

**ZONING BOARD OF ADJUSTMENT
MINUTES - MARCH 23, 2005**

Members present: Chris Dunne, Dave Liberatore, Kent Finemore, Ken Gorrell, Michelle Davis, Alternate. Also present, Dave Lorch, LRPC and Eliza Conde, Secretary.

Ken Gorrell moved, seconded by Chris Dunne to accept the minutes of Feb. 28, 2005 as read. Motion passed.

Kent Finemore appointed Michelle Davis as a voting member to replace Roland Seymour. After reviewing the application it was decided to address the second issue on the agenda first.

Mike & Shelly Janis: Application for a variance to the terms of Article 6.2 of the Northfield Zoning Ordinance to allow the operation of a Budget Truck Rental Franchise in the Groundwater Protection District at property belonging to James Borda at 359 Tilton Road (Map R15, Lot 76) in the Commercial/Industrial zone.

Dave Liberatore moved, seconded by Chris Dunne to accept the application as complete. Motion passed.

Mike Janis told the board that the ordinance refers to a trucking terminal, but his proposal is not a terminal. All maintenance and fueling etc. will be done off site. The trucks are inspected daily and they are usually on the road. There would not be more than 8 or 9 trucks at a time and there would be less traffic than another commercial business would generate. Chris Dunne commented that the trucks are parked on the paved area which drains into a sandy area.

Public Hearing: Barbara Money, representing T-N Aqueduct asked about drains in the building. There are three, one has been sealed and the other two will be. Mrs. Money asked about the septic system and plans for storm water management. The septic system is being inspected soon, if it fails it will be replaced, and if it passes, a design for a replacement system will be created so that a new one can be installed as soon as the old one fails. Mr. Janis does not have any storm water management plan at this time. Barbara Money stated that the Aqueduct is not opposed to the business, but is concerned that all precautions for protecting the aquifer are in place.

Kevin Fife inquired about the size and number of trucks and expressed concern about fuel spillage ending up in the aquifer. A storm water management plan is crucial for protecting the aquifer. Dave Liberatore asked Mr. Janis how a leaking truck would be handled. Mr. Janis replied it would be removed from the site immediately and returned to Concord. Dave Lorch reminded the Board that the Planning Board would be addressing the storm water management issue and entered into the records information from T-N Aqueduct showing potential contamination sites including the one in question.

Kent Finemore entered letters from the Board of Selectmen and the Conservation Commission for the record.

Chris Hunt supports the recommendations for a storm water management plan and an updated septic system. He stated that it is our responsibility to protect our drinking water and the wells are very near this property. The uses listed as prohibited in the groundwater protection zone are there for a reason, to protect this extremely valuable water resource. The wells are only 30 feet deep and the water needs no treatment because it is so pure. If petroleum contaminants are allowed to enter the aquifer, it cannot be removed. Steve Bluhm asked what the state regulations are relative to a protective radius. Chris Hunt responded that the water company has to own a 400 foot radius for a sanitary area around the wells. The wells are tested every three years and if the wells fail, the water is no longer available. It behooves the town to protect its wells. Public hearing closed.

Chris Dunne commented that this property is not within the 400 foot radius of the wells. Dave Liberatore asked the board for a definition of “fleet trucking” as there is no definition in the ordinance. Ken Gorrell added that the ordinance states no automotive uses, including fleet trucking and he cannot figure out how this use can not be an automotive business. Mr. Gorrell stated that this clearly is an automotive use and there would be no way to control the possible growth, the increased amount of maintenance and fueling taking place on the property. The town has adopted this ordinance to protect the aquifer and Ken did not feel that a storm water runoff system can be relied on to collect contaminants.

Dave Liberatore moved, seconded by Michelle Davis to deny a variance for Tax Map R15, Lot 76 at 359 Tilton Road to operate a truck rental service located within the Groundwater Protection District for the following reason:

- The request does not meet all five criteria for a variance in particular the proposal is contradictory to the intent of the Groundwater Protection Ordinance which ensures the integrity and quality of the surrounding wetland and underlying groundwater supply.

Motion passed 3-1. Variance denied.

Mike & Shelly Janis: Application for 3 variances to the terms of Article 7 Table 1 of the Northfield Zoning Ordinance:

- To allow the operation of a Budget Truck Rental Franchise**
- To allow a storage facility**
- To allow a catering kitchen**

at property belonging to James Borda at 359 Tilton Road (Map R15, Lot 76) in the Commercial/Industrial zone.

Chairman Finemore stated that the board will discuss all three variances together, but will vote on each variance separately. Dave Liberatore moved, seconded by Chris Dunne to accept the application as complete. Motion passed.

Mike Janis explained that the catering kitchen is not a restaurant. His business uses kitchens on site at events but he wants to consolidate his office, storage of supplies and back up kitchen work. He is planning to address the condition of the septic system and is currently working on plans to meet the fire codes. Mr. Janis stated that the request for storage is probably a temporary use of the large building. He currently has vehicles and boats in the building which is constructed of concrete. Dave Liberatore asked if the business is for catering. The normal business is preparing on site at functions such as the Capital Center for Arts. Most of the cooking is prepared on the site of the function, but Mr. Janis is looking for a central place for storage of food and supplies. Michelle Davis asked about the proposed addition to the building. Mr. Janis replied that this is a delivery dock and walk in freezer for deliveries.

Public hearing: Steve Bluhm commented that it is impossible to control what people will store in a storage facility and had concern about chemicals, fuel, etc. being involved. Kevin Fife asked if there is any plan to add on more storage. No, the building is already more than needed. Ken Gorrell asked if the storage area is separated from the kitchen area. It currently is not, but Mr. Janis would plan to wall off the kitchen area. Mr. Janis is not interested in creating a storage facility with individual locked spaces, he is currently storing vehicles and boats. Chris Hunt commented that the septic system would need to be updated to meet current standards. Public hearing closed.

Kent Finemore noted that a “storage facility” is a broad term and there would have to be conditions such as nothing with gasoline, etc. Dave Liberatore expressed concern with the boats and cars because of fuel.

Dave Liberatore moved, seconded by Ken Gorrell to deny a variance for Tax Map R15, Lot 76 located at 359 Tilton Road to operate a truck rental service for the following reason:

- The request does not meet all five criteria for a variance, in particular the use will not benefit the public interest and it is contrary to the spirit of the Northfield Zoning Ordinance.

Motion passed, variance for truck rental facility denied.

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Ken Gorrell moved, seconded by Chris Dunne to grant a variance for Tax Map R15, Lot 76 located at 359 Tilton Road to operate an automobile and boat storage facility at the site with the following conditions:

- No maintenance of vehicles or boats allowed on the site
- The facility will not be designed so that it meets the definition of a “self-storage” facility.

Dave Liberatore explained to the board that these boats and cars with fuel in them would be in the same building with a kitchen using flame for cooking. If that building ever blew up it would permanently damage the aquifer and the town can't possibly accept this use. Motion to grant the variance failed.

Dave Liberatore moved, seconded by Michelle Davis, to deny a variance for Tax Map R15, Lot 76 located at 359 Tilton Road to operate an automobile and boat storage facility at the site for the following reasons:

- The use would not be a benefit to the public interest
- The use is contrary to the intent of the zoning ordinance.

Ken Gorrell pointed out that the application only requests “storage facility”, it does not ask for automobile and boat storage. The applicant could be allowed to store other items that do not involve fuel. Dave and Chris withdrew the motion. Michelle Davis moved to grant the variance to operate a storage facility but no second came forth. Dave Lorch suggested the board could pass the storage facility but include specific items from the ordinance that are not allowed in the groundwater protection district. Kent Finemore replied that the board would be better off denying the facility and let the applicant come back with a specific use of the building.

Dave Liberatore moved, seconded by Michelle Davis to deny a variance for Tax Map R15, Lot 76 located at 359 Tilton Road to operate a storage facility at the site for the following reasons:

- The use would not be a benefit to the public interest
- The use is contrary to the intent of the zoning ordinance.

Motion passed, variance for storage facility denied.

Dave Liberatore moved, seconded by Michelle Davis to grant a variance for Tax Map R15, Lot 76 located at 359 Tilton Road to operate a catering service with the following condition:

- That the facility meets the Planning Board's Site Plan requirements.

Motion passed, variance for the catering kitchen granted.

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Kent Finemore announced to the Board that Alternate Joe Meilcarz has resigned and Alternate Michelle Davis has been appointed as an alternate to the Planning Board. Any suggestions for new members should be brought forward.

Meeting adjourned at 8:30 pm.

Respectfully submitted,

Eliza Conde, Secretary