

ASHFIELD ZONING BOARD OF APPEALS

Public Hearing

Tuesday, August 20, 2013

Town Hall, Ashfield

7:00 p.m.

MINUTES

Case #: 2013-3

Summit Distributing, LLC

240 Mechanic Street, Lebanon, NH 03766

Application for Variance/Special Permit for proposed site improvements at 244 Main Street: a proposed canopy with a setback of less than 25 feet and a freestanding sign to replace an existing non-conforming sign also within the 25-foot setback.

Present: ZBA members: Stuart Harris, Chair; Mollie Babize; Alan Surprenant; Kit Nylen (alt); Anne Yuryan (alt)

Tom Frawley, president of Summit Distributing

Huseyin Sevincgil, civil engineer, MHF Design Consultants, Inc., 44 Stiles Road, Salem, NH 03079

Abutters, members of the public: Ron Coler; Nina Coler; Susan Gambino, Cindy Carney; Phil Nolan; Doreen Nolan; Paultette Leukhardt, Suzanne Corbett; Joanne Ostrowski, Elizabeth Stewart; Brian Clark; Susan Clark; Doug Field; Alan Rice.

Supporting documents:

- Signed application for variance for canopy; variance brief
- Signed application for special permit for sign; special permit brief
- Copy of site plan submitted to ZBA on July 12, 2012
- Copy of the property deed for 244 Main Street, Book 5523/Page 179
- Copy of denial letter from FRCOG Building Commissioner, Jim Hawkins

The hearing was opened at 7:05 p.m.

Tom Frawley presented a large site plan (copy attached) showing the proposed improvements at 244 Main Street. Summit, a distributor of petroleum products, purchased the property from Rice Oil in June 2008. Industry regulations make it necessary to upgrade the underground tanks, piping, and concrete pads around the service area by 2015. The company proposes also adding an overhead canopy to the service area, thus protecting the pumps and electrical equipment, providing a safe, sheltered area for customers, and hiding the fire suppression system. New pumps will take credit cards and offer three grades of gas. Diesel will also be available.

Because of the location of the store and its parking area, they can't relocate the gas pumps beyond the 25-foot setback area—they are 8 feet inside the property line. Mr. Frawley thinks this is consistent with the setback of other buildings on Main Street.

The underside of the canopy would be 15 feet above the ground, which is industry standard. The lights will be flush with the underside of the canopy, facing down.

The sign's lights are all interior LED—no external lights on the sign. It will be moved slightly closer to the right-of-way, the frame will be metal, and it will be protected from snow plows. Proposed sign is 10 feet high. The phone booth will be removed—the phone doesn't work and Verizon won't replace it.

Questions asked of Mr. Frawley and Mr. Sevincgil elicited more information:

- The canopy will be in earth tones—beiges, greens. Materials will be asphalt shake-style shingles, composite molding. There is a similar canopy near Yankee Candle.
- Lights will be turned off when station is closed.
- The 15-foot clearance of the canopy will accommodate a box trailer.
- The peak of the canopy is 23 feet, which is probably 2 to 3 feet higher than Nolan's Neighbors store.
- Construction schedule: they want to complete construction before winter. They would not begin construction until after Fall Festival, and construction would last 5 to 6 weeks, with most of the heavy equipment/construction being completed in about 2 weeks. The station would be closed during the construction project, but Neighbors would be open.
- After the construction is complete, they will repave the area, being mindful of drainage problems. They will pave out to the property line and into the right-of-way.
- The general contractor is a licensed petroleum contractor, so not local, but they will use "local" contractors for paving, plumbing, electric, etc.
- They will not be doing landscaping; they will not obstruct the snowmobile trail.

All comments by the public were positive and supportive: The canopy would be welcome protection in bad weather, the light pollution would be reduced since the lights will face down and be recessed, the ability to pay at the pump would be helpful, and the repaving is needed. At the meeting, the board received a letter of support from abutter Suzanne Corbett (copy attached). No other correspondence has been received.

The board requested more information from Summit before the next meeting:

- details of the area to be paved and plans to alleviate current drainage problems
- the illumination and square footage of the new sign versus the old one
- information about the setback of structures in the adjacent areas of Main Street

Hearing was closed at 7:44 p.m.

Deliberation began at 7:53 p.m.

Unlike the last two times a canopy was proposed for this property—in 1983 and in 1996—abutters and the public voiced no objections. Rather, they voiced strong support.

Zoning law defines a structure as anything that has a vertical dimension of more than two feet, and any other dimension of 6 feet or more. That would indicate that the existing fire suppression system over the gas pumps is a pre-existing structure.

The current sign is already in the setback, but they propose removing it and building a new sign closer to the road, which increases its non-conformity.

The board is waiting for more information from Summit. In the meantime, board members will individually visit the site to envision the scale and location of the sign and canopy.

Meeting adjourned at 8:43.

Respectfully submitted by Kit Nysten

Next meeting is scheduled for Thursday, September 5 at 7:00 in Town Hall.

Zoning Board of Appeals
412 Main Street, Town Hall
P.O Box 560
Ashfield, MA 01330-0560

19 Aug 2013

RE: ZBA Public Hearing, August 20, 2013 - In Favor of Overhead Canopy

Dear Zoning Board of Appeals Members:

Chair Stuart Harris, Mollie Babize, Kit Kylen, Anne Yuryan, and Alan Suprenant.

I am confirming Karen Hancock and I, property owners of 258 Main Street (Post Office) are in favor of the Overhead Canopy application being submitted by Summit Distributing, LLC of Lebanon, New Hampshire.

We would like to point out Neighbors Store, operated by Phil Nolan, has always been first to aid in any emergency the town of Ashfield has faced with generosity and sharing of much needed supplies and food goods. In noting that, Karen and I view this more of a safety request; a canopy to protect individuals from inclement weather and evenly spread the Ansul system (gasoline fire suppression system). In return, it will also allow Phil Nolan to operate on an even playing field with competitors who have for years provided canopies for their customers. I am sure the elder population and anyone with a special need will be thankful for the shield.

I think fifteen years ago (more or less) objections were to visual or lighting pollution. Today luminance on the apron under the canopy can have a slim low profile design with led lighting or other. Karen and I are sure whatever Summit Distributing, LLC proceeds to construct will be in the keeping of the nature of the town and as aesthetical pleasing as it can be and still provide protection of safety from fire and from the weather. Please consider this application favorable and in keeping of the country spirit of neighbors helping Neighbors.

Respectfully submitted in favor of the Canopy,

Karen Hancock
Suzanne Corbett
PO Box 22
Ashfield, MA 01330-0022
email: albah22@aol.com

Cc: Karen Hancock
Phil Nolan