

Zoning Board of Appeals
Minutes
September 10, 2018

A meeting of the Zoning Board of Appeals (ZBA) was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts on September 10, 2018 at 7:30 pm.

Members Present: Edmund Tarnuzzer, Bruce Fletcher, Mark Jones, Ernest Dodd

Associate Members Present: Andy DeMore

Absent: Associate Members Ruth Kennedy Sudduth, Lee Heron and Charles Barney

Public Hearing

23 Gleasondale Road, Xhale Massage LLC

At 7:30 pm, the Public Hearing to consider a Petition for Special Permit under Section 3.9 (Non-Conforming Uses and Structures) of the Zoning Bylaw to allow a Massage Studio at 23 Gleasondale Road was called to order.

Those Present:

Applicant: Xhale Massage LLC: Jennifer Serepelozzi and Nichole Calvert

Property Owner: West Street Station LLC, Salim Kassouf

Jennifer Speredolozzi explained that she and Nichole Calvert are interested in opening a massage studio at 23 Gleasondale Road. The proposed massage studio will be a retreat type atmosphere for their clients. They are excited about property and being in Stow. They like the site because of the environment, potential for gardens and location and visibility on Route 62 and from Route 117. They said there is a demand for this area. They currently work at a local space with clients from Bolton and Stow.

Jennifer will be a full-time business manager and Nichole is a licensed therapist. Over time, they hope to add 3 or 4 therapists.

Jennifer explained that she owns a home in Hudson. She holds a bachelor's degree in education. She has done pet sitting and is currently working at a spa doing marketing and client services. She has been developing her skills aiming to open a business.

Nichole Calvert said she has been practicing massage therapy for 12 years, formerly in Maine and now in this area. She maintains continuing education in the field and is currently working at the same Spa as Jennifer.

Members discussed the fact that the site is located across from the Compact Business District and surprise that this site and other sites with businesses in the general area are not located within the Compact Business District.

In response to inquiries from the Board they confirmed:

- They plan to use the entire first floor and described the floor plan to include a check in area, treatment area, quiet sitting and relaxation area for before and after spa treatments.
- They talked to the Board of Health who confirmed that there is a valid Title 5 septic system and that the required license is governed by the Massachusetts Board of Registration of Massage Therapy. This special permit is the first step in the license application.
- They have not talked to the Fire Department; however Salim Kassouf said that the building is up to code. If required, they can have them do another inspection. He has already been in communication with the fire department and noted that the handicap lift is operational.
- They are working on the sign design, which they plan to install on the existing sign posts at the edge of the property. The Applicant shared a photo of the draft sign design on her phone with abutters present and will provide a copy for the file. ZBA Members recommended they review the Zoning Bylaw with respect to sign specifications and noted that, if lighting is proposed, it must be full cutoff lighting.
- The Parking Lot will remain unpaved. ZBA Members noted that if they propose to pave the parking lot in the future they will need to comply with stormwater management issues.
- The proposed hours of operation will be 9:00 am to 7:00 pm six days a week, with a midweek day off. Sundays may be shorter hours.
- They will use existing lighting and have no plans for any additional lighting.
- They anticipate 5 to 6 clients at any one time throughout the day. Each client would be there approximately 1 to 1 1/2 hours. With the possibility of up to three therapists, plus them, they do not anticipate more than 8 cars in any one hour.
- They plan to have typical trash containers and do not anticipate the need for a dumpster.
- The business could include other modalities such as therapy reflexology and chiropractic.
- There is a larger space in the building that could provide an opportunity for meetings. Mr. Kriz noted concern that would generate even more traffic.

Anne Carley, 2 Box Mill Road noted concern about hours of operation, noise and signage. The Applicants shared a draft copy of the proposed sign. They indicated there will be quiet indoor music and no outdoor music. They expect to be busiest on the weekends.

David Kriz, 33 Gleasondale Road noted several concerns:

- He does not like the sign with the word relaxation because it could have different connotations.
- He doesn't like the whole idea of their proposal. He feels it would be out of character because he site is surrounded by residences on three sides. He feels this type of business belongs in a strip mall.
- Traffic on Route 62 is bad enough without bringing more traffic 7 days a week. The traffic is not well regulated by the police, although they do the best they can. There are kids living at the property

next door and the school bus has to pick them up across the street. This proposed use will bring unnecessary congestion. He is not happy about additional traffic on weekends. There is enough going on with traffic without the commotion of additional people coming in and out creating more antagonism.

- He doesn't understand the difference between compact business and business districts but would be against any more commercial uses than already exists in this area. He is concerned about signage.
- He tried to look up Xhale Massage on the internet and it looks to be an Oregon Corporation and questioned if it is a name approved by the state of Massachusetts. *The Applicant noted that they are registered in Massachusetts as Xhale Massage LLC.*
- He questioned how long the lease will be and if the property be sold again. The applicant noted that the lease is for 3 years. The owner said he bought the property last year and has had it on the market for sale or lease. Because he now has a lease he probably will not sell it. He cannot guarantee it will not be sold in the future but is happy working with the Applicant and is looking forward to working with them in the future.

Ed Tarnuzzer noted that he doesn't think the amount of traffic would approach the former businesses (Apple Blossom Florist and Gift Shop and Day Care for 25-30 children). Mr. Kriz noted that the day care traffic was limited to weekdays.

Ernie Dodd moved to close the hearing. The motion was seconded by Bruce Fletcher and carried by a unanimous vote of five members (Ed Tarnuzzer, Bruce Fletcher, Ernest Dodd, Mark Jones and Associate Member Andy DeMore).

Deliberations, 23 Gleasondale Road

Ernie Dodd said he is in favor of the proposal. Bruce Fletcher said he would like to see the comments we heard tonight documented before drafting a decision. Mark Jones said he is generally in favor. He doesn't believe there would be much traffic generated. Andy DeMore said he has no objections. Bruce Fletcher would like to see comments stated this evening documented in the minutes before drafting a decision. Mark Jones is in general agreement.

Members discussed potential conditions.

- Reiterate previous conditions concerning site plan.
- Comply with sign and lighting bylaw.
- No paving.
- Compliance with other sections of bylaw.
- Lights shut off at 9:00.
- If dumpster is required shall be hidden from view.
- Make a finding on hours of operation.

The property owner noted that in his experience a sign permit would go to the Building Inspector who would require compliance with the Bylaw.

The property owner noted that they have never discussed the idea of paving the property and that would be something that he, as the property owner would handle. He has not intentions to pave. He likes the charm of the property and wants to bring it back to life.

Bruce Fletcher moved to grant the Special Permit with conditions. The motion was seconded by Andy DeMore and carried by a unanimous vote of 5 members (Ed Tarnuzzer, Bruce Fletcher, Ernest Dodd, Mark Jones and Associate Member Andy DeMore).

It was agreed that the Board will meet on Thursday, September 13, 2018 at 7:00 pm. Karen Kelleher will not be available on Thursday but will provide a draft decision and signature pages for the Board to review and approve. Ernie Dodd agreed to finalize the document as a result of the meeting and file the decision with the Town Clerk.

Public Hearing

422 Gleasondale Road – Special Permit

At 8:15 PM the public hearing to consider a Petition for Special Permit to allow conversion of an unfinished storage space into a bedroom and conversion of an existing bedroom into a walk-in closet and hallway was called to order.

The Applicant, Paul Nelepa was present. It was noted that he was previously granted a Special Permit to allow an extension of the existing dwelling roof line to accommodate an entryway/mud room, study, rear deck and two-car garage with an unfinished loft above the garage, which included a restriction. The loft over the garage shall be considered only as storage space and shall not contain heating or plumbing and that the dwelling shall remain a four-bedroom single-family dwelling.

The proposed conversion of the unfinished storage space will not result in any additional bedrooms.

Andy DeMore moved to close the Public Hearing. The Motion was seconded by Mark Jones and carried by a unanimous vote of five members (Ed Tarnuzzer, Bruce Fletcher, Ernest Dodd, Mark Jones and Associate Member Andy DeMore).

Deliberations

Members discussed the reasoning for the restriction on plumbing in the unfinished storage area as it seems to be more of a building code issue. It was noted that it may be because of limitation on the septic system or to avoid the possibility of an accessory apartment without the proper permits.

Ernest Dodd moved to Grant the Special Permit by removing the restriction that the loft area shall not contain plumbing and heating. The motion was seconded by Bruce Fletcher and carried by a unanimous

vote of five members (Ed Tarnuzzer, Bruce Fletcher, Ernest Dodd, Mark Jones and Associate Member Andy DeMore).

ADJOURNMENT

At 8:30 PM, Andy DeMore moved to adjourn the meeting. The motion was seconded by Mark Jones and carried by a unanimous vote of five members (Ed Tarnuzzer, Bruce Fletcher, Ernest Dodd, Mark Jones and Associate Member Andy DeMore).

Respectfully submitted,

Karen Kelleher