

Zoning Board of Appeals – Minutes

March 2, 2021

Location: Town Hall Annex Conference Room

Time: 7:00 to 8:00pm

Board Member Attendees: Marcus Baptiste Chairman, James King Member, Tony Carmo Alt Member & Jeanne Russo Alt Member

Board Member Out: None - **The board had a quorum.**

Attendees: Jessica Medeiros, Carl Malloch & C.J. Malloch- Malloch Group/Malloch Construction Co.


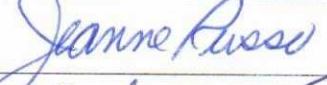
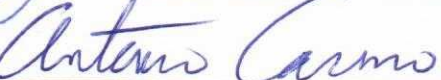
Topic	Discussion:
Mail & Minutes	<p>7:05pm- M. Baptiste opened the meeting by introducing the Board and himself.</p> <p>The meeting minutes, bills, and correspondence were moved to the end of the hearings. T. Carmo made a motion. J. King seconded</p> <p>Meeting Minutes: 7:30pm- The meeting minutes from 9/29/20 were reviewed. T. Carmo made a motion to accept as read. J. Russo seconded. The meeting minutes from 2/2/21 were reviewed. T. Carmo made a motion to accept as read. J. King seconded.</p> <p>Bills: Four Bills were paid to Gatehouse Media: Horgan 37 Algerine St. Map 18 Lot 31- ad ran 8/28/20 & 9/4/20-- \$523.60 County St. LLC 44 County St. Map 20 Lot 92 ad ran 9/12/20 & 9/19/20-- \$495.04 Malloch Group 120 Padelford St. Map 16 Lot 85 ad ran 1/15/21 & 1/22/21--\$456.96 A& J Medeiros 16 Ferry Ln. Map 7 Lot 3-05 ad ran 1/16/21 & 1/23/21-- \$504.56</p> <p>Correspondence: A letter from the Planning Board was read into the record in regards to the approval from the Attorney General of the By-Law change in Article 21 Zoning Section 2B- Establishments of Districts to General Business Zoning Districts. 120 Padelford Street is part of this By-Law change.</p> <p>No other New Business came in front of the board at this time.</p>

Adam & Jessica
Medeiros
16 Ferry Lane
Map 7 Lot 3-05
40A Public Hearing

7:05pm- Marcus Baptiste continued the 40A Public Hearing for Adam & Jessica Medeiros 16 Ferry Lane Map 7 Lot 3-05 requesting a variance for a front yard setback to build a garage. The petitioner Jessica Medeiros came in front of the Board. No abutters were present. Mr. Baptiste presided. The petition, plan, and the submissions were reviewed by the Board.

The Chairman stated the voting members would be himself, James King, and Anthony Carmo.

Mrs. Medeiros introduced herself to the board. She told the Board she wants to build a garage next to her house that is in the process of being built now. Her house goes beyond where the pavement ends on Ferry Lane. She had to change her first plans of the proposed garage to better fit on the property. The new proposed plans will put the garage closer to the side of the house. To go with these proposed plans she is asking the Board for a variance. The variance will allow the proposed structure to have a 36 foot front yard setback instead of the required 50 feet front yard setback. Ms. Medeiros explained to the Board her driveway is at the end of the signs along with the state property. The Chairman asked Carl Malloch, who was in attendance, the status of Ferry Lane. He told the Board Ferry Lane is a town road/public way that is only paved as far as what was warranted. There is no turn around at the end of the road. The Board further discussed and reviewed the plans. Ms. Medeiros told the Board her house is on a hill, and the proposed garage will not be in the flood zone. She explained to the Board her house is still under construction, they are just finishing the in-law apartment and then the garage should be next. Due to the weather and pandemic everything has been pushed back. T. Carmo made a motion to close the hearing. J. King seconded. The Board members further discussed for a decision. M. Baptiste stated he had no issue with the variance request. J. King mentioned a lot of the property is impacted by the flood zone, the owner doesn't have too many other options. T. Carmo made a motion to approve the application to allow for 36ft. of a front yard set-back to build a garage.

<p>Malloch Group/ Malloch Construction Co. Inc. 120 Padelford St. Map 16 Lot 85 40A Public Hearing</p>	<p>7:15pm- Marcus Baptiste continued the 40A Public Hearing for Malloch Group/ Malloch Construction Co. Inc. 120 Padelford St. Map 16 Lot 85 requesting a variance for parking. The petitioner Carl Malloch of Malloch Construction Co 113 Padelford St. Berkley, Ma. 02779 and C.J. Malloch came in front of the Board. No abutters were present. Mr. Baptiste presided. The petition, plan, and the submissions were reviewed by the Board. The Chairman stated the voting members would be himself, James King, and Anthony Carmo.</p>
	<p>Mr. Carl Malloch introduced himself to the board. He wants to construct two new buildings across the street from his office of 113 Padelford Street. According to the By-Laws every 200 Square feet you need to have one parking space. Each proposed building is going to be 72 x 100 square feet both buildings in total will be 14,400 square feet, this would mean he would need to have 72 parking spaces on the premises. He is asking the Board for a variance to reduce the parking spaces from the required 72 parking spaces down to 23 parking spaces. Mr. Malloch explained to the Board that one building would be for storage re: lumber, windows, doors, and various building materials. The other building will be for their trucks and equipment. The Chairman read into the record a letter from the Planning Board in regards to the approval from the Attorney General of the By-Law change in Article 21 Zoning Section 2B- Establishments of Districts to General Business Zoning Districts. This address 120 Padelford Street is included in this By-Law change to General Business District. Marcus Baptiste asked Mr. Malloch if the buildings will be for any office space or all warehouse. Mr. Malloch told the Board it will just be warehouse for materials and equipment to keep it all out of the weather. Anthony Carmo asked what article this would go under as far as usage. The Chairman read Article 21 Section 5D into the record. This situation does not fit in too well under self- storage but should go under other businesses. Carl Malloch explained to the Board at the current office they maybe have ten vehicles a day parked on and off. They do not need 72 parking spaces, 23 parking spaces at the new building will be fine. Mr. King asked Mr. Malloch if the Planning Board had any comments about this matter. Carl Malloch told the Board the Planning Board had no problem with they just told him he would need a variance from the Zoning Board of Appeals for the parking spaces and then he would need to submit the final plans to the Planning Board. Marcus Baptiste commented he is ok with this situation, due to the non-specific By-Law a contractor does not need 72 parking spaces at their office. Carl Malloch also told the Board there will be no employees there during the day, only when they go to get materials. They want to keep materials and other things locked up from it being stolen. He is also eliminating storage containers, they just don't work. He has a plan to try and save materials for future use. T. Carmo made a motion to close the hearing. J. King seconded. The Board members further discussed for a decision. J. King felt the By-Law is requesting too much parking. The Board members all agreed they had no issues with the request for the parking variance. T. Carmo made a motion to allow for 23 parking spaces as opposed to the requested 72 parking spaces for two buildings to be built on the property.</p> <p>All Motioned the next meeting will be on March 16, 2021</p> <p>Motion to adjourn was made by T. Carmo @ 7:40pm</p>
<p>Signatures</p>	<p>1. </p>
	<p>2. </p>
	<p>3. </p>