

DRAFT

MINUTES

Zoning Board of Appeals Public Hearing and Decision Meeting – February 21, 2017
115 Pleasant Street, Room 103
Gardner, MA 01440

Sitting in on Hearing:

Raymond F. LaFond, Chairperson
Randall W. Heglin
Michael D. Gerry

In Attendance:

Sign-In Sheet attached

Meeting Called To Order by Raymond F. LaFond, Chairperson, at 7:00 p.m. in the City Hall Annex, Room 103, Gardner, MA. Mr. LaFond then went over the ground rules and the requirements that must be addressed for a variance or special permit. He then noted that the meeting was being video and audio taped, **and requested if anyone objected. There were no objections.**

Chairperson LaFond reviewed the Agenda for this meeting:

Case 2016-10-3, which is a continuation. Conrad Donell, Trustee for Sunshine Realty Trust.
Case #2017-02-01, David Tralongo, on behalf of Chair City Community Church
Case #2017-02-02, Wesley Flis, on behalf of Hedon Realty Trust from Whitman & Bingham Associates
Case n#2017-02-03, Wesley Flis, on behalf of Mission Street Congregational Church

After the case presentation and discussion, the Board will hear announcements and correspondence, followed by the acceptance of the Minutes of previous meetings.

Public Hearing.

Case #2016-10-03 cancelled rescheduled to February 21, 2017.

Continuance Case #2016-10-03, Conrad Donell, Trustee for Sunshine Realty Trust of 10 Madigan Lane, Ayer, MA to request modification of “Condition #34 Phasing of the project shall be as delineated on the approved plan” of Special Permit granted on December 18, 2007 for off Pearl Street (Sapphire Park) Gardner, MA Parcel ID #W32-22-1, located in Rural Residential 2 Zoning District (RR2) denied by the Building Commissioner as it does not comply with the terms of the Special Permit.

Atty. Tom Gibbons of 21 Park Street, Ayer, MA representing Sunshine Realty Trust addressed Condition 34 which was filed on January 5, 2017, and had to do with phasing of the lots. In November **Atty. Gibbons** contacted Mr. Cooke and discussed this issue with him. Mr. Cooke agreed and his letter meets with **the Board’s** satisfaction. Chairman LaFond read letter from Mr. Cooke **stating the following:**

#34.

Phase 1: lots 1 through 20, lots 38 through 43, lots 56,57, 58, 100, 101,102, & 103...33 total lots in phase 1
Phase 2: lots 21 through 37, and lots 44 through 55 29 total lots in phase 2

Phase 3: lots 59 through 99
Roadways for Phase 3 to be constructed concurrent with lots in Phase 2

....41 total lots in phase 3

Atty. Gibbons agreed that this was the letter about which he was speaking. Atty. Gibbons agreed that these are the modifications that they are looking for as outlined in Mr. Cook's letter.

Atty. Gibbons began to discuss Condition #31, but since it wasn't in publication, the Board advised that it would not be discussed.

Motion was made, seconded and voted to amend the special permit on Condition #34 as per Mr. Cooke's letter dated December 13, 2016.

No further discussion. A motion was made, seconded, and passed unanimously to close the Public Hearing on Case #2016-10-01.

Public Hearing commenced on:

Case #2017-02-01 David Tralongo, on behalf of Chair City Community Church, of 97 Bathrick Rd., Westminster, MA for a Variance for 53 Lynde Street, Gardner, MA to operate a Church and construction of additional off-street parking, Parcel ID #R27-21-16 and portion of #R27-21-6, located in General Residential 3 zoning district (GR3) is denied by the Building Commissioner as it does not comply with Chapter 675-750 B, off-street parking requirements and 675-770 B(1) parking areas of the City Code of Gardner. The zoning code states that the use requested requires 105 off-street parking spaces. 71 off-street parking spaces are being provided on site, 6 spaces partially on and 8 on the adjacent property, for a total of 85.

Mr. Wes Flis representing Whitman & Bingham Associates on behalf of Mr. David Tralongo presented to the Board. Also present are Jim and Karen Murphy of 67 Belmont Avenue, Winchendon, MA who are associated with the church. Mr. Flis reviewed the location of the proposed parking lots depicted on a site plan. He stated that the Church is possibly looking to turn the Sacred Heart School into a place of worship.

Mr. Flis continued with his presentation showing where Mr. Tralongo had made some hand-written notes of various separations in the building. Ms. Murphy stated that she has a letter from the Diocese of Worcester stating they are in agreement to the proposed building separations made by Mr. Tralongo.

Mr. LaFond read Item #2 from Mr. Beauregard, Director, Department of Community Development and Planning, memorandum dated February 7, 2017, which states, "The proposed Site and Grading Plan layout identified a single one-way access drive for the parking lot to the south of the site off of Lynde Street. No other access or egress points for the parking area are identified on the Plan. It is recommended this issue be clarified and any proposed access/egress areas be shown on Plan. If such access and egress is located on abutter's property, it is recommended that sufficient documentation allowing such long-term passage be provided."

Marc Morgan representing 117 Central Street abutter to this property stated concerns about green area being taking away. He would like to see a fence and greenery put up to mask the parking lot a bit. He would also prefer another area to be a one-way.

Discussion ensued regarding the dumpster site, snow storage and removal, and egress on Central Street and Lynde Street.

Mr. Lafond read Item #5 and #6 of **the Planning Board's** letter dated February 7, 2017 (appended) and provided a copy to Mr. Flis. Mr. Flis is to do an updated plan incorporating some issues in Mr. Beauregard's letter dated February 7, 2017.

Mrs. Pineo spoke in favor of this application and Mr. John Flick spoke in opposition specifically regarding the drainage that comes right onto his property at 14 Maple Street.

The Board voted to continue the case to the next meeting on March 21, 2017, thereby giving Mr. Flis time to address discussed issues.

Case #2017-02-02 Wesley Flis, on behalf of Hedon Realty Trust, from Whitman & Bingham Associates, LLC, 510 Mechanic Street, Leominster, MA for a Variance for 95 Mechanic Street, Gardner, MA to construct addition to existing parking lot, Parcel ID #R17-1-16 located in Industrial 2 zoning district (12) is denied by the Building Commissioner as it does not comply with Chapter 675-770, of City Code of Gardner. The zoning code states that your proposed parking area requested requires relief from the following code section:

675-770 A1-To the extent feasible, parking areas shall not be located to the forward of any building front line on the lot.

675-770 A2-No parking space or other paved surfaces, other than access driveway(s) or walkway(s), shall be located within 10 feet of any lot line, and notwithstanding the foregoing, no parking space or other paved surface other than an access driveway(s) or walkway(s) shall be located within the limits of a landscaped buffer area.

675-770 B(1) Parking areas.. shall be screened from view, to the extent feasible, from all public ways and from adjacent properties, by the use of planted buffers, berms, natural contours, fences or combination of the above.

Mr. Flis and **Mr. Donald** Dobeck, 65 Parker Street, Clinton, and **Tuomo Peltokangas** of **Commonwealth Property Associates, Inc.** attended this meeting for 3 variances at 95 Mechanic Street. Currently there are 47 parking spaces. Looking to increase parking to 66 spaces. Concerns voiced regarding backing into the street, driving around the building, and landscaping issues. Chairman LaFond **entered** two letters into the minutes: One letter dated February 14, 2017 from City of Gardner Engineer Chris Coughlin, and second letter from Mr. Trevor Beauregard, Director of Department of Community Development, dated February 15, 2017. Copies of both letters provided to Mr. Flis. Said letters are appended to these Minutes.

Mr. Flis **will** to address the lighting in the parking lots and the issues in the letters for the next meeting of the Board. **The Board voted to continue the case to** the March 21, 2017 meeting.

Case #2017-02-03 Wesley Flis, on behalf of Mission Street Congregational Church, from Whitman & Bingham Associates, LLC, 510 Mechanic Street, Leominster, MA for a Variance to construct an building addition at 15 Mission Street, Gardner, MA Parcel ID #M27-18-35 located in General Residential 3 zoning district (GR3) is denied by the Building Commissioner as it does not comply with Chapter 675-750 & 770, of City Code of Gardner. The zoning code states that your request requires 30- off street parking spaces; your proposed plan incorporates 10. The zoning code states that your proposed parking area requested requires relief from the following code section:

675-750 B-Schedule of parking uses, Religious; I per 75 square feet of assembly area. (2200 sq. ft./75=30).

675-770 A1-To the extent feasible, parking areas shall not be located to the forward of any building front line on the lot.

675-770 A2-No parking space or other paved surfaces, other than access driveway(s) or walkway(s), shall be located within 10 feet of any lot line, and notwithstanding the foregoing, no parking space or other paved surface other than an access driveway(s) or walkway(s) shall be located within the limits of a landscaped buffer area.

675-770 B(1) Parking areas...shall be screened from view, to the extent feasible, from all public ways and from adjacent properties, by the use of planted buffers, berms, natural contours, fences or combination of the above.

Mr. Flis addressed the Board stating that this church sits on less than ½ acre of property and has been operating since 1894 before cars were **common, and as a result, the is very small and can only accommodate 10 parking spaces**. The church has **secured a 12-month** lease agreement with Travers Printing for the use of their parking lots. A wooden fence will be removed to allow for grading of the proposed parking lot. There will be one handicapped space. One concern noted is that the lease with Travers is only for one year. One abutter, Mr. Richard Kilcoyne of 38 Sand Street, spoke in favor of this application.

Upon a motion made, seconded and voted, to grant the variance, **after considering all the information provided**.

CORRESPONDENCE

None

MINUTES

Minutes of past meeting were approved as typed and signed.

ADJOURNMENT

No further business coming before the Board, a motion made, seconded, and voted to adjourn.

The next Public Hearing Meeting will be on Tuesday, March 21, 2017, at 7:00 p.m., in Room 103, City Hall Annex.

Raymond F. LaFond, Chairman

Randall W. Heglin, Clerk

Michael D. Gerry, Member

All detailed conversations, questions, comments and concerns are documented on DVD identified as February 21, 2017.