



RECEIVED

2022 AUG 29 PM 3: 01

TOWN CLERK'S OFFICE
NORTH READING, MASS.

Town of North Reading
Massachusetts

Board of Appeals

MINUTES
Zoning Board of Appeals
July 14, 2022
Teleconference/Virtual Meeting

Members Present: Jennifer Platt, Bob Breen, Vincent Ragucci and Maria Lockhart
Also present: Kathy Morgan, Secretary and Gerry Noel, Building Commissioner
Attendees noted: Shawn C, Robert P, Toni, Jamie Strout, Amy Weaver, Guest, LNS (guest), Mab,
D. Anzalone, Richard Di Girolomo, and Peter Piantidosi

Chair, opened the meeting at 7:05 pm

Continued Public Hearings

340 Main Street – Special Permit to run a Detail and Repair shop

Chair opened the continued Public Hearing. Mr. Laws was not present and has not been in touch with the ZBA office. No abutters were present.

Mr. Breen moved to dismiss without prejudice the request from Mr. Laws for a Special Use Permit for a detail and repair shop. Mr. Ragucci seconded the motion; and it was voted; Mr. Breen – yes, Mr. Ragucci – yes, and Ms. Platt – yes.

340 Main Street – Special Permit to run a Construction/Landscaping Business

Chair opened the Public Hearing. Mr. Sa, the owner, was not present for the meeting and he hasn't been in touch with the office since his last request to continue the hearing. No abutters were present.

Mr. Breen moved to dismiss without prejudice the request from Mr. Sa for a Special Use Permit for a construction/landscaping business. Mr. Ragucci seconded the motion; and it was voted; Mr. Breen – yes, Mr. Ragucci – yes, and Ms. Platt – yes.

172 Park Street – Variance for upgrade lighting

Chair opened the continued hearing. Gensler Company, applicant/representative for the bank, emailed a request to continue the public hearing.

Ms. Platt moved to accept the request to continue from the applicant's representative, seconded by Mr. Breen to August 11, 2022

Public Hearings

4 Caroline Rd – Home Occupation/Special Permit for a consulting business

Mr. Pierce, the petitioner, was present. Mr. Pierce said he helps businesses with marketing, employees, and sales. He will only be using his home for his mailing address. Rick and Marilyn Schrenken said they wanted to know what the extent of the business was. They are ok with a home office; they just didn't want more traffic on the road. Mr. Pierce said there won't be any additional vehicles and no clients to the home.

With regard to the petition from Robert Pierce, 4 Caroline Rd, North Reading, Map 34, Parcel 12 for a Home Occupation pursuant to Article 200-40 of the North Reading bylaws, I move to grant the application for the home occupation special permit in accordance to the standard conditions. Mr. Ragucci seconded the motion; and it was voted, Mr. Breen – yes, Mr. Ragucci – yes, and Ms. Platt – yes.

327 Main St. – Special Use Permit for a Landscaping Business

Jeremy Bernardo was present. He explained that he works out of Boston Flower Market at 327 Main St., parks his trucks there, and he also has a small office there. He buys material through them and does a lot of work with them. Ms. Platt said that a landscaping business is allowed in the Highway Business district as well as their vehicles associated with the business but just the parking of trucks, is not allowed. Mr. Bernardo said he works hand in hand with Boston Market. Mr. Noel sent a violation notice to the petitioner, who responded - they will be storing their vehicles in a small area in the back of the property with a small office. Mr. Noel informed them that multiple businesses can be at one address but that the address for the landscaping business should be the same as where the trucks are parked. Mr. Noel said, when he visited the site he didn't see any heavy equipment parked there. He only saw lawn mowers, pickup

trucks, and trailers. Mr. Bernardo said he is a corporation. He has worked at this location for six years and before that he was located at All Star Fence. Mr. Noel noted that you don't need a business certificate if you are a corporation, but approval is needed to run this business at this location. Ms. Platt agreed that in a HB district landscaping is allowed but storage of vehicles is not. A landscaping business that has trucks could be allowed but trucks being stored with no business would not be allowed. Ms. Lockhart asked Mr. Bernardo, how many trucks do you have? He said, six. She asked how long the trucks are active during the day; he said all the time, the trucks are part and parcel to the business. No abutters were present. Ms. Platt asked if any other materials are being stored at the site. Mr. Bernardo said, no, he has to buy all his materials from Boston Market as part of his agreement to be there. Ms. Platt said all businesses in the Highway Business District are subject to review by the CPC, so any approval by the Zoning Board would be contingent on the CPC approving a layout or plan, so she would like to see a plan of the layout of where things are going what part is being leased, where trucks go, any fences. Mr. Bernardo asked to continue the hearing to August 11, 2022 to provide a plan.

1 Forrest Street – Variance to attach the existing garage to the house

Amy Weaver, the homeowner was present and explained their plans to attach their existing garage to the house with a breezeway in between. The addition would have a master bedroom suite above the garage with laundry room and the existing 3 bedrooms expanded. The plot plan was reviewed and the variance would require a foot relief from the side setback. The property is located in an RR district. The existing garage is 24' from the side lot line. The footprint of the garage will not change. Maria Larose, at 3 Forrest St., located to the right of this property, said she is fine with the plan.

Mr. Breen moved to close the public hearing, seconded by Mr. Ragucci; and voted, Mr. Breen – yes, Mr. Ragucci – yes, and Ms. Lockhart - yes

Mr. Ragucci moved to grant a one foot variance to the northeast side setback to attach the house to the existing garage with a breezeway at 1 Forrest St., North Reading, Map 68, Parcel 7 in accordance with the dimensional and density regulations. Mr. Breen seconded the motion; and it was voted, Mr. Ragucci – yes, Ms. Lockhart – yes, and Mr. Breen – yes.

Ms. Weaver asked if she needed a variance for the 39' from the house to the side, but that measure was to the side setback, which she only needs 25', so she only needed the one variance for a one foot variance from the north-east side setback. Mr. Breen explained the 20 day appeal period

110 Main St. – Appeal of the Building Commissioner’s Decision

Shawn Ferris, representative for RECR Realty, LLC, was present as well as Jamie Strout, whose father is the owner of Reading Lumber. Mr. Breen read the Cease and Desist that was sent to Charlie Strout, owner of Reading Lumber on May 2, 2022. The Cease & Desist notes the storage of heavy equipment at the left and right front of the property and storage of goods at the left front, and stated that they are in violation of the North Reading bylaw 200-39. Their last site plan was dated April 16, 2021, and revised May 1, 2021. Jamie Strout requested a continuance so that Charlie Strout and his attorney could make the meeting. Mr. Noel, the Building Commissioner, said he won’t be able to make the August meeting. He mentioned that Shawn Ferris has been locating another site for the tree company and has secured a lease for September 1st. Mr. Noel is concerned with the time frame for the tree company to vacate the site at Reading Lumber if they can’t move into the new site until September 1st. They are in violation of storing heavy equipment vehicles, 10 wheel vehicles, not outlined in their site plan or allowed and the storage of pallets to the left – they cannot have storage in that area. The Town Planner is in agreement with him. They can have and they do have a display of goods at the sidewalk and that is allowed. He spoke with their attorney and they are willing to sit down and talk with him and the Town Planner to discuss the heavy equipment as well as the storage on the left-hand side. He would like to know how the timeline for the next meeting and the lease date of September 1st will work. Shawn Ferris, representative for RECR Realty, LLC, said that East Coast tree service will start relocation on September 1st and by September 30th, should be completely gone. Ms. Platt agreed to continue the hearing to August 11th; and in the meantime, Jamie Strout, his counsel, Mr. Noel and the Town Planner will all sit down and see if they can work things out for a schedule to have the site in compliance.

475 Park St. – Special Permit for Chickens

The applicant was not present. Mr. Breen suggested to continue the hearing to August 11, 2022, to give the applicant another opportunity to come before the board.

142 Main St. – Special Use Permit for a Landscaping and/or Stone business

Chair read the notice and opened the public hearing. Mr. Breen stated that he would recuse himself for this hearing because of a conflict. Chair stated that there have been many ongoing violations at the site and several Cease & Desists have gone out for not complying with the site plan from CPC – storage of heavy equipment in the HB district. The gas station at 144 Main St. was recently sold and access in and out of this property was used for 142 Main St. Attorney Richard Di Girolamo was present for 142 Main St. Realty LLC. Attorney Di Girolamo said the

property is located in the Highway Business district and consists of approximately 3.5 acres. He said, at present the back of the property is a trailer park for residential mobile homes. The portion of the property in question, is an approximately 10,000 s.f. fenced area at the front portion of the lot. They are seeking a Special Permit for the use of a landscaping and stone cutting business to operate and ancillary to that the storage of vehicles and equipment. He said there is no plan development for this site. The two business located at this location would not be operating from this site, but merely storing their vehicles and equipment. He said there is a history of automotive use, dating back to 1995, when the Nazzaro family operated the gas station and they stored vehicles for repair. Therefore, he feels that these Special Use Permits comply with 200-28(d) as well as 200-39 and he said there are similar uses along Main St. He doesn't believe it will cause any undue traffic congestion or impairing pedestrian safety. There will be no access to this lot from the gas station. Attorney Di Girolamo said he believes these uses are less cumbersome than when the gas station stored vehicles there.

Chair noted that the storage of heavy machinery in the Highway Business district is a prohibited use in the bylaws. Mr. Noel has been sending Cease & Desists to other business who are doing similar activity. She also stated that any business within the Highway Business district needs to go before the Planning Board for them to approve their site plan. Ms. Lockhart wasn't clear on how the businesses are run there and the vehicles are stored there. Mr. Di Girolamo said he could bring the business operators to the next meeting if they could continue the hearing and they could explain what specifically, in addition to the storage of vehicles, they do. He said he isn't sure if these vehicles would be considered heavy equipment. He feels that the storage of vehicles is part and parcel to a landscaping business. He believes that the only activity on the site would be early in the morning and then again at night moving the equipment back and forth. Attorney Di Girolamo said they would be willing to go back to CPC for site plan approval if they feel that is necessary.

Mr. Noel was asked to speak on the matter. He told members that the site is currently in violation of their site plan. They have an opening on the trailer park street side, which is not allowed, they have cement balls stacked up along the street. He has taken pictures of trash, their fence is broken, a lot of pallets. Chair said that they support businesses but they don't want Main St. to be a parking lot for everyone's truck and equipment. Attorney Di Girolamo said this site did go before CPC in 2014/early 2015 and he has a plan dated 9/5/2014, prepared by LJ Erin which did propose the storage of vehicles for repair and prepping for sale. Mr. Di Girolamo asked for a continuance to come back and address the issues of the Commissioner and bring the business owners in. Members agreed to continue the hearing to Thursday, September 15, 2022.

Minutes:

Mr. Breen moved to accept the minutes of April 14, 2022, seconded by Ms. Lockhart; and voted Mr. Breen – yes, Ms. Lockhart – yes, and Ms. Platt – yes.

Mr. Breen moved to accept the minutes of May 15, 2022, Mr. Ragucci seconded the motion; and it was voted Mr. Breen – yes, Ms. Lockhart – yes, Mr. Ragucci – yes.

Mr. Breen moved to accept the minutes of June 9, 2022, Mr. Ragucci seconded the motion; and it was voted Mr. Breen – yes, Mr. Ragucci – yes, and Ms. Platt – yes.

Chair advised members that the House and Senate have voted to extend remote meetings until March 31, 2023.

Mr. Ragucci moved to adjourn, seconded by Mr. Breen, and it was voted unanimously in favor.

Approved  DocuSigned by:
Jennifer Platt
81A7B0D9A22E49D... Dated 8/22/2022