

Zoning Board of Appeals Minutes, 04/05/2017

Zoning Board of Appeals Minutes April 5, 2017 Land Use Meeting Room

Members in Attendance: Shawn Leary Considine, SLC; Robert Fuster Jr. (RFjr); Cliff Snyder, (CS); Robert Fuster, (RF); Ned Douglas, ND
Absent with notification: Ethan Berg, (EB)

Staff present: Peggy Ammendola, Land Use Clerk, (PA)

Approve Minutes-March 15, 2017-RF made a motion to approve the minutes as published. CS seconded the motion and the Board voted to approve 5-0.

Gizwood Properties, LLC, 82 West Street (Map 42 Parcel 60), a second curb cut on the property, per Section 7.1.8, #7(b), to install a circular drive.

SLC pointed out that the Notice referred to Section 7.1.8 #7(b), Parking Design Standards, but it should be 8(b) as there isn't a 7(b). The Petition was filed for Section 7.1.8 (8b). SLC read this into the record the section aloud and stated that this wasn't a fatal flaw, but wanted to clarify.

Presenting the application were Tonya DeFrist and Donald Moore. Mr. Moore said that his home is located across from Boston University Tanglewood Institute and halfway from crest of the hill. He said that during the hours of Morris Elementary School opening and closing, traffic is unbearable during and one can't back out from the driveway. The proposal is to make a circular drive around the large tree in the front yard.

William Gop, DPW Superintendent, went to the site and wrote a letter supporting the proposal. He said that a second curb cut would improve safety for traffic traveling on West Street as well as for vehicles pulling into and out of the property.

Chief of Police, Steve O'Brien, has also gone to the site and according to Mr. Moore, has no issue with the proposal.

A letter from John and Renee Mizia of 85 West St. was read into the record. They oppose the proposal as they feel that it would change the residential appearance and character of the neighborhood. They stated that their house is "immediately opposite" to the subject property. Additionally, the Mizias wrote that the speed limit in this area is reduced as it is approaching the 20 MPH school zone.

Mr. Moore responded that the Mizias are not opposite, but instead live about 125 feet south of his property and much further down the hill. Directly opposite the subject property is wooded and belongs to Boston University Tanglewood Institute. He also pointed out that the school zone where the speed is limited to 20 MPH doesn't begin at their property, but at 4 houses further south of the Mizia's home.

Mr. Moore and Ms. DeFrist have owned the house for about a year and a half, but have lived there since late August. They expect that with the increase in traffic during Tanglewood season getting in and out of the driveway will become more difficult.

The Board agreed that a site visit is imperative for making a decision. Each member will go at their convenience and the hearing would be continued. RF made a motion to continue the hearing to May 3, 2017 at 7:00 PM. RFjr seconded the motion and the Board voted in favor 5-0. Mr. Moore will mark the area of the proposed drive.

There was no other correspondence and no members of the public were present.

Rolling Hills Condominium Trust, Pittsfield Road (Route 7 & 20), (Map 27 Parcel 69). Modification of Special Permit and/or seek a Variance, Section 6.1 to construct a storage building on the property.

RFjr disclosed that he and his wife own property on New Lenox Road, but he did not feel that this would influence his decision. No one objected to his participation.

Presenting the application was Doug McCormack, Manager at Rolling Hills and John Arseneau, the contractor.

Mr. McCormack said that the storage shed would measure 12' X 24' that would be placed in an area not visible from Pittsfield Road or New Lenox Road and would be 90% shielded by trees. There is a small road to the site that has been used to access the area to dispose of debris, e.g., chipped down trees. The shed would be placed on metal piers and it would be used to store snow blowers, tractor and building materials. There would not be power there.

Both the Building Inspector and Conservation Commission have been consulted and they have no objections to the location.

SLC asked about the master plan for the condominium, in particular the open space requirements. Mr. McCormack responded that the requirement was anything beyond 1000 feet that ran parallel to Route 7 & 20. The easterly side of the line was meant to be kept as open space. He indicated on

the map the location of the open space. Within the area are walking trails and a dog run park. Mr. McCormack said that the structure would be 490 feet from the nearest condo and 180 feet from the back property line. It is well south of Yokun Brook.

SLC and RFjr did not feel that the variance requested would apply but the modification of the special permit would. The Board felt that they needed to see the Special Permit that was granted in 1973. SLC said that the process for determining if the proposal was compliant to the master deed did not involve the Zoning Board and suggested to check with the attorney for the condominium.

The records in the Town Hall will be searched for the 1973 Special Permit. RF said that he would also look.

Mr. McCormack said that he has been unable to locate this permit in the past. In a previous attempt he was told that there had been a flood at the Town Hall in the 1980s and it was believed to have been destroyed.

RF made a motion to continue the hearing to May 3, 2017 at 7:15 PM. RFjr seconded the motion and the Board voted to agree 5-0.

Respectfully submitted,
Peggy Ammendola