



Georgetown Zoning Board of Appeals

Memorial Town Hall ♦ One Library Street ♦ Georgetown, MA 01833

MINUTES OF A PUBLIC HEARING 11 Martel Way– ZBA FILE #16-09 North East Marine, LLC/ Theodore Warren /Owner Applicant – Robert Salter Special Permit (*change of Use*) & Water Resource October 4, 2016

Board Members Present:

Jeff Moore, Chairman
Paul Shilhan, regular member
Dave Kapnis, regular member - Absent
Gina Thibeault, regular member
Shawn Deane, regular member
Sharon Freeman, associate member – not voting
David Twiss, associate member - Voting

Zoning Clerk: Patty Pitari

Owner: Barbara Warren, North East Marine, 5 Hardy Terrace, Salem MA 01970

Applicants; Robert Salter, 7 Florence St., Salem Ma 01970

Attorney for Applicant: Nancy McCann, McCann & McCann, P.C., Danvers, MA 01923

* Note Board Members are referenced by their initials.

Jeff Moore (JM) opened the Hearing at 7:34pm.

SF read legal ad; A Public Hearing will be held on October 4, 2016, at 7:30pm at the Georgetown Town Hall 3rd Fl. Meeting Room, for applications filed by Robert Salter of 7 Florence St., Salem Ma 01970, who has a Purchase and Sale agreement with Owners; North East Marine LLC, Theodore Warren, of 5 Hardy St., Salem, MA 01970, for a Special Permit for the a proposed use for the indoor storage of vehicles and related activities which also requires a Water Resource District Special Permit pursuant to M.G. L. Chapter 40A, § 9, and the Georgetown Zoning Bylaws Chapter 165, Sections, 9, 74-79 and 29-38 (*Water Resource*). The premises affected is 11 Martel Way, in the IB District, Assessor's Map 16, lot 11E. ZBA file #16-09

JM introduced the board members. DT associate member will be voting.

Authorization/Owner

SD read Email into the record from the owner Mr. Warren of North East Marine dated 8/9/16 re; applicant permission, stating; As manager of North East Marine, LLC, I Ted Warren permit the applicant, Robert Salter to apply for any and all permits and approvals necessary to operate an indoor automobile storage facility on the premises at 11 Martel Way, Georgetown MA

Authorization from Salter to Attorney McCann

SD read Letter dated 8/10/16 from Robert Salter, stating; I authorize my attorney, Nancy A.S. McCann to sign municipal board applications on my behalf and represent my interests before Georgetown municipal boards relative to the property located at 11 Martel Way, Georgetown MA.

New Correspondence

PS read email from the Georgetown Fire Chief dated September 19, 2016 Marked as Exhibit C stating after reviewing the proposal for 11 Martel Way, the Fire Department has no issues with the project.

Exhibits

JM read into record, Plans marked into the record were, Exhibit A, existing conditions Plan of Land dated 8/19/16 prepared for Robert Salter by Meridian Associates of Beverly, MA, stamped by Charles E. Wear III, Civil Engineer, also dated 8/19/16 recorded at registry of deeds Plan book 232 pg. 79 and Exhibit B, Floor Plan Layout, revised 8/31/16 shows layout with spray booth and offices.

Applicants Presentation:

Attorney Nancy A. S. McCann – I represent the applicant Mr. Robert Salter he has entered into a purchase and Sale agreement, with Mr. Warren for indoor storage of vehicles, named Salter Motor Sports LLC, we have and existing industrial building/commercial building that was permit through the planning board, conservation commission as well as this board back in 2012 for 11 Martel Way, it's a little over 9 acres, in the Industrial B district and we are seeking to simple change the use of the building, the existing use is for a Kayak manufacturing business and was built for that purpose in 2012, this board granted a special permit at that time for the Water Resources use because there was a spray booth in the building and there were some resins that were used in conjunction with the kayak construction, the kayak business is leaving and Mr. Salter would like to change the use for his business which is the storage of automobiles, he has clients who are collectors of vintage, classic collectable types of automobiles, they want to secure a safe location (indoor location) for storing those vehicles, and this building would meet his requirement without any changes to the building other than dealing with some code compliance issues which we had dealt with your Building Inspector and plumbing inspector on.

There will be no sales or servicing of vehicles, there will be no storage of vehicles outside, there will not be a car wash in the facility, but we would like to continue using the existing spray booth in its current location for the occasional touch ups, detailing and things like that it will not be used very often, certainly not to the intensity that it was used with the kayak business. We met with the building inspector and he issued a determination, which is in your package with regard to the use of the building and he determined for the special permit for the use, and water resource permit which you granted back in 2012 with no changes to that. There is no change to the exterior of the site at all the only interior changes will be code compliant issues because of the storage of vehicles because you have to have certain type of drainage system in the building, and the Building inspector and the plumbing inspector have already met with Mr. Salter's consultants and have approved that drainage system. There will be 2 employees on the property working Mon- Fri 9am – 5pm. There will be very little outward use of the property there is very little traffic generation here, they will store their vehicles here, if they have a classic vehicles they may come take it out for a few days and bring it back.

Audience

JM asked if there was anyone in the audience that wished to speak. There was none.

DT – When you say detailing, the painting or touch ups wouldn't you wash the car after because there would be dust?

Salter – When you're painting you don't want water around, we would vacuum/sweep it up.

DT – These customers come in go off to a car show, come back, they will wash that car before they come to you. Salter – Yes, and we do a lot of the hand detailing with a hand spray wash, with a detailing chemical that sprays on and lifts off dirt, that leaves a gloss behind, it's just done with a spray and a cloth.

SD – No changing of oil, servicing, or storage of gasoline or anything like that.

Salter – No everyone is required to keep a minimum amount of gas in the tank, 1/4 of a tank or below we have to keep some gas in the tanks, we have agreements with them on that.

SD – What's the capacity for the cars?

Salter – So about 20 or so renters, then some of my cars so there may be 25 - 28 cars.

DT – Are you going to have lifts? Salter – yes.

JM – Do you plan to open as a show/ showcase? Salter – No.

SD – It won't be consignment for sales. Salter – NO

JM – How about personnel on site, is it manned or by appointment.

Salter – I have someone there on a daily basis to make sure the cars are charged, the tires are filled, any little detailing they want, simple things, disconnecting batteries, keeping a charge on them, and if they are coming, they have to call in advance they can't just show up.

JM so you're not storing trailers? Salter – NO.

GT – So you would take the car they are driving regularly and bring that inside as well?

Salter – Yes, we'll just put it inside.

McCann – They are very special cars.

PS – I think the spray booth sounds like a very low impact operation, you're very honest for telling us.

JM – So the spill trays are still there for resins and harder's, same process from the previous business I assume is it similar.

Salter – I don't think it's the same kind of resins, we don't store paint in there, if someone got a scratch, we would get the paint for that particular project, we would not keep all this paint.

Discussion follows on the previous permit with Attorney McCann and JM.

McCann – This is paint that would be purchased in quarts by a paint store, no resins at all, but we still have the spill prevention.

JM – Do have any objections to any of the previous decision we put on as conditions.

McCann – No we don't have an issue at all, they are above and beyond what we do but that is fine.

Discussion on auto repair PS asks. JM looks over the Building Inspector's letter and there is not definition in the use schedule. JM auto repair is really not what this is.

JM – So it's indoor storage of vehicles.

McCann – you may want to categorize it as an accessory use to the indoor storage.

JM – So we are doing the special permit for the use and then the water resource.

DT – If I was granting a special permit, but you were doing something remedial, wouldn't we just say that's auto repair? What precedent to we set to someone who wants to store cars, and I want to do things like changing wipers.

Salter – We don't allow anyone to work on the cars or do repairs or anything mechanical we don't have insurance for it.

DT – But if they got a scratch, and you are still repairing, my concern is down the road, someone else can maybe do minor repairs, what happens and he gave examples.

SD – I am looking at the bylaw under water resource 165-32 where it says, motor vehicle service and repair, where do we draw the line can we craft a decision that covers minor body work, but what would preclude them from changing the oil

JM – But we are not granting a special permit only for the use of indoor storage and the use of the existing spray booth as a ancillary to that use, that's it. So if someone else wanted to do something else they would have to come back. JM and this is not a retail use.

JM and what about signage. Salter – it would be a compliant sign with the name of business.

JM asked about the action plan and we are just going to put to the fire chief.

McCann and Mr. Salter said that would be fine.

Motion for USE - 11 Martel Way;

SD I Move the Board Grant a Special Permit to Robert Salter/Salter Motor Sports located at 7 Florence Street, Salem MA 01970 who has a Purchase and Sale agreement with current owner Theodore Warren/North East Marine, LLC, of 5 Hardy Street, Salem, MA 01970, for a Special Permit for **a use** to operate a business, being indoor storage of vehicles and the use of the exiting spray booth as an accessory use for the property located at 11 Martel Way Georgetown, MA, in the IB District, Assessor's Map 16, lot 11E, under M.G. L. Chapter 40A, Section 9, and the Georgetown Zoning Bylaws, Chapter 165 Sections 9, 29-38 & 74-79.

Further the application has met 165-79 (a-d) Special Permit section; the requested use is essential or desirable to the public convenience and welfare; will not overload any public water or other municipal system so as to unduly subject any area to hazards affecting health, safety or general welfare, will not impair the integrity or character of the district or adjoining districts, and will not cause an excess of that particular use which could be detrimental to the character of the neighborhood.

Second by DT.

JM asked for roll call, - PS – Yes, DT – Yes, GT – Yes, SD – Yes, JM - Yes

All in favor – yes... **Motion for use carried unanimously**

Motion for Water Resource

SD I further move the Board Grant a Water Resource Special Permit, as the applicant proved that per Zoning Bylaw (Water Resource) Chapter 165 Section 29-38, the proposed business being the indoor storage of vehicles, with the use of the existing spray booth as an accessory use for the property located at 11 Martel Way Georgetown, MA, will not result in the degradation or the potential degradation of any ground water and of any surface water resources providing water supply to the Town, including potential water supply to the Town or any other town, namely Newbury, Rowley or Groveland.

This Special Permit shall have the following Conditions:

1. The Applicant shall work with the Planning Board for Site Plan Approval
2. Spill trays be used indoors for all resins and hardener drums.
3. Temporary berm seals are to be made available for containment of any outdoor spills.

4. The applicant shall provide an emergency action plan outlining procedures for indoor and outdoor spill cleanup and a disposal plan outlining disposal methods for any toxic or hazardous waste to the Fire Chief.

Seconded by GT.

JM asked for roll call, - PS – Yes, DT – Yes, GT – Yes, SD – Yes, JM - Yes
All in favor – yes... **Motion for use carried unanimously**

JM stated the Zoning clerk has 14 days to file a decision 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.

Motion – GT/SD to close the hearing for 11 Martel Way, all in favor. Motion carried.

Motion – DT/GT to adjourn, all in favor. Motion carried.

Lapse of Special Permit - Per M.G.L. 40A §9, Special Permits granted shall lapse within a specified period of time, not more than two 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 has not sooner commenced except for good cause, or in the case of permit for construction, if construction has not begun by such date except for good cause.

Patty Pitari
Zoning Administrative Assistant

Approved 11-1-16