

**Town of Auburn, Massachusetts
Minutes of the Meeting
Zoning Board of Appeals
Auburn Town Hall Selectmen's Meeting Room
February 21, 2019 – 7:00p.m**

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Members Present: Robert Tatro, Chairperson, Michael Marin, Vice Chair, Richard Kusy, J. Lawrence Ciccolo, Karen Blais, Alternate and Peter Jones, Alternate

Members Absent: Meghan Roche

Also Present: Dena Daoust, Recording Secretary.

Robert Tatro, Chairperson, called the meeting to order at 7:00p.m. The Town cable staff was present, and the meeting was recorded and televised. No other attendee was recording the meeting.

As Meghan Roche is missing, Karen Blais, Alternate, assumed a voting position tonight. Michael Marin motioned to open the meeting and J. Laurence Ciccolo seconded it. All in favor, 5-0-0.

Mr. Marin motioned to open the first hearing, Ms. Blais seconded it. All in favor, 5-0-0.

7:00pm Applicant: Ross Magnan, requesting a Special Permit under Section 3.2.2.1 and a **Variance** under Section 5.4 of the Auburn Zoning Bylaws to allow the use of a two-family on property located 147 Burnett Street. Map 9, Parcel 39.

Applicant Ross Magnan was present. Mr. Magnan owns 147 Burnett St. This home has been in family for a long time and has an accessory apartment in it that his father built for his grandmother. He is looking to have the house legally zoned as a two family as the bank is requiring that as part of the loan he is trying to get.

Mr. Ciccolo asked if the apartment has two entries and it does. He needs both a Special Permit for the accessory apartment and a Variance as the lot size is below the required 29,000. He is planning no changes to the house or apartment.

Mr. Tatro asked if any abutters were present. Mr. Bob Dupree of 138 Burnett St was. He stated he had no objections to this. Mr. Marin motioned to close the public hearing, Richard Kusy seconded this. All in favor.

Mr. Marin motioned to grant the Special Permit with the condition that the building department inspect the accessory apartment to make sure it meets code. Mr. Ciccolo seconded it. All in favor, 5-0-0.

Mr. Marin motioned to grant the Variance. Mr. Ciccolo seconded it. All in favor, 5-0-0.

7:10pm Applicant: ATS Equipment, Inc., requesting a Variance under Section 5.4 of the Auburn Zoning Bylaws for a partial demolition of an existing garage and the replacement with a larger garage and to **Amend a Special Permit** under Sections 8.2.3 and 4.3.5.1 of the Zoning Bylaws to extend a non-conforming use and to increase the impervious area on property located at 487 Washington St. Map 57, Parcel 21.

Ms. Blais motioned to open the hearing. Mr. Ciccolo seconded it. All in favor.

ATW Equipment is being represented by Todd Brodner of Fletcher Tilton. Currently, ATS has two garages and one is in rough shape. They want to remodel it and connect it to the other garage to increase useable space by 1280 square feet. The garage they are looking to remodel is currently only seven feet from the side set-back. They would like to change that to just three feet so that the two buildings will line up and help increase the useable space. This wall is next to a retaining wall and vegetative border so is not very noticeable.

This change would require an amendment of the current Special Permit ATS Equipment has for how much impervious area they are using in the aquifer zone. The increase would be 280 feet, basically covering up more of the parking lot but not really using new areas.

Mr. Tatro asked if any abutters were present.

James Shea of 14 Stone St. is unhappy with how ATS currently keeps their equipment. Many tall pieces of machinery are parked behind the building and that is their view now.

Scott Jess lives at 16 Stone St, which is directly behind this business. He is not happy with them. He states he has had trouble with their lights shining into his property. He also said that ATS Equipment's fence fell down and has not been fixed other than to cut down a bunch of trees that were on his property. He is tired of looking at all those large machines. Mr. Jess also stated they have done blasting there that was strong enough to shake his house and he believes they have backfilled behind the warehouse in the middle of the night. He said he has tried to talk to them many times about his concerns and that this stuff is not okay and needs to be stopped.

Mr. Brodeur said they would be happy to fix any buffer zone issues with neighbors but there is not much that can be done concerning the visibility of large machinery. He also stated they did not want to debate the other issues mentioned at this time.

Mr. Ciccolo motioned to close the public hearing and Ms. Blais seconded it. All in favor.

Mr. Kusy asked if the water drainage system would be reviewed and was told they would review if it was requested of them. He pointed out that the Planning Board could request that and handle the buffer zone area with a site plan review. Mr. Ciccolo feels the buffer needs to be substantial and include larger, fast growing vegetation and a new fence.

Mr. Marin asked what the current impervious percentage are is and was told it is 73%/ Mr. Brodeur explained that the increase of 280 feet would equal only a slight increase in the overall percentage.

Mr. Marin indicated that he is very concerned at the idea of increasing the impervious area, if it is just by a little. He would prefer to see them remodel the existing building and definitely wants

to see the buffer zone be cleaned up and bettered. Ms. Blais also wants to see the buffer zone cleaned up. She is okay with the increase to the impervious zone as it will still be below 80% total. Peter Jones stated he would like to see more reason given for the increase to the zone and more consideration given to meeting current rules and conditions. Mr. Marin agreed that he too would like to see ATS work on meeting the bylaws as is, instead of encroaching more on the set back and impervious area.

Mr. Marin motioned to reopen the public hearing. Mr. Ciccolo seconded it. All in favor.

Mr. Brodeur stated that they can't really redesign on the fly to accommodate everyone's concerns and requested a continuation.

Ms. Blais motioned to accept the move to continue. Mr. Ciccolo seconded it. All in favor.

Mr. Marin motioned to close the hearing. Mr. Ciccolo seconded it. All in favor.

7:20pm Applicant: ZPT Energy Solutions II LLC, requesting a Special Permit under Section 3.10.2.3 of the Auburn Zoning Bylaw, for the proposed construction of a large scale ground mounted photovoltaic solar facility, on property located at 347 Rochdale St., Auburn, MA. Map 29, Parcel 7.

Mr. Marin motioned to open the hearing. Mr. Ciccolo seconded it. All in favor.

Kevin McGarry, Project Manager, is present to represent ZPT Energy. This is a large solar project designed to meet the new Auburn solar bylaws. ZPT builds their own panels and continues to own and maintain their projects. 347 Rochdale is a vacant 46 acre wooded lot next to the old land fill. The project will involved putting panels about 26 acres of the land. There is already a gravel access road that will receive some minor improvements. The proposed storm water management system is in peer review.

Mr. Tatro asked if any abutters were present.

Ronnie Brooks of 425 Rochdale St was present. He requested to walk the project with them and also reviewed the slope and property lines with them on the map.

Mr. Tatro explained that the new Auburn bylaws leave site plan review to the Planning Board so voting tonight does not need to be help up due to the requested project walk through by Mr. Brooks.

Mr. Marin motioned to close the public hearing. Mr. Ciccolo seconded it. All in favor.

Ms. Blais motioned to grant the Special Permit. Mr. Marin seconded it. All in favor, 5-0-0.

OTHER BUSINESS:

Motion to adjourn by Mr. Marin, seconded by Mr. Kusy. All in favor.

Meeting adjourned at 8:30 pm.

MINUTES APPROVED: 12/20/18 and 1/17/19

Next meeting will be March 21, 2019 at 7 p.m.

Respectfully Submitted: Dena Daoust

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www.auburnguide.com and click the “Playback of Government Meetings” link on
the homepage.**

The Minutes of February 21, 2019 meeting were approved on May 16, 2019.