

**ZONING BOARD OF APPEALS
MEETING MINUTES
June 19, 2017**

2017 NOV -7 AM 11:01

Present: Eric Smith, Chair; Jim Zarkadas; Andrew Plunkett; Nick Iannuzzi; Phil Ruggerio
Staff: Ara Yogurtian, Liaison to the Office of Community Development

Meeting called to order 7:00 PM

Chair Eric Smith welcomed everyone to the June 19, 2017 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 public participation before the Board's deliberation at the end of the meeting, as well as submission of relevant documents and other materials necessary to support each case. He also stated that the Board had reviewed all submitted materials and urged there was no need to repeat that information. He mentioned that the second part of the meeting would be for deliberations and voting and that Applicants could stay until the end of the meeting or call Mr. Yogurtian tomorrow for the results.

Public Hearings:

- a. CASE NO. 17-14 – THREE (3) SPECIAL PERMITS
159 Slade Street – Paul Poirier

Mr. Poirier, Applicant came before the Board to explain his need for a second-floor addition. He described his design and noted that his plans were to extend over the existing back addition to the house and that he would need to move the stairs.

The Board asked a few questions about the details of the design.

Russ Henderson, 81 Drew Road came before the Board to speak in support of the application. He noted that the addition would not affect himself or his wife.

No one else spoke.

The Board took the matter under advisement.

[Mr. Smith recused himself from the meeting at 7:07 PM]

- b. CASE NO. 17-15 – THREE (3) SPECIAL PERMITS
65-67 Pine Street – Frumhoff and Eleanor Ahlborn

Mr. Peter Ahlborn – Hsu, 67 Pine Street, came before the Board to explain his needs for the addition. He will need to make his home ADA accessible for a family member who had an accident. The home will need to have a handicap accessible bathroom and an elevator added.

Mr. Peter Frumhoff, 65 Pine Street came before the Board to speak in support of the application. He noted that he is happy with the design.

No one else spoke.

The Board took the matter under advisement.

[Mr. Smith returned to the meeting at 7:18 PM]

c. CASE NO. 17-16 – ONE (1) SPECIAL PERMIT
75 Leonard Street – Filippo Demagistris

Mr. Smith asked the Board to consider whether this was a case for the Planning Board or for the Zoning Board of Appeals. He explained that a change of use requires more parking based on section 5.1.2 of the by-law. He added that the application was to reduce the number of parking spaces.

Mr. Smith explained that Section 5.1.1b states that the number of parking spaces may be reduced to less than what was required by the by-law if in acting on design and site plan review, the Planning Board determines that a smaller number would be adequate. He also noted that in Section 7.3.2 a design and site plan review was required if a change in use of a predominantly non-residential building greater than 2,500 square feet poses a need for 6 or more parking spaces, then design and site plan review was required by the Planning Board. He noted that the Zoning Board had previously reviewed issues related to this, but not solely for parking where they had the oddity of the use being allowed by right.

Mr. Smith explained that in section 7.3.2 of the by-law that a Design and Site plan was not required for uses which require a special permit for use from either the Planning Board or the Zoning Board of Appeals but that the Applicant was not there for a Special Permit for Use because it was allowed by right. If a special permit was required per section 1.5 then they would have to obtain that relief before submitting the application for site plan review.

Mr. Smith reiterated that based on his interpretation of the by-law he believes that this should be reviewed by the Planning Board.

Ara Yogurtian noted that his intention for bringing it to Zoning Board was that this Board had reviewed the parking situation in 2014 by special permit, it was brought to this Board once before and voted on by this Board previously.

DELIBERATE AND VOTE:

Case No. 17-14 159 Slade Street

MOTION to approve was made by Mr. Ruggerio and seconded by Mr. Zarkadas. Motion Passed, vote 5-0.

Case No. 17-15 65-67 Pine Street

MOTION to approve was made by Mr. Zarkadas and seconded by Mr. Ruggerio. Motion Passed, vote 5-0.

Case No. 17-15 75 Leonard Street

MOTION to dismiss the case without prejudice to be heard by the Planning Board by Mr. Iannuzzi and seconded by Mr. Zarkadas. Motion passed, vote 5-0.

ADJOURN: 7:28 PM

MOTION to adjourn was made by Mr. Smith and seconded by Mr. Iannuzzi. Motion passed, vote 5-0.