



Town of Abington
ZONING BOARD OF APPEALS

500 GLINIEWICZ WAY
ABINGTON, MASS. 02351

Minutes
March 12, 2009

Members Present: Ed Mulligan, Chairman, James Counter, Lisa Bezanson, James Haney, William Mullen

7:00 p.m. Old and new business.

Minutes - motion to approve: **November 13, 2008** made by Mr. Counter, seconded by Mr. Haney, unanimous.

December 11, 2008 open session made by Mr. Counter, seconded by Mr. Haney, unanimous.

December 11, 2008 executive session made by Mr. Counter, seconded by Mr. Mullen, unanimous.

January 8, 2009 open session made by Mr. Counter, seconded by Mr. Haney, unanimous.

January 8, 2009 executive session made by Mr. Counter, seconded by Mr. Mullen, unanimous.

7:00 p.m. Continued hearing, petition of Shawn P. Reilly, Attorney, 500 Washington Street, Abington, for Michael F. Noonan, for: a special permit, 15' front setback variance and 20' rear setback variance to construct an indoor recreational facility containing one playing field at 22 Hjelm Street, under AZBL Sec. 175-29 and 175-35F. The property is located on Assessors Plan 64, Lots 61, 62, 63 and 65, in the Technology Business Zone. Voting members: Mr. Mulligan, Mr. Counter, Mrs. Bezanson.

Atty. Reilly submitted a letter requesting a continuation to May 14th to allow for the Planning Board to review drainage. Atty. Reilly explained the ConCom Order is under appeal with DEP, the variances that the ZBA approved were appealed, the special permit is outstanding and is what is being continued with ZBA, and the site plan review is a continued hearing. Atty. Reilly felt they would be ready to go forward in May. There were no questions from the floor.

Motion by Mr. Counter to continue the hearing to May 14, 2009 at 7:00 p.m., seconded by Mrs. Bezanson, unanimous.

7:05 p.m. Petition of Shawn P. Reilly, Atty., 500 Washington Street, Abington, for Zebs Realty Trust, for: a variance to perform environmental clean up of former oil tank property and then build a two-story residential building with ten 2-bedroom units at 351 Summer Street, under AZBL Sec. 175-37C(3)(a). The property is located on Assessors Plan 17, Lot 25 in the TOD Zone. Voting members: Mr. Counter, Mrs. Bezanson, Mr. Haney.

Sewer Department advisory – capacity does not exist at this time, but could be added to the waiting list. Letter from Paul Zakrzewski, an abutter, in opposition to proposal for residential only. Would be in favor of mixed commercial and residential.

Atty. Reilly and Steve Zeboski, Trustee of Zebs Realty Trust gave presentation. They had been here previously with larger building. Property is across from "T" driveway on Summer Street. The TOD is designed for commuter traffic, commuter residential, commuter uses. They feel this use fits. They are here for only one issue – the number of units. They are allowed under the code to have 9.4 units. They are asking for 10 units to have a symmetrical building. He had left messages and tried to contact Mr. Zakrzewski to come and see the plans. Mr. Zakrzewski had concerns because he has commercial property next to this, and he was concerned that neighbors near him might generate complaints about the uses of his property. He wanted them to go with mixed use. He has explained to Mr. Zakrzewski that commercial uses on Summer Street don't exist other than his use and the Sewer Department. It is not a heavy traffic area that would support commercial uses. Mr. Zakrzewski was concerned that a two-story building would have residents looking down on his property. Atty. Reilly explained even with mixed use, that would be unavoidable. They are proposing a heavily landscaped buffer zone between the two properties. They have also limited the number of windows that face his side of the building.

They have to go to the Planning Board for use, but this is for number of units, which determines parking, building location, parking size, and drainage issues. They will return to ZBA after they go to the Planning Board. It is in the well protection district, which may require them to hire a hydrologist, they may have to put in testing wells, depending on impervious surfaces and drainage calcs and design. They have to have monitoring wells for septic system over a certain size so that it won't leach and travel into the well on Myers Ave. They are multiple hundreds of feet away, but the well protection district extends all the way out to Centre Ave.

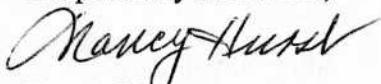
They are cleaning up this place. Atty. Reilly's client has met with representatives from the Beacon Companies who own the apartment complex next to Mr. Zakrzewski, and submitted a letter from them in support of this project.

They are allowed to put in 9.4 units, they are asking for the Board's approval to put in 10 units. Mr. Mulligan asked if they would potentially be coming back to the board for another variance. Atty. Reilly – possibly regarding well protection, not related to coverage. They have sufficient parking. They have passed the perk test. This is all they need for the actual location of the building. They have already gone through the Conservation Commission. Mr. Mulligan – the board would expect some sort of engineered environmental impact statement when they come back.

Motion by Mrs. Bezanson to approve the petition to allow ten units as per plans #6K6.0 & 6K6.1 dated 2/14/09, seconded by Mr. Haney, unanimous.

Motion to go into executive session and not to reconvene made by Mr. Counter, seconded by Mr. Mullen, unanimous. Voted – Mr. Mulligan, Mr. Counter, Mrs. Bezanson, Mr. Haney, Mr. Mullen.

Respectfully submitted,



Nancy Hurst