



Approved 5/27/14

**Zoning Board of Appeals
Meeting Minutes
February 25, 2014**

Members in attendance: Fran Bakstran, Chair; Mark Rutan, Clerk (arrived at 7:05PM); Richard Rand; Richard Kane; Robert Berger; Brad Blanchette, Alternate

Members excused: Jeffrey Cayer, Alternate

Others in attendance: Kathy Joubert, Town Planner; Fred Lonardo, Building Inspector; Fred Litchfield, Town Engineer; Elaine Rowe; Board Secretary; Jeff Kwass, ViewPoint Sign & Awning; Vito Colonna, Connorstone Engineering; Tim Shay, TShay LLC; Nick Muskopf, Stoneridge Development; Joey Arcari, Tavern in the Square

Chair Fran Bakstran called the meeting to order at 7:00PM.

Public Hearing to consider the petition of TShay LLC for a Variance/Special Permit/Special Permit with Site Plan Approval to allow renovation/expansion of an existing building for commercial use, and for relief from front setback and parking requirements, on property located at 137 West Main Street

Vito Colonna from Connorstone Engineering explained that there is an existing structure on the 1-acre parcel, located in the downtown business district, which is currently a residential dwelling and optometrist's office. He stated that the parcel is not located within the Groundwater Overlay district, and the building is serviced by town water and sewer. Mr. Colonna noted that the proposed use is similar in scale to existing conditions. He explained that the plan is to retain the residential side of the existing structure and convert it to office space, demolish the office portion and construct a 2,000 square foot addition for additional office us.

Mark Rutan arrived.

Mr. Colonna noted that the plans provide 16 parking spaces, but only 14 are required. He also stated that one handicapped space will be provided in the back and will be ADA accessible.

Mr. Colonna explained that the drainage currently flows to West Main Street and is uncollected and not detained. The current plans include 2400 square feet of additional impervious area, with roof drains proposed to infiltrate up to the 100 year storm. In addition, though not technically required, a catch basin will be installed near the entrance to collect most of the

runoff going out to West Main Street. Mr. Colonna also noted that Mr. Litchfield had asked the applicant to add a trench drain, so that option is being explored as well.

Additional features of the plans were discussed as follows:

- Site lighting will include lights under a covered walkway and wall lights on the building and near the front door.
- Existing Sign to be located outside the state's right-of-way.
- Dumpster to be located at the rear of the property.
- Additional screening to be provided.
- A landscape plan has been provided.

Mr. Colonna explained that the applicant is before the board seeking site plan approval and a special permit for reconstruction of a nonconforming structure. He noted that the existing building is 41 feet from the road, but the maximum setback allowed per the bylaw is 75 feet. He also noted that all parking is currently located in front of the building, but the plans propose 6 parking spaces in front and the remaining 10 to the side of the building. A waiver is also needed of the 25 foot buffer to abutting properties. Mr. Colonna explained that there is a 16 foot buffer to the building to the north and noted that current conditions provide a 6 foot buffer to pavement, which will increase to 10 feet in one location and 16 feet in another.

Mr. Colonna discussed the Town Engineer's comment letter, and noted that most issues can be addressed through revisions to the plans. Fred Litchfield, Town Engineer, discussed concerns about the driveway approach, which is currently fairly steep, and noted that the applicant plans to provide a more gradual grade to meet Mass DOT conditions. Mr. Colonna also voiced concerns about the request for sidewalk and noted that the existing conditions and topography of the site are not conducive to having sidewalks installed. He stated that doing so would require construction of a retaining wall that would need to be 5 feet from the septic system and he does not believe that Mass DOT would support that. He also commented that raising the sidewalk up would look awkward and require ramps to the driveways. He reiterated his opinion that sidewalks do not fit on the site, and noted that a sidewalk connection does exist across the street.

Chairman Bakstran discussed Mr. Litchfield's request for trench drainage. Mr. Colonna stated that, though not needed per the regulations, it would be beneficial in smaller events to collect runoff before it reaches the street.

Chairman Bakstran asked if the handicap accessible parking space is set up for a handicap-accessible van, as the grid lines shown on the plan appear to be on the opposite side. Mr. Colonna suggested that the plans could be modified to reflect the correct location for the door opening or revised to provide a universal space. Chairman Bakstran indicated that she would be in favor of providing a universal space.

Mr. Blanchette asked about the distance between the parking lot and the adjoining lot. Mr. Colonna indicated that it is 10 to 18 feet, but currently there is only a 6-foot strip between the

edge of pavement and the abutter. Chairman Bakstran commented that 10 to 18 feet is less than required per the bylaw but an improvement over existing conditions.

Chairman Bakstran noted that the Fire Chief had voiced concern about a commercial use, which would require two means of access/egress. Mr. Shay reiterated that the project will house only office space with no retail. Mr. Lonardo voiced his understanding that the Fire Chief has some concerns about how this project falls within his regulations but he is confident all issues will be addressed in the permitting process. Mr. Lonardo also stated that, if only one handicap accessible parking space is provided it must be van accessible.

Mr. Blanchette asked about the number of offices. Mr. Shay indicated his plans are to lease to one business, probably a medical office. Mr. Rand asked if there are any apartments proposed. Mr. Shay stated that there are not. Ms. Joubert asked if the second floor will be used for storage. Mr. Shay confirmed that it will be. Chairman Bakstran asked if the façade of the existing cape will remain. Mr. Shay indicated that it will. Ms. Joubert commented that Mr. Shay and his architect had met with the Design Review Committee (DRC) three times, and this plan is the result of those discussions. She confirmed that the DRC is completely satisfied with the plans, including the revised lighting and landscaping plan. Mr. Shay commented that the plan is aesthetically better than what currently exists and is more useful without being a dramatic alteration.

Ms. Joubert asked Mr. Lonardo if he had spoken to the Fire Chief, since the only letter the board has indicates that he is opposed to the project and has disapproved the plan. Mr. Shay stated that the Fire Chief had indicated that he would support the plan so long as Mr. Shay could help him to better understand it and as long as the plan will meet DOT standards. Mr. Lonardo noted that it would be in the applicant's best interest to make sure that the Fire Chief has no issues with the proposal, because if it is in any way in violation of the State Fire Regulations, he will not be able to get an occupancy permit for the building.

Ms. Joubert addressed the issue of the sidewalk, and reiterated that it is the town's goal to have contiguous sidewalks along Route 20, both Main Street and West Main Street. Chairman Bakstran asked Mr. Litchfield to comment on Mr. Colonna's statements about the septic system and retaining wall concerns with installing a sidewalk. Mr. Litchfield suggested that, ideally, the town would like to see the sidewalk at roadway grade, which could fit but would require a slight modification to the driveway and would need state approval. He also commented that, if the board does not require the applicant to build the sidewalk now, it will likely never get built.

Richard Rand made a motion to close the hearing. Robert Berger seconded; vote was unanimous with Mark Rutan abstaining due to his late arrival to the meeting.

Public Hearing to consider the petition of ViewPoint Sign & Awning for a Variance/Special Permit to allow the use of an awning with lettering to advertise the Tavern in the Square restaurant located in the building at 318 Main Street

Jeff Kwass and Joey Arcari appeared to discuss signage for the restaurant. Mr. Kwass noted that the lettering on the proposed awning constitutes a storefront sign and, while it falls within the allowed square footage, approval is needed to allow lettering on the awning. Ms. Joubert confirmed that the bylaw does not allow lettering on an awning, and Chairman Bakstran voiced her understanding that the awning is standard for other Tavern in the Square properties.

Mr. Lonardo noted that the awning will utilize the 96 square feet allowed, and is in lieu of any wall signs. Ms. Bakstran asked if the restaurant will be allocated a panel on the pylon sign in front of the development. Mr. Rutan asked if lettering on the doors is considered signage. Mr. Lonardo explained that it depends on whether the lettering is on the inside or outside of the door. He also noted that the proposal is for two awnings, but that all lettering will still fall below the 96 square feet that is allowed. Ms. Joubert asked what the total square footage of the lettering will be. Mr. Kwass explained that the actual letters will be boxed, so the boxed area will be what is used for the calculation. Ms. Joubert commented that, per the plan dated January 14, 2014, the area of the lettering will be approximately 54 square feet.

Mark Rutan made a motion to close the hearing. Richard Kane seconded, vote unanimous.

DECISIONS:

137 West Main Street – Chairman Bakstran appointed Brad Blanchette as a voting member due to Mark Rutan's late arrival.

Mr. Rutan asked if the board members were inclined to require the sidewalk. Chairman Bakstran asked for general opinions about approval of the project. Members of the board all voiced support of the project. Mr. Rutan reiterated his desire to address the issue of the sidewalk, since it is always contentious.

Chairman Bakstran commented that the proposal will be an improvement over what exists, so granting a waiver makes sense. Mr. Rutan agreed, but reiterated his concerns about the sidewalk requirement. Mr. Lonardo asked if there is an option for the applicant to donate to a sidewalk fund. Ms. Joubert noted that the issue with a sidewalk fund is that the developer can build a sidewalk at a much lower cost than the town can due to the prevailing wage laws. Chairman Bakstran stated that she is in favor of including sidewalks wherever possible, so will always ask for them. Mr. Berger and Mr. Blanchette agreed but Mr. Rand and Mr. Kane did not. Mr. Rand asked if any monies from the sidewalk fund have been used. Mr. Rutan asked who will be responsible for clearing snow from the sidewalk. Ms. Joubert noted that it would be the state. Mr. Rutan commented that he would not want to burden the town with having to clear this strip of sidewalk. Chairman Bakstran stated that she does not envision most of the homes on Route 20 continuing as residential, but expects that they will move to commercial use as they are sold.

Members of the board found no issues with the requested parking variance to allow 6 parking spaces in front of the building.

Richard Rand made a motion to grant a variance to allow for 6 parking spaces in front of the building. Richard Kane seconded, vote unanimous with Mark Rutan abstaining.

Brad Blanchette made a motion to grant a waiver from the 25 foot landscape buffer to allow a 10 foot buffer on the north and south property lines. Richard Kane seconded, vote unanimous with Mark Rutan abstaining.

Brad Blanchette made a motion to grant a special permit for the reconstruction of a nonconforming structure. Robert Berger seconded, vote unanimous with Mark Rutan abstaining.

Chairman Bakstran suggested that the following conditions from Fred Litchfield's comment letter be included in the decision:

All conditions except #5 and #10

She also stipulated that the shed is to be removed and the curb cut permit must be obtained prior to the issuance of the building permit. In addition, if a crushed stone trench is installed, it must be connected to the onsite storm drainage system if at all possible prior to the issuance of the Certificate of Occupancy. Also, if allowed, the trench drain is to be installed in accordance with Massachusetts DOT specifications.

Ms. Bakstran discussed the Fire Chief's comment letter dated February 21, 2014, and voiced her understanding that the applicant has addressed all of the Chief's concerns. Mr. Litchfield commented that access to two sides of the building is not required if the structure houses offices only. Ms. Joubert commented that no reference to the Fire Chief's letter must be included in the decision since all issues have been addressed.

Brad Blanchette made a motion to grant a Special Permit with Site Plan approval with the following conditions from the Town Engineer's letter dated February 21, 2014, as previously discussed:

1. Water service location shall be shown on the plan.
2. Earthwork permit is required prior to start of any construction.
3. Gas trap located inside CB-1 shall extend a minimum of 12" below the invert to Dry Well-3.
4. Permeability test shall be performed in the area of each proposed dry well to verify the infiltration rate.
5. Applicant must obtain a curb cut permit to access the State Highway from the MA Department of Transportation (DOT) prior to the issuance of the building permit.
6. Plan shall indicate the existing shed will be removed.
7. Installation of the trench drain shall be in accordance with MA DOT.
8. If the applicant installs a crushed stone trench, it shall be connected to the on-site storm drainage prior to the issuance of an occupancy permit.

9. Applicant shall install a five foot wide sidewalk along the length of the frontage of the property in accordance with MA DOT specifications.
10. Upon completion of the work and prior to the issuance of the certificate of occupancy, the applicant shall submit an as-built plan. 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; fill; all structures; pavement; contours; and all dates of fieldwork. The drainage system shall also be certified by a Professional Engineer stating the drainage system was built substantially in accordance with the design and will perform as designed. Upon approval by the Town Engineer, one (1) mylar and three (3) paper copies of the as-built plan shall be submitted in addition to an electronic copy compatible with the Town's GIS system. The as-built plan shall be based on the 1988 NGVD vertical datum.

Richard Rand seconded, vote unanimous with Mark Rutan abstaining.

318 Main Street – Chairman Bakstran noted that Mark Rutan was in full attendance for this hearing and will vote on this decision.

Mark Rutan made a motion to grant a variance to allow for the signage as proposed, with a total boxed area of all lettering on the awning not to exceed 80 square feet. Richard Kane seconded, vote unanimous.

Review Minutes of the Meeting of January 28, 2014 – Mark Rutan made a motion to approve the Minutes of the Meeting of January 28, 2014 as revised. Richard Kane seconded, vote unanimous.

Next meeting March 25th.

Adjourned at 8:30PM.

Respectfully submitted,

Elaine Rowe
Board Secretary