

<http://carlislema.gov>



TOWN OF CARLISLE

**OFFICE OF
Zoning Board of Appeals**

**66 Westford Street
Carlisle, MA 01741
978-369-5326**

Minutes: Board of Appeals, April 5, 2007

The meeting was called to order at 8:00 p.m. in the Town Hall, 66 Westford Street. Board Members Ed Rolfe (Chair), Shann Kerner and Manuel Crespo (Associate Members), secretary Julie Levey, applicant and interested parties were present. Shann Kerner and Manuel Crespo sat as full members for this hearing.

Rolfe opened the hearing at 8:00 p.m., introduced Board members and outlined the process for the hearing. Rolfe altered the agenda by removing all minutes for approval except for the February 1, 2007 minutes due to not having a quorum of members who attended the other sessions.

There was no other and no unfinished business for the Board.

Crespo moved to approve the February 1, 2007, meeting minutes, Rolfe seconded. The Board voted unanimously (3-0) to approve the minutes.

Rolfe opened the hearing for **Case 0705, the application of South Street Realty Trust, Larue Renfroe**, request for a review and amendment to the special permit in effect (Case 7902) under zoning bylaw section 7.2 at 84 South Street (Assurance Technology Corporation).

Chip Orcutt appeared on behalf of South Street Realty. Orcutt is the property manager. Orcutt requested a change to the current permit to allow up to 100 employees – currently allowed to have 75 employees – and to use the brick- end building as additional office space. The building is currently used as rental property. The property has approximately 18 acres in all. There is also a third building that currently holds the shipping and receiving office of the company as well as two family rental apartments.

The brick-end building is located to the far right side of the property. It is currently used as a two- family rental property with a total of eight bedrooms. The property across the street from the three buildings is also owned by South Street Realty and houses the septic system. The septic system is currently operating at 25% of design capacity.

The brick-end building recently incurred a fire. Orcutt said they are hoping to use the property as additional office space and will have better control of the property if they are occupying it. Most of the damage to the building was done in the back.

Orcutt explained that the manufacturing and testing that had originally been housed in the main building on South Street had been moved to Chelmsford. In total, the company has approximately 300 employees world wide. Orcutt said many employees at their South Street location work mostly off-site. Currently, the company is in need of additional office space.

Rolfe noted that in the original decision, the property owners were not obligated to rent any of the buildings but were not allowed to use it for office space.

Rolfe said the bylaw would require 150 total parking spaces based on the square footage. Orcutt felt with the flexible schedules and off-site working of many employees, they did not require that many parking spaces. Orcutt reported that he was required to have the handicap spaces but they were not being used currently.

Orcutt clarified that because the property was used as office space, the septic system was not being used to its full capacity. Orcutt said the brick-end building, when used as a residence, uses more water. Kerner pointed out that residents living there use water for cooking, washing machines, showers, etc.

Orcutt said that no manufacturing was done on site, no additional signage and no exterior changes were needed, and no lighting changes were planned for the exterior of the building. Deliveries were made to the rear of the main building. The brick-end building is tied into the Assurance Technology fire alarm system.

Rolfe requested that, if approved, the next review of the special permit remain as scheduled in 2009.

Rolfe opened the hearing to public comment.

Board of Selectman, Alan Carpenito, urged the Board to review the 1979 decision and to keep the current conditions in place. Carpenito felt that adding additional employees would increase Carlisle traffic and that allowing the brick-end to be used for office space would reduce the needed rental property in town. Carpenito noted that the company was the largest business in town and was located on a back road.

Rolfe said that there was no requirement for the company to rent the buildings for housing.

Orcutt reported that they had recently purchased a building around the corner from the office site and were currently rented the property.

Abutter George Shepard, 45 South Street, said he had been at the 1979 hearing as well. He said the company had been a great neighbor with no traffic issues and the property always had been well maintained. In response to Rolfe, Shepard felt the property could handle an increase to 100 employees.

Orcutt felt that employees were traveling opposite to the heavy Carlisle traffic flow and that residential traffic would result in many more trips.

Orcutt said they planned to keep the outside of the building the same and in keeping with the neighborhood.

Orcutt said he would not object to a restriction requiring the barn to continue to maintain two rental units. Orcutt also reminded the Board that the building had been used as a hospital and had 167 people there. Orcutt said he would accept an employee increase to 88.

Crespo noted that the building had also been used as an inn in the past.

There being no further discussion, the hearing closed at 8:59 p.m.

The Board deliberated **Case 0705 the application of South Street Realty Trust, Larue Renfroe.**

The Board felt the burden of supplying rental property should not be placed on South Street Realty. The Board also felt there was no evidence of a current traffic issue. The Board felt 88 employees was an appropriate

level. The Board felt it was appropriate to remove the restriction in Decision 7902, page 2, paragraph 2 and thereby allow the brick-end to be used for additional office space.

Findings:

1. The Board felt that it was appropriate to increase the number of employees to 88.
2. The Board felt it was appropriate to allow the brick-end building to be used as additional office space for the Assurance Technology Corporation.
3. Any change, either in the holder of the permit or the conditions, requires review by the Board of Appeals.
4. The 5 year review period will not be changed and the next review must be done no later than February, 2009.
5. The operation and use are not contrary to the best interests of the Town.
6. The applicant is altered to include Assurance Technology Corporation.

Decision:

Kerner moved to grant the amendment to Decision 7902 special permit to allow office space in the brick-end building and increase the number of employees to 88, with a regular review period of five years for the operation of professional offices at 84 South Street, with the following conditions. Crespo seconded the motion. The Board voted 3-0 to grant the amendment (Rolfe – aye, Kerner – aye, Crespo – aye).

Conditions:

1. No external changes to the buildings.
2. No additional signage.
3. Total parking for employees, guests and handicap must conform to parking plan.
4. The number of people working at the location shall not exceed 88.
5. This permit shall expire on the fifth anniversary of any decision by the Board of Appeals resulting from review of conditions placed on the special permit use, unless at least sixty days before such fifth anniversary, application shall have been made to the Board for a review of the adequacy of the conditions herein imposed, including the right, in connection with such review, to delete or extend any of them and to impose new additional conditions consistent with the continued use of the premises for the purposes authorized by the special permit. However, the next review will take place in 2/2009 as previously dictated by the special permit.
6. Two rental units in the Barn will be maintained for residential rental use.
7. The same business must occupy the main building and the brick-end building.
8. All other conditions of Decision 7902 remain in effect.

The hearing was adjourned at 9:15 p.m.

Respectfully submitted,

Julie Connor Levey