

lot.

Zone Designation: RG-5 (Residence, General) zoning district

Petition Purpose: The applicant seeks to appeal the Commissioner's order to cease and desist which asserted that the motor vehicle service, repair, and display use has been unlawfully extended to and that unregistered automobile storage is occurring at 101 Piedmont Street - each in violation of the Zoning Ordinance which prohibits such uses in an RG-5 Zone.

Public Hearing Deadline: 2/24/2020

Constructive Grant Deadline: 3/17/2020

Attorney Wayne LeBlanc appeared on behalf of the applicant, Arthur Mooradian. The applicant seeks to appeal the Commissioner's order to cease and desist which asserted that the motor vehicle service, repair, and display use has been unlawfully extended to and that unregistered automobile storage is occurring at 101 Piedmont Street - each in violation of the Zoning Ordinance which prohibits such uses in an RG-5 Zone.

Mr. LeBlanc discussed the history of the site, citing the documentation provided to the Board and staff in support of the application, and requested that the Board overturn the determination of the Commissioner of Inspectional Services.

Mr. Rolle reviewed the Zoning Board's role in making a decision on this application – to uphold the Cease and Desist Order or to overturn the Cease and Desist Order. The Board discusses other options that applicant could pursue beyond the administrative appeal process.

Neighbors expressed concern about the amount of trash on the properties.

Eleanor Gilmore raised concerns about the property contributing to the spreading of blight in the neighborhood and respectfully asked the Zoning Board to uphold the determination of the Building Commissioner.

Mr. Mooradian, owner of the properties, states that they are not junkyards but rather storage for the body shop.

Representative Mary O'Keefe stated that this property has repeatedly been discussed at neighborhood meetings.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to uphold the Cease and Desist Order, issued by the Commissioner of Inspection Services on November 6, 2019 and adopt findings of fact as outlined in the staff review memo dated January 13, 2020.

List of Exhibits:

- Exhibit A: Administrative Appeal Application; received 12/3/19; prepared by Attorney Wayne M. LeBlanc.
- Exhibit B: Cease and Desist Order, dated November 6, 2019 for property at 101 & 105 Piedmont Street, signed by Bruce E. LaBoffa, Local Building Inspector and John R. Kelly, Building Commissioner.
- Exhibit C: ZBA Variance Decision for 105 Piedmont Street; granted July 22, 1964.
- Exhibit D: Assessing Property Records for 101 & 105 Piedmont Street and 105 Merrick Street; received from Assessing Department 12/31/19.
- Exhibit E: Supplemental Information and Exhibits; received 1/8/20; prepared by Attorney Wayne M. LeBlanc.

Item #4 **590-610 Southbridge Street (aka 4 Washburn Street) & 8 (aka 8 ½) Washburn (MBL 07-042-03+11, -00033, -00002 & -00004) (ZB-2020-009)**

Amendment to:

Special Permit: To allow a food service drive-thru (Business Use #6) in a BL-1.0 District (Article IV, Section 2, Table 4.1)

Special Permit: To allow an automobile refueling station (Business Use #17) in a BL-1.0 District (Article IV, Section 2, Table 4.1)

Petitioner: Branded Realty Group II, LLC

Present Use: Presently under construction on the premises is an automobile refueling station with a convenience store, food-service drive-thru, and related site improvements. The property is split zoned located within both RG-5 (Residence, General) and BL-1.0 (Business, Limited) zoning districts, pending a zoning map amendment, and is partially within the Floodplain Overlay District.

Zone Designation: RG-5 (Residence, General) and BL-1.0 (Business, Limited) zoning districts

Petition Purpose: The applicant seeks to amend the previous approval (ZB-2018-023) in order to modify the site plans to expand the parking area and re-configure the site layout to include the property located at 8 (aka 8 ½) Washburn Street.

Hearing Opened: 2/24/2019 Constructive Grant Deadline: TBD

Robert Branca from Branded Realty Group II, LLC appeared on behalf of the application. The applicant seeks to amend the previous approval (ZB-2018-023) in order to modify the site plans to expand the parking area and re-configure the site layout to include the property located at 8 (aka 8 ½) Washburn Street.

Mr. Branca stated that they plan to relocate the proposed Dunkin Donuts in order to provide more parking for the business.

The Board and the applicant discussed how trash removal would be handled for the site.

Upon a motion by Mr. Freilich and seconded by Berg Powers, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Berg Powers, the Board voted 5-0 to approve the Special Permit Amendment to modify site plans, expand parking area and re-configure site layout; Approved requested waivers; Approved with Conditions of Approval from staff memo (submission of final revised parking plan & photometric plan prior to issuance of Building Permit; delivery and dumpster servicing limited to 7 AM to 7 PM Monday-Friday; no deliveries in the Right-of-Way; parking spaces shall be striped, accessible spaces shall be placarded and compact spaces striped or placarded accordingly; snow storage shall not be located in parking spaces or landscaped buffers and excess snow shall be removed; project shall be built in substantial accordance with the plans submitted).

List of Exhibits:

Exhibit A: Special Permit Amendment Application; received 12/19/2019; prepared by Thompson-Liston Associates, Inc.

Exhibit B: Proposed Special Permit Amendment Plan; dated 2/12/2018; revised 2/10/2020; prepared by Thompson-Liston Associates, Inc.

Item #5 **1420 Main Street (MBL 15-009-0004D) (ZB-2020-012)**

Special Permit: To allow a food service establishment (includes the consumption/sale of alcoholic beverages) and/or use providing dancing or entertainment in a BL-1.0 zone (Article IV, Section 2, Table 4.1, Business Use #8)

Special Permit: To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use in a RL-7 zone (Article XVI, Section 4)

Petitioner: VC Properties, LLC

Present Use: Presently on the premises is a pre-existing, nonconforming structure, operating as a food service establishment with associated surface parking.

Zone Designation: BL-1.0 (Business, Limited) and RL-7 (Residence, General) zoning districts

Petition Purpose: The applicant seeks to allow the consumption and sale of alcohol associated with the restaurant use.

Public Hearing Deadline: 3/20/2020 Constructive Grant Deadline: TBD

Pavlos A. Gakis, Esp. appeared on behalf of the applicant, VC Properties, LLC. The applicant seeks to allow the consumption and sale of alcohol associated with the restaurant use.

The Board and the applicant discussed the proposed hours of operation for the restaurant, as well as tree planting and landscaping for the site.

Steve Barrett stated he was in support of the application, so long as the hours of operation concluded by 10 PM.

Upon a motion by Mr. Freilich and seconded by Berg Powers, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Berg Powers, the Board voted 5-0 to close approve Special Permit to allow Food Service with consumption and sale of alcohol in BL-1.0 zone and the Special Permit to allow a use of a similar nature in RL-7; Approved requested waivers; Approved with Conditions of Approval from staff memo (hours of operation limited to 7 AM to 10 PM Monday-Sunday; no outdoor dining or entertainment; no access to existing parking lot to Armadale Street and all existing fencing shall be maintained to screen headlights; two 3.5 caliper trees shall be installed in front of building; parking spaces shall be striped, accessible spaces shall be placarded and compact spaces striped or placarded accordingly; snow storage shall not be located in parking spaces or landscaped buffers and excess snow shall be removed; project shall be built in substantial accordance with the plans submitted).

List of Exhibits:

Exhibit A: Special Permit Application; received 1/15/2020; revised 2/14/2020; prepared by Pavlos A. Gakis, Esp.

Exhibit B: Proposed Special Permit Plan; undated; prepared by Pavlos A. Gakis, Esp.

Other Business

- 13. Communications
- 15. Discussion of Board Policies and Procedures
 - a) Policy regarding dimensions for off-street angled parking spaces.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to adopt the policy.

- 16. Signing of Decisions (from prior meetings)

Adjournment

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to adjourn the meeting at 7:26 PM.