

**Town of Auburn, Massachusetts
Minutes of the Meeting
Zoning Board of Appeals
Auburn Town Hall Selectmen's Meeting Room
April 18, 2019 - 7:00p.m**

Members Present: Robert Tatro, Chairperson, Richard Kusy, J. Laurence Ciccolo, Meghan Roche, Karen Blais, Alternate and Peter Jones, Alternate

Members Absent: Michael Marin, Vice Chair

Also Present: Caleb Moody, Building Commissioner and 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 Michael Marin was absent, Karen Blais assumed a voting position. Ms. Blais motioned to open the meeting and J. Laurence Ciccolo seconded it. All in favor, 5-0-0.

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

7:00pm Applicant: ABP Inc, Troy's Sport Bar requesting a Special Permit to extend the existing nonconforming use under Section 8.2.3 of the Auburn Zoning Bylaws to allow the construction and use of a new outside deck on property located 125 Oxford Street, Auburn, MA. Map 10, Parcel 82.

David Silverman, Attorney, is present on behalf of the applicant. Troy's is looking to add an outside deck for lunch and enjoying the view. The deck will be set back 12 feet from front of building putting it within the required setback. This deck is for daytime use, there will be no live music on it and just a few televisions. The deck will close by 10pm nightly. There will also be enclosures on the deck side to help maintain privacy. In total, the deck will be 43 feet by 16 feet with a max table capacity that could sit 46 people.

Mr. Tatro asked if any abutters were present. There was one abutter present, Jim Dunphy of 8 Vinal St and he had no issue with the proposed deck.

Peter Jones asked about changing size of deck to meet the required 20 foot setback. Mr. Silverman explained the proposed deck offers the largest deck possible that doesn't cause a loss to the parking lot so is the best size compromise they felt they could come up with.

Ms Blais motioned to close the public hearing, Mr. Ciccolo seconded this. All in favor.

Mr. Ciccolo motioned to amend the application to include a Special Permit for the extension of nonconforming use and a Variance for relief from the front setback. Ms. Blaise seconded this. All in favor.

Mr. Ciccolo motioned to grant the Special Permit with standard conditions plus approval from the ABCC and the added condition that there be no live music. Ms. Blais seconded it. All in favor. Meghan Roche motioned to approve the Variance for setback relief. Mr. Ciccolo seconded it. All in favor.

7:10pm Applicant: Ray Bonneville, requesting a Variance under Section 5.3.2.1 of the Auburn Zoning Bylaws to allow relief from the frontage requirement of a hammerhead lot for the construction of a single family dwelling on property located at 23 Sunrise Ave. Auburn, MA. Map 8, Parcel 12.

Mr. Bonneville was present, he is the owner of 23 Sunrise and he is looking to build a single family home for his daughter on the property but the property does not have the required 50 feet of road frontage to put in a hammerhead lot. Lot is located on a private road and is the last lot. There is only 20 feet of road frontage for the lot. Mr. Bonneville is requesting to use the end of the road as part of the frontage, which would then provide 60 feet of frontage and enough space for a cul de sac. Caleb Moody explained that case law states lot owners can't use a road like that as half of it belongs to the other side of the road, or another property owner. Due to this, it can't be claimed. Another issue with the road is that it is private and not a town accepted road. In order to put in a cul de sac, the road must be an accepted town road but it does not currently meet town standards. For one thing, the road is not paved. In order to be accepted, paving would be required which would be the responsibility of the residents on that road. Mr. Bonneville is not looking to take on that expense so paving it is unlikely.

It was suggested by the board that Mr. Bonneville consider other possible solutions and do more research on this. Mr. Bonneville requests a continuance to next month.

Mr. Ciccolo motioned to accept the continuance. Richard Kusy seconded it. All in favor.

7:15pm Applicant: Bay State Performance, owners Tim Leveillee + Scott Flavin, requesting a Special Permit to extend the existing non-conforming use under Section 8.2.3 & 3.2.7.6, of the Auburn Zoning Bylaws as well as Special Permits under Section 3.2.6.11 to permit Multiple Business Use and Section 3.2.6.3 to permit Light Vehicular Sales on property located at 94 Southold Road, Auburn, MA. Map 13, Parcel 88.

Mr. Ciccolo recused himself from this hearing so Peter Jones will be voting.

Applicants Tim Leveillee and Scott Flavin were present. Mr. Leveillee and Mr. Flavin are looking to rent three bays from Usher Foreign Auto, located at 94 Southold Rd. Usher Foreign is downsizing and they are looking for a place to repair ATVs, snowmobiles, etc. They are working with the owners to clean up the space and make it more usable.

Mr. Tatro asked if any abutters were present.

Glen Cairns of 92 Southold Rd stated that originally the Special Permit did not allow multi use and feels it is overwhelming to add more to what is already there. He said he is concerned about increase noise issues from ATVs and snowmobiles if they need to test them out.

Craig Boyle of 10 Auburn Hill Rd is concerned about salvage issues. He is worried about items being dumped out back, which abuts his backyard.

Joseph Warren of 97 Southold Rd wants more information on the proposed hours of operation, will there be vehicle sales there, etc.

Elizabeth Boyle of 10 Auburn Hill Rd is worried about how this will affect the neighborhood and possible noise issues.

Edward Usher, owner of 94 Southold Rd addressed some of the concerns. He stated there is salvage in back that was his father's but that it should be removed and he will see to it. He is looking to clean the whole place up and improve the buffer to the neighbors. He said he lives there too and wants the neighborhood to maintain it's current feel.

Applicants also addressed the concerns. They have already been helping out there for the past two months and have been working to clean the lot and building up. Most of their work will be on motorcycles. These are long term projects that take 3 to 5 months. They come in by a trailer sporadically, so there will be little traffic. As for sales, they may occasionally sell a bike they've fixed up but will not have an actual sales lot. Only items sold on a regular basis would be from a small inventory of parts. They expect their hours of operation to be 10 to 6 Tuesday through Friday and 10-4 on Saturdays.

Gail Usher, owner of 94 Southold Rd said they are looking to find a way to keep the business running and this is a way to increase business there. She also agreed that they will clean the lot up and there will not be noise issues.

Ms. Roche motioned to close the public hearing. Mr. Kusy seconded it. All in favor.

Peter Jones motioned to approve. Mr. Kusy seconded it. All in favor.

OTHER BUSINESS:

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

Meeting adjourned at 9:10 pm.

SIGNATURES for DECISIONS: 487 Washington St. ATS Equipment

MINUTES APPROVED: None

Next meeting will be May 16, 2019 at 7 p.m.

Respectfully Submitted: Dena Daoust

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The Minutes of April 18, 2019 meeting were approved on July 18, 2019.