

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
August 16, 2004**

AMENDED: see both 166-207 Grafton Streets

Board Members Attending: John Barbale
Thomas Hannigan
John Reynolds
Jerry R. Horton
Matthew Armendo
Lenny Ciuffredo
Morris Bergman

Staff Attending: Joanne Valade, Division of Land Use
David F. Holden, Code Enforcement

Thomas Hannigan, Vice Chairman, opened the meeting at 5:30 P.M. The following actions were taken:

428 Lake Avenue – Variances & Special Permit: Upon a motion by John Reynolds and seconded by Morris Bergman, the Board voted 5-0 to continue the requested hearing to September 27, 2004 for Variances and Special Permit (*to split the lot into two; creating an additional new lot*) as listed below:

Variances:

1. Relief of five feet from Side Yard setback requirement (Lot 1).
2. Relief from Side Yard setback requirement (Lot 2) (of 4 feet from right side & 4 feet from left side).

Special Permit:

1. Expansion of pre-existing non-conforming structure.

584 West Boylston Street – Variance: Upon a motion duly made and seconded, the Board voted 5-0 to continue the requested hearing to September 13, 2004 for Variance (*to convert 1st floor commercial use to residential use – 2 apartments*) as listed below:

Variance:

1. Relief of six spaces from off-street parking requirement.

1001 Southbridge Street – Variance: Upon a motion duly made by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 to continue the requested hearing to September 13, 2004 for Variance (*to relocate sign onto freestanding sign structure*) as listed below:

Variance:

1. Relief from height limitations on freestanding accessory sign.

Onset Street – Variance: Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the Leave to Withdraw Without Prejudice at the request of the applicant (Variance: *to construct single-family semi-detached dwelling – duplex*)

14 Jewett Terrace – Variance: Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to continue the requested hearing to October 18, 2004 for Variance (*to construct a single family dwelling*) as listed below:

Variance:

1. Relief of fifteen feet from Frontage requirement.

23 Barclay Street – Variance: Upon a motion duly made and seconded, the Board voted to continue the requested hearing to September 13, 2004 for Variance (*to construct a single family semi-detached dwelling -- duplex*) as listed below:

Variance:

1. Relief of 1,701 square feet from Gross Dimensional requirement.

**** (Corrected September 13, 2004) 166-207 Grafton Street (2 Keese Street) – Administrative Appeal:** Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted to deny the request for a continuance for an Administrative Appeal (*to overturn the May 26, 2004 Planning Board decision granting Site Plan Approval at 166-207 Grafton Street*).

**** (Corrected September 13, 2004) 166-207 Grafton Street (38 Artic Street) – Administrative Appeal:** Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted to deny the request for a continuance for an Administrative Appeal (*to overturn the May 26, 2004 Planning Board decision granting Site Plan Approval at 166-207 Grafton Street*).

46 Canterbury Street – Special Permit: Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Special Permit (*to convert three-family dwelling to four-family dwelling*) as listed below:

Special Permit:

1. New Residential construction or conversion to additional dwelling units.

29 Whitla Drive – Special Permit & Variance: Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Special Permit & Variance (*to construct a garage that would be attached to existing single family dwelling*) as listed below:

Variance:

1. Relief of eight feet from Side Yard setback requirement.

Special Permit:

1. Expansion of a pre-existing non-conforming structure.

18 Burghardt Street – Variances: Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the Leave to Withdraw Without Prejudice at the request of the applicant (Variances: *to construct a single-family dwelling*) as listed below:

Variance:

1. Relief of 2,000 square feet from Gross Dimensional requirement.
2. Relief of 15 feet from Frontage requirement.

5 Rosamond Street – Variances: Upon a motion by Lenny Ciuffredo and seconded by John Reynolds, the Board voted 5-0 to approve the requested Variances (*to construct a single-family dwelling*) as listed below:

Variances:

1. Relief of 1,136 square feet from Gross Dimensional requirement.
2. Relief of 1 foot from Side Yard setback requirement.

6 Alder Street – Special Permit: Upon a motion by Jerry Horton and seconded by John Reynolds, the Board voted 5-0 to approve the requested Special Permit (*to convert from two-family to three-family dwelling*) as listed below:

Special Permit:

1. New residential construction or conversion to additional dwelling units.

20-22 Wells Street –Variances: Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 3-2 to deny the requested Variances (*to acquire frontage for both lots; front yard setback for 20 Wells Street, gross dimensional relief for 20 Wells Street; rear yard setback for 22 Wells Street, and parking on one lot to serve both lots*) as listed below:

Variances:

1. Relief of 808 square feet from Gross Dimensional requirement (20 Wells Street).
2. Relief of 5 feet, 2 inches from Front Yard setback requirement (20 Wells Street).
3. Relief of 2 feet, 7 inches from Rear Yard setback requirement (22 Wells Street).
4. Relief of 8 feet from Frontage requirement (20 Wells Street).
5. Relief of 27.09 feet from Frontage requirement (22 Wells Street).
6. Off-street parking requirement.

126 Newton Avenue North – Special Permit & Variance: Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Special Permit & Variance (*to repair/replace existing side room with larger room*) as listed below:

Variance:

1. Relief of seven feet from Side Yard setback requirement.

Special Permit:

1. Expansion or change of a non-conforming use.

5 Mann Street – Variances: Upon a motion by John Reynolds and seconded by Lenny Ciuffredo, the Board voted 5-0 to approve the requested Variances (*to construct a two-family dwelling*) as listed below.

Variance:

1. Relief of 1,340 square feet from Gross Dimensional requirement.
2. Relief of thirty feet from Frontage requirement.

Condition:

1. Driveway must be made wider.

24 Cambridge Street – Variances: Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Variances (*to convert commercial use structure to church use*) as listed below.

Variance:

1. Relief of seven feet from Front Yard setback requirement.
2. Relief of four spaces from off-street parking requirement.
3. Relief of 1,332 square feet waiver of landscaping or barrier requirement.

27 Marlboro Street – Variance: Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variance (*to construct a single-family dwelling*) as listed below.

Variance:

1. Relief of five feet from Frontage requirement.

Bolton Street – Variances: Upon a motion duly made and seconded, the Board voted to continue the requested hearing to September 13, 2004 for Variances (*to construct a single-family semi-detached dwelling -- duplex*) as listed below. (referred to LAW previously; still under appeal).

Variations:

1. Relief of 200 square feet from Gross Dimensional requirement.
2. Relief of 10 feet from Frontage requirement.

181 Lake Avenue – Extension of Time: Upon a motion duly made and seconded it was voted by the Board 5-0 to approve a six-month extension of time for construction commencement activity to begin.

12 May Street / 2 Kingsbury Street – Extension of Time: Upon a motion duly made and seconded it was voted by the Board to approve a six-month extension of time for construction commencement activity to begin.

OTHER BUSINESS: None

Approval of Minutes: Upon a motion duly made and seconded it was voted to approve the minutes of the July 12, 2004 meeting with the corrections that:

1. Jerry Horton was not in attendance;

2. And, re: 115 Stafford Street: Motion was seconded by Thomas Hannigan – not Jerry Horton.

The meeting adjourned at 8:15 p.m.