200 Kennebec St 12/16/2016

Permit 2015—00807 was issued on 7/30/2015 to demolish the existing building shell down to the foundation and rebuild for warehouse use.

* Zoning condition: Your present structure is legally nonconforming as to setbacks and use. If you are to demolish this structure on your own volition, you will only have one (1) year to replace it in the same footprint (no expansions), with the same height, and same use. Any changes to any of the above shall require that this structure meet the current zoning standards. The one (1) year starts at the time of removal. It shall be the owner's responsibility to contact the Code Enforcement Officer and notify them of that specific date.

Google Earth shows the building down on 9/5/15 – I emailed Brad Fries yesterday to ask when building was demolished and he replied October of 2015.

The only inspections done for the permit were electrical, the last one on 1/28/16.

Brad Fries spoke to Nell & Laurie around September 8, 2016 to see if the permit could remain active. Under the building code a permit expires after 6 months if no work is being done. He wanted to make changes to the exterior and do an interior buildout. Although technically it had been more than 6 months Laurie and Nell were trying to help him out. He was advised to submit an amendment. He did not want to submit a new permit and go to the bottom of the queue.

A second note from Laurie on 10/13/16 – Spoke with Brad about amendment. OK’d moving forward.

Amendment 32016-02846 was created in the system on 11/7/16, the application was signed on 10/27/16.

* Chris signed off for zoning on 11/17/2016
* Brad Fries emailed Laurie & Nell on 12/12/16 to ask about the permit. Laurie noticed on 12/15/16 that there were changes to the footprint and she asked me to look at the proposed exterior changes – the plans were not clear on what was being proposed

Laurie emailed Brad, Barbara and me on 12/15/16. Brad Fries replied and part of the email said: “ Aside from the initial demolition of the existing building, we never moved forward with the construction of the new building since we didn’t have a tenant in place until recently.  We have since signed a lease with a deli shop tenant to occupy 1,700sf of the building footprint with the remainder of the space planned as warehouse space”.

The bottom line is that the building was nonconforming to use, setbacks and impervious surface. The owner was given a year from the date of demolition to rebuild it in the same footprint and shell. This did not happen. The fact that Laurie and Nell told him that the original permit did not expire and could be changed and extended with an amendment has no bearing on the fact that the building was nonconforming.

Options:

1. The building now has to be rebuilt under the current B-2b zoning requirements and is considered a new building.
* If Brattle Street became the front yard, then the building could be built up to the street line on Brattle St and Kennebec St (side yard on a side street) and up to the side yard opposite Kennebec Street . It would have to be 10’ form the rear property line (opposite Brattle St.). With a ten foot rear setback the 90% impervious surface could probably be met.
* Warehouse use is not a permitted use in the B-2b but “wholesale distribution establishments” are a conditional use with ZBA approval. Retail is a permitted use.
* As a new building it would need to be a Level II Site plan which includes a B-2b design review
* The applicant has the right to appeal the determination that it must be a new building that meets the current B-2b requirements.
1. Combine the 200 Kennebec St lot with the 202 Kennebec Street lot as one lot. Then an addition could be put on the existing building at 202 Kennebec. The front yard would remain Kennebec Street so the addition would have to meet the ten foot rear setback but could be right up to the front property line.