

ZONING BOARD OF APPEALS
MEETING MINUTES
June 26, 2019
1762 Main Street

Members Present: Vaughn Hathaway, Chair; Jim Reinke, Vice Chair; Mary Moore, Jim Buckley

Members Absent: N/A

Alternate Members Absent: Richard Johnston

Staff Present: Michelle Buck, Town Planner; Maureen Schur, Department Assistant

The meeting was called to order at 7:35PM.

Mr. Hathaway explained the meeting is being videotaped as well as audiotaped. He also stated only 4 Board members were present therefore all 4 Board members would have to vote unanimously to approve the Variance. Mr. Hathaway asked the petitioner if he would like to go forward with the hearing. The petitioner, Mr. Rob Lally, stated he would like to proceed.

May 1, 2019 Minutes: 86 Willow Hill Road

Mr. Hathaway and Mr. Buckley noted that they had minor revisions to the minutes.

MOTION: Ms. Moore moved to approve the minutes of May 1, 2019 for 103 Marshall Street with the revisions.

SECOND: Mr. Reinke. Discussion: There were typographical errors to be corrected.

VOTE: All in favor.

Public Hearing, 1762 Main Street, Variance

Mr. Hathaway opened the hearing at 7:40PM and provided an overview of the hearing process.

Voting members for this application as follows: Vaughn Hathaway, Jim Buckley, Mary Moore, and Jim Reinke.

Mr. Hathaway opened the hearing up to the petitioner.

Norman Hill, Engineer from Land Planning Inc., addressed the Board and explained that his client, Rob Lally of Cultivate Holdings, has a parking problem. Mr. Hill explained the lack of parking for the Cultivate facility located adjacent to 1762 Main Street is a critical issue for his client. Mr. Hill described the topography of the land including its steepness and that there are wetlands that prevent the location of the proposed parking lot from being moved. Presently, patrons have to drive a mile down the road to park at a satellite parking area located at Everlast Nursery and board a shuttle to the retail facility. The proposed parking lot would provide 24 new parking spaces and that number will be adequate to handle the business Monday-Friday. The shuttle would continue to run on the weekends. Mr. Hill reviewed the 20 foot landscape strip in the front of the property, the 25 foot no-disturb zone, and the location of the stormwater facilities. Given the location of these it is not possible to move the location of the proposed parking lot further from the street. Mr. Hill further explained the topography of the land presents a hardship to his client. Mr. Hill said a retaining wall will be built and a fence will be constructed on top of the wall to provide extra screening of the proposed parking lot. The landscape plan shows juniper and dogwood trees as well as grasses and serviceberry trees.

Mr. Hathaway asked if the Board had any questions.

Ms. Moore asked if the current street cut will cease to exist and if a new curb will be put in? Mr. Hill stated yes.

Ms. Moore asked how many parking spots are currently located at the Cultivate retail facility? Ms. Buck stated there are 26 parking spots.

Ms. Moore asked if the proposed parking lot were approved how would the overflow of customers be handled on the weekends? Mr. Lally stated the professional transportation company would continue to run shuttles to the retail facility at those times. Mr. Lally also stated there are fewer customers now that more retail facilities are opening. Also, the current lack of parking is inconvenient for customers so they are choosing to go to retail facilities that provide on-site parking.

Ms. Moore asked if there is a plan to remove the current portable signage. Mr. Lally stated they would be removing the current sign and they do not anticipate any new signage.

Mr. Reinke asked why there is a need for 24 new parking spaces? Mr. Lally reiterated the lack of parking is a hardship for the customers and therefore is having an impact on the business. Mr. Reinke asked if the 26 existing spots met the town regulations? Ms. Buck stated that parking is in compliance with town regulations.

Mr. Reinke asked what the projected number of parking spaces would be during peak time? Mr. Lally explained there is a downward trend right now and he feels the proposed parking lot will be sufficient for the demand.

Mr. Buckley asked how many parking spaces are currently located at the retail facility and how many of those spaces are being used by employees? Mr. Hill stated there are 26 spaces, 7 located in the front, 3 located on the side of the building and 16 located behind the building. The 16 spaces in the back are used by the employees. There are 2 designated handicapped-accessible spaces located in front of the building.

Mr. Buckley asked about the hardship. Mr. Lally explained they are at a competitive disadvantage because there isn't enough parking to accommodate the customers. Also, there is a huge financial burden associated with hiring 2 vans, 6 drivers and 2 tents to shuttle customers from the satellite parking.

Ms. Moore asked if the current tent located at the retail facility is on the pavement. Mr. Lally explained the tent is located on the grass.

Ms. Moore asked if there were parking issues when the facility was for medical use. Mr. Lally stated no.

Mr. Reinke asked if the parking lot could be skewed to the east and Mr. Hill stated it could not due to the uniqueness of the land.

Mr. Hathaway asked if the planting would be a mix of deciduous and coniferous species. Mr. Hill stated yes.

Mr. Reinke asked about the parking lot lighting. Ms. Buck pointed out the lighting on the plans.

Mr. Hill asked about the hours of operation. Mr. Lally stated the retail facility is open 8am-10pm daily.

Mr. Buckley asked if the lack of parking was causing customers to go other stores where parking is more convenient. Mr. Lally stated he has seen his business drop off since other facilities have opened. When he recently spoke to the owner of a store located 45 minutes away, the owner stated they have seen an increase in customers.

Mr. Hathaway opened the hearing to questions from the public.

Mark and Patty Burdette, abutters, thanked Mr. Lally for bringing the business to the community. They wanted to make sure the boundaries of their land are clear as there are small blue surveyor's flags on their property. Mr. Lally stated he would be sure the boundaries were clear and apologized for the surveyors going onto their property. Ms. Burdette stated they understand lighting is a necessity and asked if the landscaping would be maintained year-round? Ms. Burdette also stated there is often trash that blows in from the wind. Mr. Lally stated the parking lot attendant would be mindful to clean up any trash. Mr. Lally also stated there would be a 6 foot privacy fence located on top of the retaining wall.

Mr. Kevin Desaulnier asked about any waste water. Mr. Hill explained there is a proposed berm that slopes toward the catch basin and there would be no increase in the water leaching.

Mr. Desaulnier asked if the thick vegetation would be removed from the front of the property. Mr. Hill stated some of the vegetation would be trimmed back and new plantings would be put in to help provide screening of the proposed parking lot. Ms. Buck added that the landscape buffer along the front of the property is designed to improve the aesthetic and not to provide a complete physical barrier. Mr. Lally added he would be willing to move several of the trees to ensure privacy to Mr. Desaulnier's property.

Mr. Desaulnier asked how long this project will take to get started. Mr. Hill explained if the Variance was granted and they got the blessing of the other Boards the project would likely start in September 2019.

Mr. Reinke asked if this property is being held in common ownership with 1764 Main. Mr. Lally stated that 1762 Main is owned by a subsidiary of Cultivate, and the 1764 property is leased.

Ms. Moore asked if the business lost its lease and had to leave would the curb cut onto Route 9 have to be reinstalled? Mr. Lally stated project changes would require re-application.

Mr. Hathaway stated the audio recorder malfunctioned and the rest of this meeting will not be available on audio recorder, but reminded the public it would be available for viewing on LCAC.

Ms. Burdette asked if there were any plans for more parking. Mr. Lally stated there were no plans at this time and he did not expect any need for increased parking.

Mr. Hathaway asked if there were any other questions and there were none.

MOTION: Ms. Moore moved to accept the plan for 1762 Main St for the proposed parking lot variance based on the wetlands and usage of land.

SECOND: Mr. Reinke

DISCUSSION: None.

VOTE: All in favor.

Findings of Facts:

Ms. Moore voted in favor of the variance based of the wetlands and use of land. The lack of parking creates a hardship for customers. The hardship requirements have been met.

Mr. Hathaway voted in favor because he feels parking next to the store is important and there is adequate landscaping and fencing to provide screening. The intent of the by-laws is met.

Mr. Reinke voted in favor because he feels there is a hardship created due to the topography of the land and the parking area meets the intent of the zoning by-laws.

Mr. Buckley voted in favor as the petitioner demonstrated hardship due to the uniqueness of the land and the petitioner has met all variance requirements.

Mr. Hathaway explained the filing and appeals deadlines.

MOTION: Mr. Reinke moved to close the hearing.

SECOND: Mr. Buckley. Discussion: None.

VOTE: All in favor.

General Board Discussion

Mr. Hathaway stated this hearing was the last for Ms. Moore. The Board thanked her for her service. Mr. Hathaway stated the Board would reorganize at the next hearing. Mr. Hathaway reminded the Board he has been Chair for the past 2 years.

Ms. Buck stated there is another application and asked about the Board's availability for either July 24, 2019 or July 31, 2019. The Board members present were available for both dates. Mr. Hathaway asked Maureen Schur, Department Assistant, to contact Mr. Johnston to inquire as to his availability. Ms. Schur stated she would email Mr. Johnston in the morning.

MOTION: Mr. Reinke moved to adjourn the meeting.

SECOND: Mr. Buckley

VOTE: All in favor

The meeting adjourned at 8:45PM.

Respectfully submitted,
Maureen Schur, Department Assistant

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

- Zoning Board of Appeals Agenda 5/1/2019
- Draft minutes
 - 86 Willow Hill Road, 4/3/2019
- Public Hearing Notice
- Application materials submitted by Land Planning, Inc. dated May 15, 2019

Documents submitted at meeting:

- Sketch of parking lot showing distances from the paved roadway prepared by Land Planning, Inc. dated June 25, 2019