



ZONING BOARD OF APPEALS MINUTES

May 27, 2015

The Lunenburg Zoning Board of Appeals held a public hearing on Wednesday, May 27, 2015 at 7:00 PM. The hearing was held at the Lunenburg Town Hall, 2nd Floor Conference Room, 17 Main Street, Lunenburg, MA.

The petitioners Empire Management Corporation, 171 Great Road, Acton, MA 01720 were seeking to continue the existing use of automotive sales and service and to add an eight bay service garage (120x28) between the two existing dealerships and to pave an existing gravel vehicle storage/display area located at 739 Chase Road to the south of the North End Mazda dealership. The property is located at 739, 747, 757 and 777 Chase Road, Lunenburg, MA 01462.

Board Members present: Raymond Beal, Chairman, Alfred Gravelle, James Besarkarski, Paul Doherty and Hans Wentrup. Donald F. Bowen, Vice Chairman was present but not voting.

Others present: Jim Almonte, Project manager from Waterman Design and Brian Lafferty from Empire Management.

Chairman Raymond Beal opened the hearing and explained the procedure to the audience. Lisa Normandin, Board secretary read the application into the public record and a memo submitted by the Lunenburg Board of Health. Jim Almonte spoke on behalf of the applicant and expanded on the petition. He indicated on the site plan the proposed eight bay garage that the petitioners are seeking approval to build located between the two existing dealerships. The applicants are also seeking approval to pave an area at 739 Chase Road for an additional car display/storage area. Mr. Almonte indicated that this plan was approved in the spring of 2014 by the Lunenburg Conservation Commission. Mr. Almonte said that additional lighting would be added to the parking area at 739 Chase Road and the new lighting would be dark sky compliant, he added that the bay doors for the proposed garage would face the rear of the property and would not create excessive noise in the front portion of the property. Paul Doherty asked Mr. Almonte how the applicant was going to address the concerns brought up in the Board of Health memo regarding the increase in sewage flow to the sewage disposal system with regard to the new garage construction as well as the Department of Environmental Protection classification of an increased public water supply. In the memo the Board of Health indicated that the home located at 777 Chase Road must be in full compliance with Title V as it relates to the division of property that is proposed. Mr. Almonte said that they will work with the local Board of Health and are already addressing concerns outlined by Department of Environmental Protection. They are fully aware that the home at 777 Chase must be in full compliance with Title V prior to amalgamating the lot lines. Alfred Gravelle had concerns with regard to the parking spaces that will be eliminated due to the garage construction, he was aware that the new paved area would compensate for many of

the lost spaces. Mr. Almonte said that the lot area with regard to the by-law must have at least 243 parking spaces and they currently exceed that with customer, employee and display vehicle parking on the current plan layout. Hans Wentrup asked how necessary it is to have the paved area at 739 Chase Road and the increase in lighting. Mr. Wentrup was concerned because an abutter on Windermere Drive had concern with lighting at a previous hearing. Mr. Almonte said new LED lighting would replace the outdated lighting and would not project on neighboring properties. Mr. Brian Lafferty of Empire Management indicated that the storage/display area was added by a Special Permit granting when they purchased the old bookstore at 739 Chase Road. The paving of the parcel will improve the existing environmental issue because it is raw soils and gravel and with a wetland area behind it. They do not want any erosion into the existing wetland. The paving of the area will help control storm water with a detention basin and some drainage improvements were created in 2007 when other areas of the property were paved. He indicated that swales will be put in place as part of the new proposal and this was preapproved by the Conservation Commission.

Hans Wentrup mentioned that the previous granting indicated that the parcel could not exceed 300 cars and this Special Permit would need to be amended as they are asking for 476 vehicles. James Besarkarski asked if the applicants have spoken with the Fire Department regarding access for fire safety reasons. Mr. Lafferty and Mr. Almonte indicated that the proposal must go through the development plan review with the Lunenburg Planning Board and the fire department will be included in that process. Alfred Gravelle asked if the new service garage with the eight bays would incorporate the Subaru or Mazda dealership. Mr. Lafferty indicated primarily most of the service bays would be used for the Subaru dealership but the bays have not been given any special designation yet. Chairman Beal pointed out the zoning map that was distributed to the board members and the delineation of the commercial and outlying districts. Mr. Almonte was unclear where the zoning line was exactly in relationship with his current plan. Mr. Beal indicated that it would most likely be a question that should be addressed during the development plan review process and Jim Almonte said that they would update their plan prior to going to the Planning Board so that the zoning line is delineated. The intent is to remove the existing home at 777 Chase Road from the land occupied by the existing dealership. The Board then reviewed the conditions that were approved in the previous granting. Hans Wentrup had questions regarding the number of vehicles on the lot. Chairman Beal indicated that the number did include employee and customer parking. The Board members agreed that a Development Plan Review was before the Planning Board and felt comfortable that any outstanding issues would be addressed with their Board. John Herrick, 99 Boucher Road an abutter had concerns regarding where the property lines meet in the corner. Mr. Herrick indicated that old tires and oil tanks that have been discarded behind the dealership near wetlands and he had concerns with this. Mr. Lafferty said that the Board of Health, DEP and the Lunenburg Conservation Commission has walked the site at numerous occasions. They also had their own environmental consultants on the property many times over the fourteen years that they have owned the property. Mr. Lafferty went on to explain that there was an issue in a rear corner of the lot that ATV's were riding through on a cart road and they have since blocked off the area, he does not feel that the items in question are even on their property. Mr. Herrick alleges that the debris was covered up with loam but has since resurfaced this spring. The Board members took note of Mr. Herrick's concern and will pass the information on to both the Lunenburg Conservation Commission and the Planning Board.

Hans Wentrup made a motion to amend the Special Permit requested to continue the automobile dealership and Paul Doherty seconded the motion subject to several conditions.

All members voted in favor of approving the project.

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Meeting was adjourned @ 8:05 p.m.

Minutes submitted by Lisa A. Normandin, Board Secretary


Approved by Chairman of the Board