

MINUTES

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

Sitting in on Hearing:

Raymond F. LaFond, Chairperson
Randall W. Heglin
David Antaya

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 #2017-03-01, Chris Coughlin of the City of Gardner DPW Office

Case #2017-02-01, David Tralongo, on behalf of Chair City Community Church (con't from 2/21/17 meeting)

Case #2017-02-02, Wesley Flis, on behalf of Hedon Realty Trust from Whitman & Bingham Associates (con't from 2/21/17)

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 commenced on:

Case #2017-03-01: Chris Coughlin, City Engineer, of the City of Gardner requests a Variance to operate/construct a Municipal DPW office building at 416 West Broadway, Gardner, MA, Parcel ID #M17-10-21, located in the Commercial 2 zoning district (C2) is denied by the Building Commissioner as it does not comply with Chapter 675-770, of City Code of Gardner. The zoning code states:

675-770 A (1) To the extent feasible, parking areas shall not be located to the forward of any building front line on the lot.

675-770 B (3) (a) Parking areas shall be screened along their perimeters from adjacent streets and properties.

675-620 Attachment 2 Minimum setback for Commercial 2 thirty feet front, twenty feet side, thirty feet rear.

Regarding 675-770 A (1), Dane Arnold and Chris Coughlin proposed parking in the front of the building to separate the public from DWP vehicles/traffic, citing this solution as better for the safety of all involved.

Regarding 675-770 B (3), Dane Arnold and Chris Coughlin proposed Sugar Maple trees to be planted. The Board expressed concern to fill landscape while the trees grow. Shrubbery/Arborvitae proposed as a better screen. Trevor Beauregard proposed adding to the landscaping to break up the stark wall of the building. He also suggested keeping the street side open to be inviting for the public.

Regarding 675-620 Attachment 2, Dane Arnold and Chris Coughlin noted that due to the curb not being taken into consideration at the time of the design, the setbacks fall short, but the building cannot be moved back without impact to the rear drainage and the topography of the land.

The Board requested a site visit.

The Chairman motioned to close the hearing on the case, it was seconded, and unanimously approved. The Public Hearing for Case #2017-03-01 was closed.

Case #2017-02-01 (con't from 2/21/17): 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.

Wesley Flis, speaking on behalf of David Tralongo, updated the Board that after conferring with Jeffrey Cooke, the only required parking spaces are 75, which are being shared by both the Catholic Church Dioceses and the applicant. It was agreed by all parties that the shared parking spaces as part of the lease agreement would be reviewed yearly, which was presented as evidence.

A re-surfacing and re-stripping of the parking lot will be completed. There will also be handicap accessibility with a gradient.

The abutter's concern from the February 21, 2017 meeting regarding the drainage of snow melt and removal was addressed. The earlier proposed snow removal site is moved so as not to affect the abutter's property. It will be moved to an area bordering Central St.

Trevor Beauregard likes the current landscaping. He would also like to see the enter/egress traffic flow onto Central St, in addition to see the islands in the parking lot directing traffic flow to be shown on the planning maps. Mr. Beauregard stated that now the north side rain guard is removed, but he liked the previous plan with it in place. Mr. Beauregard also would like to see an improvement in the traffic flow (having a turn-around radius), but to do so would be to lose parking spaces.

Randy Heglin inquired about an entrance sign for the church on Central St. It was stated by Mr. Tralongo that there are plans to put "something" on Central, but nothing has been decided.

Ray LaFond inquired about lighting, and Mr. Tralongo confirmed that at this time, services will only be held in the morning. He also stressed that he did not think any events would occur not in the daylight.

The Board requested a site visit.

The Chairman motioned to close the hearing on the case, it was seconded, and unanimously approved. The Public Hearing for Case #2017-02-01 was closed.

Case #2017-02-02 (con't from 2/21/17): 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.

Wesley Flis proposed 13 spaces in front of the property, with them backing out onto Mechanic St. It was argued that there would not be traffic beyond the property as the road is dead-ended at this location, thus avoiding a public safety hazard.

Trevor Beauregard still expressed safety concerns for the public parking their vehicles and having to walk behind other parked vehicles in the street to gain access to the front door. Mr. Flis argued that it was similar to the public navigating in a grocery store parking lot and thus shouldn't be a hazard.

Mr. Beauregard also stated the following:

- 1) The current snow removal site is on a designated landscape area and may need to be moved.
- 2) Clarified that he stated if the front parking is granted, he would like to keep the open space.
- 3) That it would be a bad precedent to allow the front parking, if the other property owned by the Applicant is kept and can accommodate additional parking.

Mr. Flis also discussed a 4 scenario calculation for the parking demands, stating that they are meeting the most conservative demands.

Mr. Flis also confirmed that there will be no change to lighting, as the current lighting doesn't affect abutters due to the lamps being downward-facing illuminance and the building has adequate wall packs.

Jeffrey Cooke brought up the following concerns:

- 1) The current plan is a 3-curb cut and creates an issue with a landscape area being gone.
- 2) There is a merger issue with the two lots owned by the Applicant. It wasn't originally known as an issue because of the common ownership of the lots.

The Board requested an extension of 60 additional days to render a decision, as the 100 day deadline to render a decision was approaching; and, if they were forced to make a decision at this time, the Public Hearing for this case would need to be closed and no further testimony could be made. Mr. Dobeck agreed to the 60 day extension. The new date for the final decision is June 26, 2017.

Ray LaFond made a motion to continue Case #2017-02-02 to the next ZBA Public Hearing on April 18, 2017, and it was seconded, and passed. Case #2017-02-02 will be continued at the next ZBA Public Hearing to be held on Tuesday, April 18, 2017

CORRESPONDENCE

None

MINUTES FROM FEBRUARY 21, 2017

Drafts pending

ADJOURNMENT @ 9:15 pm

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

The next Public Hearing Meeting will be on Tuesday, April 18, 2017, at 7:00 p.m., in Room 103, City Hall Annex.

Raymond F. LaFond, Chairman

Randall W. Heglin, Clerk

David Antaya, Member

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