



Georgetown Zoning Board of Appeals
Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833
Phone (978) 352-5742 ♦ Fax (978) 352-5725

MINUTES OF A PUBLIC HEARING
ZBA File #18-01
34 West Main Street/Noack Organ Co., Inc.
Finding and Special Permit
September 5, 2017 at 7:30pm

Board Members Present: Jeff Moore, Chairman, regular member
Paul Shilhan, regular member
Dave Kapnis, regular member
Sharon Freeman, associate member
Absent
Gina Thibeault, regular member
David Twiss, associate member - Absent
Shawn Deane, regular - absent

Zoning Clerk: Patty Pitari

Applicant/Owner present: Didier Grassin of Noack Organ Co., Inc.

**Note Board members are reference by their initials*

P. Shilhan read legal ad; A Public hearing will be held on September 5, 2017 at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room for an application filed by Owner Didier Grassin of Noack Organ Co., Inc., for the property located at 34 West Main Street, Georgetown, MA, Assessor's Map 11A, lot 35 in the CA zone.

The Owner requires a Finding and Special Permit pursuant to Georgetown Zoning Bylaws, Chapter 165, Sections 9, 74-79, and 94 and M.G.L. 40A, Section 6 and 9, to build a 2nd story addition to the preexisting nonconforming structure, where the minimum required setback is 20 ft. if abutting a residential property. Also found on the website for: MA Newspaper Publishers Association (MNPA)

J. Moore opened the Hearing for 34 West Main Street at 7:30pm, and introduced the board members. Letting the applicant know that with only 4 board members he will need a unanimous vote, Mr. Grassin was fine with that.

Applicants Presentation:

Mr. Grassin – I am the owner and President of Noack Organ Co., Inc. we manufacture pipe organs in Georgetown for more than 50 years, we manufacture pipe organs, we are doing this from a small workshop from 34 W. Main street, we purchased in 1960 and in 1970 if you look at the lot plan, in blue the extension was built in 1970, We have larger projects making organs for the nation and sometimes overseas now, and need more space. On the right is the 2 story building, in between the two buildings is one story and I would like to build a single story. On right hand side is the older school 2 story brick building, and the addition is also a 2 story.

Mr. Grassin stated he employs 9 people and is at the corner of Main and School Streets. He acquired the original building in 1960 and it was expanded in 1970 on the South East side. In order to continue to provide the quality of work which has made the reputation of the firm, we would like to construct a 2nd story addition to the current building, going up on an existing building not closer to the side setbacks, so it will not change the footprint of the building. The Building Inspector sent me to zoning.

SF – So the front and the back are the same height and the middle is lower?

Grassin – Yes. He shows the board on the elevation plans shown in red, in between the 2 buildings but not as high, it will go on top of the rubber roof that exists now.

JM – Because you abut a residential lot, in the bylaw the intensity of use schedule A.4 footnote #5, if the Commercial CA zone abuts a residential district the setback requirement goes from 0 ft. to 20 ft. your side would be 0 ft. your rear would be 10ft. but for the fact that you abut a residential lot. Then you have the sections of the building built in 1970 is closer than 20 ft., the proposed work is actually 20 ft. plus or minus from the setback, it's the existing 1970 building that is currently at 10 ft., so if that did not exist, you would not need to be here, so the addition meets the setback, and is not a residential structure so it doesn't fall within the preexisting nonconforming exemption for single and two family structures.

New Correspondence – DK read into the record:

The building inspector did a memo dated 8/10/17, Stating he reviewed the submitted plot plan in order to verify the property line setbacks shown, the applicant prepared the plan based on a record 1" = 20' scale survey plan obtained from the Salem Registry of Deeds which shows property lines and the portion of the building as it existed in 1960. The section of the building which was added in 1970 was added to the plan by the applicant. I have presumed that the building is preexisting nonconforming because the southeast side yard setback is approximately 6 feet where a 20 foot minimum is required. I have verified the setbacks shown and given that the dimensions shown are sufficient for the purpose intended as no increase in the building's footprint is proposed. Please note that I reviewed the full scale plan and that the plans before the Board are at a reduced scale.

Audience - Lisa Scala-Cameron, 5 Middle St. – I just wanted to see the plans and also so I could let me mother know she owns 28 E. Main Street, as I listen I think my questions are answered. Patty gave me a copy of the plans.

JM asked another person in the audience but he said he was all set just wanted to see plans.

Board Discussion

DK from looking at the plans, you are going up only and not out of footprint, you're just going up.

Grassin – Yes just straight up, not out.

JM – Part of the purpose is for maybe moving material inside?

Grassin – We are cramped with benches and machinery, and are cramped and we would like to place that up in the addition.

Mr. Grassin added we will be having an open house on Saturday the 16th in the afternoon if anyone wants to come in and look around.

JM read plans into record

Exhibit A – Plot plan dated 5-17-1960 stamped by engineer Charles H. Morse & Son, of Haverhill MA, originally for the All Saints Church, recorded at the registry of deeds 10-18-1960

Exhibit B - Elevations of existing building and proposed buildings dated 5-15-17

J. Moore are you comfortable that we condition, be built per plans submitted.

Mr. Grassin – Yes.

JM – I think we covered the technical issue here which is that larger building is what is actually causing the issue, where it is 10 ft. where 20 is required, but the proposed addition is not encroaching on the setbacks, so I feel that it is not substantially more detrimental.

DK – The new section does meet the setbacks, I agree, he is not increasing the nonconformity.

JM – there are a few findings we need to make as a board, one to find that the property or the structure is preexisting nonconforming, we have evidence of that from the building inspector, and a finding that the proposed addition is not substantially more detrimental and that it meets the conditions of 165-79, and then the special permit.

JM gives the floor to P. Shilhan.

Findings - Motions

P. Shilhan – I move the Board find the existing building located at 34 West Main Street, owned by Didier Grassin/Noack Organ Co., Inc., Assessor's Map 11A, Lot 35, in the CA zone is a lot is a pre-existing nonconforming structure;

I further move that the Board find that in accordance with Georgetown Zoning Chapter 165-94, that, although the proposed addition may increase the size of the structure, it does not affect the area of the structure within the required setback and is not substantially more detrimental than the existing use to the neighborhood.

PS - I further move the Board find that per Chapter 165-79 (a-d) of the Georgetown Zoning Bylaws, this special permit application;

- a. is desirable to the public convenience or welfare;
- b. Will not overload any public water or other municipal services so as to unduly subject any area to hazards affecting health, safety or the general welfare;
- c. Will not impair the integrity or character of the district or adjoining districts;
- d. Will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

I therefore move that the Board grant a Special Permit to owner Didier Grassin/Noack Organ Co. Inc. for the proposed addition at 34 W. Main Street, with the following condition.

1. The Proposed alterations be built per plans submitted and marked as Exhibits A & B.

Seconded by S. Freeman. Discussion – Brief discussion on the outside being clad or brick, will it match the first story, the applicant stated the brick would be very expensive, he would probably clad it like the other building. Also making sure the window will match. Applicant stated he wants to keep the same kind of large windows for the light it brings in.

The abutter Lisa Scala-Cameron, 5 Middle St asked of Mr. Grassin, if he can communicate with her when construction begins, just so I know, nothing that you have been doing there now is fairly quiet, but when

construction starts if I could have a heads up. The applicant stated he will do that. SF asked to make sure no new noise will be a result of the addition.

Mr. Grassin stated no. We try to keep a good relationship with our neighbors.

It was seconded by SF.

Vote – SF – yes, DK – yes, PS – yes – JM – yes, unanimously 4-0. Granted.

J. Moore states The Zoning clerk has 14 days to file a decision and any appeal of this decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, within 20 days after the date the notice of decision was filed with the Town Clerk. An applicant may file this decision before the 20 days but does so at their own risk.

J. Moore reads; Lapse of Special Permit - Per M.G.L. 40A §9, Special Permits granted shall lapse within a specified period of time, not more than 3 years, which shall not include such time required to pursue or await the determination of an appeal referred to in Section 17, if a substantial use thereof or construction has not commenced, unless upon timely application this Board finds good cause to extend such period.

Motion – SF/DK to close the hearing for 34 West Main St., all in favor – yes, no discussion.
Motion carried unanimously 4-0.

Patty Pitari
Zoning Administrative Assistant

Approved 11/7/17