

Zoning Board of Appeals
Minutes
June 3, 2014

Members Present: Paul Giunta – Acting Chairman, Theodore Scott, Ralph Loftin, Thomas Golden and Mitchell Gorka.

Public Hearing

7:00 PM 90 Onamog St. – GMP Development, Corp. (Greater Marlborough Program)(GMP)

Present this evening were: David Powers of GreenbergFarrow, 225 Cedar Hill St., Marlborough, MA and David LaBossiere of Housing/Facility Manager of GMP (Greater Marlborough Program) representing **GMP**.

Proposal: David Powers stated the proposed parking lot will be located at the South portion of the lot. The proposed parking lot will contain 8 parking spaces. According to the applicant's application it requires a variance from the Table of Lot Area, Yards and Height of Structures §650-41 for site coverage. The maximum allowed coverage for Zoning District A3 is 30%, this proposal requires extending maximum coverage to 50%."

Located at the North portion of the lot is an existing parking lot which contains 5 parking spaces. The facility owns 2 vehicles, one of which is a van. These 2 vehicles utilize 2 parking spaces, thus 3 spaces remain (including 1 handicapped space) The applicant would like to construct a new parking lot on the south portion of the lot, to service their employees and visitors. A curb opening will be requested thru the city's engineering dept. Proposed new plantings will be along the street frontage of the proposed parking lot to shield the proposed parking lot from the neighborhood.

Site:

- **Topography:** Land is fairly flat, but it drops off considerably at the rear.
- The lot is narrow. It narrows slightly from South to North.
- The applicant stated there is a proposed drainage at the north rear corner

- A wooded area will have to be removed for the location of the proposed parking lot.

Hardship: The hardship as stated by the applicants:

- To provide adequate service and parking for their employees and visitors. The amount of visitors varies during the day. They would like to provide off street parking for their 10-12 employees.
- During the winter parking ban, they would like to take as many cars off the street.
- On a “safety” issue, parking on the street is a detriment to the general public and to their employees. They would like to improve the situation by taking cars off the street.
- The proposed parking lot expansion is to support the facility. The proposal will be an improvement to the facility. With expanded parking, they could also provide more activities.
- This is a narrow lot. It is difficult to add more parking spaces to the existing parking lot.
- It is not a detriment to the public good, because we are taking some of the cars off the street.

A question was asked if a couple of more spaces could be added to the rear of the building. Answer: There is a considerable drop at the rear. Existing parking lot on the North side narrows out, thus making it difficult to add additional spaces to the existing lot.

The Board asked the applicant what has changed since this facility was built (over 35 yrs. ago) to warrant more parking spaces Answer: It will be nice to improve the esthetics of the property and the neighborhood.

The Board asked how this property will sell if an additional parking lot was constructed in an A-3 residential zone. And will the property contain a single family home if this property was sold? Answer: We do not plan to sell. We have a contract with HUD for some 20 years, so we cannot sell. We have acquired some increased funding and thought this is the time to increase the parking and install some more off street parking for visitors and employees.

The applicant stated the facility is open 24/7 with no set hours for visitors. There is a time when parking is overlapped with extra cars. They have 4 shifts comprising of 10-12 employees per shift, with 4 employees during the night shift.

The Board asked if they have thought about installing a permeable surface for additional parking. Answer: No, with the winters here, that will not make sense.

Dave LaBossiere stated they do not have a frequent turnover of residents. Most of their residents are there for the duration.

A Board member asks if additional parking could be added to the existing parking lot. Answer: The existing parking lot is at the north side of the lot, which narrows towards American Way (a private way). They felt with the shape of the lot, it would be difficult to add any more parking spaces to the existing lot.

A Board Member stated that the existing parking lot has serviced this facility for some 35 yrs. If they could add one or two more parking space to the existing lot, that may help.

The Board explained to the applicant that in granting a variance, the applicant must meet certain criteria concerning “hardship”.

There was no one in the audience to speak in **favor** of the petition. The Chair closed that portion of the public hearing.

There was no one in the audience to speak in **opposition** to the petition. The Chair closed that portion of the public hearing.

A Board Member asked the applicant if they have considered doing a Comprehensive Permit. Answer: This is HUD subsidized (affordable housing); they have not considered doing a Comprehensive Permit.

Some of the Board Members thought the applicant should go for a Special Permit before City Council.

The applicant stated that the neighborhood has changed, with more homes in the area, that is why the need for more off street parking.

The Board read into the file, a letter from the Building Inspector, Michael Mendoza, dated May 20, 2014 RE: 90 Onamog St.

Paul Giunta made a motion to **continue** the public hearing to July 8, 2014 at 7:00 PM in order for the applicant and the Board to clarify some of the items in the Building Inspector’s letter dated May 20, 2014.

Discussion:

- Preserve @ Ames – Comprehensive Permit – ZBA Case #1410-2012
Atty. Bergeron, represented Fairfield, the new owners of Preserve @ Ames. Fairfield is before the Zoning Board this evening with some proposed changes to the Comprehensive Permit that was granted on January 29th, 2013 to The Gutierrez Company.

According to the Comprehensive Permit Condition #4, which states: Proposed modifications to the Plan following the issuance of the Comprehensive Permit decision and Site Plan Review shall be submitted to the Building Inspector, who may determine whether the modifications are major or minor, and may approve minor modification to the Plans. Any proposed major modification of the plans shall be submitted for review by the Site Plan Review Committee, and, if the Site Plan Review Committee determines that the modifications are inconsistent with the Comprehensive Permit decision pursuant to Condition #2, of the Comprehensive Permit, for review by the Board.

Fairfield wanted the Board to rule on whether the proposed modifications are consistent or inconsistent with the Comprehensive Permit.

Fairfield Marlborough Limited Partnership is owned and controlled by Fairfield Realty II LLC or more commonly known as Fairfield Residential. (Fairfield bought Preserve @ Ames on April 30, 2014) Fairfield anticipates the start of construction by September 2014.

Also present this evening was: Timothy J. Williams, PE, Allen & Major Associates, John Shipe of Fairfield and Kevin Maley of FF Realty II LLC.

After much discussion, a motion was made by Paul Giunta, seconded by Ralph Loftin that the modifications are minor. The Board voted 5-0 that the below proposed modifications are consistent with the Comprehensive Permit.

The approved plan is entitled: The Preserve @ Ames Multi-Family Residential Marlborough, MA, Site Comparison Exhibit Plan (Sheet CP-2), dated 1/21/2014 to 5/27/2014 showing:

- The incorporation of 10 parking garage structures to allow for enclosed parking. The number of total parking spaces has not changed. The garages will be rented out to their tenants.

- Relocation of the bus stop and refinement of the dumpster locations
- Modified pedestrian connections to building entries
- Minor changes to the location of the recreation area and the emergency access drive.

Some of the other minor changes that were mentioned:

- The bus stop is pushed up further from the club house
- Adding a mail kiosk
- With Conservation approval, the buildings were pulled further away from the wetlands.
- The maintenance garage went away.

Other Business:

- Voting of Board officers

The outcome of the voting of officers is as follows:

- Paul Giunta – Chairman - Ralph Loftin nominated Paul Giunta as Chairman. Seconded by Ted Scott. All in favor were Ralph Loftin, Ted Scott and Tom Golden.
- Ralph Loftin – Vice Chairman - Tom Golden nominated Ralph Loftin as Vice Chairman. Seconded by Ted Scott. All in favor were Paul Giunta, Ted Scott and Tom Golden
- Tom Golden – Clerk - Paul Giunta nominated Tom Golden as Clerk. Seconded by Ted Scott. All in favor were Paul Giunta, Ted Scott and Ralph Loftin

Adjournment

With no other business, the meeting was adjourned at 9:00 PM.

Respectfully Submitted,


Paul Giunta
Chairman