



Town of Ashland

MASSACHUSETTS

MINUTES OF MEETING
ASHLAND ZONING BOARD OF APPEALS
January 12, 2016

1 Present: Phil Jack, Chair
2 Stanley Daner, Vice Chair
3 John Trefethen
4 Stuart Siegel
5 Tom McNulty

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7 Absent: Pete Kopecky
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9 Guest: Attorney George Connor
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12 **Prior Meeting Minutes:** Mr. McNulty moved and Mr. Trefethen seconded the motion to
13 approve the minutes of December 8, 2015 as drafted. The motion passed 5-0-0.
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15 **2 Sewell Street - Special Permit Public Hearing:** A continuation of the public hearing
16 convened at 7:05 PM to consider the application for a Special Permit to allow for construction of
17 duplex housing on two lots of land on Sewell St. submitted by Atty. George F. Connors.
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19 Mr. Daner, Mr. McNulty and Mr. Siegel are sitting on the hearing.
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21 Mr. Jack read an email from Carl Hakansson, member of the Conservation Commission
22 (ConCom), concerning the screening plantings. Mr. Hakansson stated that the screening plan is
23 outside of the ConCom's purview and therefore the matter is still open.
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25 Mr. Daner reported that he recently viewed Mr. Zani's adjacent property and the conditions have
26 not changed and Mr. Zani has not met the obligation to relocate the towing business, the stored
27 automobiles, piled wood and heavy equipment. Mr. Daner stated that he is not in favor of moving
28 forward with the special permit application; given Mr. Zani is not living up to these obligations.
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30 Mr. Jack opened the meeting for public comment.
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32 Robert Roberti, 16 Charles St., provided information from the ConCom concerning the screening
33 plan and asked that the ZBA render a decision on the plan.
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35 Atty. George Connors, representing Mr. Louis Iarussi the majority land owner of the lot adjacent
36 to 2 Sewell St., stated his involvement with Mr. Zani is related to the Building Inspector's
37 decision to clean-up the site and to relocate the tenants and businesses, in order to transfer the
38 land into the interior site with the purpose of generating revenue.
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40 Concerning the screening plan, Atty. Connor stated that in his opinion tree planting (honey
41 locust) on the outside of the existing fence would be appropriate.
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43 Mr. Daner asked if the ConCom has reviewed the issue concerning run-off from the lot.
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45 Mr. McNulty moved and Mr. Trefethen seconded the motion to suspend the Sewell St. hearing.
46 The motion passed 5-0-0.
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48 **133 W. Union St. - 40B Comprehensive Permit:** A continuation of the public hearing convened at
49 7:30 PM to consider the application for a 40B Comprehensive Permit at the request of Capital Group
50 Properties, Southborough MA.
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52 Mr. Jack moved and Mr. Trefethen seconded the motion to continue the Comprehensive Permit
53 public hearing for 133 W. Union St. until February 23, 2016 at 7:05 P.M. The motion passed 5-
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2 Sewell Street - Special Permit Public Hearing Mr. McNulty moved and Mr. Trefethen seconded the motion to reopen the Sewell St. hearing. The motion passed 5-0-0.

Charles Horn, real estate broker representing Louis Iarussi, requested more details concerning the Board's decision.

Mr. McNulty stated that the existing privacy fence is sufficient and additional planting are not necessary.

Mr. Siegel noted that the Planning Board will make the final determination concerning the screening plan, so he questioned the need for the Board to make a decision.

Mr. Trefethen stated that the trees would help with additional screening and feels it would be appropriate for the Board to impose that condition.

The Board reviewed and amended the proposed Permit conditions:

1. Adhere to the Planning Board and Conservation Commission's rulings and conditions prior to commencing construction.
2. Retain the screening fence that is currently on the property.
3. Install and maintain an additional buffer, i.e., two honey locust trees on the outside of the fence to screen the property from the neighboring commercial area.
4. The applicant must be in compliance with the Building Inspector's rulings and enforcement actions.

The Board suggested that Mr. Roberti bring his concerns regarding additional screening on Charles St. to the Building Inspector's attention.

Mr. McNulty moved and Mr. Siegel seconded the motion to approve the Special Permit with the following four conditions; 1) adhere to the Planning Board and Conservation Commission's rulings and conditions prior to commencing construction, 2) retain the screening fence that is currently on the property, 3) install and maintain an additional buffer, i.e., two honey locust trees on the outside of the fence to screen the property from the neighboring commercial area, 4) the applicant must be in compliance with the Building Inspector's rulings and enforcement actions; incorporate the findings on the Special Permit criteria, with all conditions subject to Town Counsel's final decision and approval. The motion passed 3-0-0; Mr. Daner-yes, Mr. McNulty-yes, Mr. Siegel-yes.

Mr. McNulty moved and Mr. Siegel seconded the motion to close the hearing for the 2 Sewell St. Special Permit application. The motion passed 2-0-1 (Daner).

Mr. Daner moved and Mr. Trefethen seconded the motion to adjourn. The motion passed 5-0-0.

The meeting concluded at 8:15 P.M.

The next meeting is scheduled for February 23, 2016.