

EXPANDED DRAFT MEETING SUMMARY
THIS IS NOT AN OFFICIAL TRANSCRIPT OF TAPE RECORDED PROCEEDINGS
THE INFORMATION CONTAINED HEREIN HAS NOT BEEN REVIEWED OR APPROVED BY THE ZBA

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
November 8, 2006

A public hearing of the Zoning Board of Adjustment was held on Wednesday, November 8, 2006 at 6:30 PM in the Auditorium at City Hall.

Sean Duffy, Chair, conducted the meeting.

Members present were: Sean Duffy, Chair
Jack Currier, Vice Chair
Normand Tremblay
Rob Shaw
Carter Falk, Deputy Planning Manager/Zoning

Mr. Duffy explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Duffy explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws. Mr. Duffy also explained procedures involving the timing light.

1. **Suzanne Judy Allen Living Trust (Owner) 20 Pelham Street (Sheet F Lot 347) requesting variance to encroach 4 feet into the 10 foot right side yard setback to add a 10'x16' mudroom between an existing house and detached garage. R9 Zone.**

Voting on this Case:

Sean Duffy
Jack Currier
Normand Tremblay
Rob Shaw

Suzanne Judy Allen, 20 Pelham Street. Mrs. Allen stated that her husband is elderly, and 100% disabled. She mentioned that the request will not bother any of the abutters, and the addition will be built between the existing house and detached garage. Mrs. Allen described how her application meets the variance points of law. She said she has spoken to her neighbors, and they are in support.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

No one.

MOTION by Mr. Tremblay to grant the variance to encroach 4 feet into the 10 foot right side yard setback to add a 10'x16' mudroom between an existing house and detached garage. Mr. Tremblay stated that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue other than an area variance. He stated that it is already an existing encroachment, this request will allow it to be one structure. Mr. Tremblay stated that it is within the spirit and intent of the ordinance, it will not adversely affect the property values of surrounding parcels, it is not contrary to the public interest, and substantial justice is served by granting the variance.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 4-0.

2. Grace Tavares (Owner) 26-28 Paxton Terrace (Sheet 62 Lot 217) requesting variance to encroach 4 feet into the 20 foot rear yard setback to construct a 10'x12' addition. RB Zone.

Voting on this Case:

Sean Duffy
Jack Currier
Normand Tremblay
Rob Shaw

Grace Tavares, 26 Paxton Terrace, and Mark Rousseau, Better Living Sunrooms, Westboro, Mass. Mr. Rousseau stated that he would do the presentation. He passed out photos and plans to the Board, and said that the previous deck was unsafe, and was removed. The proposed sunroom will be the same size, and will be a three-season porch.

Discussion ensued between the Board and the applicant, relative to the neighborhood and the proposed Broad Street Parkway.

SPEAKING IN FAVOR:

No One.

SPEAKING IN OPPOSITION OR WITH CONCERNS:

No One.

MOTION by Mr. Shaw to grant the variance to encroach 4 feet into the 20 foot rear yard setback to construct a 10'x12' addition. Mr. Shaw stated that the variance is needed to continue to provide a living space for three seasons, not unlike the deck that was replaced, and to allow the use of the property; the actual encroachment into the setback is only four feet, and it does not appear to be any other way to use the property to have some other living space without encroaching into the setback, the placement of the railroad track gives no negative impact to their property. He stated that this request will be within the spirit and intent of the ordinance as no apparent impact to property values, and in all likelihood will increase property values by the general improvement of the property. He stated that it is not contrary to the public interest, and substantial justice will be served. Mr. Shaw also stated that the applicant agreed to have no plumbing or no heating in the addition as a special condition.

SECONDED By Mr. Tremblay.

MOTION CARRIED UNANIMOUSLY 4-0.

3. Pitary's Homes, Inc. (Owner) AHEPA National Housing Corporation (Applicant) "L" West Hollis Street (Sheet F Lot 61) requesting special exception to work within a 40 foot "other" wetland buffer to construct an outlet to a proposed stormwater management area. R9 Zone.

Voting on this Case:

Sean Duffy
Jack Currier
Normand Tremblay
Rob Shaw

The applicant was not in attendance to present their case. Discussion ensued among the Board members, and Mr. Falk, concerning past procedure when an applicant does not show up to the public hearing.

The Board stated that past practice dictates that the case be denied, but the applicant has the right to ask for a rehearing request, and have the case heard.

MOTION by Mr. Currier to deny the request, as the applicant was not present to plead their case.

SECONDED by Mr. Duffy.

MOTION CARRIED UNANIMOUSLY 4-0.

4. 28-34 Railroad Square, LLC (Owner) Riverwalk Cakery and Coffee House (Applicant) 35 Railroad Square (Sheet 43 Lot 33) appealing the decision of the administrative officer relative to the erection of a temporary advertising banner. D-1/MU Zone. [POSTPONED FROM 10-10-06 ZBA MEETING].

PER LETTER OF THE APPLICANT, THE REQUEST HAS BEEN WITHDRAWN. THE ADVERTISING BANNERS WERE REMOVED.

5. 111 Coburn Association (Owner) Omnipoint Communications, Inc. (Applicant) 111 Coburn Avenue (Sheet F Lot 79) requesting special exception to construct a 150-foot high monopole communications tower with related support equipment. R18 Zone. [POSTPONED FROM THE 10-24-06 ZBA MEETING].

POSTPONED TO THE NOVEMBER 21, 2006 MEETING.

REQUEST FOR REHEARING:

"L" West Hollis Street [AHEPA].

MOTION by Mr. Currier to take the case off the table, for discussion purposes.

SECONDED by Mr. Shaw.

Mr. Currier stated that this should be left on the table, because there's not a full board, and when it was last discussed, it was going to be a 2-2 vote and is an important case, and that's the reason it should be left on the table, until there's five members present.

Mr. Duffy said that he doesn't feel like the Board has to restate what has already been stated.

Mr. Shaw said he's against the motion, because he said he doesn't see a need to take it from the table, as this discussion serves the purpose anyhow, but it does help others in attendance understand the actions the Board is considering this evening.

Mr. Currier said the motion doesn't pass.

Mr. Shaw said even though he seconded the motion, he only seconded it to have a discussion.

Mr. Duffy asked the Board who is in favor of taking it off the table.

MOTION fails 3-1 (Shaw, Tremblay, Duffy), and the request remains on the table.

MINUTES:

October 24, 2006

MOTION by Mr. Currier to accept the minutes, waive the reading, and place them in the file.

SECONDED by Mr. Tremblay.

MOTION CARRIED UNANIMOUSLY.

REGIONAL IMPACT:

The Board reviewed the agenda for the next meeting and determined that there were no cases of Regional Impact.

2007 MEETING DATES:

MOTION by Mr. Duffy to approve the 2007 ZBA meeting dates.

SECONDED by Mr. Currier.

MOTION CARRIED UNANIMOUSLY 4-0.

Zoning Board of Adjustment Public Hearing and Meeting
November 8, 2006
Page 6

ADJOURNMENT:

Mr. Duffy called the meeting closed at 7:31 p.m.

Jack Currier
Acting Clerk

CF
Taped Hearing