

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
December 6, 2004**

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

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

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

**40 Sterling Street – Variances:** Upon a motion duly made and seconded, the Board voted 3-2 to approve; thereby denying the requested Variances (*to subdivide parcel in order to construct a two-family dwelling on newly created lot*) as listed below:

Variances:

1. Relief of eight feet from Side Yard setback requirement.
2. Relief of seven feet from Frontage setback requirement.
3. Relief of eight feet from Rear Yard setback requirement.

**1 & 3 Prioulx Street – Administrative Appeal:** Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 4-1 (Thomas Hannigan voted No) to approve the requested Administrative Appeal (*to overturn the September 15, 2004 Planning Board decision granting Definitive Site Plan approval for construction of apartment building on parcels located at 1 & 3 Prioulx Street, based upon Article I and Article V, Section 4 of the Zoning Ordinance, in substance, not procedure.*

**1486 & 1488 Main Street – Special Permit:** Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 4-1 (Lenny Ciuffredo voted No) to approve the Special Permit (*to construct single-family attached dwellings – two structures with four units each*) as listed below:

Special Permit:

1. New residential construction (8 units proposed).

**\*\* 10 Frank Street – Variances:** Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to continue the requested hearing to December 20, 2004 for Variances (*to divide existing lot into two equal size parcels in order to construct a single-family dwelling on newly created lot*) as listed below:

Variance:

1. Relief of 2,000 square feet from Gross Dimensional requirement (each lot).
2. Relief of 15 feet from Frontage requirement (each lot).

**24 Northboro Street – Special Permits:** Upon a motion duly made by John Reynolds and seconded Jerry Horton, the Board voted 5-0 to approve the Leave to Withdraw Without Prejudice (*to add onto existing structure in order to create a four-family dwelling*) as listed below:

Special Permit:

1. Expansion or change of a non-conforming use.
2. Conversion to additional dwelling units (2 units).

**\*\* 65 Temple Street – Special Permits:** Upon a motion duly made by Matthew Armendo and seconded Lenny Ciuffredo, the Board voted 5-0 to continue the requested hearing to December 20, 2004 for Special Permits (*to renovate one of two existing vacant structures and use for retail sales*) as listed below:

Special Permits:

1. Expansion or change of a non-conforming use.
2. To allow a retail sales in a MG-2.0 zoning district.

**10 Mill Street – Special Permits:** Upon a motion duly made by Morris Bergman and seconded Jerry Horton, the Board voted 5-0 to approve the requested Special Permits (*to convert privileged non-conforming structure – Showcase Cinema – into retail use and alter building by installing four service bays to be used in connection with automobile stereo, electronics, and accessory business – Sun & Sound*) as listed below:

Special Permit:

1. Waiver of parking lot setback, buffer and landscaping requirement.
2. To allow alteration of a privileged non-conforming structure to provide for a different use pursuant to Article XIII, Section 5.

**93 Malden Street – Special Permits:** Upon a motion duly made by Lenny Ciuffredo and seconded Morris Bergman, the Board voted 6-0 to approve the requested Special Permits (*to construct a single-family semi-detached dwelling -- duplex*) as listed below:

Special Permit:

1. New residential construction (2 units).
2. To allow single-family semi-detached dwelling in a RS-7 zoning district.

**17 Preston Street – Variances & Special Permit:** Upon a motion duly made by Jerry Horton and seconded by Morris Bergman, the Board voted 5-0 to approve the Variances & Special Permit (*to rehabilitate pre-existing, non-conforming, three-family dwelling in order to bring into compliance with current building codes*) as listed below:

Variance:

1. Relief of 2,227 square feet from Gross Dimensional requirement.
2. Relief of 10 feet from Frontage requirement.
3. Relief of 15 feet from Front Yard setback requirement.
4. Relief of 5 spaces from Off-Street parking requirement.

Special Permit:

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

**186 Stafford Street – Special Permits:** Upon a motion duly made by Morris Bergman and seconded Matthew Armendo, the Board voted 5-0 to approve the requested Amendment (*to use said structure as a tavern with food service and a pizza shop*) with the following condition as listed below:

Amendment:

1. To change Special Permit (previously issued in 1980 for food service with beer and wine license) to allow for food service with an alcoholic pouring license.

Condition:

1. Signage directing patrons to “Right Turn Only” onto Stafford Street.

**421 Shrewsbury Street – Variance & Special Permit:** Upon a motion duly made by Matthew Armendo and seconded by Morris Bergman, the Board voted 5-0 to approve the Variance & Special Permit (*to establish a 40-seat restaurant*) with the following condition as listed below:

Variance:

1. Relief of 11 spaces from Off-Street parking requirement.

Special Permit

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

Condition:

1. Hours of Operation shall be:
  - a. Tuesday thru Thursday: 5pm to 10pm
  - b. Friday & Saturday: 5pm to 11pm

**Grove, 3 Faraday & Lancaster Streets – Special Permit:** Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit

*(to reinstitute pre-existing parking with modified entrance off of Lancaster Street)* as listed below:

Special Permit:

1. To modify layout of pre-existing parking area.
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**1001 Main Street – Variance & Special Permit:** Upon a motion duly made by Jerry Horton and seconded by Morris Bergman, the Board voted 5-0 to approve the Variance & Special Permit *(to convert structure to a drive-through donut shop)* as listed below:

Variance:

1. Waiver of parking lot setback, buffer and landscaping requirement.

Special Permit:

1. To allow installation of donut shop drive-through window.
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**OTHER BUSINESS:**

**220-222 Burncoat Street – Scrivener’s Error:** Signed

**6 Arthur Street – Scrivener’s Error:** Signed

**Approval of Minutes:** November 22, 2004 meeting.

The meeting adjourned at 8:00 p.m.