

Tuesday, January 16, 2007
Special Permit Hearing on a
Major Commercial Development at 534 Main Street by
Sumac Nominee Realty Trust

Meeting was called to order at 8:00 PM

Members present were: Chair, Rene Wood, Bart Elsbach, Anthony Gulotta, Bill Gillooly and Christopher Tomich.

R. Wood stated that the hearing notice had been duly posted.

Susan Smith, an attorney representing Sumac Nominee Realty Trust, presented the application for a Special Permit for a Major Commercial Development. She stated that the use at the back of the building for a lawn property management company is allowed by right. The proposed commercial development does meet all existing zoning setbacks and parking requirements. There is no plan to alter the driveway, curb cut or parking. The interior will be divided into 2 spaces. Please see the additional written description and proposed findings by Attorney Smith attached.

R. Wood asked the audience if anyone would like to speak in favor or against the Special Permit Application. R. Wood asked why on the application the lot size is listed as .75 acres and orally Attorney Smith refers to it as a little more than an acre. Attorney Smith answered that her client acquired the extra land on December 6, one day after they submitted the application to the Planning Board.

R. Wood asked if the back part of the building with access to the bathroom and deliveries would be open during the tenant's business hours. She reminded Atty. Smith that parking cannot be within setbacks unless grandfathered in.

B. Elsbach asked if the site has the capacity to allow a tenant to use additional water. Atty. Smith said that the Board would only be voting on 2 tenants in this application. R. Wood wanted to know how the Board can evaluate the application if they don't know the uses of a future tenant. Atty. Smith understood the concern but did not want to comment without speaking with her client.

Steve Seward explained that a concrete slab would hold a refrigeration unit and won't be seen from the road.

Audience Questions: 1) Mary Alice Welch: "Has the tenant been identified?" R. Wood answered that the tenant is COG Brewing Company, a micro-brewery and that they will have their special permit hearing at the next meeting. 2) C. J. Fuchs: "Are there enough parking spaces for personnel?" Steve Seward answered that there are 4-5 cars parked there during the summer and that there will be an additional 1-2 cars with COG.

Tom Carmody stated that the MA highway department has come down and tagged the right of way and anyone can look at those flags in relation to these parking spaces. He hasn't determined whether the building is grandfathered in for set-backs. He'll determine that.

Atty. Smith stated that if her client were to further divide the space, they would have to return to the Planning Board because there would be a potential for a different impact. R. Wood thought the Planning Board could make a condition that required a public review of any new tenant. Atty. Smith said that such a condition would curtail her client's ability to rent. She will think of other possibilities to address that concern and provide her input to the Board.

R. Wood called again for comment and no one had any more comments.

8:40 PM B. Elsbach moved to close the Special Permit Hearing. His motion was seconded and approved.

Respectfully Submitted,

Nadia Milleron
Secretary to the Planning Board