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Board of Appeals

MINUTES

Zoning Board of Appeals

November 7, 2019

Town Hall, Room 14

Present: Paul O'Leary, Joe Keyes, Matt D'Angelo, Bill Bellavance, Jim Demetri (9:00)
and Gerry Noel, Building Commissioner

Acting Chair, Paul O'Leary opened the meeting at 7:30 PM

Continued Public Hearing

435 Park Street – Special Permit for chickens

Mr. O'Leary opened the Public Hearing and read the notice. Mr. Shang and his family were present. Mr. O'Leary asked how many chickens they were thinking of raising. Mr. Shang said 12. Mr. O'Leary asked how far away their neighbors were. Mr. Shang said his neighbor to the left is about 150 yards and the other neighbor is about 200 feet. Mr. O'Leary said their approval would be subject to the approval of the Board of Health and that they would not be allowed to have roosters. He was also told to see the Building Dept. about a chicken coop.

Mr. Keyes moved to grant a Special Permit to raise 12 chickens, no roosters and based upon the approval of the Board of Health. Mr. Bellavance seconded the motion; and it was voted 3-0 in favor.

199 Central St. – Special Permit Home Occupation

Dennis Molla, the homeowner was present. Mr. Molla explained that he is a general contractor and to renew his HIC license, the state said he would need to get a business license. He was asked what type of construction work he does. He said he does mostly interior work, bathrooms, kitchens but does occasionally do a roof or addition. He said he has one van. He has employees but they don't come to his house, he meets them at the job site. A memo from

the Planning Committee was read aloud. There was a question as to the wording of one of the standard conditions – “no employees therein”. There was some discussion and then there was a consensus that the meaning of “therein” was that no employees would be coming to his house. One neighbor on Eugley Pk, West was present and he had no issues with granting the special permit.

Mr. Keyes moved to grant a Special Permit for a Home Occupation in accordance with the standard conditions. Mr. Bellavance seconded the motion; and it was voted 3-0 in favor.

9 Edgewood Terrace – Variance for a retaining wall

Karolina Costa and Felipe Moskorz, the owners of the property, were present. Ms. Costa explained that they had an above ground pool installed and wanted to add a patio area around the pool. When the contractor came to review the work, he told them that because of the slope of their property, they would need a retaining wall to level off the yard to stabilize it for the pool. He started the wall and told them he didn’t need a permit. Mr. Noel, the Building Commissioner got a complaint from their neighbors the Campbells about the wall, the aesthetics of it and the distance from their lot line. After a visit to the site from the Building Dept., Mr. Noel put a cease and desist on the work. Mr. Noel gave members a packet showing pictures of the site while the wall was going up, and a copy of the cease & desist. He had asked the homeowners to talk with their neighbors and come to a solution, which didn’t happen.

Tye Campbell, 11 Edgewood Terrace and his wife were present. Mr. Campbell said he has issues with the medium or cinderblocks being very unattractive and that the wall goes from 2’ up to 10’ in elevation and would then have a 6’ fence on top of it, making a 16’ white wall. He is concerned with the stability of the wall over years.

Claudio Franco, owner of State Stone Mason, the contractor, was also present. Mr. Franco stated that his engineer provided an as-built plan. He said the wall has a footing and rebar. He said the wall is not finished yet. Saimi, LLC is the engineer who provided the as-built. Mr. Franco said the engineer came to the site before the work to talk about it. Mr. O’Leary said there are no footings as shown on the plan. He said the cease & desist was issued on 9/12/19 and the as-built is dated 10/30/19. He said there is no proof of excavation, rebar or concrete shown in the pictures. Mr. Noel said to Claudio that he could excavate down and show the footings if he wants to show they do exist. Mr. Noel said there are clear voids throughout the wall. Mr. O’Leary said the wall is not built safe, the quality is inferior; the wall needs to come down. Mr. Keyes asked how far off the lot line the wall is located. Mr. O’Leary said inches. Mr. O’Leary advised the homeowners that he wouldn’t vote to approve a variance for this type of

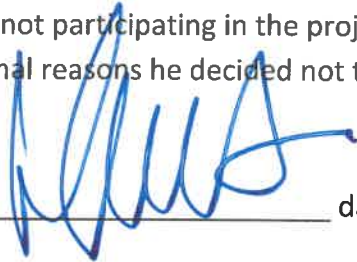
wall. He did suggest terracing. Melissa Campbell, 11 Edgewood Ter. stated her concerns with flooding in her basement with no drainage for the wall. Mr. O'Leary said he doesn't feel the homeowners at the subject property did anything wrong. A dead tree in the area was brought up and the homeowners, as well as the neighbors, are concerned with it coming down and its removal. Mr. O'Leary urged the homeowners to communicate with their neighbors.

Mr. Noel told the homeowners that the pool will need to be drained to stabilize the area. There was some discussion about stability of the area after the new wall is taken down, erosion of the soil and drainage. To stabilize the area, a 2' wall should be built after the current wall is taken down and built in conformance to an approved structural plan approved by the Building Commissioner to hold through the winter; and then taken down and a permanent structure built.

Mr. Keyes moved to accept the applicant's request to continue the Public Hearing to April 3, 2020, seconded by Mr. Bellavance; and it was voted unanimously in favor.

The Board of Selectmen have been getting inquiries as to why Mr. O'Leary has recused himself from the 20 Elm St., 40B project, and, therefore, Mr. O'Leary was asked to publicly announce his reason for not participating in the project. Mr. O'Leary stated to the Zoning Board members that for personal reasons he decided not to participate in the 20 Elm St. 40B project.

Approved



date

1/9/2020