DOT.

Mr. Litchfield commented that he was not sure if this is good news or bad news. He noted that, 9 or 10 years ago, there was an applicant who wanted to install a signal but the state would not allow it because it did not meet the warrants. He stated that there are three intersections in town that need some attention – this one, Crestwood and Lincoln, and Bartlett Street, and that

this one would be his first priority. He agreed to start the process with the state, and hopes to get faster action than he got with regards to the downtown area.

Aaron Hutchins, 91 Brigham Street, asked about the timeline. Mr. Litchfield explained that town staff will review the traffic report in-house, and then schedule a meeting with the projects office to make sure they agree with the findings. He commented that the most expeditious approach would be for the town to hire a traffic consultant to do the design and present it to the state for funding. He stated that it can be as quick as 3 or 4 years, or as long as 5 to 6 years. Mr. Hutchins asked if the applicant would have been the one to bear the burden. Mr. Litchfield recalled that the applicant at the time was a convenience store with gas station, who wanted the signal for business reasons. At that time, he noted that the town was in favor but was denied by the state because it did not meet the warrants. He recalled that the applicant at the time was proposing to pay for the signal on their own.

Ms. Bakstran asked about a realistic timeline if the town doesn't bear the burden. Mr. Litchfield stated that we will be at the mercy of the state, and noted that the intersections at Davis Street and Times Square took 10 years. Mr. Guggler reiterated that the town cannot do anything at this intersection without state approval.

Janet Robbins, 44 Brigham Street, asked how it was determined that the traffic counter be put on Brigham Street near Fairway Drive instead of the area we've been discussing. Mr. Scully explained that some of the questions that were raised at the last meeting indicated that there was a big volume going out the other way, so he wanted to capture the data and try to understand more of what was happening there. He noted that the warrant analysis is based on turning, and he is confident that he has sufficient data to address that.

Karen Ares, 31 Leland Drive, stated that having the counter that far down on Brigham Street means that the count did not capture everyone going in and out of Leland Drive and Wesson Terrace. Mr. Scully indicated that all cars coming in and out of those streets were captured by manual counters at the intersection.

An audience member suggested that Mr. Scully factor in the fact that there are many residents that avoid that intersection. Chairman Rand commented that there is no other exit from that area. The audience member reiterated her position that the study is missing a large number of people who don't use the intersection today. Mr. Scully stated that the volumes would need to be a lot greater to meet the warrants for Brigham Street. He indicated that he is confident and comfortable with data collected, and that the data shows that the town does have a case to make some improvements.

Howie Stone stated that he has lived on Maple Street for 25 years and agreed that the Main Street/Maple Street/Brigham Street intersection is a dangerous one.

Carol Chione, 15 Brigham Street, distributed pictures of the traffic on the roadways in question and suggested that it is unrealistic for one person to count all of the cars. She noted that there was a cross-walker seriously hurt in the past, and people are no longer allowed to cross to get

to Peaslee School. Mr. Scully commented that the traffic study is done using high tech equipment.

Tricia Foster, Ashby MA, asked if there is any bike parking or lockers proposed for this development, and noted that the bylaw requires them. She voiced her opinion that the plans dated February 23, 2012 are not in conformance with the bylaw and therefore cannot be voted on. She also noted that the landscaping on the Feb 23rd plans does not show the required 25 foot landscape buffer, so are also not in conformance with the bylaw. Mr. Sullivan stated that the landscaping as indicated on the plans does include all that is required. He also noted that the bylaw has a provision allowing the board to waive such requirements if they are not believed to be critical. Ms. Bakstran stated that, when the bylaw was revised, the town wanted to encourage bicycle use in the downtown area and did provide for bike racks. Mr. Sullivan agreed to provide them.

Jarrett Craver, 19 Brigham Street, cited section 7-05-020(F1) in the zoning bylaw, and noted that it allows for two or more buildings on one lot that provide business uses in buildings facing the street. He noted that all buildings do not face the street and are therefore not in accordance with the bylaw. He also cited section 07-09-020(C4A), that stipulates that the open space area is to be kept free of encroachments. In addition, section 07-09-020(D4), requires that at least 50% of the minimum required open space shall be to the front or to the side, and noted that there is approximately 7,000 square feet while 8,000 square feet is required. Mr. Sullivan explained that the requirement is for a total of 20%, which is 15,997 square feet and the plan has 50% of that, or 7,999 square feet in front. He stated that the proposed open space is 34,805 square feet, of which 8,028 square feet are in the front or on the side. Mr. Craver questioned how Mr. Sullivan arrived at his figures and disputed their accuracy.

Mr. Craver next cited section 07-06-030(C2A), and discussed the maximum front yard setback of 25 feet. He voiced his opinion that without the covered overhang the building is at a distance of 30 feet. Therefore, the building needs to be moved 5 feet forward, which will affect the open space. Mr. Sullivan stated that the plan complies with the requirement. Mr. Farnsworth explained that the covered walkway is not considered to be an overhang and is considered to be part of the building structure per the legal building code.

Mr. Craver asked if Mr. Shay has submitted a master signage plan as is required in the bylaw. Ms. Joubert explained that any applicant with more than one business cannot provide a master signage plan until they know the build out of their project. She noted that she and Mr. Farnsworth will review the signage plan in-house once the tenants are identified. Ms. Joubert stated that the DRC reviews the overall signage and have consistently requested that the main sign for the project not be internally lit. She noted that the bylaw stipulates the allowable square footage of signage based on the number of tenants.

Ms. Joubert explained that the bylaw for a horizontal mixed use development stipulates that one of the buildings must face the street, which the main building on Route 20 does. Mr. Craver disputed Ms. Joubert's comments, and voiced his opinion that all buildings must face the street. An audience member agreed with Mr. Craver's position and suggested that the bylaw

be reviewed for clarification. Mr. Gugger commented that the bylaw allows for a singular or multiple buildings to face the street.

Carol Chione emphasized that the zoning bylaw requires that a master signage plan be submitted, despite Ms. Joubert's comments. She questioned how the board can proceed with the hearing when the applicant has not complied with the requirements of the bylaw. Ms. Chione referred to the landscape and buffer requirements on page 83 of the bylaw, and suggested that there should be a 25 foot buffer on Brigham Street. Ms. Joubert, Mr. Sullivan, and Mr. Farnsworth all confirmed that the project does comply. Ms. Chione noted a project on Hemlock Drive that has coverage, and asked how the abutters were able to get it. Chairman Rand explained that, for that project, the board had asked the applicant to plant the arborvitaes and he agreed to do so.

Janet Robbins noted that there was a question from the first meeting that still has not been answered to her satisfaction. She again asked Mr. Shay if he will allow section 8 housing in this project. Mr. Shay stated that he cannot refuse a section 8 tenant, but it is not his primary goal.

Ms. Bakstran voiced her understanding that Mr. Shay cannot prevent or discriminate against a tenant with a section 8 voucher. By law, anyone holding a section 8 voucher has the right to rent any available apartment. Ms. Robbins voiced concern about the neighborhood becoming transient in nature and ruining the nice family environment that the residents currently enjoy.

Jim Furlong, 307 Davis Street, commented that one of the major concerns seems to be about the type of tenants who will be renting in this project. He explained that he owns a 12 unit project in the downtown area and discussed his tenant demographic as follows:

- two of his previous tenants have purchased homes in town.
- two of his tenants are long term residents who were able to put off moving into a nursing home by occupying a first floor handicapped accessible unit.
- seven of his former tenants were in the midst of a separation or divorce, and renting in his building enabled them to remain in town and close to their children.
- some of his tenants have been doctors, a research scientist, and veterinary students.

Mr. Furlong noted that his building, located at 31 Blake Street, has been used for various fundraisers, carwashes, and Applefest. He voiced his opinion that it has been good for him, his tenants, and the town and he believes the project being proposed by Mr. Shay will net the same results.

An audience member suggested that the Chairman has a personal relationship with the applicant and requested that he recuse himself to avoid a conflict of interest. Chairman Rand denied a personal relationship and the existence of any conflict of interest.

Paul Maher, 48 Collins Road, asked what type of project can be built on the site without the need for a special permit. The board indicated a retail store, convenience store, pharmacy, and similar could be built by right.

Ms. Robbins asked if there is anybody in the room qualified to say what impact this project will have on neighboring homes. Mr. Rutan explained that the board cannot legally consider the impacts to surrounding home values when rendering a decision. Ms. Robbins voiced her opinion that there are things that are allowed legally, but there are also things that you just shouldn't do, and allowing apartments in a residential area is simply wrong. Chairman Rand asked how long this property has been zoned for business. Ms. Joubert stated that it has been since 1955 when the zoning bylaw was written and remained so during the 2009 revision. Chairman Rand inquired about the mixed-use factor. Ms. Joubert explained that, with the funding that was granted in 2000, there was a stipulation requiring towns to develop a community development plan. At that time, a subcommittee was formed to look at economic development and housing. Their study was completed in 2004 and included a series of zoning recommendations, many of which having to do with increasing opportunities in the business districts. Ms. Joubert noted that additional funds were acquired to support a study of the zoning, which was done over a period of 18 months and involved 35 to 40 meetings. From this, recommendations were made to the Zoning and Planning Boards and were the basis of the revised bylaw that was presented and voted in at the 2009 Town Meeting.

Amy White, 23 Brigham Street, asked Mr. Shay if the balconies that were deleted were replaced by windows or sliders. Mr. Shay indicated that they were replaced with windows. Ms. White noted that other projects that Mr. Shay has done in town have complemented the Route 20 environment. She stated that the two office buildings proposed for this parcel also complement the environment, but the 100-foot long apartment building does not. She voiced her opinion that it encroaches unfavorably on the neighborhood and the town and should not be allowed. She suggested that Mr. Shay come back with a plan for something other than a 150x40-foot apartment building.

Anthony Chione, 15 Brigham Street, indicated that he is still concerned with the egress onto Brigham Street, which is directly in front of his house. He suggested that it be removed entirely, and stated that adding more cars in front of his house and on the street in general is a serious safety issue.

Dave Chione, Hudson Street, noted that the board has indicated that they cannot take into consideration the impact of the project on property values. However, he recalled Mr. Kane's statement that the builder is interested in making a return on his investment. Mr. Chione did not believe it was right to consider the applicant's ability to make a profit but disregard the loss suffered by the residents.

Ms. Chione stated that she had read through the bylaw and all of the minutes, and noted that the bylaw uses the word "may" instead of "shall", indicating that the board has the opportunity to say no and she encouraged the members to do so. As this special permit is allowed by approval, she reiterated her opinion that it should not be allowed. Mr. Farnsworth clarified that the notation "BA" in the bylaw stands for *Board of Appeals* and not *By Approval*.

Aaron Hutchins asked whether or not the members of the board are aware that there are some citizen's petitions that have been added to the warrant for Town Meeting. Given that, he asked if the citizen's petition were to pass prior to a vote being taken on this application if it would have any effect on this application. Members of the board agreed that it would, if applicable.

Ellen Picone, 64 Brigham Street, voiced her understanding that the existing house is on the Historical Society's list for protection, and asked how the board can proceed. Mr. Farnsworth explained that this board has no jurisdiction over that issue. He noted that, if the board grants approval, the applicant cannot obtain a building permit or a demolition permit until the time period has expired or the Historical Commission releases the project. Ms. Picone asked if the applicant is allowed to start work on the project. Mr. Farnsworth confirmed that he can, as long as he does not demolish the house.

Ms. Picone commented about a similar project being developed by Kendall Homes and voiced concern that the town is being over-run by these types of units. She also noted the number of vacancies we have in the Main Street area.

Virginia George, 96 Wesson Terrace, appealed to the members of the board to consider what was heard tonight. She encouraged them to think about the decision and to suggest that the applicant modify his plan, especially given the number of citizens who are so unhappy about this proposal. She stated that people have invested in their homes and have worked hard for what they have and, while she does not wish to deprive Mr. Shay of his right to earn a living, she does not want to deprive the residents of enjoying their homes and their neighborhood. Mr. Stone suggested that the hearing be continued until after Town Meeting.

Ms. White commented that other projects in town close at 5:00PM, while the apartment complex will come alive after 5:00PM and be so all weekend. She voiced concern about the impact from the noise, etc., at a time when all of the residents are home.

Tricia Foster noted that, at the last meeting, the board and applicant were asked what benefit this project would bring and they responded that it would add to the tax base and produce jobs. Ms. Foster suggested that, if we cannot address finances, then we need to look at what the tax base impacts are and how much of that will go to the neighborhood since the neighborhood shall surely bear the brunt of the impacts. She voiced her opinion that the benefits do not outweigh the adverse impacts so the board should not approve the special permit.

Ms. Bakstran commented that she was not at the last meeting, but that a recommendation from the master plan study and the purpose for modifying the zoning bylaw was to provide alternative and affordable housing, and that the town is proactively trying to add housing in our community for people who cannot afford single family homes.

Brian Smith suggested that the studies that resulted in the bylaw revisions were done long before we had over 400 new apartment units built in town. He voiced his opinion that the need for apartment housing has more than been met.

Ms. Robbins asked how construction of this project will coincide with the building of the sewers on the other end of Brigham Street. Mr. Rutan commented that this project should not have any impact on what is going on at the other end of Brigham Street. Ms. Robbins reiterated that Brigham Street is used as a cut-through, and having construction on both ends of it will have serious impacts. Ms. Joubert stated that she does not believe the sewer project has been put out to bid yet, so there is no construction schedule as of this time.

David Chione mentioned that when the sewer for this development goes by the neighboring houses, those residents will each get a bill for \$9,000.

Jarrett Craver voiced his opinion that the board members serve on this board because they want to do what is right for the residents and the town, and suggested that they put off making their decision until the residents can be heard at Town Meeting.

Mark Rutan made a motion to close the hearing, Craig Gugger seconded, vote unanimous.

The board took a brief recess at 9:05PM.

The meeting resumed at 9:12PM

Decisions:

162 Main Street – Mr. Rutan commented that the proposed project is a substantial improvement, and noted the value of having Dr. Stevenson’s practice in town. He also noted that it will be beneficial to have pavement on Gladwalt Road and to move the parking away from Route 20. Mr. Kane agreed. Ms. Bakstran mentioned that having the buildings located closer to the street with the parking behind is more aesthetically pleasing.

Craig Gugger made a motion to grant special permit (use wording from the note provided by Marshall Gould). Fran Bakstran seconded, vote unanimous.

Craig Gugger made a motion to grant a special permit site plan approval (use wording from Marshall’s note) with the condition that paving on Gladwalt Road be extended a minimum of 15 feet beyond the curb line and that the lighting be installed per conditions stipulated in the comment letter from the DRC. Fran Bakstran seconded, vote unanimous.

Craig Gugger made a motion to grant a variance based on the shape, size and topography of the lot. Mark Rutan seconded, vote unanimous.

130 Main Street – Ms. Joubert reiterated that this request is for a special permit to allow for multi-family dwellings, a special permit for site plan approval, and a special permit to allow for horizontal mixed use. Mr. Rutan noted that the traffic studies indicate that there is no significant additional traffic generated from the proposed project and, while we all agree that this is a horrible intersection, it is not the fault of this project. Ms. Bakstran commented that

the developer will be required to get a curb cut from the state. Mr. Rutan voiced his understanding that the developer wanted two curb cuts and a loop road, but was denied by the state. Mr. Rutan also stated that, while he understands that the neighborhood has traffic issues getting onto Main Street, he does not believe that this project will significantly increase the problem. Mr. Kane voiced his opinion that the board should approve the applicant's request.

Mr. Rutan commented that 2 bedroom units do not typically tend to be occupied by families, and are usually rented by single people or couples. He voiced his opinion that apartment dwellers will not be a negative for the neighborhood. Mr. Gugger agreed, and stated that while he too understands the neighbors' concerns, the property is zoned for this use and some of the concerns can be addressed by including conditions requiring screenings. He also explained that the town invested a lot of time and effort that led to the bylaw revisions, and it was determined that this type of project is what the town needed and wanted to attract. Mr. Rutan asked the board members if they had any opinions about denying the Brigham Street access. Mr. Gugger suggested that allowing one way traffic would be reasonable. Mr. Farnsworth noted that the Fire Chief has requested two entrances and two exits. Ms. Bakstran suggested that limiting the Brigham Street access to one-way traffic would eliminate concerns about additional back-up on Brigham Street. Mr. Rutan stated that the detriment would be that anyone leaving the property who wishes to travel down Brigham Street would have to go out to Main Street to turn onto Brigham Street, however, realistically 95% of the traffic will not be heading down Brigham Street. Ms. Joubert explained that, with the town pursuing a traffic signal at Maple Street and linking Brigham Street to Maple Street, making the Brigham Street access a one-way would effectively eliminate the ability for those people to use the safe intersection. Mr. Gugger asked for clarification about the redesign of the intersection. Mr. Litchfield commented that there are several landowners involved, but the goal would be to link Brigham Street to Maple Street and have only one street exit onto Route 20 at a signal at a 90 degree angle. Mr. Rutan suggested that the Brigham Street access can be modified if and when the issues with the intersection get resolved. Chairman Rand voiced his opinion that it is not necessary to limit the access to one-way traffic. Mr. Gugger indicated that preventing traffic from leaving the site via the Brigham Street egress would address the issue of headlights reflecting into neighboring homes.

Ms. Bakstran inquired about trees. Ms. Joubert explained that, with any development, plantings and landscaping are typically done on the applicant's property and it is up to the applicant to maintain it. She does not recall any instance where the town has required planting on private property. She also noted that there are some standing oaks or maples currently on the property, but she is not sure how many of them will be removed. Mr. Gugger suggested planting a couple of spruce trees or pines along the Brigham Street border.

Ms. Bakstran stated that, if the Brigham Street access is limited to one-way in, the applicant does not need to modify the size of the opening but simply needs to install signs indicating that only one way traffic into the project is permitted.

Mark Rutan made a motion to grant a special permit with site plan approval for the construction at 130 Main Street subject to conditions as discussed:

- access for Brigham Street shall be a one-way, entrance only
- extra tree plantings of blue spruce or similar to be installed on the side of the multi family dwelling.

Richard Kane seconded, vote unanimous.

Craig Gugger made a motion to grant a special permit to allow a horizontal mixed use building containing two apartments. Mark Rutan seconded, vote unanimous.

Craig Gugger made a motion to grant a special permit to allow a multi-family dwelling. Mark Rutan seconded, vote unanimous.

Minutes of the Meeting of January 24, 2012 – Richard Kane made a motion to approve the Minutes of the Meeting of January 24, 2012 as submitted. Mark Rutan seconded, vote unanimous.

Minutes of the Meeting of February 28, 2012 – Richard Kane made a motion to approve the Minutes of the Meeting of February 28, 2012 as submitted. Mark Rutan seconded, vote unanimous.

Adjourned at 9:46PM.

Respectfully submitted,
Elaine Rowe
Board Secretary