



Zoning Board
of Appeals

ZONING BOARD OF APPEALS

221 Main Street
Boylston, Massachusetts 01505
Telephone 508-869-0143

MEETING MINUTES Wednesday, October 14, 2020

CHAIRMAN:	William Filsinger
MEMBERS PRESENT:	Janet Lombardi, Brad Wyatt, Robert Cotter, Arlene Murphy
MEMBERS ABSENT:	None
RECORDER:	Nina Gardner

Mr. Filsinger called the meeting to order at 6:30 p.m. The Board reviewed the minutes of June 30, 2020. Mr. Filsinger motioned to approve and Ms. Murphy seconded; all voted in favor by roll call vote: Mr. Wyatt-yes

Ms. Lombardi-yes
Mr. Cotter-yes
Ms. Murphy-yes
Mr. Filsinger-yes

The Dogfather Truck-67 Main Street-Finding-Mark Gallant was present for a Finding to relocate his business to 67 Main Street. Ron and Mark Wagner, owners of the Building were also present. Mr. Gallant has 7 or 8 food vendors who would use the location to prep food for their trucks and leave the location. The use chart does not allow for this use so the Building Inspector, Mr. Zahariadis had to deny approval and advised Mr. Gallant to seek a finding from the Zoning Board. The Board referred to two previous applicants, Cross Fit and Mill Road. Findings were issued for them, not variances. Mr. Zahariadis issued a letter to the Board stating he has no objection to the proposed use for the building, but it is not an allowed use in the Village Business District, so he had to deny the application and refer to the ZBA. The Board had lengthy discussion regarding what use they could apply to this business. They ultimately felt it could be applied under the Restaurant use but with the condition of no takeout. This scenario has not arisen before which made it difficult for the Board to decide, but Mr. Gallant informed the Board that Worcester, where he is located now, had the same issue and considered the business under Restaurant. All trucks will have to obtain a food permit from the Board of Health. The Board agreed that due to Covid, flexibility should be considered. Mr. Filsinger motioned to find the proposed business is a permitted use in the Village Business District as a restaurant and predisposes that the Planning Board will issue a special permit and no takeout will be allowed.

Ms. Lombardi seconded; all voted in favor by roll call vote:

Mr. Wyatt-yes
Ms. Lombardi-yes
Ms. Murphy-yes
Mr. Cotter-yes
Mr. Filsinger-yes

285 Shrewsbury Street/Variance-The applicant explained he would like to build a garage next to his father's home, but lacks proper setback. The Board reviewed the plan presented and discussed. There clearly was not enough property to build and the applicant withdrew his application without prejudice.

Revolution Construction-40 Main Street-Finding-Attorney Hector Pineiro was present with his client, Wando Oliveira. Mr. Oliveira owns a construction company and just purchased the property at 40 Main Street. He would like to run his business from a new garage, for which he was issued a building permit. The Building Inspector ordered to stop construction because a contractor's yard is not allowed in Village Business in the Zoning Bylaw Use Chart. The Building Inspector stated a Finding would be necessary from the ZBA. He has 4 work vans and a personal pick-up truck. Vans will be stored in the carport. No equipment will be on site. Attorney Pineiro reviewed the dimensional requirements for that zone and discussed the use chart with the Board. The Board agreed that it could be considered a professional or office business.

Patrick Healy of Thompson Liston spoke regarding the requirements of the use chart. He discussed this business with Mr. Zahariadis, the Building Inspector. The Building inspector was unable to attend the meeting, but Ms. Gardner relayed that he is in favor of the business, but has to interpret the use chart as it is and the zoning board needs to address the issue.

Mr. Filsinger motioned to approve the finding that the Construction company falls under the professional business office use in Village Business.as described on page 20 and a special permit issued by Planning Board or as by right. Ms. Murphy seconded; all voted in favor by roll call vote:

Mr. Wyatt-yes
Mr. Cotter-yes
Ms. Murphy-yes
Ms. Lombardi-yes
Mr. Filsinger-yes

Motion to adjourn at 8:05 p.m. by Mr. Wyatt and seconded; by Ms. Lombardi. All voted in favor.