

MINUTES
Public Hearing for Jared Smith
Special Permit Application for Light Manufacturing and a Sign
Case # 012209

Wednesday, February 18, 2009

The public hearing was opened at 7:00 PM.

Planning Board members present were: Christopher Tomich, Anthony Gulotta, David Smith Sr. and Timothy Fulco. Sign-in sheet attached.

David Smith Sr. read the legal notice of the Public Hearing into the public record.

C. Tomich explained the purpose of the Special Permit Hearing and conducted the hearing.

Jared Smith handed our new copies of his application with just a few changes. Attached, find all the paperwork that he submitted. The Board reviewed the list with Mr. Smith.

Jared Smith stated that parking seemed to be a major issue. He has made sure that a vehicle can be parked tight to the building and off of the State highway set back, 35 feet from the center line of the road. The State will not allow parking within their set back. The town front set back is 40 feet from the edge of the road and 20 feet from side property lines.

C. Tomich stated that he discussed the matter with the building inspector, Tom Carmody and according to bylaw section 6.1.3.13 parking cannot occur in set back areas. C. Tomich's understanding is that this non-conforming building cannot have parking within front or side set backs.

C. Tomich explained that if the Planning Board feels the use is proper, it would then be the Zoning Board of Appeals (ZBA) jurisdiction to give variances on hardships created by non-conforming buildings. He stated that any proposed renovations would have to go through the ZBA as additions to a non-conforming building and lot size. However, C. Tomich said that the Planning Board has to abide by the bylaw which states "parking area needs to be outside set backs."

T. Fulco had a question about whether deliveries would come from the front or back. Jared Smith answered that deliveries would have to be in front.

C. Tomich asked Mr. Smith about the dumpster, which he thought was in a good location based on Mr. Smith's answer.

A. Gulotta asked how many employees would be working at the business. Jared Smith said 2 employees.

C. Tomich asked about landscaping and Jared Smith explained that he has already hired a horticulturalist to do landscaping.

C. Tomich stated that 6 parking spaces would be an adequate number. Jared Smith said that he and his employees would park in the rear.

Sandra Preston asked in Jared Smith would need to go to the ZBA before the closing.

C. Tomich stated that the Planning Board can make a decision on use but cannot make an accommodation that parking could occur in the set backs. He stated that the applicant could call the ZBA to find out when a hearing could take place for potential action on a variance for his parking hardship.

At 7:30 PM, D. Smith Sr. made a motion, seconded and approved 4-0, to close the public hearing.

Respectfully submitted,

Nadia Milleron.