



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 #19-06

Special Permit

55- 65 Central St., Georgetown MA

April 2, 2019 at 7:30pm

Board Members Present:

Shawn Deane, Chairman, regular member - Absent
Jeff Moore, regular member – Acting Chairman
Paul Shilhan, regular member
Dave Kapnis, regular member -
Gina Thibeault, regular member
Sharon Freeman, associate member – Voting this hearing
David Twiss, associate member

Applicant (s) present: Donald Hanson (one of owners)

Attorney for Applicant, Brian R. Falk, of Mirick, O’Connell, DeMallie & Lougee, LLP,
100 Front Street, Worcester Ma.

Architect (s) Mark Yanowitz of JD LaGrasse Assoc. One Elm Square, Andover, MA 01810

Zoning Administrative Assistant: Patty Pitari

*Note Board Member are referenced by their initials, and Attorney Brian Falk (Falk), Mark Yanowitz (MY) of Williams and Sparages

Acting Chairman Jeff Moore opened the hearing at 7:35pm, and introduced the board members.

SF read legal ad; A Public Hearing will be held on April 2, 2019, at 7:30pm at the Georgetown Town all 3rd Fl. Meeting Room, for an application filed by OWNER: CNLV CNGTNMA LLC, Michael Hanson, Manager, 195 North St., Suite 100, Teterboro, NJ 07601, c/o Attorney Brian R. Falk Of Mirick, O’Connell, 100 Front Street, Worcester MA, 01608-1477 for the property located at 55-65 Central Street, Georgetown MA, 01833, in the CB district and identified on Assessor’s Map 10B, lots 3 & 4. The Applicant proposes to renovate the nonconforming building, by converting the 2nd floor from office space to seven (7) residential apartment units, with no changes to the exterior footprint. The structure is nonconforming due to its lack of a 100 ft. buffer zone as required by 165-8 A.4 (footnote#6). A Finding must be obtained from Zoning Board in Granting a Special Permit all pursuant to M.G. L. Chapter 40A, Sections 6 and 9, & the Georgetown Zoning bylaws, Chapter 165 § 7, 8 A.4 footnote#6, 9, 74-79 and 94. Also found on the website for: MA Newspaper Publishers Association (MNPA) masspublicnotices.org. ZBA File #19-06

Applicants Presentation:

Attorney Brian Falk – He shows on plan the surrounding property, stated this property abut residential A to our south and residence C to our West, after the building was originally constructed the next year the buffer zone setback requirement to a residential zone district was increased to 100 Ft. making the structure non-conforming. The existing building at 65 Central Street is a 19,000 sq. ft. structure with commercial retail on the 1st floor and commercial offices on the 2nd floor. The building was in compliance with the buffer zone setback requirement to a residential zone when the building was originally constructed in 1984-1985 as the buffer zone setback requirement to a residential zone district at that time was fifty Ft. The proposed application involves changing

the Use of the 2nd floor interior space from commercial office space to residential apartments, the 2nd floor residential use is allowable by Special Permit

Falk - We are proposing five (5) - 2 bedrooms and two (2), one bedrooms on 2nd floor. I believe we need a Section 6 finding from ZBA to change uses in a pre-existing non-conforming structure. Retail will remain on the first floor and second floor will convert from office to residential. I don't think it's more detrimental, I think it's less detrimental. So I believe we need a Finding and special permit then mixed use from planning thru site plan approval.

His analysis:

As he understands the commercial building is in CB zone and was built in 1984, at that time complied with all dimensional and use requirements.

* In 1985, the Zoning Bylaw was amended to require 100 Ft. Buffer Zone (165-7) use schedule note #6 of bylaw.

* The property abuts land located in RC residential zone to the rear of the property, and abuts land in the RA residential zone to the side of property.

* As a result of 1985 zoning amendment, the building at 65 Central St. is pre-existing non-conforming structure because it is located within the 100 ft. buffer zone with respect to a side line abutting the RA Zone.

* The project consists of converting the existing, conforming commercial uses on the second floor of the building to residential units. This new use qualifies as a "mixed use" under bylaw and is allowed in the CB zone with special permit from Planning.

JM asks them to go through the proposed changes to the building.

Mark Yanowitz of JD LaGrasse Assoc. – I don't presently have the existing floor plan layout, the footprint remains the same, we are putting 2 gable roofs, small dormers over what is just a shed roof, upgrade the 2nd floor windows and changing the siding, and some trim elements.

We have approved Septic from the board of health. The existing septic is maxed out, the new septic will be at far end of parking lot toward fire station in wooded area.

Mark Y – We have 3 stairwells and one elevator at rear entry, nice entrance to the rear. Then the main is renovation the 2nd floor to the 5, 2 bedroom and 2 one bedroom apartments. Lighting etc. will go before Planning. We show configuration of apartment on the plans changing from office to apartment use.

GT – Do you have accessible apartments?

Mark Y – All of the apartments are considered Group 1, Accessibility which allows for adaptation to any of them, they have all the clearances and so forth.

DT – Major work would be with utilities. MY – Correct, there was a small fire and some structural repairs we have to do, plumbing, mechanical systems etc.

JM – You're not changing the Sq. Footage inside.

MY – No. Just windows, no bump outs no bays, no foundation work.

JM – Are you removing parking spaces as a result of the new septic?

MY – no it's on the wooded area. We are also well above the required parking spaces.

JM – Will you have allocated parking spaces for the tenants?

MY –Because there is such an abundance of parking spaces, it's not required, we are more defining the spaces in the back where the elevator is, and we will probably put a couple handicap spots in back near elevator for

handicap entrance. Most of traffic is to the CVS, and most people park out front and I think most tenants would like to park in the rear.

JM asks about parking, and going in and out.

M. Y – CVS customers do go around back, if using drive thru.

DT – CVS does have a lot of traffic, should be a pattern.

B. Falk – We did meet with Planning briefly, they said make it residential feel to it, and they raised question of parking, but they didn't want to comment before we came here, as we will see them next.

MY – With only 7 apartments vehicle trips are minor. JM – These are not condo? BF – No, apartments only.

New Correspondence

1. Letter from Fire Dept., JM read into record (see attached to minutes)

No Abutters present.

JM read Exhibits into the record - for 55-65 Central - 11 total sheets

Plans

Exhibit 1 - Plan of Land last revised 1/7/19 stamped by Steven Stapinski, Merrimack Engineering of Andover, MA

Exhibits 2-10 drawn by JD LaGrasse & Associates, of Andover MA

Exhibit 2 – Cover sheet Plan marked G000 revised 1/30/19

Exhibit 3 – Sheet name Code compliance G001 (for Building inspector) revised 1-22-19

Exhibit 4 - Sheet G005- 2nd Fl. Life safety plan (for Building inspector)

Exhibit 5 – Sheet A100 - (named Site Plan) also says proposed drainage & Landscaping (for Planning)

Exhibit 6 – Sheet D100 - 1st Floor Demo (for Building dept.) revised 1-22-19

Exhibit 7 – Sheet D101 – 2nd Fl. Demo (for Building Dept.) revised 1-22-19

Exhibit 8 – Sheet D200 Exterior Elevation Demo (for Building Dept.) revised 1-22-19

Exhibit 9 – Sheet A101 Proposed 1st Fl. Plan, revised 1-22-19

Exhibit 10 - Sheet A102 Proposed 2nd Fl Plan, revised 1-22-19

Exhibit 11 – Sheet A200 Proposed Elevations, revised 1-22-19

GT – I know you're going for SPA, but I do think you should have designated parking, the entrances are in the front, I frequent CVS you can always get a spot up front, if there are tenants now, I think that will diminish the accessibility to people using CVS. Just my opinion.

DT – agreed. JM – agreed.

DK – There is one egress in the rear? MY – yes I stair egress where the elevator is and one on the side and one in the front.

DK – How many units will have access to the rear egress?

MY – All of them.

DK – What about a side walk in rear or something there may have children in a 2 bedroom, safety and lighting, trash pickups from rear could all be issues.

Mark Y – We will do all that with Planning SPA process.

JM – This is interesting permit, we are doing a special permit for modification of a structure and a change in use the then spermit to planning so it's new, and we have never done this since I have been here.

BF – The planning board felt the same way, but mixed use was passed. Yours is just this structure is it more detrimental to neighborhood.

JM – I was confused the structure in inherently not changing, really the finding is the structure the non-conformity, which is the first finding we need to make, is that it's in 100 ft. buffer based on the bylaw footnote #6, so does that non-conformity become more detrimental with the proposed use. There is some overlap with planning.

PS – Planning will determine the function of this, but who is attracted to these, there are no amenities, no area for kids no sidewalk, more noise in parking lot, possible impacts on neighbors.

Discussion followed on items that will go before planning board and mixed use, it passed town meeting.

JM – I like the idea of this it's a good location, I don't see the detriment, and I like the idea of the gradual reduction of the use from commercial to residential where you have that line, in the downtown area. Like idea of mixed use downtown, and we just did another last hearings.

DT - I agree with JM and PS.

Discussion follows on boosting the downtown.

SF – The drive thru area could be a detriment, and the entrance exit it's dangerous, I have concerns, the vehicle egress/ entrance is a free for all, it hinges on how it's mitigated. The drive thru window flow and traffic needs to be addressed, with this mixed use, I understand is planning, but I think if we grant use I have concerns that is a detriment.

GT – I disagree the use isn't more than is today. SF disagrees.

M.Y – Planning will look at that.

Further discussion on entrance and exit.

JM – I am hesitant to put conditions, but we could put that planning consider certain things during SPA process.

Brief discussion followed. Discussion on what planning will do, also drainage.

JM - The board needed to make Findings before motion for Special Permit.

Discussion on findings. GT we can put something specific

JM to SF again we can put verbiage in the decision that addresses traffic/entrance etc.

JM - Does anyone want to make a motion?

Motion - Findings

Gina Thibeault - I move the Board find that the existing structure at 55-65 Central Street is pre-existing non-conforming due to its lack of a 10' Buffer Zone where it abuts a residential district, and also found that the proposed renovation to the structure and proposed use at 55-65 Central Street would not be substantially more detrimental than the existing non-conforming use to the neighborhood.

GT - I further move board find that the proposed change in use meets the pre-requisites of the Georgetown Zoning Bylaw, Chapter 165-79 (a-d) being:

a. The application 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, Seconded by Sharon Freeman

Motion special permit

Gina Thibeault - I move the Board having made the appropriate Findings Granted a Special Permit to CNLV CNGTNMA LLC, 195 North St., Suite 100, Teterboro, NJ 07601, Owners of property located at 55-65 Central Street, Georgetown MA, 01833, in the CB district and identified on Assessor's Map 10B, lots 3 & 4, for the modification and renovation of the pre-existing non-conforming structure as presented to the board.

With the following Conditions:

1. The applicant must apply to The Planning Board for Site Plan Approval
2. To be built per plans submitted
3. Applicant to review traffic flow, due to the CVS pickup window area, as part of Site Plan Approval and make any modifications

Seconded by Sharon Freeman, J. Moore asks all in favor, all voted yes.

The board voted both Findings and Special Permit by a unanimous vote of 5-0 in favor of the project.

J. Moore stated the Zoning Board 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. An applicant may file this decision before the 20 days but does so at their own risk.

J. Moore read; 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 during that time period.

Motion to close PS/SF, all in favor hearing closed.

Patty Pitari
Zoning Administrative Assistant

Approved May 7, 2019