



# ZONING BOARD OF APPEALS

MEMORIAL BUILDING – ROOM B2  
150 CONCORD STREET, FRAMINGHAM, MA 01702  
508.532.5456 – ZBA@FRAMINGHAMMA.GOV

STEPHEN MELTZER, CHAIR | EDWARD COSGROVE, VICE CHAIR  
SUSAN S. CRAIGHEAD, CLERK | JOHN P. MCKENNA  
HEATHER O'DONNELL | LAP YAN

MINUTES: APRIL 13, 2020  
REMOTE  
OPEN SESSION, 7:00 PM

## CALL TO ORDER

Stephen Meltzer, Board Chair, called the meeting to order and read the details of Governor Baker's Executive Order of March 12, 2020 that suspended certain provisions of the Open Meeting Law, due to the state of emergency caused by the outbreak of the COVID-19 virus. Board members and some meeting contributors are participating in this evening's meeting remotely via WebEx. Mr. Meltzer asked for a Zoning Board attendance rollcall; Cosgrove-present, Craighead-absent; Norton-present; McKenna-present; O'Donnell-present; Yan-present; Meltzer-present; the meeting quorum confirmed.

## HEARINGS: CONTINUED

### **19-35, 41 Richwood St. - Garth Lippman, D: 4, Z: B (TC, SM, SC; JN alt)**

**Appeal Building Commissioner's determination that a landscaping business is prohibited**

**Decision deadline: March 27, 2020**

Sitting on the hearing: Mr. Meltzer, Mr. Cosgrove, Ms. Craighead; Mr. Norton and Ms. O'Donnell the alternates.

Mr. Meltzer reopened the hearing and stated that the Appellant had requested a continuance.

**Moved: to continue the hearing until May 13, 2020 at 7:00 pm.** Mr. Norton mentioned that he will not be present at the next meeting. Mr. Meltzer added Ms. O'Donnell as an alternate.

**Motion: Mr. Cosgrove                      Second: Mr. Norton                      Vote: Cosgrove-yes, Norton-yes, Meltzer-yes**

### **20-03, 703 Central St. - RS8 Capital LLC & Forty Winter Lane Nominee Trust, D: 4, Z: R-3 (SM, SC, TC; HO, RM, LY alts)**

Variance for additional height on a proposed 75-unit residence

Decision Deadline: May 29, 2020

Sitting on the hearing: Mr. Meltzer, Mr. Cosgrove, and Ms. Craighead; Ms. O'Donnell, Mr. McKenna and Mr. Yan are the alternates.

Mr. Meltzer reopened the hearing and stated that the Applicant has requested to withdraw the petition without prejudice.

**Moved: to withdraw without prejudice. No discussion.**

**Motion: Mr. Cosgrove                      Second: Mr. Norton                      Vote: Cosgrove-yes, O'Donnell-yes, Meltzer-yes**

## HEARINGS: NEW

**20-02, 139 Lincoln St. - Joseph Arcuri, D: 7, Z: P (SM, TC, RM; LY alt)**

Appeal determination of the Building Official that 3-family use is unlawful; Special Permit to allow a change in a lawful pre-existing nonconforming use

Decision Deadline: May 29, 2020 | Comment Deadline: May 4, 2020

Mr. Meltzer opened the hearing and read the public notice. He explained the Applicant has requested a continuance.

Sitting on the hearing: Mr. Meltzer, Mr. Cosgrove, and Mr. McKenna; Mr. Yan the alternate.

**Moved: to continue the hearing until May 13, 2020 at 7:00 pm. No discussion.**

**Motion: Mr. McKenna                      Second: Mr. Cosgrove      Vote: Cosgrove-yes, McKenna-yes, Meltzer-yes**

**20-05, 1 Grant St. - Howard One Grant LLC, D: 7, Z: CB**

Amend a previously issued Special Permit for a laboratory

Decision Deadline: 90 days close of hearing | Comment Deadline: April 13, 2020

Mr. Meltzer opened the hearing and read the public notice.

Sitting on the hearing: Mr. Meltzer, Mr. Cosgrove, and Mr. McKenna; Ms. O'Donnell the alternate.

Alan Bullen, of RMA Management, representing the property owner Howard One Grant, addressed the board. Mr. Bullen reviewed the site drawing and explained the building, located at One Grant St., would have a mix of office and laboratory use tenants. He explained that research and design labs of less than 8,000 sq. ft. in the Central Business District require a Special Permit. The tenant, Kephera Diagnostics, is looking to expand the existing 3<sup>rd</sup>-floor office and lab space from approximately 4,000 sq. ft. to 5,600 sq. ft.

Mr. Yan asked, and the Applicant Andrew Levin responded that the lab space has HVAC for appropriate air flow and evacuation. Mr. Bullen added that the lab has a separate plumbing system that treats its wastewater prior to it entering the public system, per Mass Plumbing code.

Mr. Melter asked for public comments. There were none.

**Moved: to approve the Special Permit to increase the existing 4,000 sq. ft. to 5,600 sq. ft as requested by the Applicant. No discussion.**

**Motion: Mr. Cosgrove                      Second: Mr. McKenna      Vote: Cosgrove-yes, McKenna-yes, Meltzer-yes**

**20-06, 300 (aka 350) Irving St. - Landscape Depot, Inc. and Eversource, D: 9, Z: M**

Amend previously issued Special Permit for storage and distribution (case no. 19-13)

Decision Deadline: 90 days close of hearing | Comment Deadline: April 13, 2020

Mr. Meltzer opened the hearing and read the public notice. A supplemental report submitted on March 17, 2020 and a revised Site Plan dated April 10, 2020 were noted, as well as comments from the Health Dept and the Conservation Administrator available on the meeting portal.

Sitting on the hearing: Mr. Meltzer, Mr. Cosgrove, and Mr. Yan; Ms. O'Donnell the alternate.

Joe Antonellis explained the area under consideration for a Special Permit, highlighted in red on the plan drawings, was previously occupied by sub-tenants. The request for an amendment of the existing Special Permit is solely for the purpose to store dry palletized paver materials. Mr. Antonellis mentioned the Wellesley Trucking issue and that their equipment is not located on the property subject to the lease-hold agreement between Landscape Depot and Eversource and controlled by John Mullen. He stated that Mr. Mullen has adhered to the prior Permit stormwater controls and completed Mr. McArthur's requests. Also, given the storage area is paved, the impervious surface will prevent further contamination leakage from the former gas coal plant.

Mr. McKenna asked the Applicant about the height of the palletized materials in relationship to other items or structures on the site. Mr. Antonellis responded that the materials are approximately 4 ft. to 6 ft. high, lower than the existing mulch piles.

Mr. McArthur explained his concerns with Lot 12 where A1 Tree Service was located, and stated on his last visit the lot was full of debris. He requested a site visit with Mr. Mullen and asked the board to include a decision condition stating the use of Lot 12 would be dependent on its acceptance by the Conservation Commission. Mr. Yan asked, and Mr. Antonellis confirmed that there will be no petroleum products stored in the area.

Mr. Meltzer asked for comments from the public. There were no comments.

**Moved: to approve the Special Permit application as presented and that Lot 12 be subject to the approval by the Conservation Commission for that intended use. No discussion.**

**Motion: Mr. Cosgrove                      Second: Mr. Yan                      Vote: Cosgrove-yes, Yan-yes, Meltzer-yes**

**20-07, 2 Beacon Street - Framingham RD LLC and Sharma Group LLC, D: 5, Z: B (SM, TC, HO; LY alt)**

Special Permit boarding of domestic animals, Variances for setback from residential use; fence height; canopy in setback

Decision Deadline: June 18, 2020 | Comment Deadline: April 14, 2020

Mr. Meltzer opened the hearing and read the public notice. He explained the Applicant has requested a continuance.

Sitting on the hearing: Mr. Meltzer, Mr. Cosgrove, and Ms. O'Donnell; Mr. Yan the alternate.

**Moved: to continue the hearing until May 13, 2020 at 7:00 pm. No discussion.**

**Motion: Mr. Cosgrove                      Second: Ms. O'Donnell      Vote: Cosgrove-yes, O'Donnell-yes, Meltzer-yes**

**20-08, 574 Brook Street - Meryl MacCormack and Jaime Haber, D: 4, Z: R-3**

Finding to extend nonconforming structure, or Variance for side setback

Decision Deadline: July 01, 2020

Mr. Meltzer opened the hearing and read the public notice. He also mentioned the Conservation Administrator's comment that there is no significant impact on wetlands, as well as several letters of support from Brook St. abutters.

Sitting on the hearing: Mr. Meltzer, Mr. Cosgrove, and Ms. O'Donnell; Mr. McKenna the alternate.

Meryl MacCormack and Jaime Haber, the Petitioners, and Marc Prufer, the Petitioners' architect, were present. Mr. Haber explained that they are seeking approval to rebuild their preexisting nonconforming garage that is failing structurally. Mr. Haber noted that new structure will extend approximately 2 ft. from its current location. Mr. MacCormack explained that they are also seeking approval to re-grade and lower the existing driveway and reposition the driveway retaining wall to the opposite side. The board briefly discussed whether these changes would also require a Variance.

Mr. McArthur indicated that given there is no impact on the nearby wetlands, a negative 3 determination of applicability was set, with conditions concerning erosion controls.

Mr. Meltzer asked for comments from the public.

Mark and Sherry Nelson, 576 Brook St., stated that they have no issue with the proposed project.

**Moved: to make the finding and approve the Variance. No discussion.**

**Motion: Mr. Cosgrove                      Second: Ms. O'Donnell    Vote: Cosgrove-yes, O'Donnell-yes, Meltzer-yes**

**20-09, 26 Raleigh Road - Juli Turpin and Jason Creighton, D: 1, Z: R-4**

Petition for a Finding for the extension of a structure that is pre-existing nonconforming for lot coverage, and for a Variance for less than the required side setback

Decision Deadline: July 01, 2020

Mr. Meltzer opened the hearing and read the public notice. He noted comments from the Assistant Conservation Agent and several letters of support from abutters.

Sitting on the hearing: Mr. Meltzer, Mr. Cosgrove, and Mr. Norton; Mr. Yan and Mr. McKenna are the alternates.

Juli Turpin and Jason Creighton, the Applicants, were present. Ms. Turpin explained that the residence is a preexisting nonconforming 1,600 sq. ft. structure and they are seeking approval to build an 800 sq. ft. extension in the rear. The addition will bring the right-side of the residence 4 ft. closer to the property line. Mr. Creighton reviewed the poor structural condition, including flooding at the rear. He also provided an overview of the proposed changes, none of which would alter the height or front of the building.

Mr. McArthur noted that given the location of the pool, which is higher than the rear of the house, the existing shed adjacent to the wetlands, and the addition that would encroach onto the 50 ft. no-build buffer, the Conservation Commission may request mitigation measures. However, Mr. McArthur suggested a waiver of the 50 ft. no-build given it is on existing lawn.

There was a brief discussion concerning the change increasing the nonconformance. Mr. Cosgrove raised the merits of completing a site visit. Based on a previous visit, Mr. Norton provided his insight into the condition of the property, noting it was an oddly shaped lot, and expressed his support of the proposed plan. Mr. Cosgrove and Mr. Meltzer agreed there was a hardship due to the shape of the lot and constraints on where to build.

Mr. Meltzer asked for comments from the public. There were none.

**Moved: to approve as presented. No discussion.**

**Motion: Mr. Cosgrove                      Second: Mr. Norton                      Vote: Cosgrove-yes, Norton-yes, Meltzer-yes**

ANY OTHER BUSINESS

**Upon the suggestion of the City Solicitor, a proposal to authorize electronic transmission of ZBA applications and decisions to the City Clerk, and to allow ZBA staff to sign documents on behalf of the Board, as may be needed during the COVID-19 emergency.**

Mr. Meltzer read into record the language suggested by the City Solicitor concerning the procedures.

**Mr. Cosgrove made a motion to adopt as presented; Mr. Norton seconded. No discussion.**

**VOTE: Cosgrove-yes, Norton-yes; McKenna-yes; O'Donnell-yes; Yan-yes; Meltzer-yes**

**ZBA Resignation**

Mr. Meltzer announced that Joe Norton has submitted his resignation from the ZBA, as of April 30, 2020. The board thanked Mr. Norton and expressed their gratitude for his contributions to the Board.

MINUTES ACCEPTANCE

**03/11/20**

ADJOURNMENT