Zoning Board of Appeals
781-982-2100

Minutes
Zoning Board of Appeals
October 13, 2011
Cotter Room
7:00 p.m.


7:00 p.m. Old and new business.
Motion to approve the September 8, 2011 minutes made by Mr. Counter, seconded by Mrs. Bezanson, unanimous.

7:00 p.m. Petition of Luigi Femia, 210 Ashland Street, Abington, for: special permits to add kitchen and bathroom for in-law in existing garage space exceeding 900 s.f. at 210 Ashland Street, under AZBL Sec. 175-32-I and 175-32-I-3. The property is located on Assessors Plan 9, Plot 30, in the R-30 Zone. Voting members: Ed Mulligan, James Counter, William Mullen. Mrs. Bezanson stepped down from this hearing.

Sewer advisory – has capacity of 250 gallons a day. Alex Bezanson, BTA Development, attended with Mr. and Mrs. Femia. The existing bedroom above the garage would be part of the in-law. Size of in-law would be 1,056 s.f. in total. No changes are being added to the outside existing structure. Opened to floor, no comments, back to table.

Motion by Mr. Mullen to approve petition as presented, not to exceed 1,056 s.f., seconded by Mr. Counter, unanimous.

7:05 p.m. Petition of R & D Realty Trust, Richard and Dolores DuBois, Trustees, 1500 Bedford Street, Abington, for: a special permit to expand retail use in the Technology Business Zone, under AZBL Sec. 175-21E(1). The property is located on Assessors Plan 68, Plot 11, in the Technology Business Zone. Voting members: Lisa Bezanson, James Haney, William Mullen. Mrs. Bezanson made the disclosure that she, her husband and their company have done business with the Russell Wheatley Company in the past, but have no interest in this petition, financially or otherwise. Mr. Mulligan made the disclosure that he has also done business with the Russell Wheatley Company, but has no interest in this petition, financially or otherwise.

John Cotter and Russ Wheatley attended representing Richard and Delores Dubois, Pool Place/Christmas Place. They are proposing to construct a 50’ x 103’ addition on to the Christmas Place and eliminate small section of roof overhang and move storage containers to the south away from addition. They need special permit for use of
property. When originally constructed, it was in the Highway Commercial Zone. Since then it has changed to Technology Business. Putting on the addition was essentially extending the non-conforming use, requiring special permit. Containers are a permanent fixture, but portable. Opened to floor, no comments and closed back to the table.

Motion by Mr. Haney to approve as per plans submitted, seconded by Mrs. Bezanson, unanimous.

7:10 p.m. Shawn P. Reilly, attorney for the petitioner CCL Abington Realty Trust, for zoning relief to allow the construction of a 132,750 s.f. building supply ware house with office/retail space and outdoor storage, namely a special permit under Sec. 175-21J(1) for commercial projects exceeding its listed criteria; special permit under 175-35F to allow for work within the local Floodplain and Wetlands Protection District; and special permit under 175-21G(5) to allow for assembly of goods within the proposed building at 223-275 Groveland Street. The property is located on Assessors Plan 14, Lots 20-22, in the Highway Commercial Zone. Voting members: Ed Mulligan, James Haney, William Mullen. Mrs. Bezanson made the disclosure that she, her husband and their company have done business with Atty. Reilly and the applicant, but have no interest, financially or otherwise, in this petition.

Planning Board advisory – at public hearing on October 3, it was voted to allow petitioner to submit new application to Zoning Board of Appeals. Board found that there had been significant change in the site to allow application to the ZBA. Sewer advisory – requires approval before Sewer Commissioners at a regularly scheduled hearing.

Atty. Shawn Reilly attended representing CCL Abington Realty Trust and Harvey Hurvitz, Trustee and President of Cape Cod Lumber, along with David Mackwell, Kelly Engineering, Richard Halverson, Campanelli Co., general contractor and Dan Noonan, MDM, transportation consultant. They attended a meeting of the Planning Board on October 3, 2011. They have a meeting scheduled with the Sewer Commissioners on 10/17. They will also be meeting with the Water Dept. and eventually Conservation Commission. They filed for site plan review with the Planning Board, which went very well. They will be returning in November to resubmit updated plans. Overall, they received very positive comments from the Board and PMP.

Submitted copy of 40A Sec. 16; Mr. Hurvitz had previously applied and been denied by ZBA. The zoning has changed in that area and is now in the Highway Commercial Zone, and the proposal has changed significantly. These changes satisfy the statute. Motion by Mr. Haney that the finding under 40A determines that there have been material changes significant enough to warrant the reaplication by the petitioner. The first finding is that the property has been rezoned and is no longer residential, but highway commercial, second, that the proposal by structure and design has changed significantly enough for this to be allowed, seconded by Mr. Mullen, unanimous.

Atty. Reilly – the property is now entirely contained within Highway Commercial Zone. Proposed use of building will be retail, for sale of merchandise inside and outside of the
building, and is an allowed use. Only permits required are three special permits – for large commercial project; to allow for work in FPWPD - there are wetlands to right of site and western portion of site; third - for assembly of goods to be sold to customers. Small part of building will be used for millwork and assembly of doors, windows. It won’t create a nuisance to any neighbors.

Cape Cod Lumber is trying to consolidate business to Abington. They comply with all setbacks. An 8’ fence will be at back of lot, grading will be the same. They will be adding approximately 300 trees and bushes to site. Upper left hand corner of building will be sales office area; other 85% of building will be assembly, storage, drive-in customer pick up area. All delivery trucks would be required to enter into eastern driveway only. Customers and employees will use western most driveway. Loading docks are on eastern part of the building. As far as traffic, Mr. Mulligan would prefer exit by trucks for left hand turn only so they don’t go through residential area. Sound buffers in back are fabulous as described. Mr. Hurvitz - they tried to design the site so it would be just employee parking going towards the residential area, with working area more towards the east part of the site. Traffic consultant didn’t have a problem with left hand turn only. Radiuses are fine at that entrance. Intersection is rated as a safe intersection. Business opens at 7 a.m. and closes at 4 p.m., Saturday it closes at 1 p.m. If hours are extended, it would be Route 18 location only. By 6 p.m., site would be empty, with security lighting. Lights would be on timer. There would be no noise at night because it would be closed during the evening. Building itself is a buffer. Site line is more than 500’ – safe design. No drainage system on site now. They designed one which was favorable with Planning Board. Signs are not illuminated from within.

Benefits to town – they will remove pump station at end of Daniel Drive and Mr. Hurvitz will cover cost. Water Dept. can extend pipe from Daniel Drive to Groveland Street. One of the conditions is that they would convey 5 acres to the Town due to contamination. This will bring jobs to Abington. What is promised will be forthcoming; Cape Cod Lumber will be a good neighbor. Project won’t overload sewer, water, drainage, etc. Will be subject to Planning Board approval and Conservation approval.

Opened to floor:
Rev. Taylor, 314 Groveland Street – he was concerned with sound, but felt that had been addressed. There are too many trucks down Groveland Street – would love a no-truck street, but making it left turn only would be advantageous. Mr. Hurvitz – the only traffic on west side of the street would be employees. Truck traffic would be to the other side.

Board felt it was solid proposal. Mr. Hurvitz – they will be limiting backing up as much as possible due to design layout. There are lights on buildings, but they are required to dim them down or shut off at night. Photometric plan was submitted to Planning Board. Lights don’t shine off their property, and they will have just enough lights for security. Southern portion of Groveland Street is still residential.

Closed to table. Motion by Mr. Haney to approve as per plans submitted, with condition that there is left hand turn only from east drive onto Groveland Street, and subject to site
plan approval, allowing minor changes by Planning Board, seconded by Mr. Mullen, unanimous. Initial vote on 40A sec. 6 should be included in decision.

Informal discussion – Steve Johnson re Johnson/McGill property on 1437 Bedford Street. Tim Johnson would be architect on project. Rear of property is for lease. They are looking at alternative uses for site. One of them is market rate rental housing, 54 units, lot coverage would be 16%, 1200 s.f. units, with one and two bedrooms. There would be onsite septic. They are here for Board’s input. They would need use variance. It was suggested that they explore TIF. The Board didn’t think the area lent itself to residential. Board wondered about having it rezoned by town meeting. Johnson brothers would like to make it look like industrial, Soho-loft-type construction.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Nancy Hurst