

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
September 19, 2018  
101 Memorial Highway**

Members present: Vaughn Hathaway, Chair; David Orth, Vice-Chair; Jim Buckley, and Jim Reinke

Members Absent: Mary Moore

Alternate members present: Richard Johnston

Staff present: Michelle Buck, Town Planner

The meeting was called to order at 7:30PM. The Board reviewed the minutes and made several typographical and other corrections.

**June 20, 2018 Minutes: 61 Lakeview Drive**

MOTION. Mr. Buckley moved to approve the minutes of June 20, 2018 for 61 Lakeview Drive

SECOND: Mr. Reinke. Discussion: None:

VOTE: All in favor.

**June 27 2018 Minutes: 1323 Main Street**

MOTION. Mr. Buckley moved to approve the minutes of June 27, 2018 for 1323 Main Street

SECOND: Mr. Reinke. Discussion: None:

VOTE: All in favor.

**July 12, 2018 Minutes: 1323 Main Street, continued**

MOTION. Mr. Buckley moved to approve the minutes of July 12, 2018 for 1323 Main Street

SECOND: Mr. Reinke. Discussion: None:

VOTE: All in favor.

**August 1, 2018 Minutes: 1323 Main, continued**

MOTION. Mr. Buckley moved to approve the minutes of August 1, 2018 for 1323 Main Street

SECOND: Mr. Reinke. Discussion: None:

VOTE: All in favor.

**August 8, 2018 Minutes: 1323 Main, continued**

MOTION. Mr. Buckley moved to approve the minutes of August 8, 2018 for 1323 Main Street

SECOND: Mr. Orth. Discussion: None:

VOTE: All in favor.

**Public Hearing, 101 Huntoon Memorial Highway Special Permit:**

Mr. Hathaway opened the hearing at 7:50PM and provided an overview of the hearing process.

Voting members for this application are as follows: Vaughn Hathaway, David Orth, Jim Reinke, Jim Buckley, and Richard Johnston

Mr. Stephen Balcewics of BC Engineering & Survey, Inc. was present for the Applicant.

Mr. Orth read the hearing notice and application into the record.

*Brief Description of Application:* The existing structure is considered a pre-existing nonconforming structure which my client is proposing to construct a 90' x 90' addition off the rear of the building. The side yard setback at the time the original building was constructed was 40

feet, however the required side yard setback presently is 50 feet, therefore a special permit is required.

*Reasons for Variance or Special Permit:* Inside the existing building is an overhead rail crane used to move heavy steel objects which is an integral part of the manufacturing process of the business. This overhead rail crane is approximately 85' wide and travels the length of the building. In order for the overhead rail crane to extend into the addition, the existing building and the addition have to be the same width. The addition shall provide 8,100 square feet of additional space and improve production, employee safety, and provide better quality control. There shall be no increase in the number of employees.

Mr. Orth also notes a letter from Jeff Taylor, Inspector of Buildings, dated July 26, 2018.

Mr. Hathaway opened the hearing up to the petitioner.

Mr. Steven Balcewicz from BC Engineering, Inc. speaks, representing 101 Huntoon LLC (Robert Johnson). The existing building is 135' x 90'. The use is for welding and manufacturing steel gusset plates, beams, etc. There's a rail crane that runs the existing length of the building. They are seeking to increase production. To keep productivity the same and allow a better working environment for employees, they want to add a 90' x 90' addition. Side setbacks were 40' at the time the building was constructed but were changed to 50'. There's room to meet setbacks, but it would destroy the ability to continue the use of the rail crane.

Mr. Balcewicz continued. The hardship is that they have an above-head 15-ton crane. They need the same width to the building to use the rail crane. He also mentioned topography and that the back part of the site is actively used. There's no increase in the number of employees and there's sufficient parking on-site.

Mr. Buckley asked if there is any change to store chemicals or anything hazardous that isn't there now? Mr. Balcewicz said the use would be exactly the same as the current building.

Mr. Orth asked how trucks would access the new building. There was back and forth discussion on this issue. Mr. Balcewicz indicated that there was sufficient room on site to maneuver trucks.

Mr. Hathaway noted that the project won't be detrimental to the neighborhood, and indicated concern about runoff. Mr. Balcewicz said that he'd been before the Planning Board twice, and he's applied to the Conservation Commission. The Planning Board sent plans to Quinn Engineering for review; Kevin Quinn provided a punchlist of items to correct. Quinn Engineering had additional concerns with the Cultec chamber and stormwater management. Post-development runoff has to be no more than pre-developmemnt. He's modified the proposal to address drainage, including runoff. He created a low area to collect water and perc into the soil.

Mr. Hathaway asked about the amount of impervious land area. Mr. Balcewicz said that he meets the requirement. The front lot is 65,000s.f. and the rear lot is 68,000 s.f. so with the total combined lot area they fall under the building lot coverage threshold. Mr. Balcewicz shows the Board the plan that more clearly shows the entire parcel.

Mr. Johnston asked if Central Mass Crane was in this building. Mr. Balcewicz says yes. It's currently two businesses: Worcester County Welding and Johnson's Structural Engineering (the company that designs the steel products).

Mr. Reinke asked for information on deliveries. Mr. Balcewicz explains the traffic flow on the plan. Mr. Reinke asks if the site is a commercial garage. Mr. Balcewicz said the only things parked are forklifts and jockey trucks that move things around the yard. The site is gated. Pickup trucks with welding supplies and similar are in the fenced-in area.

Mr. Balcewicz submits several photographs of the existing site and reiterates that the crane has to line up with the existing building.

Mr. Orth asked about the setbacks from side lot lines. Mr. Balcewicz says the exact distance varies, because the addition must follow the width of the existing building. Mr. Hathaway notes that the addition is no closer than the existing building.

Mr. Johnston says that Liberty movers is to the north of the site, and the other side is a used furniture business. There's also a nursing facility in the vicinity. There was discussion back & forth of ownership of abutting properties.

Mr. Reinke expressed concern about trucks parked inside the building. Usually drains would be required for a commercial garage where vehicles park (drain, oil separator, etc.). Mr. Balcewicz said the forklift trucks have propane and batteries. Mr. Reinke said the building code requires a linear drain into an oil/water separator. He wants the issue of a commercial garage looked at.

Mr. Balcewicz said he thinks there's a spill kit in the building. We could make sure if included in the condition. Mr. Reinke said it's a code requirements. It may be more of a matter for the Conservation Commission and building, specifically the plumbing inspector.

Mr. Reinke asked about sprinklers. Mr. Balcewicz wasn't sure, and reviewed the dimensions of the building. Mr. Reinke felt sprinklers weren't required. Mr. Balcewicz said the Fire Department wanted an alarm system.

MOTION: Mr. Orth moved to grant the special permit to 101 Huntoon Memorial, LLC for the construction of an addition to the pre-existing, non-conforming building.

SECOND: Mr. Reinke. Discussion: None

VOTE: All in favor.

Mr. Hathaway explained the process after approval. Mr. Balcewicz noted that the Planning Board continued to 10/2/2018 to allow time for Quinn Engineering to review. The Conservation Commission continued to October 17, 2018.

#### Board Correspondence

*Letter from Durland Van Voorhis to the Zoning Enforcement Officer dated September 6, 2018 (re: Leicester Public Library).* The project was modified to address comments from the Fire Department, but will exceed the impervious limit in the ZBA approval (75%). Ms. Buck explained to the architect that going over 75% would require an amendment of the special permit. She'll follow-up with a more formal letter. They'll likely modify the project in some way (such as using pervious pavers for some areas) to avoid a special permit amendment.

MOTION: Mr. Buckley moved to adjourn the meeting.

SECOND: Mr. Reinke.

VOTE: All in favor.

The meeting adjourned at 8:35PM.

Respectfully submitted,

Michelle Buck, Town Planner

**Documents included in meeting packet or otherwise sent to ZBA in advance of the meeting:**

- Zoning Board of Appeals Agenda 9/19/18
- Draft Minutes
  - 61 Lakeview Drive 6/20/18
  - 1323 Main Street 6/27/18
  - 1323 Main Street 7/12/18
  - 1323 Main Street, Continued 8/1/18
  - 1323 Main Street, Continued 8/8/18
- Hearing notice and Special Permit application: 101 Huntoon Memorial Highway

**Documents submitted at meeting:**

- Letter from Durland Van Voorhis to the Zoning Enforcement Officer dated September 6, 2018 (re: Leicester Public Library)