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Town of North Reading
Massachusetts

Board of Appeals

MINUTES
Zoning Board of Appeals
January 12, 2023
Teleconference/Virtual Meeting

Members Present: Jennifer Platt, Bob Breen, Michelle Bodian, Brendan Riley and John Verrengia

Also present: Kathy Morgan, Secretary and Gerry Noel, Building Commissioner

Attendees noted: Beth Adams & Jayson Salter, Matthew Carapellucci, Jeff Gannon, Breanna Rolland, Esq. Alberta's Galaxy TabS7

Chair opened the meeting at 7:05 pm

Public Hearings

3 Linwood Ave – Special Permit for chickens

Jeff Gannon, the homeowner, was present. He has applied for a Special Permit to raise chickens. The coop is located in the backyard to the left side, 4' from the property line. Mr. Gannon is looking to get a variance from the 10' setback and explained his hardships within his property. He has a shed in his backyard that he intends to expand, a garden area, neighbors on three sides and wetlands to the rear, along with a fire pit and swing set. Mr. Gannon said he would like to keep the coop to the side for more useable area in his backyard. There was a letter sent in from a neighbor who is concerned about wild animals that may come into the area because of the chickens. Mr. Noel noted that Board of Health also regulates a 25' setback for the coop to the property line. Mr. Gannon did not know about the 25' setback and would like to continue the hearing to talk with the Board of Health. The public hearing will be continued to Thursday, February 16, 2023. No abutters made themselves known.

3 Shenandoah Rd – Special Permit for a Home Occupation for a Handyman business

Jayson Salter and Beth Adams, the homeowner, were present. Mr. Salter explained that he does small handy man jobs, on his own, out of his SUV. He only wants to run his home office out of the residence. Ellen Wiklanski, 457 Park St or 2 Shenandoah, was present. She said she just wanted to make sure he wasn't going to have a lot of trucks and gave her support for the business. There were no other abutters present.

Mr. Breen moved to close the Public Hearing, seconded by Ms. Bodian; and voted 3-0 in favor.

Mr. Breen moved to grant a special permit for a Home Occupation to the petitioner Jayson Salter, at 3 Shenandoah Road, Map 4, Parcel 115, North Reading for his Handyman business with the standard conditions, No person other than the residential occupant(s) shall be employed therein; Not more than three hundred (300) square feet shall be devoted to such use; and there shall be no display of goods, wares or signs related to the home occupation visible; from the exterior; this special permit for a home occupation runs with the applicant and is in no way transferable; there will be no customers coming to the premises; this special permit shall be valid for four years; only the single vehicle discussed at the hearing and in compliance with residential zoning restrictions is allowed.

The motion was seconded by Ms. Bodian; and voted, Mr. Breen – yes, Ms. Bodian – yes, and Mr. Riley – yes.

Continued Public Hearings

142 Main Street - Special Use Permit for a Landscaping/Stone business

Attorney Breanna Rolland, representative, for the applicant was present. The applicant has requested another continuation for the hearing. Attorney Rolland told members that they have been working with the Fire Department on a plan for the site; one was developed; but now they want a different egress plan that requires an easement from the neighboring property which is still being worked on. Chair asked if 142 and 144 Main used to be in common ownership. Attorney Rolland explained that 142 Main St. Realty owned 142 Main and 144 Main St. Realty owned 144 Main but there was an underlying ownership also. 144 Main St. Realty sold off the gas station portion. Chair noted that the original application was for a landscaping business and stone cutting business, and the applicant has been told that the stone cutting business is not allowed in this district. Attorney Rolland was asked what the landscaping business wants to do in this location. Attorney Rolland told members that her client couldn't be present because of a family matter. She said the landscaping business doesn't do any landscaping on the site, but she will need more information from the client directly to answer

that. Chair said the hearing has been continued for a number of months now without a plan. Chair said they could take a vote on the stone cutting business; to which Attorney Rolland said the business is not really stone cutting but she would need more information from the actual tenant regarding the work that they perform; she said it may be more closely related to landscaping.

Chair asked if her client has filed an application with CPC for site plan review. She said an application has been filed, but CPC wants the matter with the special permit resolved first. Mr. Breen advised the petitioner that statements are fine but they need a plan or sketch of what they intend to do with the property. Chair also noted that the business should not be operating without a permit.

Mr. Noel said the landscaping business has been operating for over a year according to the Police Dept. They have landscaping trucks, and Mr. Noel showed pictures of the storage of tar and gravel on site. He said they did clean up the trash, tar, tires and debris. The existing site plan says that no vehicle shall be seen from the street and they have a tri-axle truck that extends 4 or 5 feet above the fence line. Ms. Bodian questioned when the fines were put on hold and if they would resume if the hearing was withdrawn. Mr. Noel said the fines were put on hold when the applicant applied to the ZBA. He wants to check with Town Counsel regarding resuming or continuing fining if the hearing is withdrawn. He said he would recommend that fining start again. Mr. Riley asked if the landscaping business has been operating all along. Mr. Noel said, yes. Members discussed the fact that the applicant has not provided a plan or site proposal, and the fines have stopped because the applicant is in the permitting process with the Board of Appeals, but continues to operate without a permit. They were then less incline to consider a continuance. Attorney Rolland requested to withdraw the application without prejudice. Chair advised that if they were to come back, they should clean up the site, stop violating the building inspector's directives, and have a plan for moving forward.

Members welcomed new members Brendan Riley and John Verrengia.

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

Approved  Dated 3/1/2023

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