



Office of
ZONING BOARD OF APPEALS
272 Main Street
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William Cadogan, *Chair*
Darlene Sodano, *Vice-Chair*
Julie Johnson, *Clerk*

Anthony Genova, *Member*
Craig Stevens, *Member*

John Giunta, *Associate member*
Kelly Chambers, *Associate member*

MEETING MINUTES
August 27, 2014 at 7:00 p.m.
Room 2

1.0 Preliminaries

- 1.1 Call the meeting to order:** Chairman Cadogan opened the meeting at 7:17pm.
- 1.2 Roll Call:** Present were Members Bill Cadogan (BC), Darlene Sodano (DS) and Tony Genova (TG) and Associate members John Giunta (JG) and Kelly Chambers (KC). Also present was Administrative Assistant Karen Chapman.
- 1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting:** None.
- 1.4 Review & approve minutes: 5/28/14:** DS moved to approve the minutes as presented, with TG seconding and all voting in favor.

2.0 Hearings/Appointments/Work Sessions:

2.1 7:00pm: Public Hearing –North Middlesex Regional School District – Variance from Zoning Bylaw §§145-5, 145-33 for parking space dimensions.

BC opened the hearing at 7:18pm. BC appointed Associate members JG and KC as full voting members for the purposes of this hearing. Present for the applicant were John Hart (JH) and Erin Prestileo (EP) engineers from SMMA, Peter Collins (PC) Architect from HEERY, Superintendent Joan Landers (JL) and Building Committee Member Sue Lisio (SL). BC read the legal notice.

PC informed the Board of the schedule for the project. They would like to finish the design phase by the end of September with the intention of putting the project out to bid in the spring of 2015. Construction would begin in the fall of 2015 with a completion date of fall 2017. EP presented the project with the following facts:

1. In order to complete the design phase, we are applying for the variance now because the size of the parking spaces will dictate the design which includes Low Impact Development techniques in order to qualify for LEED certification. Because the site is in the Aquifer Protection District, it is important to protect the water supply and the design of the parking lot will increase infiltration of stormwater rather than traditional stormwater structures.
2. There are 429 existing parking spaces with four curb cuts, three of which are on Route 119. Two-thirds of the existing parking spaces are 9’x18’ and we are seeking a variance from the 200 ft² parking space size requirement to make all of the new parking spaces 9’x18’. The proposed design calls for only two curb cuts on Route 119.
3. The reduced space size will save approximately 13K-15K ft² of impervious surface, or about 10% of the paved area. 350 spaces are proposed.
4. There will be additional bus-only parking spaces. Proposing 24’ wide drive aisles to promote safety in the parking lot rather than putting the space in the parking spots. The

- reduction to 9'x18' will save approximately \$40K-\$50K in the cost of the project. Post construction costs will go down as well because there is less pavement to maintain.
5. According to JL, the current parking spaces are not full and the number of student drivers varies from year to year.
 6. The size of the new high school is 180,000 ft² compared to the current building which is 197,000 ft².
 7. There are no guidelines in the zoning bylaws for the required number of spaces for a school.
 8. Pervious pavement was considered but the initial cost and long term maintenance made it cost prohibitive. In addition, the site has great soils for LID treatments such as strategically placed berms, swales and rain gardens.
 9. The amount of grant money given by the State could be reduced if the scope of the project were expanded to accommodate the larger sized parking spots and this would be detrimental to the total project costs to the towns.
 10. If the variance were not granted, the project design would need to be adjusted and we could lose some of the project as approved such as proposed fields.

BC states that the variance criteria cannot be met, specifically §145-66(1)(A) owing to circumstances relating to the soil conditions, shape or topography of such land or structures. Everyone likes the project but we don't have the power to override the variance criteria.

DS states an attorney may be beneficial to argue the variance criteria because whether we like the project or not we cannot ignore the criteria and grant a variance. If we granted this variance, it would be precedent setting.

JH states that the applicant could ask for exemption under the Dover Amendment. Under the amendment, educational uses are exempt from dimensional requirements. The applicant will look into the exemption and Ms. Chapman will obtain an opinion from Town Counsel on the variance and the exemption.

DS moved to continue the hearing to September 17th at 7:30pm, with TG seconding and all voting in favor.

3.0 General Business:

- 3.1 Mandatory Referral from Planning Board re: Zoning Bylaw amendments:** the Board commented "Sounds like a good idea".

4.0 Correspondence:

- 4.1 Memo from BOS re: Official Notification of Appointment for John Giunta:** noted.
- 4.2 Memo from BOS re: Official Notification of Appointment for Kelly Chambers:** noted.
- 4.3 Memo from BOS re: Official Notification of Appointment for Craig Stevens:** noted.
- 4.4 Planning Board Decision re: Tabivi Restaurant 24 Main Street:** noted.
- 4.5 Letter from ZEO to Thomas & Priscilla Wiley re: chicken complaints:** noted.
- 4.6 Letter from CHAPA re: monitoring agent for 40B projects:** noted.
- 4.7 Memo from Town Administrator re: Open Meeting Law:** noted.
- 4.8 Letter from ZEO to Michal Cullinan & Rebecca Whittemore-Beaudoin re: violation of zoning bylaws:** noted.

5.0 Schedule

Next meeting: September 17, 2014

6.0 Adjournment

KC moved to adjourn at 8:50pm, with TG seconding and all voting in favor.

Minutes taken and transcribed by: Karen Chapman

All paperwork for this meeting can be found in the ZBA files and the street files of the Town Clerk.