



# Town of Canton, Massachusetts

ZONING BOARD OF APPEALS

MEMORIAL HALL

801 WASHINGTON STREET

CANTON, MA 02021

TEL: (781) 575-6589 FAX: (781) 575-6574

Minutes of the meeting of January 12, 2017

PRESENT: Paul B. Carroll, Chairman

Gregory L. Pando

Gary E. Vinciguerra

John R. McCourt

Also Present: Tamra Stock, Recording Secretary

Chairman Carroll opened the meeting at 7:03 pm and reads the agenda.

## **Ken Carberry – Milton Players/Pappas Rehabilitation School**

Chairman Carroll opens the hearing. Mr. Nathan Ferry states he is in front of the board in place of Mr. Ken Carberry. Mr. Carberry couldn't be here this evening. Mr. Ferry explains the Milton Players have a play coming up and would like to display a sandwich board sign to advertise for the show. Chairman Carroll asks if the sign will be in the same location as the last show. *Yes*. Chairman Carroll looks over the sign. Chairman Carroll asks for the dates of when the sign will be up. January 13, 2017 through February 5, 2017 for the first show and April 9, 2017 and May 7, 2017 for the second show. Chairman Carroll asks where the shows will take place. The Pappas Rehabilitation Center for Children. Chairman Carroll asks if Milton Players rent out the Theatre. *Yes*. Chairman Carroll asks how the parking is. Mr. Ferry states the parking is good they have never had any issues with parking. Mr. Gregory Pando states he has no objections. Mr. Gary Vinciguerra states he has no objections.

Mr. Pando makes a motion on behalf of Milton Players located on Randolph Street to grant a Temporary Special Permit to install a temporary sandwich board sign 25" wide x 45" high advertising for two plays from January 13, 2017 through February 5, 2017 and April 9, 2017 through May 7, 2017 located on the island in front of Alfredo's at the corner of Washington Street and Turnpike Street. Mr. Vinciguerra seconds. **Vote 3-0 approve**

Mr. Pando dismisses himself and asks Mr. John McCourt to hear the next case.

## **JPM Development, LLC. – 869 Washington Street**

Chairman Carroll opens the hearing. Attorney Paul Schneiders states on January 28, 2016 the Zoning Board of Appeals granted Site Plan Approval for the former Emerson and Cuming site at 869 Washington Street. Due to financial, drainage and other issues the petitioner has not yet started the project. Attorney Schneiders explains they are looking to extend the expiration date for the Site Plan Approval to January 26, 2018. Chairman Carroll asks what is going on with the site. Attorney Schendiers explains they have had financial problems and an issue with an easement. These were unforeseen issues and they would like to get underway with the project. Attorney Schendiers explains he has drafted

an article for Annual Town Meeting to extend Site Plan Approval for two years instead of the current one year. Attorney Schneiders explains he hasn't had a client start a project within the year expiration in the last four years. Chairman Carroll concurs. Mr. Vinciguerra states he has no objections. Mr. McCourt states he has no objections.

Chairman Carroll makes a motion on behalf of JPM Development, LLC located at 869 Washington Street to extend the Site Plan Approval through January 26, 2018. Mr. Vinciguerra seconds. **Vote 3-0 Approve**

Mr. McCourt dismisses himself and Mr. Pando hears the next cases.

**Highpoint Engineering, Inc. – 109 Cedar Street**

Chairman Carroll opens the hearing. Chairman Carroll asks the petitioner if the Building Commissioner advised them to come informally to the Board. *Yes*. Mr. Michael Fabbiano with Highpoint Engineering and also a Canton resident explains he would like to give a quick demonstration of the project to get an overall feel from the Board on the project. Mr. Carroll reminds Mr. Fabbiano that this is an informal hearing. Mr. Fabbiano explains this project goes back to the 80's. Somewhere between 1985 and 1991 they had permits for the property but the project never got off the ground so the site has been vacant for a long time and the client is looking to construct a contractors building. Mr. Fabbiano explains there are a lot of restrictions with the site due to the fact that the lot borders a vegetated wetland resource area and buffer zones. Highpoint Engineering met informally with the Conservation Commission on October 19, 2016 to review the development options for the property and the restrictions related to the Riverfront area and Canton Wetland Protection By-Law. The Commission noted that while the size of the building is appropriate for the site they need to explore maximizing the building/parking area setback from the perennial stream and maintain the 30-foot no disturb setback. Mr. Fabbiano explains in order to comply with that request they would need a Variance to reduce the required front yard setback from 60' to 33' and a Special Permit to reduce the number of parking spaces from 18 to 14. Mr. Fabbiano states Highpoint met with the Building Commissioner Ed Walsh and the Town Planner Laura Smead after the Conservation Commission to discuss their suggestions and how to move forward with the noted petitions. Mr Walsh suggested that prior to submitting any formal Variance or Special Permit petitions they come informally to present the project. Chairman Carroll suggests filing for the Variance and Special Permit under the same petition. Chairman Carroll states the overall feel from the Board is they don't typically have an appetite for this type of contractors yard however Cedar Street is a good location for the project and the petitioner is protected by the By-Law because it is a permitted use. Mr. Fabbiano explains the only outdoor storage would be for equipment like front end loaders and dump trucks. Things that wouldn't fit into the building. These pieces would take up some of the parking which is part of the need for the Special Permit for the reduced parking. Chairman Carroll states the town has had these issues before where the Conservation Commission has one request and the Zoning Board has another request and he

explains this is why there are separate boards. Chairman Carroll explains the Board will not give a hard no but they do advise them to not say they are under a hardship due to Conservation. Mr. Pando states after quickly looking at the plan there are three overhead doors an office and some storage. He explains if you flip the building 90 degrees you would fit the building on the site without needing a Variance. Mr. Fabbiano explained they positioned the building for an operational standpoint but this is the type of feedback they were looking for and he will bring the suggestions back to the client. Mr. Pando states another concern is with this being along Route 24 so he would like to see the conditions from the highway. Chairman Carroll states this isn't going to be a slam dunk for you and your client but look at rotating the building to make it a little easier. Mr. Vinciguerra confirms the reduced parking that is needed. Chairman Carroll states it is up to the petitioner to take the next step.

**George Dolabany/Vanity World – 348 Turnpike Street – 47-16-SPA-SP-V(PC, GP, GV)**  
**(continued from October 27, 2016 and November 3, 2016) (For decision only, discussion is closed)**

Chairman Carroll opens the hearing and asks if there has been any cleanup of the site since the last hearing. Mr. George Dolabany hands out a print out of the racks that have been purchased to display the granite. Mr. Pando explains he doesn't think this is the type of site he would like to see outdoor storage on. There are other granite distributors in town that keep the slabs inside. It is much too busy of a site to have outdoor storage and display. Mr. Pando explains he might be inclined to allow a couple of pieces displayed outside for the customers convenience but not the amount they are asking for. Mr. Vinciguerra concurs. Chairman Carroll states if the building isn't big enough the petitioner is going to have to find a bigger building. Chairman Carroll explains again that there is to be no permanent display outside.

Mr. Pando explains he would like to allow the petitioner to withdraw without prejudice. Chairman Carroll states it is up to the petitioner. Chairman Carroll explains to the petitioner that if the Board makes a decision to deny the petitioner would be frozen for two years or you can chose to withdraw and come back if you need to with no problems. Chairman Carroll states most people prefer to withdraw. Mr. Dolabany states he would like to withdraw.

Mr. Pando makes a motion on behalf of George Dolabany/Vanity World located at 348 Turnpike Street to withdraw without prejudice. Mr. Vinciguerra seconds. **Vote 3-0**  
**Approve**

**James Kingston/Robyn Parker – 17 Neponset Street – 46-16-ENCB-SPA-SP-V(PC, GP, GV)**  
**(continued from October 13, 2016)**

Chairman Carroll opens the hearing and explains the Board just received a letter from the Canton Center Design Review Board and it is a four page letter so the Board cannot dive into it tonight.

Mr. Peter Pineo of 1 Homans Lane and also a member of the Canton Center Design Review Board explains there was a clerical error and he apologizes for the delay with the letter but the plans have had a considerable amount review and it has always been a positive project for the town in his opinion. Mr. Pineo states this is what the Design Review Board has been hoping for and the result will be positive for the downtown area. Mr. Pineo explains the property to the left of this site is owned by the town and he explains the petitioner is looking into if the town will give him an easement for a landscaped buffer that would be maintained by the petitioner. Mr. Pineo states this is a benefit to the town. Chairman Carroll asks if the property to the left is the locksmith. Mr. Pineo explains there is a piece of land between the locksmith and 17 Neponset Street. Chairman Carroll states it is his instinct to be 100 % behind the project but they just cant dig into that letter tonight. Mr. Pineo explains the delay in the letter is not to the fault of the applicant.

Ms. Robyn Parker explains they have seen the Historical Commission and the Planning Board. Chairman Carroll states they have done everything the Board has asked them to do but the Board isn't ready to act tonight because they need to look at all of the other recommendations from the other Boards. Mr. Pando mentions he would have liked to see a mansard roof on the back instead of the flat roof. Mr. Vinciguerra asked if the Fire Department has reviewed the plans. Mr. Parker states they have reviewed it but they do not have any documentation regarding that yet. She explains she will be in touch with the Chief to get that before the next meeting. Ms. Parker explains to Mr. Pando why they decided to go with the flat roof on the back of the building because they chose to focus on the front. Mr. Pando states he would like something that would soften it a little bit. Mr. Pando states a lot of thought has gone into these plans.

Chairman Carroll has continued the matter to January 26, 2017

**Nature's Remedy – 20 North Street - 53-16-SPA-SP-V(PC, GP, GV) (continued from November 17, 2016)**

Chairman Carroll opens the hearing and explains at the last meeting they needed to get advise from Town Counsel. Mr. Carroll explains the Board has received feedback from Town Counsel and they have agreed the three houses on Pine Street should be considered a Residential Development. Chairman Carroll states he has conversed with the petitioners Attorney and they have decided to withdraw the case without prejudice. Mr. Pando states they have two options and he believes the Board should allow the petitioner to withdraw the case. Mr. Vinciguerra concurs.

Mr. Pando makes a motion on behalf of Nature's Remedy located at 20 North Street to withdraw without prejudice. Mr. Vinciguerra seconds. **Vote 3-0 Approve**

**George A. Lewis – 647 Chapman Street – 48-16-SPA-SP-V(PC, GP, GV) (continued from October 27, 2016 and November 3, 2016) Limit discussion to 10 minutes**

Chairman Carroll opens the hearing and explains this case is boiling down to the fact that the decision from the Board stated no outside storage of auto parts. Attorney Lisa Carlson explains they are looking to have some of the verbiage on the original decision changed. Attorney Carlson states most of the junk cars have been removed from the site but Mr. Lewis still has some work ahead of him. Attorney Carlson states the issue in her opinion is being addressed. Attorney Kim Salliant states at the last hearing there was talk about the clean up of the site and the Board members wanted to go to the site to make sure that was being done and see the conditions. Attorney Salliant states she has drafted a motion to help the board if they vote to remove the language. Attorney Salliant reads the motion she has drafted for the record. Attorney Carlson concurs with the drafted motion. Chairman Carroll states when he went to visit the site he walked into the backyard and saw the tire racks. Attorney Carlson asks if those are considered auto parts. *Yes*. Attorney Carlson states they are racks that store the tires. Mr. Pando states most garages have the tires stored inside. Attorney Carlson states they cannot store them inside due to the size and height of the building. Mr. Lewis states he can't even have a lift to raise a car inside. Mr. Pando states the tires cannot be stored outside. Attorney Carlson asks if the Board would object to a container or a shed to store them in. Mr. Pando states he thinks that would be more appropriate than the tire racks.

Ms. Lisa Lopez of 87 Chapman Street explains to the Board she has spoken with Mr. Lewis informally and they haven't had a meeting yet due to the conflicting schedules but they will have one to address some of her concerns with the site. Ms. Lopez asks the Board if they can put a target date in the decision as to when the rest of the junk cars and boat need to be removed by. Attorney Carlson states they need until the end of March to get rid of them. Mr. Pando states he would rather give them until April 30, 2017 due to weather. Mr. Lewis asks if someone from the Board can go out to the site so he can show them where he would like to put a container for the tires. Mr. Vinciguerra states he will go out to the site. Chairman Carroll asks if there is any money with the preservation committee to help out with this site. Ms. Lopez states she wishes there was but this site is not historic, recreation, or open space. Chairman Carroll asks if this covers Ms. Lopez's concerns. Ms. Lopez explains it does and she will also contact Mr. Lewis to set up a meeting.

Mr. Pando makes a motion on behalf of George A. Lewis located at 647 Chapman Street on original case number 48-16-SPA-SP-V on remand from the Norfolk Superior Court that in the existing decision that we strike the words "auto parts or" from the board's original decision and to add a condition to grant an extension of a non-conforming use for petitioner to continue repairing, storing, or using up to 15 automobiles on the property; Petitioner may not store junk vehicles on the property. The petitioner may have auto parts on the site; however, those auto parts may not be stored outside of the building. Further the petitioner is granted a Special Permit to install a steel container approximately 8' high x 8'

wide x 12' long in the rear of the existing building to enclose up to 24 vehicle tires or auto parts. Further that all of the cleanup of junk vehicles and boats and other items in the process of being removed from the site shall be completed by April 15, 2017. Mr. Vinciguerra seconds. **Vote 3-0 Approve**

Chairman Carroll asks Mr. Lewis to show some good faith. Mr. Pando asks Ms. Lopez to keep the Board informed of the outcome of their meeting with an email. Ms. Lopez concurs.

Mr. Pando makes a motion to accept minutes from December 8, 2016. Mr. Vinciguerra seconds. **Vote 3-0 approve**

Chairman Carroll dismisses himself and asks Mr. McCourt to hear the next cases

**ALPS – 125 Shawmut Road – 2-17-SP-V**

Vice Chairman Pando reads the petition. Mr. Mike Cohen from Signs by J explains the petitioner is looking to put up a couple of signs on their existing building. Chairman Pando asks if these signs are just replacing current signs. Mr. Cohen explains the petitioner just moved to this location so they are signs from past locations. Chairman Pando states by right they are allowed one sign per entrance with a 100 square foot maximum. Chairman Pando states there is only one public entrance so the petitioner needs relief for one sign and the amount of colors on the signs. Chairman Pando states one sign is visible from the street and the other from inside the parking area which could be considered way finding. Chairman Pando explains in town they have a By-Law with a maximum of four colors to a sign and the issue is with company logos and graphics there seems to be more than four colors. Chairman Pando thinks the intent of the four color. Chairman Pando states he believes the intentions of the four color limit was to prevent large and busy signs from being put up but he doesn't think this sign is distracting. Mr. Vinciguerra states he has no issues with the sign but as Mr. Pando indicated one sign is much larger than the other. Mr. McCourt asks if this is the standard company logo. *Yes*. Mr. McCourt states he has no issues with these signs. Mr. Pando asks what the company does. *Entertainment lighting*.

Mr. Vinciguerra makes a motion on behalf of ALPS located at 125 Shawmut Road to grant a Special Permit to install two signs. Both signs as indicated on exhibit A from Signs by J. Sign one to be 75.3 square feet and sign two to be 49.5 square feet. Signs to be positioned on the building as per plan by R.E. Cameron & Associates, Inc. as submitted to the board and for the sign to have more than 4 colors. Mr. McCourt seconds. **Vote 3-0 approve**

**Site Design Professionals/Del Monte – 105 Shawmut Road – 4-17-SPA-SP-V**

Chairman Pando reads the petition. Mr. Paul Brodmerkle with Site Design Professionals explains this is an unusual project. He explains Del Monte chops fresh fruit all day long for