

# **BERLIN ZONING BOARD OF APPEALS**

## **MEETING ADMINISTRATIVE MINUTES**

**MEETING DATE/LOCATION:** Wednesday, February 12, 2020, Room 227, Town Hall Building, 23 Linden Street, Berlin, MA 01503

### **TOWN OFFICIALS (& OTHERS) PRESENT:**

### **MEMBERS SITTING/PRESENT:**

R/A		180 River Road West
R	Lynn Ryan, Chair	S
R	Dennis Bartlett	S
R	Pat Jackson	S
R	Jim Royer	S
R	Ginny Zukatynski	S
A	Sue Roberts	P
A	Keith Soucy	P

Regular/Alternate

Sitting/Present/Absent

Maria Ziminsky, Gyda Robinson, Maria Loura, Rolf Haggstrom, Lee-Ann Hamlin, Diane & Bob Malack, Bob & Camille Katta, Michael Gasking, Marisa Evonsion, RJ & CE Kennedy, Dixie Esseltine, Deb Taylor, Jean ?, Jeff Bridn, Tom Feindel, Tim McInerney, Mary Ann Zaleski, Donna Ottaviano, Phyllis Belcher, Karyn Brown, Robert Ottavian, Kevin & Kim Gonzales, Pamela Gasek, Susan Benua, Janice & Gary D'Agostino, Diane & Warren Brown, Marylee Pargone, Steven Venincasa, Julie Venincasa, Michael & Evelyn Schraft, Richard Hanks; Building Commissioner

### **180 River Road West – special permit and site plan approval**

After receiving proof of advertisement in a local newspaper and abutter contact, the public hearing was opened at 7:06pm.

Mr. John Grenier, Civil Engineer for J.M. Grenier Associates, Inc, began the presentation by reading a prepared narrative of the project. The project will be named Glenbrook and is a residential care community providing complete and comprehensive care to allow residents to age in place in the comfort of a home-style setting.

Glenbrook will be in partnership with Bayada Living Solutions providing residents with home health, therapy, and hospice services in addition to an on-site 24/7 senior care coordinator to ensure residents receive care required when they need it.

The residential-style ‘cottages’ will be between 1,500 and 1,700 square feet. The entire property consists of 50 acres. Approximately 30 acres of the site is the ‘sandpit property’ of which 26 acres will be used – easterly portion. The grades and slope of the existing sandpit will remain.

Chairman Ryan opened the hearing to comments and questions from Town boards in attendance. Timothy Wheeler of the Planning Board had several questions. Mr. Wheeler asked if they would be licensed through the state. It was replied that licensing by the state was not required. Mr. Wheeler asked how many on-site care coordinators there will be. It was replied there would be two. Mr. Wheeler asked how many bedrooms/residents. It was replied there would be 64 units with approximately 130 residents. Mr. Wheeler asked for elaboration regarding the kitchen facility. It was explained that one meal (breakfast) a day would be prepared on site with the potential of additional meals in the future. Mr. Wheeler stated that at a meeting of the Planning Board held on Tuesday, February 11, 2020, the Planning Board unanimously voted the proposal does not comply with the definition of a Residential Care Facility as outlined in the Berlin Zoning By-law.

Carolyn MacDonald of the Conservation Commission stated their board determined there were wetland related issues needing to be resolved.

Mr. Venincasa, property owner, stated they had met with the Planning Board and the Conservation Commission and felt they had their support thereby deciding to move forward by coming before the Board of Appeals with the conceptual plans. The attorney representing the petitioner cited the letter from the Building Inspector dated January 14, 2020, stating his belief that Section 314 of the by-laws is applicable to the proposed use.

Chairman Ryan opened the hearing to members of the Board of Appeals for comments and questions. Chairman Ryan asked what nature of interest the residents would have. The reply was that the units would be fee simple. Chairman Ryan indicated the by-law states detached single family dwellings are not allowed in a limited business district.

Board Member Royer indicated the by-law also states that no more than 100 residents can reside in a residential care facility. Mr. Royer asked for clarification between residents and patients stating he feels the intent of the by-law is that there are no more than 100 people in total residing at the facility.

Discussion ensued relating to how a patient is defined, age restriction on patients/residents, what happens if patients/residents have children, what happens when a patient expires can the remaining residents remain.

Associate Board Member Soucy asked how the facility will be staffed, who would do the recruiting, hiring, firing of staff, who would be paying for services offered. It was replied that the condo fees would pay for the services. There would be two condominium fees one relating to services and one relating to maintenance.

Board Member Jackson stated she would like to see information regarding how many on-site care coordinators there would be, when they would be on site, how many people the dining room holds, whether meals are prepared on site or brought in from outside.

Chairman Ryan recommended the petitioner meet with the Highway Superintendent, Fire Department, Police Department, and Board of Health and obtain written responses from each.

Associate Board Member Roberts stated she would like for legal counsel to look at the project to determine if it is something the Board can entertain. Definition of living accommodations for a Residential Care Facility and a Continuing Care Retirement Community does not appear to allow condominiums.

At 8:30pm Chairman Ryan opened the hearing to the public for comments and questions. Concern was raised regarding the possibility of property values being lowered, insufficient parking, a traffic study, a contingency plan and/or a viable business plan, use of the remaining acreage, access from Summer Road, increase in emergency calls. Comment expressing appreciation of the Board's thoughtfulness was expressed.

The attorney for the petitioner signed an Agreement to Extend the Hearing Deadline to File a Decision extending the deadline to May 13, 2020.

Motion made by Board Member Bartlett to continue the public hearing, at the petitioner's request, until 7:00pm on April 8, 2020, in order to gather and provide additional information requested by the Board. The motion was seconded by Board Member Jackson, and the motion passed 5-0.

### **Administrative**

Board Member Bartlett reported an invoice from Haley & Ward in the amount of \$1,278.56 for services rendered by the peer reviewer for The Capes of Berlin was received. Motion made by Board Member Jackson to authorize Board Member Bartlett to sign the bill schedule authorizing payment of the invoice from the escrow provided by the petitioner for peer review services. The motion was seconded by Board Member Royer, and the vote passed 5-0.

Board Member Bartlett informed the Board he received a request for reimbursement from Associate Board Member Roberts in the amount of \$4.78 for a sign draft.

Chairman Ryan informed the Board the annual CPCT conference training will be coming up in March and encouraged Board members to visit the site for classes being held and register for any classes they may be interested in.

Motion was made by Board Member Jackson to adjourn the meeting. The motion was seconded by Board Member Bartlett, and the motion passed 7-0. The meeting was adjourned at 9:17pm.

***Respectfully submitted by:*** \_\_\_\_\_

***Liane Leahy, Clerk for Berlin Zoning Board of Appeals***