

Approved 4.17.08  
Distributed 4.23.08

ZONING BOARD OF APPEALS  
Meeting Minutes  
**February 28, 2008**

Pursuant to a written notice posted by the Town Clerk and delivered to all Board members the Zoning Board of Appeals held a meeting, on Thursday, February 28 , 2008 at 7:30 p.m. in Room A at the Town Hall. Members attending were Chairman Robert Gambale, Roger LeBlanc, Benjamin Fierro, Timothy Perkins, Kevin Lombard, Associate Member Robert Tragert and Administrative Assistant, Marie Rodgers.

Jim Sperber, Building Inspector and Associate Member Robert Bodwell were not present. Also in attendance was Elizabeth Kilcoyne Chairwomen for the BOS.

**Announcements:**

**15 & 31 Locust Road and 30 & 34 Town Farm Road** - Mr. Scott Green is the Petitioner requesting a **Comprehensive Permit Application** under Chapter 40B, to construct forty condominium units of which ten units would be affordable. This hearing is continued from the year 2007 and the January and February 2008 meetings. This hearing was continued to March 20, 2008 meeting at the request of the Petitioner.

**81-83 Central Street, Douglas Elliott**, Trustee for 69 Central Street Trust requests a **Special Permit** pursuant to Sections XI.J – II.A and II.B seeking approval of one unit thereby creating a total of six units at 81-83 Central Street. *(continued from January meeting)* Administratively continued to March 20, 2008 meeting to allow for action by the Planning Board.

**Citizen Queries:**

**108 and 112 County Road - YMCA Comprehensive Permit, / Request for Insubstantial Changes.** Charlie Wear Meridian Associates and Jack Meany Chief Executive Officer for the YMCA of the North Shore were present. Also Attorney Lisa Mead representing the Board.

In a letter dated February 25, 2008 Attorney Greenough representing the YMCA requested changes to the approved plans and Comprehensive Permit which were issued on October 13, 2004.

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Attorney Mead notified the Board of recent changes to regulations and guidelines for 40B applications. These new regulations apply to previously permitted 40B and permits in progress.

Once the Board receives a request for insubstantial change it has twenty (20) days to act and deem the change insubstantial or substantial. If no action is taken within the first 20 days the request is deemed approved. If the modification request is deemed substantial then a public hearing must be held within thirty (30) days and decision issued forty (40) days from the hearing decision.

Attorney Mead then reviewed some examples of substantial/insubstantial changes as written in 760 CMR 65.07 (4)(a) (b) (c) (d)

Chairman Gambale reviewed the process and noted the sequence of the regularly scheduled meeting and receipt of the request two days earlier. Ms. Kilcoyne indicated that she notified the Chair of the Housing Authority and two representatives of the Committee who opposed this project.

Mr. Fierro initiated discussion regarding the request for the reduction in the number of bedrooms in the individual units (no reduction in the number of units). The Board determined this request was not substantial. There will be twelve (12) one-bedroom units, this is not a change - thirty (30) two-bedroom units, this is an increase by six and six (6) three-bedroom units, this is a reduction by six. It was determined that the overall bedroom count was not change by more than ten percent. Mr. Fierro looked with disfavor for the reduction of three bedroom units; he acknowledged the improvements to layout and concessions for additional space in common areas, nonetheless he stated for the record his displeasure for the reduction three bedroom family units. Chairman Gambale agreed with Mr. Fierro's sentiments; housing accommodations for larger families is fundamental.

Ms. Kilcoyne added that she was of the same opinion, however, she bemoaned that some of the rooms in the three bedroom units were so small (could be deemed useless).

Chairman Gambale read into the record a letter dated February 28, 2008 from Mr. Jack Meany requesting to withdraw number 3 under Changes to Conditions of the Permit #2(b) delete the prohibition of "eating and drinking places whether seating is provided or not". New plans titled Permit Site Plans of Land and architectural plans submitted dated 2/19/08 for 108 and 112 County Road.

(herby incorporated by reference).

Chairman went on to announce that this was a public meeting, not a public hearing; regardless he would allow questions and discussion from those in attendance.

Chairman noted that the changes requested were the direct result of the committee that was formed in objection to this project. Ms. Kilcoyne will send the report of these changes to the Chairman Gambale.

The changes requested under Design Changes to Approved Plans were discuss at length and deemed insubstantial.

Under Changes to Conditions of the Permit - lengthy discussion took place regarding the location of the play ground and number of parking spaces. Not only did the Board feel that the location of the proposed playground was a safety issue, the reduction of parking spaces was an issue.

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Discussion ensued regarding the lack of parking spaces, exploration for other options for locating the playground. Extensive conversations took place regarding fencing issues to protect the stream and limit access to the highway garage area. Under the Bylaw the YMCA does not have enough parking spaces.

Mr. Wear agreed to continue to explore options to relocate the playground, as not to impact as many parking spaces and come back and review in one year. He felt there was a realistic opportunity to create a playground in another area.

Mr. Meany orally withdrew request number three (3) under Changes to Waivers in Permit for reduction of nine parking spaces at 108 County Road; plans dated February 19, 2008 will now reflect the changes.

► The minutes of January 17, 2008 were unanimously approved as submitted.

It was moved, seconded and unanimously to voted to adjourn at 9:55 p.m.

Respectfully submitted,

Marie Rodgers  
Administrative Assistant to ZBA