

**TOWN OF NORTHFIELD
ZONING BOARD OF ADJUSTMENT
October 27, 2014
MINUTES**

Members present: Brian Brown, Phil Cain and Kent Finemore.

Minutes: Phil Cain moved, seconded by Brian Brown to accept the minutes of September 22, 2014 as read. Motion passed. Chairman Finemore explained to the applicants that because there are only three members of the Board attending this meeting it will require 3 yes votes to approve an application. The applicants were given the opportunity to postpone their cases until a full board was present.

Garnet Edmunds: Application for a variance to Article 7 Section 2 of the Northfield Zoning Ordinance to allow an “in-law” apartment on less than the required 2.5 acres at 258 Bay Hill Road (Tax Map R15 Lot 23 1.84 acres) in the R1 zone. Phil Cain moved, seconded by Brian Brown to accept the application as complete. Motion passed. As no one was present to speak for this application, Phil Cain moved, seconded by Brian Brown to continue the application to the November 24, 2014 ZBA meeting. Motion passed.

Kipco Properties LLC: Application for a variance to Article 7 Section 7.1 of the Northfield Zoning Ordinance to allow the second floor of an existing 32x32 garage to be converted to a 1 bedroom apartment on 10.274 acres at 270 Tilton Road (Tax Map R14 Lot 8) in the C/I zone. Phil Cain moved, seconded by Brian Brown to accept the application as complete. Motion passed. Nancy Spaulding, representing the applicant, presented the application for the conversion of the second floor of an existing garage for a caretaker’s apartment. The property is in the C/I zone and the Groundwater Protection District. It has municipal water and an on-site septic system. The 32’x32’ garage has a full second story with room for a one bedroom security apartment. There is sufficient parking and there would be no additional lighting except at the entrance door. Kent Finemore asked why an apartment is needed rather than an office for a security person. Kip Cormier responded that the security person would live there for a presence on site to deter trespassers.

Public hearing was opened and closed with no comment. Phil Cain commented that this is an existing structure, not adding one. Kent Finemore noted that this application is for an approved living unit but there is nothing that prevents the owner from having someone on site all the time. Brian Brown commented that because 5 or more apartment units are allowed in the C.I zone, what would stop this from becoming larger. Kent Finemore explained that expansion would require a Special Exception from the ZBA, but he questioned whether such use would be allowed when there are already 2 business buildings on the property. Residential use is not allowed in the C/I zone but if this unit is approved for “security purposes” it could become rental property. Kent questioned whether an additional permit would be required for just a security office. He suggested seeking legal advice relative to the ability to allow an office versus an apartment for “security purposes” on property with existing businesses. Kent commented that it is unique to have commercial use of the property and then ask to add a living unit in an outbuilding. Kip

Cormier stated that it would be similar to self storage facilities where they have a living unit for security rather than hire a security guard.

After further discussion Brian Brown moved, seconded by Phil Cain to continue this application for further review to the November 24, 2014 meeting in order to seek legal advice and further information from the Code Enforcement Officer. Motion passed.

Robbie Robbins and Amy Marrello: Application for a Special Exception to operate an automotive repair facility on .61 acre at 35 Park Street (Tax Map U7 Lot 4) in the C/I zone. Brian Brown moved, seconded by Phil Cain to accept the application as complete. Motion passed. Amy Marrello presented plans for the automotive repair facility noting that the property is zoned C/I but not in the Groundwater Protection District. There are commercial properties on both sides of the property. This would be a small operation which would not increase traffic with no expansion of the existing building. There would only be one mechanic, there is parking for at least 6 vehicles and there is plenty of space to turn around in the parking lot with no one needing to back out onto the road. It is intended to be automotive repair only with inspections with mostly engine and transmission repair. Mr. Robbins plans to install a waste oil furnace to use oil from changes. A good collection system will be necessary. He is not planning any auto body repair or painting.

Public hearing opened and closed with no comment. Kent Finemore stated that he had been concerned with access to this lot, but he doesn't foresee much traffic being generated. The Board could put conditions on an approval limiting the use to one bay only, and the Planning Board will be reviewing it carefully. There are state environmental regulations relative to hazardous wastes that will need to be adhered to. The Criteria for granting a Special Exception were reviewed. This is an existing garage with no new building, it is in the C/I zone and water and sewer are available.

Members discussed possible restrictions such as limiting parking spaces, etc. and how that would be managed by the Planning Board. After further review, Brian Brown moved, seconded by Phil Cain to approve the application for a Special Exception to operate an automotive repair facility on .61 acre at 35 Park Street (Tax Map U7 Lot 4) in the C/I zone with the following conditions:

1. No additional building or addition without ZBA approval
2. No inspection station
3. Limit to 4 parking spaces for mechanical repair vehicles (not personal vehicles)
4. No auto body or painting without further approval of the ZBA.

Phil Cain asked about inspections and Mr. Robbins would like to apply for that as soon as possible. Kent Finemore commented that he is not in favor of restricting the inspection station and if any new building or addition could meet setbacks it wouldn't be necessary to come to the ZBA. Brian Brown stated he is concerned with future painting and the hazardous materials involved. Kent Finemore moved, seconded by Phil Cain, to amend the above motion to remove conditions 1 and 2. Amendment passed. Motion passed with conditions 3 and 4.

Meeting adjourned at 8:30.

Respectfully submitted, Eliza Conde, Secretary

Minutes approved 11-24-2014