



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 February 9, 2023

PRESENT: Gregory L. Pando, Chairman
John R. McCourt
Michael Khoury

ALSO PRESENT: Ingrid Hartfiel, Recording Secretary

NOT PRESENT: Matthew Carlton, Alternate
Barbara J. Saint Andre, Alternate

Chairman Pando opens the meeting at 6:00 pm and reads the agenda, stating there are three scheduled hearings and two continued hearings.

Kenneth Wertz/Julie Callagee – 1825 Washington Street – 2-23-ENCB-SP-V

Chairman Pando opens the hearing and explains this hearing is continued from the January 26, 2023 meeting. Kenneth Wertz is representing the petitioner. He explains that he and his family have been in their house for 18 years. The house and barn are over 100 years old and are pre-existing, non-conforming buildings. Their plan is to construct a covered deck connecting these two structures and they will require rear setback dimensional relief.

Chairman Pando reads an abutter's letter in support of the project submitted by Daniel and Kristen Cohen. Mr. Wertz states he also has a telephone text from his back yard neighbor offering support with the phrase "Go big!"

The barn is right on the property line and is not square with the house. The open deck structure would need dimensional relief for a 7' rear setback. A variance would be required under Section 5.4 of the zoning by-laws. Mr. McCourt believes this is a reasonable request and has no issue. Mr. Khoury is fine with the request. The proposed deck should not encroach any more than the existing structures. No one in the hall speaks on the petition.

Mr. McCourt makes a motion on behalf of Kenneth Wertz and Julie Callagee of 1825 Washington Street to grant a Variance for the construction of a deck as shown on the site plan by Robert Bellamy, Surveyor, dated January 25, 1929. The deck shall not encroach more than 7' to the side property line.

Vote 3-0 Approve.

30 Dan Property Owner, LLC – 30 Dan Road – 42-22-Mod SPA-SP-V

Chairman Pando opens the hearing and explains this is continued from the December 15, 2022 zoning meeting. Attorney Richard Staiti is representing the petitioner and is joined by Jesse Aguilar, Sr. Project Engineer of Highpoint Engineering, Inc., Sean Crane, architect from Integrative Project Services, LLC, and Brooke Duskin, a representative of the owner, 30 Dan Property Owner, LLC. Attorney Staiti states the petitioner has obtained

two previous approvals from the Zoning Board of Appeals and an overview of the petition was given at the previous zoning meeting. Letters from the Canton Fire Department and Canton Police Department have been submitted, neither having any concerns with the proposed modification to the Site Plan with construction of the penthouse for mechanical equipment. The Planning Board has submitted a letter of recommendation dated January 20, 2023. Section 4.3.3 of the Zoning By-laws allows for mechanical structures to go up to 15 feet. The proposed penthouse exceeds this by three feet. Chairman Pando states that noise from the equipment is not a concern since it would be an enclosed penthouse and is also located in an Limited Industrial District. Jesse Aguilar, engineer of High Point Engineering, says the total height of the structure would be 58 feet. Mr. McCourt agrees that noise should not be an issue and has no issue with this petition. Mr. Khoury is also fine with the petition. No one in the hall wishes to speak on the petition. Mr. McCourt confirms the last revision date of the site plan is November 15, 2022.

Mr. McCourt makes a motion on behalf of 30 Dan Property Owner, LLC of 30 Dan Road to approve modification of Site Plan for the construction of a penthouse for mechanical equipment as shown on a site plan provided by Highpoint Engineering, Inc. of Dedham, MA dated November 15, 2022, and a Special Permit under Section 10.4.2 for height extension with a maximum height of 58 feet. Mr. Khoury seconds. **Vote 3-0 Approve.**

**Bill Peterson/C.F. McCarthy's/Gilmar Cassiano, Steven Carvey, and Donald Malkin
– 614 Washington Street – 5/23-Mod SPA-SP-V**

Chairman Pando opens the hearing and reads the petition. Mr. Bill Peterson, architect of Derby Square Architects of Salem, MA is representing the petitioner along with Mr. Gilmar Cassiano and Mr. Steven Carvey. They are proposing a design to construct a new second story deck and stairwell on the back side of an existing building. During the Covid lockdown and masking, McCarthy's was granted seasonal outdoor seating and the owners would like to create permanent dining ambience of this kind. It is an open-air 34'x24' deck addition and enclosed stairwell. The stairwell would be used for staff and as an emergency egress. Seating and occupancy load would be no greater than 40 people and the stairwell would be used by staff to go to the lower level kitchen. Chairman Pando reads a patron letter voicing support of the project submitted by David Crowley. Chairman Pando also is in receipt of an abutter's letter from Lynda and Gerald Salvatori Sr., property owners of 2,3, and 4 Revere Court, expressing support of the project, but also listed four conditions or considerations for approving this plan. Chairman Pando has some concern with the seasonal use for outdoor dining, hours of operation, and whether music would be played. The Board would retain the right to modify or revoke any decision that would be voted on. Mr. McCourt says the concept is well-received. He agrees that there is concern with entertainment for the abutters on Revere Court. One of their conditions is for screening to be installed. Parking in the back lot is permitted for various employees of businesses. Mr. McCourt would want bollards placed below the deck as protection for the structure. Mr. Khoury also thinks the concept is good. The petitioners should consider the

four conditions in the abutter's letter. The rear setback is approximately 50 feet and the building owner supports the project according to the petitioner. Chairman Pando asks if anyone in the hall would like to speak on the petition.

Tina Shea of 630 Washington Street is in support of the project. She does have some concerns on the rear lot of the building. She would like to see a parking plan. Right of way has been controversial regarding deliveries. The driveway does occasionally get blocked with trucks or parked vehicles. She also has a concern with dumpsters and construction debris and how that will be contained.

There is no parking plan. The surface is gravel. The owners of McCarthy's said there are several dumpsters in the back lot. The restaurant shares one with another business. There are about six businesses that use the back lot.

Chairman Pando would like to see a survey for the back lot with location of dumpsters and how people are currently parking. Chairman Pando requests to continue this hearing and for petitioners to submit a parking lot survey, hours of operation, and proposed screening for the deck. Hearing is continued to next zoning meeting, February 23, 2023 with documents submitted by Tuesday, February 21, 2023.

Graeme Smith & Julie Goodman – 250 Chapman Street – 6-23-SP-V

Chairman Pando opens the hearing and reads the petition. Graeme Smith is the petitioner. He states he is an antique auto enthusiast and is running out of storage room for his classic automobiles. He would like to showcase these vehicles in a new two-story carriage house/garage to store more than five vehicles on the property. Chairman Pando says dimensionally the garage meets the setbacks for an accessory structure. Zoning relief is needed for the number of vehicles being housed in the structure. The carriage house will have four garage doors and three lifts and a mezzanine level. Mr. Smith does not foresee this car collection to increase beyond eight automobiles. Mr. McCourt says it's a beautiful house and has no issue with the petition. Mr. Khoury is fine with the petition if the abutters are good with it. A Special Permit under Section 10.4.2 should be requested in the motion.

No one in the hall wishes to speak on the petition.

Mr. McCourt makes a motion on behalf of Graeme Smith and Julie Goodman of 250 Chapman Street to grant a Special Permit for storage of up to eight vehicles in the proposed carriage house/garage. Mr. Khoury seconds. **Vote 3-0 Approve.**

Rolling Hills Development, LLC/980 Turnpike Street Development Trust – 980 Turnpike Street – 7-23-SP-V

Chairman Pando opens the hearing and reads the petition. Attorney Suzanne Matthews is representing the petitioner. The petitioner seeks a Special Permit for use of the property at 980 Turnpike Street as a film production studio as allowed by right in a Limited Industrial (B) District. Temporary use was granted last April 2022 and a request for minor

modification was granted on January 26, 2023 to extend the Temporary Special Permit for use as a film production studio for a period of six months. The petitioner is now requesting a Special Permit for this use on a permanent basis. The tenant using this location is Marina Studios. The proposed use has continued for over one year without complaint or incident from the public. Chairman Pando reads letters of support received from four Canton locations:

Blue Hills Regional High School at 800 Randolph St.

Northern Spy restaurant at 4 Rolling Mill Way

Kevin O'Brien, Vice President of Trillium Brewing Co. at 100 Royall St.

Ocean State Pyrotechnics, Inc./Special Effects Shop at 348 Turnpike St.

Mr. McCourt has no issues with Marina Studios or the petition. Mr. Khoury is fine with this petition.

Mr. McCourt makes a motion on behalf of Rolling Mills Development, LLC/980 Turnpike Street Development Trust of 980 Turnpike Street to modify Temporary Special Permit to a permanent Special Permit for operation of a film production studio under Section 10.4.2 of the Zoning By-Laws. The Board reserves the right to modify or amend this decision. Mr. Khoury seconds. **Vote 3-0 Approve.**

Mr. McCourt makes a motion to accept the minutes from the meeting of January 26, 2023. Mr. Khoury seconds. **Vote 3-0 Approve.**

Chairman Pando states the next meeting is scheduled for February 23, 2023.

Mr. McCourt makes a motion to adjourn the meeting at 7:05 PM. Mr. Khoury seconds. **Vote 3-0 Approve**

Respectfully submitted,

Gregory L. Pando
Chairman

