

**Present:** Chairman Henry Dellicker, John Love and Associate Member Michelle Zeamer

**Absent:** Chris Flanagan

**General Business:**

**Approval of Minutes:**

The meeting minutes of July 21, 2010 were approved on a motion made by John Love and seconded by Michelle Zeamer.

**Highland Meadows Ch. 40B - Notice of Project Change (NPC)**

Gary Ruping of Highland Meadows Development, LLC was present to request approval to move its sales office/selection center from an on-site trailer to the garage of the model unit. Mr. Ruping stated that it would reduce costs, improve efficiency and enhance unit sales. Mr. Ruping asked the Board to consider the request insubstantial and therefore not require a public hearing.

After some discussion, the Board found that the NPC is an insubstantial change and subject to the following conditions:

1. The Office would be located in the garage of the one residential unit of the Project that was then serving as the furnished model unit.
2. The Office would be used for traditional sales office purposes including meetings with customers, maintaining files and manning phones and computers.
3. The fit out would include everything customarily necessary to operate an office including, but not limited, utilities and furnishings.
4. At all times, there would be only one Office on the site devoted solely to unit sales of the Project.
5. All construction and improvements would be subject to State Building Code requirements, but no related local requirements, if any, would apply.
6. An Office may be maintained until all Project units are sold out.

**Special Permit Public hearing – Bruce Margand, 47 Westfield Drive**

Chairman Dellicker opened the public hearing at 7:20 p.m. Mr. Love read the petition into the record. A comment letter from Fire Chief Cassidy (dated August 17, 2010) and Acting Police Chief Edison (dated July 29, 2010) were entered into the record.

Mr. and Mrs. Margand, along with their builder, Phil Ghilardi, were present to discuss their petition. Mr. Ghilardi stated that they are seeking a special permit for relief under the provisions of Section I-C(3) Pre-existing, Non-conforming Uses, Structures and Lots for an addition which does not meet the current side yard setback requirements. Mr.

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Ghilardi explained that the applicants are proposing to construct a 16' x 16' deck which will encroach no closer than 10' from the north side lot line.

Given no further questions or comments the hearing was closed at 7:34 p.m. on a motion made by Mr. Love and seconded by Mrs. Zeamer.

**Special Permit Public Hearing – Le Ping Ju, 18 Maple Street**

Chairman Dellicker opened the public hearing at 7:35 p.m. Mr. Love read the petition into the record. A comment letter from Fire Chief Cassidy (dated August 17, 2010) and Acting Police Chief Edison (dated July 29, 2010) were entered into the record.

Mr. Ju was present to discuss his petition. Mr. Ju stated that they are seeking a special permit for relief under the provisions of Section I-C(3) Pre-existing, Non-conforming Uses, Structures and Lots for an addition which does not meet the current setback requirements. Mr. Ju stated that he is currently renovating the single-story dwelling and would like to add a second story. The second story will consist of 2 bedrooms and 1 bathroom. Mr. Ju also stated that he does not intend to encroach any further to the lot lines than the existing dwelling.

Given no questions or comments the hearing was closed at 7:52 p.m. on a motion made by Mr. Love and seconded by Mrs. Zeamer.

**Special Permit Public Hearing – Vintage Motor Sports, 86 Washington Street**

Chairman Dellicker opened the public hearing at 7:55 p.m. The reading of the petition was waived. A comment letter from Fire Chief Cassidy (dated August 17, 2010) and Acting Police Chief Edison (dated July 29, 2010) were entered into the record.

Neil Childress and Greg Pelligrino, Owners of Vintage Motor Sports, were present to discuss their petition. The applicants stated that they are requesting a special permit to operate a vehicle repair garage in a 1600 square foot unit of an existing building. This site had been granted a special permit and site plan review through the Planning Board in January of 2007 and the requested use is allowed by special permit in this Industrial zone.

Addressing questions from the Board members, the applicants stated that they had provisions in place for leaks/ spills, an oil separator, all vehicles will be stored indoors at night, and hours of operation will be Monday through Friday, 7:00 a.m. to 7:00 p.m. and Saturday, 8:00 a.m. to 3:00 p.m.

Given no further questions or comments the hearing closed at 8:02 p.m. on a motion made by Mr. Love and seconded by Mrs. Zeamer.

**Use Variance Public Hearing – Giselle Ferelli, 1133 Washington Street**

Chairman Dellicker opened the public hearing at 8:05 p.m. Donna Donovan informed the Board that Attorney Peter Barbieri had sent an email on September 9<sup>th</sup> requesting the hearing be continued to the next scheduled ZBA meeting. On a motion made by Mr.

Love and seconded by Mrs. Zeamer the hearing was continued to October 20, 2010 at 7:15 p.m.

**Special Permit Public Hearing – Matthew Anderson, 91 Washington Street**

Chairman Dellicker opened the public hearing at 8:15 p.m. The reading of the petition was waived. A comment letter from Fire Chief Cassidy (dated August 17, 2010) and Acting Police Chief Edison (dated July 29, 2010) were entered into the record.

Attorney Tucker Duwall and Matthew Anderson were present to discuss the petition. Attorney Duwall submitted a project statement and aerial photograph of the site. Attorney Duwall stated that the applicant is seeking to use approximately 4500 square feet of space for a baseball training center. The occupancy capacity is expected to be 10 persons. Attorney Duwall and Mr. Anderson addressed questions from the Board regarding number of clients, ages of clients and hours of operation.

Given no further questions or comments the hearing was closed at 8:35 p.m. on a motion made by Mrs. Zeamer and seconded by Mr. Love.

**Deliberations**

**1. Margand Special Permit, 47 Westfield Drive**

The Board reviewed the application materials and testimony provided by the petitioner as well as a comment letter from the Police Chief (dated July 29, 2010) and the Fire Chief (dated August 17, 2010). The Board found that the application is consistent with Section I-C(3) of the Zoning By-Laws. The Board made a finding that the proposed construction will not be substantially more detrimental than the existing non-conforming use to the neighborhood. The Board also found that the granting of this special permit is in harmony with the general purpose and intent of the zoning by-law.

**Zoning Board Vote:**

The Board's vote to approve the petitioner's Special Permit application for relief under Section I-C(3) for property located at 47 Westfield Drive was as follows on a motion by Michelle Zeamer, seconded by John Love:

Chairman Dellicker	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

**Conditions of Approval**

- The structure shall be no closer than 10 feet from the north side lot line.
- This Special Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.

**2. Ju Special Permit, 18 Maple Street**

The Board reviewed the application materials and testimony provided by the petitioner as well as a comment letter from the Police Chief (dated July 29, 2010) and the Fire Chief (dated August 17, 2010). The Board found that the application is consistent with Section I-C(3) of the Zoning By-Laws. The Board made a finding that the proposed construction will not be substantially more detrimental than the existing non-conforming use to the neighborhood. The Board also found that the granting of this special permit is in harmony with the general purpose and intent of the zoning by-law.

Zoning Board Vote:

The Board's vote to approve the petitioner's Special Permit application for relief under Section I-C(3) for property located at 18 Maple Street was as follows on a motion by Michelle Zeamer, seconded by John Love:

Chairman Dellicker	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

Conditions of Approval

- The addition shall not exceed the footprint of the existing 1<sup>st</sup> floor structure including overhangs, gutters and any other projections beyond the foundation.
- The addition shall be no closer to the lot lines than the existing structure.
- The addition shall be in accordance with the plans submitted.
- Materials shall be consistent with the existing structure.
- Carbon monoxide detectors and interconnected smoke detectors shall be installed throughout the dwelling in accordance with the current editions of the Board of Fire Prevention Regulations and Massachusetts State Building Code.
- This Special Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.

**3. Vintage Motor Sports Special Permit, 86 Washington Street**

The Board reviewed the application materials and testimony provided by the petitioner as well as a comment letter from the Police Chief (dated July 29, 2010) and the Fire Chief (dated August 17, 2010). The Board found that the proposed uses are consistent with Section III (Use #34) of the Zoning By-laws. The Board made a finding that the proposed uses will not be substantially detrimental to the neighborhood given the Industrial zoning.

Zoning Board Vote

The Board's vote to approve the petitioner's Special Permit application for relief under Section III (Use #34) for property located at 86 Washington Street was as follows on a motion by Mr. Love, seconded by Mrs. Zeamer:

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Mr. Dellicker	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

Conditions of Approval

- The applicants shall comply with the conditions of approval set forth on the Certificate of Action issued by the Planning Board to Bristol Development Corp., dated January 18, 2007.
- Hours of operation shall be limited to Monday through Saturday, 6:30 a.m. to 10:00 p.m.
- Spillage and leaks shall be controlled to prevent the contamination of land.
- Structure, grounds and operations shall be in accordance with local, state and federal laws and regulations.
- No painting shall be allowed on site.
- Hazardous material data and storage information shall be submitted to the Fire Chief.
- This permit is issued solely to the applicant and is not transferable.

**4. Anderson Special Permit, 91 Washington Street**

The Board reviewed the application materials (Parking Plan prepared by Mass Bay Survey dated November 6, 2008, memorandum of the Applicant's Attorney, Peter R. Barbieri, and the comment letter from the Fire Chief dated August 17, 2010) and testimony provided by the Applicant and his Attorney. The Board found that this is a recreational use in an industrial zone on Route 16, and is in harmony with the general purpose and intent of the zoning by-laws.

Zoning Board Vote

The Board's vote to approve the Applicant's Special Permit Application for relief under Section III.A. Use 38 for property described and located at 91 Washington Street was as follows on a motion by John Love and seconded by Michelle Zeamer

Chairman Dellicker	Aye
Mr. Love	Aye
Mrs. Zeamer	Aye

Conditions of Approval

- Any renovations will be subjected to the approval of the Building Inspector.
- There shall be no outside recreational use.
- The Special Permit is issued to the Applicant only and cannot be assigned or transferred without the approval of the Board.
- Existing life safety equipment in the recreational use area shall be protected against damage and unintentional activation.
- Hours of operation shall be Monday through Friday, 9:00 a.m. to 7:00 p.m. and Saturday and Sunday from 9:00 a.m. to 5:00 p.m.
- The facility is not opened to the public and its use shall be by appointment only.
- The use is limited to indoor recreational activities and training, with occupancy for up to 20 people.
- Sale of refreshments is for clients only and is subject to Board of Health approval.

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- This Special Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11. The copy of the decision to be filed must contain a certification by the Town Clerk that 20 days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.

John Love motioned to designate Donna Donovan, Karen Sherman of the majority of the Board to authorize payment of payroll and invoices. Mrs. Zeamer seconded with all in favor.

On a motion made and duly seconded the meeting adjourned at 9:15 p.m. The next scheduled meeting is October 20, 2010 at 7:00 p.m.

Respectfully submitted,

Donna Donovan