



# 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 26, 2017

PRESENT: Paul B. Carroll, Chairman

Gregory L. Pando

Gary E. Vinciguerra

Also Present: Tamra Stock, Recording Secretary

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

## **Hi Tech Collision Center – 60 Walpole Street – 1-17-SPA-SP-V**

Chairman Carroll opens the hearing. Mr. Leonardo Zefirino explains Hi Tech Collision Center would like to buy about a half dozen cars to be able to rent to his customers that are having work done to their vehicles. Chairman Carroll asks who owns the property. *Jack Madden*. Chairman Carroll asks what type of work they do. Mr. Zefirino explains they do auto body work. Mr. Zefirino explains while he is fixing the cars the customers need to rent cars from another source so he would like to be able to offer this service to them. Chairman Carroll explains this doesn't look like it is a permitted use in this district but it isn't really clear. Chairman Carroll asks if they will be doing any work on these new cars. *No, just rent them and store them*. Chairman Carroll states this makes sense with the kind of work they do as a business. Mr. Gregory Pando states he doesn't have any issues with it. Chairman Carroll asks if these are going to just be loaner cars. *No, we are going to rent them*. Mr. Pando explains he wouldn't limit the permit to loaner cars but to give a permit for renting and storing up to twelve vehicles and that way anyone who needs them can use them. Mr. Pando states there are plenty of spaces on the site that are striped so he thinks it is appropriate. Mr. Gary Vinciguerra asks if the cars are going to be stored outside. *Yes*. Mr. Vinciguerra states there is sufficient area so he doesn't have any further comments.

Mr. Pando makes a motion to include Jack Madden as a Co-Petitioner. Mr. Vinciguerra seconds. **Vote 3-0 approve**

Mr. Pando makes a motion on behalf of Hi Tech Collision Center and Jack Madden to grant a Special Permit to allow storage of twelve rental vehicles on the premises located at 60 Walpole Street in a Industrial district. Mr. Vinciguerra seconds. **Vote 3-0 Approve**

## **Robert Meisterman/Safeway Development – 17 Plymouth Street – 6-17-ENCB-SP-V**

Chairman Carroll opens the hearing. Attorney Suzanne Matthews states she is representing Mr. Robert Meisterman who would like to raze a single family dwelling and construct a new two family dwelling. Attorney Matthews states the use is allowed but it is a small lot so they need a Variance. Attorney Matthews explains that during a meeting with abutters there were some concerns so they would like to continue the hearing to give themselves some more time to address those concerns. Attorney Matthews mentions Mr. Meisterman

is working with his Architect and Engineer to keep everyone happy. Chairman Carroll states that sounds reasonable and asks Attorney Matthews if she has let the abutters know the hearing was going to be continued. *Yes.*

Mr. Richard Power of 19 Plymouth Street explains from what he saw the plans call for the side of the new dwelling to be built within 6' of his property and explains his property would be blocked by the proposed structure. Chairman Carroll asks if he has met with the petitioner. *Yes, at Attorney Matthews office.* Chairman Carroll commends Attorney Matthews for being in touch with the abutters and she is seeking a continuance to makes the abutters happy but the Board takes note of his remarks.

Mr. Thomas Scully of 57 Church Street explains Attorney Matthews has been very accommodating and he doesn't have any issue with the conversations but he is concerned about the height and side lines of the proposed dwelling.

Chairman Carroll has continued the matter to February 9, 2017

**John Doyle – 20 Skyline Circle – 3-17-ENCB-SP-V**

Chairman Carroll opens the hearing. Chairman Carroll asks Mr. John Doyle if he is currently living in the house. *Yes.* Mr. Doyle explains he would like to covert an existing open deck to a sunroom. Chairman Carroll asks where they don't meet the requirements. Mr. Doyle explains they are a little short on the rear yard setback. Chairman Carroll asks how close they will be. Mr. Doyle explains he doesn't know off the top of his head but also explains there is an existing deck already there and he is just looking to enclose it. Mr. Vinciguerra explains from looking at the plot plan provided to the Board they need 15' of relief in the rear yard. Chairman Carroll states there is a little more flexibility with an open structure such as a deck versus an enclosed structure. Mr. Doyle explains his wife doesn't spend a lot of time on the deck because of bugs and such so they would like to enclose it to get more use out of it. Chairman Carroll states that it is not inappropriate. Mr. Pando states he doesn't have any problems with the idea of this project but does have a problem that very little information was provided as to what relief they are seeking. Mr. Pando explains there was a plot plan provided but the addition is hand drawn and they need a registered land surveyor to stamp the plan and to show they will only come to within so many feet of the property lines. Mr. Doyle hands the Board another plan. Mr. Pando states this plan shows the deck 35' off the property line but doesn't show what they are proposing. Mr. Pando explains in order for him to make a motion he needs to know what the distance is and the only way for him to know exactly what that is is through a plan from an Engineer. Mr. Pando explains this is to protect the petitioner so they don't build it and end up in violation. That can get costly if they need to move it or take it down. Mr. Pando asks the petitioner if this is something he can get done quickly. Mr. Doyle explains he will need to look into it and look into the cost as this is not something he was expecting. Chairman Carroll states compared to the cost of the deck a survey will be minimal. Chairman Carroll



asks Mr. Pando if he would consider making a motion subject to the petitioner providing this before he can get a building permit. Mr. Pando states he would rather not make the petitioner come back but he is a little nervous making a motion without the stamped plot plan. Mr. Pando states asks if there is a house directly behind his property. *Behind him a little to the right of his property.* Mr. Pando asks if he spoke to those neighbors. Mr. Doyle states he did not but they got the abutters notice that was sent out. Mr. Pando states he will make a motion but you do so at your own risk you may need to refile if anything goes wrong. Mr. Doyle states he doesn't want to start anything until he has the complete approval.

Mr. Doyle's builder explains the existing deck is already there and there will be no new footings or anything so the setbacks will not be changing. Mr. Pando recommends continuing the hearing until the petitioner can get a stamped plot. Mr. Doyle's builder states he can get in touch with a surveyor.

Chairman Carroll has continued the matter to February 23, 2017.

**Elizabeth Zeolla – 236-238 Mechanic Street - 54-16-SPA-SP-V(PC, GP, GV) (continued from December 8, 2016)**

Chairman Carroll states this case has been continued from the December 8, 2016 meeting. Attorney Matthews states Ms. Elizabeth Zeolla would like to withdraw without prejudice.

Mr. Pando makes a motion on behalf of Elizabeth Zeolla located at 236-238 Mechanic Street to withdraw without prejudice. Mr. Vinciguerra seconds. **Vote 3-0 Approve**

**Empire Motors Service Inc. – 2-8 Pequot Way – 7-17-SP-V**

Chairman Carroll opens the hearing. Mr. Vladimir Vagorskiy who is the owner of the company explains they have a used car dealership located on Turnpike Street and right now they are sending cars to a third party to repair and detail the cars to be sold so they would like to be able to cut out the third party and do this portion of the sale themselves. Chairman Carroll asks what is currently at this location. Mr. Vagorskiy states he believes it is vacant right now. Chairman Carroll asks how many square feet they will be leasing. *Less than 10,000 square feet. They are only leasing the first floor.* Chairman Carroll asks where the other location is that they sell the cars from. *705 Turnpike Street.* Mr. Vagorskiy explains this new location is only going to be for the repair and detailing of the cars and once they are ready they move them to 705 Turnpike Street for sale and this location will not be open to the public. Chairman Carroll confirms they need a Special Permit for use. Mr. Pando concurs. He explains this is part of the new LI(B) district since it is off of Turnpike Street so they need Board approval. Chairman Carroll states he thinks this is an appropriate use. Mr. Pando mentions he might have some issues when it comes to the building permit with drains and traps but that is for the Building Commissioner and Owner to get through. Also, if there is a business on the second floor there will be a need for fire

separation. Mr. Pando states he thinks this is an appropriate use as far as a zoning stand point. Mr. Vinciguerra asks if there is an over head door. Yes on the back side of the building.

Mr. Michael Lombardi of 9 Pequot Way explains he is familiar with the property. There is a front and a back area and he asks if the business is going to be run out of the front or the back. Mr. Vagorskiy confirms mostly out of the back. Mr. Lombardi states it is a quiet street. Chairman Carroll asks if this is commercial or a residential neighborhood. *Commercial.* Mr. Vagorskiy states they will have about 10 cars there at any given point. Mr. Lombardi asks where they will be parked. He doesn't want to see the cars parked in the front of the building because that is the side his building faces. Mr. Pando explains there are 48 spaces around the building and he is going to be using 10 of them. Chairman Carroll asks Mr. Lombardi if he is the owner of his building. *Yes.* Chairman Carroll asks if he is across the street or next to the petitioner. *Across the Street.* Mr. Pando states by looking at the pictures it looks like there is plenty of parking. Mr. Pando asks the petitioner if he can use most of the parking in the rear of the building instead of the front. Mr. Vagorskiy states that shouldn't be a problem. He also explains there will only be the cars being serviced and employees cars as this location is not open to the public.

Mr. Pando makes a motion on behalf of Empire Motors Service Inc. to grant a Special Permit to allow the petitioner to repair and detail vehicles in preparation for sale located at 2-8 Pequot Way and that the vehicles being repaired and detailed be stored at the rear and Easterly end of the building and that the applicant takes care that no vehicles are parked in the front of the building. 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 and January 12, 2017)**

Chairman Carroll opens the hearing and asks the petitioner if she believes she has met all of the requests from the Canton Center Design Review Board and the Planning Board and the Fire Department. Ms. Robyn Parker states all of the revisions have been made based on the requests from all of the Boards. Chairman Carroll asks if a letter has been received by the Planning Board. *Yes.* Chairman Carroll reviews the letter from the Planning Board and states he is a little concerned that the letter asks the petitioner to bring back some of the historic details of the existing dwelling. Ms. Parker explains what they are going to do to accomplish that. Chairman Carroll states he knows Mr. Pineo from the Canton Center Design Review Board is in favor of this project as he spoke at the last hearing. Chairman Carroll states this is a unique building and it abuts a commercial area and now they are trying to make it look residential again but also notes he is pleased with the work they are doing and the progress of the project. Mr. Pando commends Ms. Parker for an admiral job and he thinks this is a big upgrade for the area and states if a third of the applications came in this nice we would be in good shape. Chairman Carroll concurs. Mr. Vinciguerra states it is a great building and he was looking forward to the Fire Department approval which



was received so he doesn't have any further comments. Chairman Carroll asks when construction will begin. Ms. Parker states they are stabilizing the building and working on securing the building permit. There has been no exterior work done yet.

Mr. Pando makes a motion on behalf of Robyn Parker and James Kingston to grant Site Plan Approval and a Special Permit to allow construction and renovations to a pre-existing non-conforming dwelling and to change the use to all residential in a Business District located at 17 Neponset Street to be in conformity with the comments from the Planning Board, Canton Center Design Review Board, and the Fire Department and to be in conformity with the plans submitted to the board from Intent Architects of Reading, MA dated December 1, 2016. Mr. Vinciguerra seconds. **Vote 3-0 Approve**

**Allied Realty Trust – 4 Whitman Road – 43-16-SPA-SP-V(PC, GP, GV) (continued from October 13, 2016 and December 8, 2016)**

Chairman Carroll asks there is anyone in the hall representing the petitioner. *No Response.*

Mr. Pando states he would like to allow the petitioner to withdraw without prejudice. Mr. Vinciguerra concurs. Chairman Carroll explains this is the second time the petitioner has not shown up to the hearing. Mr. Pando states he would like to change his opinion and states it is beyond rude for the petitioner to not show twice so he would like to make a motion. Chairman Carroll concurs.

Mr. Pando makes a motion on behalf of Allied Realty Trust located at 4 Whitman Road to deny the application with prejudice. Mr. Vinciguerra seconds. **Vote 3-0 Approve**

**Elizabeth Losordo/Marilyn Panciocco – 69 Kenney Street – 49-16-ENCB-SPA-SP-V(PC, GP, GV) (continued from November 3, 2016)**

Chairman Carroll opens the hearing. Mr. Benjamin Losordo explains there has been a revision to the plan as they revised some of the lot lines and they need two Variances. Chairman Carroll asks if there are two lots right now. *No currently there is one. Subdividing to two.* Chairman Carroll asks what the size of the one lot is. *3.88 acres.* Chairman Carroll asks what the new lots will be. Mr. Losordo states one will be .42 acres and one will be 3.36 acres. Chairman Carroll asks if the existing house will be coming down. *Yes and they would like to rebuild to make it conforming.* Chairman Carroll asks if there is wetlands on the property. Mr. Losordo explains they offered the wetland to Conservation but they didn't want it however they did want a 50' no disturb restriction. Chairman Carroll asks if they have anything from Conservation. *No they are still meeting with them.* Chairman Carroll asks if they are also going in front of the Planning Board. *Yes but they haven't voted yet because they want to make sure this Board will issue the Variances.* Mr. Pando states his issue is that the Planning Board has been against pork chop lots and the current Zoning By-Law states they need the 100' frontage and it needs to be maintained in the back without decreasing in size. Mr. Pando states this was also the

position of the town body as they voted on this By-Law. Mr. Pando states now we have a case that the Planning Board won't take any action until this Board grants a Variance. Chairman Carroll asks if they will use an ANR. Mr. Losordo states they filed prior to the Zoning By-Law change. Mr. Pando states the Zoning Board can not issue a Variance on frontage because that needs to be done through the Planning Board. Mr. Losordo mentions that it is his understanding that both of the Boards need to agree in order for it to be done. Mr. Pando states he got into a snafu a year ago when he granted two lots on Pequit Street with less frontage and it became clear to him with some discussion with the Planning Board that the Planning Board controls the frontage. Chairman Carroll states we need to issue the Variance from the Zoning By-Law. Mr. Pando states he would be hard pressed to support something the Planning Board is opposed to. Mr. Losordo states it was his understanding from the last hearing that this was continued because the Planning Board was seeking advise from Town Counsel. Chairman Carroll asks if anyone recalls who was supposed to reach out to Town Counsel. It is confirmed Mr. Jeremy Comeau was supposed to write the letter. Chairman Carroll asks Mr. Losordo if he has been in touch with Mr. Comeau. *No but he will get in touch with him tomorrow.* Mr. Vinciguerra asks about the buffer zone for Conservation and wants to make sure this is acceptable with Conservation. Mr. Losordo states this was agreed upon with Conservation. Mr. Pando asks about the stream that is indicated on the plan and asks if that has been discussed with Conservation. Mr. Losordo states it was found to be an intermittent stream because it doesn't have the watershed to be considered a river. Chairman Carroll asks that Mr. Losordo communicates with Mr. Comeau to see how this Board can proceed. Chairman Carroll states since there is so much land we should be able to do something. Mr. Losordo mentions the other thing they could do is build a road but the abutters don't want to see that happen. Mr. Pando states for two lots to build a road is environmental over kill and he explains this is bigger than the typical pork chop lot so maybe the Planning Board has a different opinion. The input will be very important.

Chairman Carroll has continued the matter to February 23, 2017.

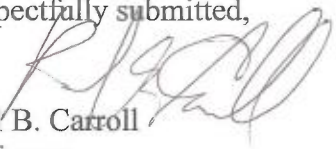
Mr. Pando reads the continuations at a later date.

Mr. Pando makes a motion to accept minutes from January 12, 2017. Mr. Vinciguerra seconds. **Vote 3-0 approve**

Chairman Pando states the next meeting is scheduled for February 9, 2017

Mr. Pando makes a motion to adjourn the meeting at 8:20 PM. Mr. Vinciguerra seconds.  
**Vote 3-0 approve**

Respectfully submitted,

  
Paul B. Carroll  
Chairman