

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
July 13, 2015**

2015 DEC -8 PM 2:06

Present: Eric Smith, Chair; David Iaia (Associate Member); Craig White; John McManus; Jim Zarkadas

Staff: Ara Yogurtian, Liaison to the Office of Community Development

**7:00 p.m. Meeting called to order**

Chair Eric Smith welcomed everyone to the **July 13, 2015** meeting of the Zoning Board of Appeals, introduced all the members of the Board, and then proceeded to give a brief outline of the process. He encouraged audience participation before the committee's deliberations at the end of the meeting, as well as encouraging the submission of relevant documents and other materials necessary to support each case. Associate Members are encouraged to sit in on the cases, as they may be called in to substitute for regular members in a vote. He stated that whenever possible, the Board tries to deliberate and present a decision the same evening that the case is heard, and invited audience members to stay until the end of the meeting. He also stated that the Board has reviewed all submitted materials and urged the audience there was no need to repeat that information.

**Case 15-14, Special Permit, 382 Trapelo Road, Jack Sy Change of Ownership**

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Jack Sy, the applicant, states he is looking to take over the business at 382 Trapelo Road, Number One Taste a takeout Chinese restaurant and that he has been in the business for 20 years. The proposed hours are 11:00am -11:00 pm Sunday through Thursday; Friday and Saturday 11:00 am – 12:00 pm same as before.

Eric Smith, Chair, stated that the permit is not transferrable and if the menu and name will remain the same, if there will be no other changes and asked about the schedule of deliveries to them by vendors.

Jack Sy reported the deliveries would take place between 8:00 and 11:00 in the morning or 2:00 to 4:00 in the afternoon. Most of its business will take place in the evening and that they have the approval of the Restaurant Review Committee pending on the Special permit from the ZBA. He further answered questions addressed by the Board that the dumpster would be in the back of the building and will be shared by other users, that the owner of the building was out of the country and a lease agreement will be finalized upon their return and accepts that to be a condition of his approval.

Chair Smith stated that the Special Permit was conditional on the approval of the Health Department.

One person spoke in favor of the application.

The Board will take the matter under advisement.

**Case 15-15, 73 Drew Road, Robert Tudisco**

Robert Tudisco the applicant, spoke about the project and requests and expansion of his existing

driveway to accommodate the parking of a second car that would be used by his daughter.

Chair Smith stated that the applicant had only 6 feet of clearance on both the west and east side of the building and that the Board will allow front yard parking only if it determines that there are no other feasible alternatives.

Jim Zarkadas asked if there would be a wall separating the existing and new due to the grade or if they would be sloped? The applicant responded that it would sloped.

In response to Associate Board member John McManus's question, Mr. Yogurtian explained that the applicant would be required to secure a curb cut expansion permit from the Department of Public Works.

Russ Nickerson, 81 Drew Road spoke in favor of the application.

No one spoke in opposition.

The Board will take the matter under advisement.

**Case 15-16, 1 Variance and 3 Special Permits, 119 Channing Road, Scott D. and Jocelyn A. Rossi**

Eric Smith, Chair, read the details of the requested 3 Special Permits and the Variance.

Scott Rossi, the applicant, states he would like to add a second floor to the existing cape to create a Colonial style building which was a more common style in the neighborhood. Explains that they had bought the building in 2011 and enjoy the neighborhood and wish to make the expansion of the building to begin a larger family, in addition to expand the existing attached garage by 3' to allow them to park a regular size car, existing width being too narrow. They had no plans on making any changes to the first floor. They'd like to add a bay window to the living room. He added that he has support from his neighbors, and submits letters of support from them.

Chair Smith stated that with respect to the variance, they had to show hardship based on the topography, lot shape or soil condition, and asked what their hardship was in this case to increase the lot coverage.

Craig White asked if there were any other options the applicant considered.

Scott Rossi stated that the hardship is a safety issue involving the passage area in the garage, and that there is not enough space to pass. And further suggests that if the deck be replaced by a landing and stairs, the request for the variance might be eliminated. In response to John McManus's question about considering a raised cape style house he responded that the cost of doing a garrison colonial would be less expensive than adding dormers, and he felt that option would fit in better with the neighborhood. He felt a sloped roof would make the house look larger. He wanted to keep everything low and as small as possible.

Paul Cobuzzi of 125 Channing Road, spoke in support of the additions.

Craig White suggested submitting something to justify the width of the proposed expansion of the

garage.

No one spoke in opposition.

Chair Eric Smith explained that if the vote today wasn't one of approval, that the applicant could not reapply for another two years unless there were significant changes to the plans. He suggested they continue the case to the next meeting in September so proper changes would be made and a new certified plot plan be submitted 2 weeks in advance of the meeting that would show the lot coverage in compliance.

**Case 15-17, Special Permit, 374 Trapelo Road, Jose Rios**

Jose Rios, applicant, wishes to obtain a Special Permit to operate a fast food restaurant in the former Café Burrito site. He talks at length about his restaurant in Foxborough, Spoodles Soup Factory, and the customer service he offers. He reports there won't be any structural changes, except to replace older equipment. He will be providing take out service. Hours will be 10 am to 8 pm, Monday through Saturday. He met with the Health Department and submitted a plan to them. The Health Department will inspect again when the changes have been made.

No one else spoke. The Board will take the matter under advisement.

**Case 15-18, Special Permit, 92 Park Ave., George Rozopoulos**

Chair Smith stated the applicant seeks a permit to operate a fast food restaurant, Rizzo Roast Beef and Pizza. The hours are Monday –Thursday, 11:00 am -9:00 pm and 11:00 am -10:00 pm Friday and Saturday.

Ara Yogurtian – stated that the building is a commercial building by a Special Permit, that no Restaurant use had been there, to the best of his knowledge, and the use will require a Special Permit.

George Rozopoulos, the applicant stated that some parking can also be on the street and across the street from his restaurant.

Some of the question and concerns raised by the Board members were delivery hours, operating hours, seating being 20 per plans or 18 as grandfathered for parking, where would they expected costumers park regardless of the allowed grandfathered number of parking, and where would the dumpster be placed.

Janet Coleman, 5 Knox Street spoke in opposition, stating that the traffic and parking was very bad. She said the parking was non-existent and felt the use was inappropriate for this location. She added that parking across the street was unsafe as well and that traffic frequently backs up from the highway exit.

Jennifer Baldwin, 24 Ross Road stated that drivers go extremely fast near the exit near the restaurant. She does not feel the restaurant is an appropriate use for this location.

Dan Coleman, 5 Knot St. spoke about the time a butcher was in this location and the dumpster attracted significant amounts of rats and mice. He noted the grease smell will be all over the

neighborhood.

No one else spoke. The Board will take the matter under advisement.

**DELIBERATIONS AND VOTE**

**Case 15-14, Special Permit, 382 Trapelo Road, Jack Sy**

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**MOTION** to approve subject to the condition that the applicant submit the lease is made by Craig White and seconded by all. Motion passes.

**Case 15-15, 73 Drew Road, Robert Tudisco**

**MOTION** to approve is made by Jim Zarkadas and seconded by John McManus. Motion passed.

**Case 15-16, 1 Variance and 3 Special Permits, 119 Channing Road, Scott D. and Jocelyn A. Rossi**

**MOTION** to continue this case to September meeting by Jim Zarkadas and seconded by all. Motion passed.

**Case 15-17, Special Permit, 374 Trapelo Road, Jose Rios**

**MOTION** to approve is made by Craig White and seconded by Jim Zarkadas. Motion passed.

**Case 15-18, Special Permit, 92 Park Ave., George Rozopoulos**

The Board discusses the safety issues. Craig White would like to see a traffic analysis. The Board feels that this particular business at this location would impose significant traffic and parking problems.

**MOTION** to approve is made by Craig White and seconded by Jim Zarkadas. Motion fails.