

**ZONING BOARD OF APPEALS
MINUTES OF MEETING
September 27, 2004**

AMENDED: 346 Shrewsbury Street was continued to October 18, 2004; not approved as stated.
428 Lake Avenue (**not including John Reynolds**).

Board Members Attending: John Barbale
Thomas Hannigan
John Reynolds (Not in Attendance)
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:

712-A Pleasant Street – Special Permit: Upon a motion duly made and seconded the Board voted 5-0 to approve the Leave to Withdraw Without Prejudice at the request of the applicant (Special Permit for expansion or change of a non-conforming use: *to operate a retail food service – Chinese take-out*).

**** 428 Lake Avenue – Variances & Special Permit:** Upon a motion duly made and seconded, the Board voted 5-0 to continue the requested hearing to October 18, 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.

**** 38 Toronita Avenue – Administrative Appeal:** Upon a motion duly made by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to continue the requested hearing to October 18, 2004 for Administrative Appeal (*to overturn the June 23, 2004 Planning Board decision granting approval for an Opening of Way for Public Use*).

**** 67 Millbrook Street – Variance & Special Permit:** Upon a motion duly made and seconded, the Board voted 5-0 to continue the requested hearing to October 18, 2004 for Variance and Special Permit (*to construct three billboards on said premises*) as listed below:

Variance:

1. Relief from signage height limitations (Article IV, Section III, C).

Special Permit:

1. To allow outdoor advertising in MG-2.0 district.

23 Barclay Street – Variance: Upon a motion duly made and seconded, the Board voted to approve the requested 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.

346 Shrewsbury Street – Special Permit & Variance: Upon a motion duly made by Lenny Ciuffredo and seconded by Morris Bergman, the Board voted 5-0 to continue the requested hearing to October 18, 2004 for Special Permit & Variance (*to convert vacant structure to a restaurant*) as listed below:

Variance:

1. Relief of twenty-five spaces from off-street parking requirement.

Special Permit:

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

129 Newton Avenue North – Special Permit & Variance: Upon a motion duly made by Morris Bergman and seconded by Lenny Ciuffredo, the Board voted 5-0 to approve the requested Special Permit & Variance (*to remove an existing room and replace with a larger room; keeping existing side yard setback*) as listed below:

Variance:

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

Special Permit:

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

**** 5 Norton Street – Variances:** Upon a motion duly made by Jerry Horton and seconded by Matthew Armendo, the Board voted to continue the requested hearing to October 18, 2004 for Variances (*to construct a detached garage*) as listed below:

Variances:

1. Relief of four feet from Side Yard setback requirement.
2. Relief of four feet from Rear Yard setback requirement.

198 Beacon Street – Variance: Upon a motion duly made by Morris Bergman and seconded by Matthew Armendo, the Board voted to approve the requested Variance (*to a single-family semi-detached dwelling -- duplex*) as listed below:

Variance:

1. Relief of 431 square feet from Gross Dimensional requirement.

362 Millbury Street – Special Permit: Upon a motion by Jerry Horton and seconded by Lenny Ciuffredo, the Board voted 5-0 to approve the requested Special Permit (*to relocate single pole, non-accessory sign*) as listed below:

Special Permit:

1. To allow outdoor advertising in a MG-2.0 district.

299 Shrewsbury Street – Variance: Upon a motion duly made and seconded, the Board voted 3-2 (Matthew Armendo and Lenny Ciuffredo voted No) to approve the requested Variance (*to expand restaurant use by adding 38 seats*); therefore, since the vote did not carry (4-1 vote required) the request was denied

Variance:

1. Relief of 19 spaces from off-street parking requirement.

Smith Lane (Lot 2B-2) – Variance: Upon a motion duly made by Lenny Ciuffredo and seconded by Matthew Armendo, the Board voted to the Leave to Withdraw Without Prejudice at the request of the applicant (Variance for relief of eighteen feet from Frontage requirement: *to divide existing lot into two parcels; one of which would be short on frontage by 17.44 feet – Lot 2B-2*).

127 Dorchester Street – Variances: Upon a motion duly made Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variances (*to construct single-family semi-detached dwelling -- duplex*) as listed below:

Variance:

1. Relief of 1,245 square feet from Gross Dimensional requirement.
2. Relief of 7 feet from Front Yard setback requirement.
3. Relief of 1 story from height requirement (Article IV, Table 4.2, maximum stories no more than 2 ½).

OTHER BUSINESS:

220-222 Burncoat Street – Extension of Time: Upon a motion duly made by Lenny Ciuffredo and seconded by Morris Bergman it was voted by the Board to approve a six-month extension of time for construction commencement activity to begin.

41 and 45 Allston Avenue – Extension of Time: Upon a motion duly made by Morris Bergman and seconded by Lenny Ciuffredo it was voted by the Board to approve a six-month extension of time for construction commencement activity to begin.

Approval of Minutes: Upon a motion duly made and seconded it was voted to approve the minutes of the September 13, 2004 meeting.

The meeting adjourned at 8:30 p.m.

NOTE: ** Reflect filings that have been continued.