



Department of Municipal Licenses and Inspections

Zoning Board of Appeals

90 Pond Street – Braintree, Massachusetts 02184

Joseph C. Sullivan
Mayor

Meeting Minutes

February 23, 2010

IN ATTENDANCE: Stephen Karll, Chairman
John Gauthier, Member
Jay Nuss, Member
Michelle Lauria, Member

ALSO PRESENT: Russell Forsberg, Inspector of Buildings
Carolyn Murray, Town Solicitor

Mr. Karll called the meeting to order at 7:00pm.

NEW BUSINESS:

- 1) Petition Number 10-04**
Lisa Smith
RE: 224 Common Street

Present: Lisa Smith, petitioner

Ms. Smith advised the Board that the contractor had relocated the proposed pool due to soil conditions and a tree root ball. Upon their discovery that this relocation was in violation of the code, they attempted on a number of occasions to contact the contractor in order to remedy the situation. However, they were unsuccessful in contacting the contractor. Therefore, they sought as an alternative, an appeal to the Board as a remedy.

Chairman Karll recommended that the petitioner make another attempt to contact the contractor, and if unsuccessful reappear before the Board in April 2010.

On a motion made by Mr. Gauthier and seconded by Mr. Nuss, the Board voted to continue the hearing until the meeting of April 27, 2010 to allow the petitioner to attempt to remedy the situation with the contractor.

- 2) Petition Number 10-05**
James Rust
RE: 100 Weston Avenue

Present: Patty Rust, wife of petitioner

This is a petition filed by James J. Rust of 100 Weston Avenue, Braintree, MA regarding the same property. The applicant is seeking relief from the Town of Braintree Zoning By-laws Sections 135-403, Section 407, and 701, in order to construct a second story addition over an existing bump-out on the first story, all in accordance with the plans of record. The property is located in a Residential B Zoning District, as shown on Assessors Plan No. 2046, Plot 9B and contains 6,930+/- SF of land.

Notice

Pursuant to notice duly published in a newspaper in general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was held before the Zoning Board of Appeals on February 23, 2010 at 7 p.m. at the DPW Administration Building at 90 Pond Street, Braintree, MA. Sitting on this petition was Chairman, Stephen Karll, and members, John Gauthier, and Michelle Lauria, with alternate, Jay Nuss.

Evidence

The petitioner, James Rust, was represented by his wife Patty. The petitioner stated that the alteration desired was to construct a closet and master bathroom to be constructed on the second story, over an existing "bump-out" portion of the building. The petitioner explained that the lot and structure do not meet the dimensional and density standards under section 135-701, as both are pre-existing nonconforming. Pursuant to Section 135-701 of the Zoning By-laws, the minimum lot area is 15,000 SF, yet this lot only has 6,930 SF. The minimum lot width for this zoning district is 100 ft., yet this lot offers only 68 feet of width. The minimum side yard setback is 10 ft., yet the existing dwelling is located 5.6 feet at its closest point from the westerly side lot line. The proposed addition will be located on top of the bump-out of the existing dwelling, where the current structure encroaches into the side yard setback; however, the second story addition would be within the footprint of the existing structure and would not create any new nonconformity. Therefore, a finding under G.L. Chapter 40A, Section 6 is required.

The petitioner submitted an undated plan entitled "Plan of Land in Braintree, MA – 100 Weston Ave.", prepared by C. S. Kelley Land Surveyors of Pembroke, MA.

No one else spoke in favor of or opposition to the petition. The Planning Board voted 4-0-0 in favor of the requested relief.

Findings

The Board found that the proposed addition will be in within the footprint of the existing dwelling and will not create any further encroachment into the westerly side yard setback. Therefore, the Board found that the proposed alteration of the pre-existing nonconforming structure would not be substantially more detrimental to the neighborhood than the existing structure. Finally, the Board found that the requested relief could be granted without detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-law.

Decision

On a motion made by Mr. Gauthier and seconded by Ms. Lauria, it was unanimously voted to grant the requested relief, subject to the plan presented.

3) Petition Number 10-06
Donna Blischke and Mary Ellen Sanders
RE: 1393 Liberty Street

Present: Attorney William Ohrenberger representing the petitioners
David Maxwell, Kelly Engineering Group

This is a petition filed by Donna Blischke of 7 Silva Street, Carver, MA 02330 and Mary Ellen Sanders, P.O. Box 623, Bourne, MA 02352 regarding the property located at 1393 Liberty Street in Braintree. The applicant is seeking relief from the Town of Braintree Zoning By-laws Sections 135-609 (c) (5) in order to subdivide the property into four (4) lots having an area equal to or greater than 20,000 SF but less than the required 1 acre. The property is located in a Residential B/Watershed Protection Zoning District, as shown on Assessors Plan No. 1097, Plot 121 and contains 139,777 SF +/- of land.

Notice

Pursuant to notice duly published in a newspaper in general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was held before the Zoning Board of Appeals on February 23, 2010 at 7 p.m. at the DPW Administration Building at 90 Pond Street, Braintree, MA. Sitting on this petition was Chairman, Stephen Karll, and members, John Gauthier, and Jay Nuss, with alternate, Michelle Lauria.

Evidence

The petitioners were represented by Attorney William Ohrenberger of Scituate, who appeared with David Maxwell of Kelly Engineering Group. Attorney Ohrenberger explained to the Board that the property consists of over 3 acres. The minimum lot size for a Residence B Zoning District is 15,000 SF; however, the property is located within the Watershed Protection District, which increases the minimum lot size to 1 acre. The petitioners obtained approval from the Planning Board of an Approval Under the Subdivision Control Law Not Required Plan ("ANR Plan") in October 2007 to divide this property into 3 lots, each containing at least 1 acre. The petitioner now seeks permission to re-subdivide the 3 lots into five (5) buildable lots, four (4) of which are less than the 1 acre minimum lot size, and therefore, variances are required to create these undersized lots.

Attorney Ohrenberger explained that, despite the fact that the 4 lots will lack the minimum lot size for the Watershed Protection District, all 4 will exceed the minimum lot size for the underlying Residence B Zoning District, as each of the 4 lots will contain at least 20,000 SF of area. Attorney Ohrenberger noted the purposes underlying the Watershed Protection District, as stated in Section 135-609 of the Town's Zoning By-laws, which is designed to protect, preserve and maintain the water table, water recharge areas, and potential sources of public water supply. Pursuant to Section 135-609.C(5), residential development is permitted in a Watershed Protection District, in accordance with the underlying zoning district, provided the development offers a minimum lot size of 1 acre and does not have more than 20% impervious surface. Attorney Ohrenberger explained that, while the lots will not satisfy the 1 acre lot size, the development will comply with the 20% impervious surface limit, primarily by incorporating two common driveways to serve four lots, as shown on a conceptual site plan submitted with the application. The petitioner also anticipates incorporating a 20 ft. wide green space/no build easement along the property boundary, which will provide a buffer to the residence on the northerly lot line and extend along the Town Forest side of the property and will preserve the vegetation closest to the Town Forest. The petitioner offered other means to advance the purposes of the Watershed Protection District, such as installing dry wells and imposing restrictions on the use of pesticides and fertilizers.

As grounds for a hardship, Attorney Ohrenberger noted the presence of visible ledge outcroppings and sloping topography of the site, which the petitioner claims will make it difficult and more expensive to access the more desirable areas of the site for the placement of dwellings and infrastructure. Attorney Ohrenberger also noted that the Board had previously granted similar relief for the Oregon Avenue subdivision, where several of those lots were less than 21,000 SF in area.

Attorney Ohrenberger also advised that the petitioners' representatives had met with neighbors, who expressed a concern that the larger lots might encourage the building of large houses, which would not be in keeping with the neighborhood. Attorney Ohrenberger also stated that the neighbors appeared to be more in favor of fewer driveways to minimize the number of driveways existing on Liberty Street.

The Chairman noted that he did not support the 5-lot configuration (which includes 1 conforming lot not subject to this variance request) because he was not in favor of creating undersized lot. The Chairman also expressed concern about the use of common driveways, which can lead to a situation among the neighbors, who often turn to the Town to intervene. Attorney Ohrenberger informed that Board that if the 5-lot configuration was not palatable to the Board, the petitioner had developed a preliminary plan for a 4-lot configuration, with one lot meeting the 1 acre minimum, which was revealed to the Board. The 4-lot configuration depicted 3 lots with separate driveways exiting onto Liberty Street and 1 driveway on Oakden Drive. If the 4-lot configuration was deemed an improvement, Attorney Ohrenberger suggested that the public hearing could be continued to allow this plan to be fully developed. However, the petitioners wanted feedback from the Board before authorizing the engineers to proceed with the 4-lot plan.

Tim Egan, an abutter who resides at 126 Cardinal Court and a former member of the Planning Board, stated that he was neither in favor nor opposed to the petition, but if the site is to be developed, he wants the best configuration for the neighborhood. Mr. Egan expressed concern about the presence of ledge and the impact that blasting would have on the neighborhood. Mr. Egan is in favor of the green space buffer and would like this site to be developed in a manner that is consistent with the neighborhood. Mr. Egan would prefer 3 lots, or 4 lots at most, and was surprised that the Planning Board found a hardship on which to base a variance request. Mr. Egan also recalled another development off Liberty Street that proposed the use of common driveways to minimize the number of exits on Liberty Street, but ultimately, this development caused a great deal of angst for the Town.

Brian Gingras of Devon Woods questioned whether the petitioner had approached the Community Preservation Committee about purchasing the land and was advised by Attorney Ohrenberger that no such discussion occurred.

Miriam Brooks of 82 Bradford Commons Lane in Devon Woods spoke in opposition to the petition. Ms. Brooks noted that she was not invited to the neighborhood meeting to discuss this petition. Ms. Brooks supports the green space but is opposed to more driveways on Liberty Street. Ms. Brooks was also concerned about the need to cut trees to develop this site, which will have an aesthetic impact to the entrance of Devon Woods and overall, would be detrimental to the neighborhood. Ms. Brooks questioned the reasons for varying the rules and granting a variance.

John Palmieri of 186 Allerton Commons Lane in Devon Woods stated that the proposed development would irreparably damage the watershed on Oakden and there was no way to guarantee that the neighborhood would not be damaged by blasting. Mr. Palmieri requested that the petitioner be limited to 3 lots.

Arthur Gillis of 348 Tilden Commons Lane in Devon Woods expressed concern about adding more driveways on Liberty Street, directly opposite the entrance to Devon Woods. Chris Whitelaw of 94 Cardinal Court

acknowledged the presence of ledge and water in the area, but commented that blasting the rock would impact the wetlands, wildlife and the storm drain system.

No one else spoke in favor of or opposition to the petition. By a vote of 4-0-0, the Planning Board voted in favor of the requested relief.

The petitioner submitted a plan dated 11/17/09 entitled "1393 Liberty Street, Braintree Massachusetts, Plan to Accompany Variance Request Plan," and a plan dated 2/23/10 entitled "1393 Liberty Street, Braintree Massachusetts, Conceptual Site Plan," both of which were prepared by Kelly Engineering Group of Braintree, MA. Attorney Ohrenberger also submitted a narrative to accompany the variance application with exhibits A-C.

No one else spoke in favor of or opposition to the petition. The Planning Board voted 4-0-0 in favor of the requested relief.

The Board began deliberating on the 5-lot configuration, with 4 lots requiring variances from the minimum lot size. After all Board members expressed reservations with the 5-lot configuration, Attorney Ohrenberger requested a recess to confer with his clients. Upon reconvening, Attorney Ohrenberger requested that the Board consider the 4-lot subdivision as a substitute for the 5-lot configuration. Mr. Nuss made a motion to approve the substitution of the 4-lot subdivision. There being no second, the Board proceeded to deliberate on the 5-lot subdivision plan as originally presented.

Findings

The Board found that the proposed re-subdivision of the lots would result in the creation of four lots that would not meet the minimum lot size of 1 acre required in the Watershed Protection District. The Board found that the relief requested was excessive, with 3 of the proposed undersized lots containing less than half of the required area. The Board also found that the petitioners had failed to prove a hardship. While the petitioners did present a hardship based on the presence of ledge and sloping topography, the Board found that the ledge and topography did not render the lots unbuildable. Rather, the Board found that the petitioners could proceed with three conforming lots, without need for any zoning relief, yet the petitioners were seeking to maximize their profit through the sale of 5 lots to offset the development costs associated with the removal of ledge. Finally, the Board found that the requested relief could not be granted without detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-law.

Decision

On a motion made by Mr. Gauthier and seconded by Mr. Nuss, it was unanimously voted to deny the requested relief.

4) Petition Number 10-07 Cannon Land Development RE: 15 Carter Road

Present: Attorney Frank Marinelli representing the petitioner
Larry Agnitti of Canon Construction Corp
Joseph Clancy, Sr., record owner of the property and his son, Joseph Clancy, Jr.

This is a petition filed by Canon Land Development of 21 Franklin Street, Braintree, MA regarding the property located at 15 Carter Road in Braintree, MA. The applicant is seeking relief from the Town of Braintree Zoning By-laws Sections 135-403, Section 407, and 701, in order to demolish an existing dwelling and to construct a new single family home. The property is located in a Residential B Zoning District, as shown on Assessors Plan No. 1041, Plot 85 and contains 7,740+/- SF of land.

Notice

Pursuant to notice duly published in a newspaper in general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was held before the Zoning Board of Appeals on February 23, 2010 at 7 p.m. at the DPW Administration Building at 90 Pond Street, Braintree, MA. Sitting on this petition was Chairman, Stephen Karll, and members, John Gauthier, and Michelle Lauria, with alternate, Jay Nuss.

Evidence

The petitioner was represented by Attorney Frank Marinelli, along with Larry Agnitti of Canon Construction Corp., and the record owner of the property, Joseph Clancy, Sr., and his son, Joseph Clancy, Jr. Attorney Marinelli explained that the petitioner seeks to raze the existing dwelling, which was built approximately 95 years ago and is pre-existing nonconforming, as it encroaches 7 feet into the front yard setback. The petitioner plans to construct a new single family home of a Colonial style with a two-car garage that will comply with all setback requirements, and therefore, the new dwelling will not create any new nonconformities. However, a finding under G.L. Chapter 40A, Section 6 is required. Attorney Marinelli noted that the present structure is in need of repair and that replacing the existing building with a more aesthetically appealing conforming structure will be an improvement to the lot and neighborhood.

The lot is also pre-existing nonconforming. Pursuant to Section 135-701 of the Zoning By-laws, the minimum lot area is 15,000 SF, yet this lot only has 7,740 SF. The minimum lot width for this zoning district is 100 ft., yet this lot offers only 90 feet of width. The minimum lot depth is 100 feet, yet this lot offers only 86 feet of depth. The minimum front yard setback is 20 ft., yet the existing dwelling is located 13 feet off the lot line.

The petitioner submitted an undated plan entitled "Canon Land Development, 15 Carter Road, Braintree, MA," prepared by Kelly Engineering Group, Inc. of Braintree, MA.

No one else spoke in favor of or opposition to the petition. The Planning Board voted 5-0 in favor of the requested relief.

Findings

The Board found that the proposed demolition of an aging and nonconforming structure and construction of a new dwelling that complies with all setback requirements will not create any further new nonconformities, but would be an improvement to the site. Therefore, the Board found that the proposed replacement of the pre-existing nonconforming structure with a conforming structure would not be substantially more detrimental to the neighborhood. Finally, the Board found that the requested relief could be granted without detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-law.

Decision

On a motion made by Mr. Gauthier and seconded by Ms. Lauria, it was unanimously voted to grant the requested relief, subject to the plan presented.

5) Petition Number 10-08

AMB Property, LP

RE: 40, 60-80 Campanelli Drive

Present: Attorney Frank Marinelli representing the petitioner
David Maxwell, Kelly Engineering Group

This is a petition filed by AMB Property, LP of 60 State Street, Suite 1200, Boston, MA 02109 regarding the property located at 40 and 60-80 Campanelli Drive in Braintree, MA. The applicant is seeking relief from the Town of Braintree Zoning By-laws Sections 135-403, Section 407, 701, and Article VIII in order to combine and reconfigure two existing lots and create a subdivision at this site to create three new lots identified as Lots 20A, 20B, and 32A on the plans submitted. The property is located in a Commercial Zoning District, as shown on Assessors Plan No. 1033, Plots 28 and 31B and contains 498,495+/- SF of land.

Notice

Pursuant to notice duly published in a newspaper in general circulation in the Town, posted at Town Hall, and by written notice mailed to all parties of interest pursuant to G.L. Chapter 40A, a hearing was held before the Zoning Board of Appeals on February 23, 2010 at 7 p.m. at the DPW Administration Building at 90 Pond Street, Braintree, MA. Sitting on this petition was Chairman, Stephen Karll, and members, John Gauthier, and Michelle Lauria. Member, Jay Nuss, indicated that he had a conflict and could not hear this petition.

Evidence

The petitioner was represented by Attorney Frank Marinelli, who appeared with David Maxell, an engineer from Kelly Engineering Group. Attorney Marinelli explained that the property known as 60-80 Campanelli Drive houses a single commercial building with a footprint of 263,500 SF plus a mezzanine of 37,800 SF. The petitioner wants to remove the mid-section of this existing building in order to create two separate buildings, one measuring 75,924 SF and to be located on a new lot identified as Lot 20A, and the other measuring 87,679 SF to be located on a new lot identified as Lot 20B on the plans submitted. The mid-section would be paved, landscaped, and striped for parking.

The property at 40 Campanelli Drive also houses a commercial building consisting of 15,000 SF. The petitioner does not plan to alter the building at 40 Campanelli Drive. However, the petitioner seeks to combine this property with the property known as 60-80 Campanelli Drive to reconfigure and subdivide the two lots into three parcels, with each parcel containing one commercial building. The petitioner also seeks to construct a subdivision roadway, consisting of a cul-de-sac off Campanelli Drive, which would provide all three lots with access and frontage. Currently, the building at 40 Campanelli Drive has frontage off Mary Anne Drive.

Attorney Marinelli explained that the properties are located within the Watershed Protection District, but the construction of the buildings pre-date the adoption of this district. The Watershed Protection District requires a minimum lot size of 1 acre, which all three new lots will exceed. However, the buildings are pre-existing nonconforming, but Attorney Marinelli asserted that the non-conforming features will be improved by this reconfiguration and subdivision.

Currently, the property known as 60-80 Campanelli Drive is conforming and the newly created Lots 20A, 20B and 32A will be as follows:

Zoning By-law Requirements	Currently provided at 60-80 Campanelli Drive	To Be Provided by new Lot 20A	To be Provided by New Lot 20B	Currently provided at 40 Campanelli Drive	To Be Provided by New Lot 32A	Compliant or Nonconforming
Minimum Lot Size 43,560 SF or 1 acre	9.3 acres	219,376 SF or 5.04 acres	185,897 SF or 4.27 acres	82,097 SF	66,406 SF	compliant
Minimum Frontage 150 ft.	595 ft. +/-	>150 ft.	153 ft. +/-	40 ft.	166 ft. +/-	compliant
Minimum Lot Width 150 ft.	595 ft. +/-	588 ft. +/-	319 ft. +/-	40 ft.	181 ft. +/-	compliant
Minimum Lot Depth 200 ft	700 ft. +/-	375 ft. +/-	523 ft. +/-	700 ft.	237 ft.	compliant
Min. Front Yard Setback 35 ft.	38.3 ft. +/-	53 ft. +/-	41 ft. +/-	564.2 ft.	97 ft.	compliant
Min. Side Yard Setback 20 ft.	40 ft. +/-	79 ft. +/-	76 ft. +/-	0.2 ft.	5.2 ft. +/-	20 A and B compliant; 32A pre-existing nonconforming but improves nonconformity

Zoning By-law Requirements	Currently provided at 60-80 Campanelli Drive	To Be Provided by new Lot 20A	To be Provided by New Lot 20B	Currently provided at 40 Campanelli Drive	To Be Provided by New Lot 32A	Compliant or Nonconforming
Min. Rear Yard Setback 35 ft.	3.7 ft. +/-	39 ft. +/-	3.7 ft. +/-	14.8 ft. +/-	14.8 ft.	20A complies; 20B and 32A maintain nonconformity
Max. Stories 4	2	1	1	1	1	compliant
Max. Height 50 ft.	<50 ft.	<50 ft.	<50 ft.	<50 ft.	<50 ft.	Complaint
Max. Lot Coverage 60%	93% +/-	88% +/-	90% +/-	60% +/-	45% +/-	20 A and B pre-existing nonconforming; both remain but improve nonconformity; 32A complies
Min. Open Space 40%	7% +/-	12% +/-	10% +/-	41%	55% +/-	20A and B pre-existing nonconforming; both remain but improve nonconformity; 32A complies
Max. Bldg. Coverage 25%	63%	35% +/-	47% +/-	18%	23%	20A and B pre-existing nonconforming; both remain but improve nonconformity; 32A complies
Parking 20A =155; 20B=101; 32A=21	311	321	114	47	21	Compliant as to number and size

Zoning By-law Requirements	Currently provided at 60-80 Campanelli Drive	To Be Provided by new Lot 20A	To be Provided by New Lot 20B	Currently provided at 40 Campanelli Drive	To Be Provided by New Lot 32A	Compliant or Nonconforming
Handicap Pkg 20A=8; 20B=5; 32A=1	9	8	5	1	1	Compliant
Loading Space 1	15	N/A	N/A	N/A	N/A	Compliant
Loading Bay 20A and B =3; 32A = 1	N/A	20	26	3	3	Compliant
Parking Front Setback 10 ft.	0	8 ft +/-	11 ft. +/-	0	53 ft.	20A pre-existing nonconforming but improves nonconformity; 20B and 32A comply
Parking Side Setback 5 ft.	0	5ft.	5.5ft. +/-	29 ft.	29 ft.	Compliant; 20 A and B eliminate nonconformity
Parking Rear Setback 5 ft.	3 ft.	5 ft.	5 ft.	141 ft.	141 ft.	Compliant; eliminates nonconformity
Parking Setback from Building 5 ft.	0	5ft.	10 ft.	0	0	20 A and B compliant and eliminate nonconformity; 32A maintains nonconformity
Aisle Width 24 ft.	14 ft.	24 ft.	24 ft.	24 ft.	24 ft.	Compliant; 20A and B eliminate nonconformity

Zoning By-law Requirements	Currently provided at 60-80 Campanelli Drive	To Be Provided by new Lot 20A	To be Provided by New Lot 20B	Currently provided at 40 Campanelli Drive	To Be Provided by New Lot 32A	Compliant or Nonconforming
Intersect. Aisle Radii 8 ft.	0	8ft.	10 ft.	0	0	20A and B compliant and eliminate nonconformity; 32A maintains nonconformity
Interior Landscaping 5%	N/A	8%	9%	41%	47%	Compliant; 20A and B eliminate nonconformity

As noted in the above-table, no new nonconformities will be created by this subdivision. Several nonconformities will be maintained, while others are continued but improved. Notably, lot coverage is reduced, open space and interior landscaping are increased, site circulation and loading areas are improved, and all three lots will meet parking requirements. No variances are required, but since these lots and structures are pre-existing nonconforming, a finding is required under G.L. Chapter 40A, Section 6.

Attorney Marinelli advised the Board that the petitioner spoke with Mr. Augenti, an abutter and the closest neighbor to #40 Campanelli Drive, who resides on Richardi Lane, and the petitioner had agreed to provide added screening by installing plantings and a 6 foot stockade fence. The petitioner submitted a plan dated 2/22/10 entitled “AMB Property LP, #40 & #60-80 Campanelli Drive, Braintree, MA, Proposed Fence Sketch”, prepared by Kelly Engineering Group.

The petitioner submitted a plan dated 1/15/10 entitled “AMB Property LP, #40 & #60-80 Campanelli Drive, Braintree, MA, Layout Plan (After Subdivision and Building Reconfiguration),” prepared by Kelly Engineering Group, Inc. of Braintree, MA.

Dino Confalone, who lives who lives on the corner of Granite Street and Campanelli Drive, noted that there are several accidents at this intersection and inquired whether a traffic light would be installed. The Chairman advised Mr. Confalone that traffic lights were outside of the Board’s jurisdiction, but could be addressed through the Mayor’s office or the Department of Public Works.

No one else spoke in favor of or opposition to the petition. The Planning Board voted 5-0 in favor of the requested relief.

Findings

The Board found that the proposed reconfiguration of buildings and the creation of a three-lot subdivision, which does not create any new nonconformities and improves any continuing nonconformities would be an overall improvement to the site. The Board also noted that the reconfiguration would reduce lot coverage, increase open space and interior landscaping, improve site circulation and loading areas, and all three lots will meet parking requirements. Therefore, the Board found that the proposed reconfiguration of the pre-existing nonconforming structures and creation of a three-lot subdivision subdivision with no new nonconformities would not be substantially more detrimental to the neighborhood than the existing nonconforming site. Finally,

the Board found that the requested relief could be granted without detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-law.

Decision

On a motion made by Mr. Gauthier and seconded by Ms. Lauria, it was unanimously voted to grant the requested relief, subject to the plan presented and on the condition that the petitioner install a 6 foot stockade fence and evergreen plantings in a manner that is agreed-upon by Mr. Augenti of Richardi Lane, in accordance with the Proposed Fence Sketch.

OLD BUSINESS:

- 6) Petition Number 08-60**
Steven Zebowski
RE: 20 Mill Lane

Present: Attorney Frank Marinelli representing the petitioner

Mr. Forsberg advised the Board that the department had received a letter from Attorney Marinelli representing Mr. Zebowski, in which he cited practical difficulty in the abatement of hazardous materials as the reason for the delay in the execution of the relief granted by the Board and he was therefore seeking a six month extension to the original variance granted by the Board.

On a motion made by Mr. Gauthier and seconded by Ms. Lauria, the Board voted unanimously to grant the six month extension to the variance.

APPROVAL OF MINUTES:

On a motion made by Mr. Nuss and seconded by Mr. Gauthier, the Board voted unanimously to accept the meeting minutes of January 26, 2010..

Motion By: Mr. Gauthier to adjourn at 9:23pm
Second By: Mr. Nuss
Unanimously Voted