

Present were: McDonough (Acting Chair), Baime (Acting Clerk), Brown, Ranalli, Boness, Matey

Petition No: 3836

Premises: 166 North Main Street

Petitioner: Wine Sense

Members: McDonough, Baime, Ranalli, Brown, Matey

Samanta Turner, business owner, represented herself in her request for a variance from Section 5.2.11.2 to erect a second attached sign. The proposed sign will be perpendicular to the front wall of the building, facing the Whole Foods parking lot. Turner explained that having a very small end unit; the furthest from North Main Street, with little visibility, is a hardship. With a second sign oriented to the Whole Foods parking lot, potential customers would see the sign & frequent her business. The sign would be 2' x 3'. She informed the Board that she does not have a sign on the directory sign for the tenants of 166 North Main Street because the directory sign is deteriorated and small. The existing sign for Wine Sense is similar in size to the other commercial tenants, some of whom have second signs. The proposed sign would be approximately 10-15' from the parking lot. The Board questioned why customers wouldn't notice Wine Sense upon entering the parking lots. Turner explained that more customers notice upon exiting Whole Foods. She added that the proposed sign, which is already made, has been reviewed & approved by DRB. Kaija Gilmore, Inspector of Buildings, spoke in support of the petition. Brown pointed out that the proposed sign would be allowed by right under the proposed revisions to the sign bylaw to be voted on at the upcoming Town Meeting. An unidentified member of the public spoke in favor of the sign for increased visibility. Turner has spoken with some other commercial tenants; of who are in favor. Brown made a motion to waive a site view and close the public hearing. Baime seconded the motion & the Board voted unanimously to waive the site view & close the public hearing. The Board then proceeded to deliberate. Brown made a motion to find that a literal enforcement of the by law would impose a financial hardship & to grant a variance to allow the proposed second sign. Baime seconded the motion and the Board voted unanimously to grant the variance. Ranalli will write the decision.

Petition No: 3837

Premises: 53 Carmel Road

Petitioner: Cunningham

Members: McDonough, Brown, Matey, Baime, Ranalli, Boness

Betty Cunningham represented herself in her request for a variance from 4.1.2 &/or a special permit under 3.3.5 to convert an existing non-conforming deck into a 2-story rear addition. The proposed addition will not meet the side setback. She noted that a prior owner was granted permission for the project, but never built it. The proposed addition would be 12'x12'. The proposed setback is 10.8'; the existing is 10.4'. The petitioner spoke with neighbors, none of whom expressed opposition. The house was built in approximately 1920. Matey made a motion to waive the site view & close the public hearing. Baime seconded the motion & the Board voted unanimously to waive the site view & close the public hearing. The Board then proceeded to deliberate. Brown noted that the house was built prior to zoning, is on an undersized lot with insufficient frontage and is therefore pre-existing non-conforming. Brown made a motion to grant the special permit & to deny the variance as moot. Baime seconded the motion. Matey informed the Board that he drove by the property & the proposed addition is consistent

with the neighborhood. The Board voted unanimously to grant the special permit. Brown will write the decision.

Petition No: 3822

Premises: 10 Bailey Rd

Petitioner: Butt

Members: McDonough, Boness, Baime, Ranalli, Matey

Attorney Mark Johnson was present to request a continuance for this continued petition. He explained that his client is now ready to file with Conservation Commission and requested the ZBA continue the public hearing to the September meeting with an extension to October 10, 2009. McDonough commented that October 10th might not allow the Board enough time to file a decision. Brown stated that he is uncomfortable continuing the hearing for so long & would be in favor of a withdrawal without prejudice & then having the petitioner file anew when they're ready. Johnson did not want to withdraw, but agreed to pay for re-advertising and re-notifying abutters at his expense, but prefers to keep the current application going. Ranalli made a motion to continue the hearing to the September 3, 2009 meeting. Baime added that the continuance be with the condition that the petitioner pays for re-advertising and re-notification of abutters. Matey seconded the motion & the Board voted 4-1 (Brown opposed) to continue the hearing to September.

Petition No: 3832

Premises: 26 Shawsheen Rd

Petitioner: Williams

Members: McDonough, Boness, Baime, Matey

Shawn Williams represented himself in this continue hearing to construct an attached 2-story garage that will not meet setbacks. Williams agreed to proceed with a 4-member Board. He had submitted a revised plan depicting an 18' wide, smaller than previously proposed. He submitted a photo of the area where the garage would be built. The proposed side setback is 18' & the rear would be 10'. Matey asked if the dispute with the neighbor over the rock wall has been settled. It is settled. Baime made a motion to waive the site view & close the public hearing. Matey seconded the motion & the Board voted unanimously to waive the site view & close the public hearing. The Board then proceeded to deliberate. Baime made a motion to grant a special permit under section 3.3.5 to construct the attached garage. Boness seconded the motion & the Board voted unanimously to grant the special permit. Baime made a motion to deny the variance as moot. The Board voted unanimously to deny the variance as moot. Baime will write the decision.

Petition No: 3834

Premises: 11 High St

Petitioner: Silva

Members: McDonough, Boness, Baime, Ranalli, Matey

This is a continued public hearing for a variance from 4.2.4 to construct an in-ground pool that would not meet minimum side or rear setbacks. Mr. Silva, a resident since 1998, represented himself. He submitted a revised plot plan for the pool depicting a 3' rear & side setback. The prior proposal was 7' rear, where 10' is required. Silva added that the edge of water would be a bit further than 3' due to the

pool wall. The current proposed pool is smaller than last month. Baime made a motion to waive the site view & close the public hearing. Matey seconded the motion & the Board voted unanimously to waive the site view & close the hearing. The Board then proceeded to deliberate. Ranalli commented that the lot is very small & narrow and surrounded by non-residential uses. It is also on the edge of the GB & SRA districts. Matey agreed. Ranalli made a motion to approve the requested variance from 4.2.4. Matey seconded the motion & the Board voted (4-1) (Baime opposed) to approve the variance. Matey will write the decision.

Baime made a motion to approve the minutes of 4/2/09. Ranalli seconded the motion. The Board unanimously approved the minutes of April 2, 2009.