



TOWN OF MIDDLETON
ZONING BOARD OF APPEALS

MEETING MINUTES

July 28, 2016
Fuller Meadow School
7:00 pm

Members in Attendance: James E. Fox, Anne Cote, Richard Nazzaro, Barbara Piselli,
Ann LeBlanc-Snyder,

Absent: Nicholas Yebba

Others Present: Katrina O'Leary, Town Planner
Leanna Harris, Recording Secretary
Chris Sparages
Edward Doucette
Luanne Perry
Ed Degrassi
Keri Amor
Mr. Amor

Ms. Cote called the meeting to order at **7:11 p.m.** and asked Ms. Piselli to serve as the acting Chairperson.

REORGANIZATION OF BOARD

MOTION: Ms. Piselli moved to table the Reorganization of the Board until such time as a full Board has been appointed and is present. . Second by Ms. Cote.

Votes: 3 -0 Mr. Fox, Ms. Cote, Ms. Piselli)

Motion carries.

Acting Chairperson Piselli explained that they will be taking the items out of order. She began with the public hearing for 328 No. Main Street.

NEW PUBLIC HEARINGS

A. 328 North Main Street – Special Permit/Site Plan Review – Scott Audette

Application: #1016

Attachments: 4B 328 NoMain app plans, 4B 328 NoMain application, 4B ICDRC comments, 4B 328 NoMain PB rec, 4B 328 NoMain ANR plan

Voting Members: Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli

Ms. Cote read the application into record and stated the abutters have been notified and there are 8 pieces of correspondence.

Jill Mann, Esq. addressed the Board on behalf of the applicant and stated that the property is located entirely within the M1 zoning district. The property has had a residential structure on it for decades and the home will remain on the property. They would like to construct two industrial building with designated parking spaces in front of or next to each proposed unit. The buildings will be white and approximately 28.6' in height with a stone façade on the bottom and sloped roofs. One building would have 8 units and the other building would have 2 units. Second egresses will be on the backside of the buildings. There will be two colonial style lights on the front of the buildings, in typical Middleton style. The sign will be up lighted, it's not electronic or internally lit and there is no light migrated off of the property

They went before the ICDRC and the Planning Board. The ICDRC requested they enhance the landscaping along Route 114 and they have since added trees to the Plan. A pocket wetland will be created to handle overflow. The Planning Board gave a favorable recommendation. Next week they are going before the Conservation Commission.

They are requesting a Special Permit to allow outdoor storage yards on each side of the buildings to allow each of the businesses (masonry, landscaping) to store large equipment. Overall there are 26 parking spaces which exceeds the parking requirement per unit and there is also parking inside each building which will have floor drains pursuant to the building code. The property does have neighboring residential uses and so they will maintain a 35' buffer to the structure.

Mr. Richardson spoke on behalf of the ICDRC and stated they are in favor of the plans with the requested changes having been made.

Ms. Cote read the correspondence received from Town Departments, the ICDRC, and the Planning Board into the record.

Board Discussion

Atty. Mann clarified when the zoning was changed and elaborated on the businesses likely to be run out of these buildings. The Board asked for clarification on the hours that the buildings will be open and Atty. Mann stated the bays will be accessible 24 hours a day. It is unlikely that clients will come to the buildings but they certainly could. Mr. Fox asked if each unit will have access to the septic system and Atty. Mann confirmed.

MOTION: Mr. Nazzaro moved to conduct a site walk. Second by Ms. Cote.

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)

Motion carries.

The Board members agreed on Wednesday, August 10, 2016 at 5:30pm. to conduct the site walk.

MOTION: Ms. Cote moved to continue this petition to the August 25, 2016 meeting. Second by Mr. Nazzaro.

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)
Motion carries.

B. 261 North Main Street – Special Permit – Ed Doucette/Seven Hills Family Services

Application: #1015

Ms. Cote read the application into record. Abutters have been notified. There are 3 pieces of correspondence.

Attachments: 4A 261 NoMain app, 4A 261 NoMain Floor Plan, 4A 261 NoMain Site Plan, 4A 261 NoMain Plan update, 4A 261 NoMain PB rec

Voting Members: Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli

Ed Doucette addressed the Board and stated they are requesting a Special Permit to operate this business in the M1 zone. They requesting a Special Permit for relief from the required amount of parking spaces. There are currently 48 existing spaces and Mr. Doucette stated they don't anticipate needing more than 25 parking spaces in normal business hours. During peak hours, the need may go higher but still not into the 40s. Mr. Doucette stated they provide services for individuals with disabilities. Their case managers and management teams would work out of this building, however, most of the time they will be out in the community working with individuals. This would be a typical administrative office, not a treatment facility. There is not a lot of traffic in/out during the day. They currently have a group home on Liberty Street in Middleton. A core group of people will be there for a full 8 hour shift (administrators and secretaries), primarily 8:00 a.m. 5:00 p.m.. There would also be a group of nursing staff and this building would just be their home base. The floor plan shows two training rooms for in service trainings.

Luanne Perry, the architect for the project. further explained the parking spaces needed and showed where reserve spaces would be located.

Ms. Cote read the correspondence received from town departments and the Planning Board into record. The Planning Board gave a favorable recommendation.

Board Discussion:

In response to Board questions, Mr. Doucette confirmed that they are a nonprofit organization Mr. Doucette stated they don't plan to make any changes to the exterior of the building, just to repair what is there. Trainings will only consist of small groups of staff members, not to exceed the existing parking spaces.

MOTION: Ms. Piselli moved the Board to find that there are no adverse effects of the use, based on determinations that a community need will be met, traffic and pedestrian flow and parking will be adequate on the site based on input from the Middleton Chief of Police, there does not appear to be any adverse impact on services or utilizes by the proposed use or a negative impact on the neighborhood, there is no impact on the natural environment, the petition and the proposed use appear to have a positive fiscal impact on

the Town and will fill a vacant space in town and possibly create employment opportunities. Second by Mr. Nazzaro.

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)
Motion carries.

Based on the findings,

MOTION: Ms. Piselli moved to issue the Special Permit to allow this business use in an M1 district based on Section 3.2.1 & 9.4 of the Middleton bylaws.

Second by Ms. LeBlanc-Snyder

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)
Motion carries.

MOTION: Ms. Piselli moved to issue the Special Permit, subject to the following condition that there will be no clinical services or direct patient care on site.

Second by Mr. Nazzaro.

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)
Motion carries.

MOTION: Ms. Piselli moved the Board to incorporate by reference the aforementioned findings and also to find that relief from the parking requirements is not substantially detrimental to public safety and to refer to the input offered by the Middleton Chief of Police. Second by Mr. Nazzaro.

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)
Motion carries.

Based on those findings,

MOTION: Ms. Piselli moved the Board to issue the Special Permit pursuant to Section 5.1.6 with the condition that the Petitioner have a reserved area for future parking as referenced on the site plan, said area to meet all zoning and permitting requirements that may be necessary at that date .

Second by Mr. Nazzaro.

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)
Motion carries.

CONTINUED PUBLIC HEARINGS

A. 339 North Main St. – Dog 'N It Daycare, Keri Amor – Modification of Site Plan/Special Permit. **Application: #1012**

Attachments: 2B1 application & plan, 2B2 North Andover abutters, 2B3 2014 decision

Voting Members: Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli

Ms. Cote read the application into record and stated abutters have been notified.

Mr. Amor addressed the Board and stated they are trying to create an outside area so the dogs can get fresh air during the day. Mrs. Amor added there are two gates in proposed fenced area that will be locked while the dogs are in that area. The dogs would have direct access to the outside area from the inside.

Ms. Cote read correspondence received from town departments and the Planning Board into the record. The Planning Board gave a favorable recommendation.

Eric DeGrassi, expressed concern relating to noise and possible odors from dog waste. Mr. DeGrassi stated he has already received complaints in the past from his tenants.

Board Discussion

Mr. Fox asked about cleaning up after the dogs and Mr. Amor stated they have 3 employees that regularly clean up after the dogs throughout the day. Mr. Amor explained the process they use for dog waste removal. Mr. Amor stated a concrete pad will be poured and then sealed.

Mr. Amor stated the lighting is already on the building on a timer and there will be no change.

MOTION: Ms Piselli moved the Board to make the following Findings pursuant to Sections 9.5.3 and 9.5.1 that the proposed modification complies with all requirements for parking, loading and all zoning provisions and specifically this petition does not impact on parking, loading or any provisions thereof. It does not adversely impact on the convenience or safety of pedestrians or vehicles about the site, the building locations will remain the same as well as the landscaping, lighting is adequate and will not be changed and the proposed methods of waste disposal and drainage are adequate or will be addressed in the conditions imposed by this Board. Second by Mr. Nazzaro.

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)
Motion carries.

Based on those Findings and after further Board discussion,

MOTION: Ms. Piselli moved the Board to approve the Site Plan modification subject to the following conditions: the hours of the outdoor area shall be limited to 10:00 am to 6:00pm, the outdoor area fencing will be six feet high and contain a black nylon mesh that will cover the entire fenced in area, the exterior gates of the fenced in area will be locked at all times that there are dogs in the fenced in area, an employee will remain in the fenced in area at all times that dogs are present in the fenced in area, an employee will remove dog waste on an ongoing basis throughout the day and dispose of it in an adequate manner in the disposal bins provided, the employee present in the pen is responsible for eliminating excessive noise and bringing the dogs back inside if the noise can't be mitigated and lastly all other previous conditions imposed by this Board that have not been superseded by these conditions remain in effect.

Second by Ms. LeBlanc-Snyder.

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)
Motion carries.

TOWN PLANNER UPDATE

Ms. O’Leary stated they are working on a bicycle plan through community compact funding. In November, there will be a community forum regarding Pedestrian/Bicycle improvements.

MAPC has agreed to be the consultant regarding the visioning process needed to update the current Master Plan which was last updated in 1999. Ms. O’Leary explained how a Master Plan is created. They will come up with goals and objectives and they will have a clear picture as to where the Town wants to go.

Ms. O’Leary created a “cheat sheet” that she will share with the members outlining Special Permit criteria to help put together the Motions.

MINUTES

A. June 23, 2016

MOTION: Mr. Nazzaro moved to approve the June 23, 2016 meeting Minutes as amended. Second by Mr. Fox.

Votes: 5-0 (Ms. LeBlanc-Snyder, Mr. Nazzaro, Mr. Fox, Ms. Cote, Ms. Piselli)
Motion carries

ADJOURNMENT

MOTION: Mr. Nazzaro moved to adjourn the meeting at **9:04 pm**.

Second by Ms. Piselli.

All in favor.

Motion carries.

Minutes submitted by Leanna Harris, Recording Secretary, and accepted at the _____ meeting of the board.