

Present: Chairman Henry Dellicker, John Love, and Associate Member Brian Liberis

Call to Order: The Chairman opened the meeting at 7:10 p.m. and welcomed former long-time Clerk Donna Donovan. He presented her with a plaque in recognition of her years of service to the ZBA.

Approval of Minutes

The minutes of January 22, 2014 were approved a motion by Mr. Love, seconded by Mr. Liberis. Mr. Dellicker abstained. The minutes of March 19, 2014, April 16, 2014, and April 23, 2014 were approved as drafted on a motion by Mr. Love and seconded by Mr. Liberis. The minutes of May 14, 2014 and June 18, 2014 were approved as amended on a motion by Mr. Love and seconded by Mr. Liberis.

Special Permit Public Hearing

Hometown Auto Service and Sales, Inc. - 1670 Washington Street

The Chairman opened the public hearing at 7:15 p.m. Mr. Liberis read the notice of the public hearing into the record and noted receipt of comments letters from the Water Department and Fire Department.

Present with the applicant Michael Ibrahim was Atty. Michael Healy. The petitioner is seeking a Special Permit under Section III-A (Use #27C- outdoor retail sales), to allow for storage and rental of vehicles. The locus is 1670 Washington Street in the Commercial (C) District. The Board reviewed its prior decision of October 2013 and considered the inclusion of the current use expansion request to allow for the rental and storage of five (5) U-Haul vehicles. After some discussion, the petition was amended to not limit the rentals to U-Hauls and to not limit the quantity of rentals, with the understanding that the total vehicle counts in the prior permits would control the fleet.

Given no one in the audience speaking for or against the petition, the public hearing was closed on a motion by Mr. Liberis, seconded by Mr. Love.

Special Permit Public Hearing

Denis Hince - 14 Wingate Road

The Chairman opened the public hearing at 7:30 p.m. and Mr. Liberis read the public hearing notice into the record. He also noted receipt of comments from the Conservation Commission, Water Department and Fire Chief.

Mr. Hince was present to discuss his petition under Section I-C(3) of the Zoning By-Laws for a 10øx 25.5ø expansion of the second floor over existing garage to include a bathroom and walk-in closet into the required minimum front and side yard setback. The locus is 14 Wingate Road in the AR-B zoning district.

J. Michael Norton of 95 Marshall Street spoke in favor of the petition. Mr. Love made a motion to close the public hearing. The motion was seconded by Mr. Liberis with all in favor.

Comprehensive Permit Extension Request – Cedar Ridge Estates

The Chairman opened the discussion at 7:45 p.m. Present were the applicant J. Michael Norton of Green View Realty, LLC, Atty. Robert Fasenella or Rubin and Rudman, LLP, and Kelly Killeen of CHA Companies, Inc. (formerly Coler & Colantonio) to discuss Green View's request dated July 17th to extend the Comprehensive Permit for a period of two years per the provisions of 760 CMR 56.05(12)(b) at (c) Lapse of Permits.

After some brief discussion, Mr. Love made a motion to extend the permit two years as follows:
öThe Board finds that Greenview Realty has made a timely and reasonable request for a two-year extension of its December 2011 Comprehensive Permit and hereby extends the permit until November 30, 2016.ö The motion was seconded by Mr. Liberis and the vote in favor was unanimous.

Special Permit Public Hearing

Eric and Nichole Dickinson - 1102 Highland Street

The Chairman opened the public hearing at 8:00 p.m. and the reading of the public hearing notice was waived as the only one's present were the applicants, Eric and Nichole Dickinson. Mr. Liberis noted receipt of comments from the Fire Chief and Water Department.

The petitioners are seeking a Special Permit under Section I-C (3) to allow construction of a 24' x 34' garage addition within the required minimum side yard setback on the westerly side of the existing dwelling. The locus is 1102 Highland Street in the AR-B Zoning District. The couple supplemented their application with architectural plans prepared by Chemini Design Architects, Inc. dated June 25th. Additional work outside the Board's jurisdiction was noted.

On a motion by Mr. Liberis, seconded by Mr. Love, the public hearing was closed.

DELIBERATIONS

1. Special Permit – 1670 Washington Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as comment letters from the Fire Chief (dated August 11, 2014) and Water Department (dated July 30, 2014). The Board found that this is an outdoor retail sales use in the Commercial district and is in harmony with the general purpose and intent of the zoning by-laws as well as the prior Special Permit issued by the Board for the business dated October 30, 2013.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III-A, Use 27C for property described and located at 1670 Washington Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye

Conditions of Approval

1. 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. This permit is issued solely to the petitioner and is not transferable or assignable.
3. Any rental vehicles stored in either the approved fleet parking and screened fence areas shall be counted toward the vehicle totals specified in October 30, 2013 Special Permit (See Conditions #3 and #4 and #5).

2. Special Permit – 14 Wingate Road

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as comment letters from the Fire Chief (dated August 11, 2014), Water Dept. (dated July 30, 2014) and Conservation Agent (dated August 12, 2014). In accordance with the provisions of Section I-C and VI-E(5), the Board finds that the proposed addition does not increase the non-conforming nature of the altered or reconstructed structure and that there is no material change in the exterior appearance of the dwelling except according to the terms of this Special Permit and that the addition will not substantially more detrimental than the existing non-conforming use to the neighborhood.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3) for property described and located at 14 Wingate Road was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Mr. Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye

Conditions of Approval

1. 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. The 2-story addition shall encroach into the minimum front yard setback no more than 8' (i.e. no closer than 32' to the Wingate Road right-of-way) and into the northerly side yard no more than 12' (i.e. no closer than 18' to the property line), shall be consistent with the building elevations submitted and shall match existing construction with regards to front yard setback and appearance of construction materials.

3. Special Permit – 1102 Highland Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as comment letters from the Fire Chief (dated August 11, 2014), Water Department (dated July 30, 2014) and Conservation Agent (dated August 12, 2014). In accordance with the provisions of Section I-C and VI-E (5), the Board finds that the proposed addition does not increase the non-conforming nature of the altered structure and that there is no material change in the exterior appearance of the dwelling except according to the terms of this Special Permit and that the addition will not substantially more detrimental than the existing non-conforming use and lot to the neighborhood.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section I-C (3) for property described and located at 1102 Highland Street was as follows on a motion by Mr. Love, seconded by Mr. Liberis:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Liberis	Aye

Conditions of Approval

1. 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. The garage addition shall encroach into the northern minimum side yard no more than 7' (i.e. no closer than 23' to the property line) and shall be consistent with existing construction as indicated on the architectural plan presented (front elevation).

Adjournment: The meeting adjourned at 8:40 p.m. The next meetings were scheduled for September 17 and October 15, 2014.

Respectfully submitted,

Karen Sherman, Town Planner