

SUDBURY ZONING BOARD OF APPEALS

MINUTES

February 5, 2018

Board Members Present: John Riordan, Chairman; William Ray, Clerk; Jonathan Gossels; Jeffrey Klofft and Frank Riepe ((Alternate).

Listening via phone connection, Director of Planning and Community Development, Meagen Donoghue.

The meeting was called to order at 7:30 p.m.

Chairman Riordan opened the hearing by noting the presence of a quorum and asking the Clerk to read the notice as published in the newspaper.

Frank Riepe will be a voting member at this hearing.

1. Public Hearing Case 18-1 – William Curley, Applicant and Karen Curley, Owner for a Special Permit under the provisions of Section 2460B of the Zoning Bylaw, to construct a dwelling of approximately 2,744 s.f. after demolition, exceeding the total floor area of the original structure. Property shown on Town Map F06-0624, at 21 July Road, Residential Zone A.

William Curley from Falmouth, MA was present at the hearing, requesting approval to construct a dwelling on a non-conforming lot of approximately 2,350 s.f. after demolition, exceeding the total floor area of the original structure at 21 July Road. He developed around 6 homes in the immediate neighborhood, he recently constructed 7 July Road, the proposal is to push the house further back, the south border of the property will be also pushed towards the north, the impervious area on the current property will be reduced, and the detached - free standing 2 car garage will be removed, the new house will remain as a 3-bedroom home. The front set back will be 27 feet.

Mr. Curley stated he had reached to the neighbors and they support his application, he has built other homes in town.

Mr. Klofft had a technical observation about the way the petition was advertised not mentioning the front yard setback deficiency, he added he does not have any problem with the application, it looks like a modest house for the neighborhood.

Mr. Curley clarified the size that was advertise was 2,744 s.f. and he will be building a 2,350 s.f.

Mr. Riordan felt comfortable going forward, he visited the neighborhood and noticed the historically nonconforming lots neighborhood is in transition, with medium size homes, there were almost no homes with the 40 feet set back requirement.

Mr. Gossels expressed he also has a concern about the setbacks not properly advertised, and suggested the hearing should be continued. He reminded the Board to keep in mind the landscape and preservation of trees.

Mr. Curley responded he will be taking down some pine trees, but he does not have an issue with planting two new trees, he stated he had nothing to do with the public hearing notice, he did not write it.

Mr. Riordan stated he feels comfortable having the Board take a vote at this hearing, considering the proposal would bring the new structure within the setback requirements and the 20-day appeal period. Hee then asked if any members of the public wished to speak.

Mark Lustig, 16 July Road, expressed he is in favor of the petition.

There were no further comments.

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The Board finds that the use is in harmony with the general purpose and intent of the Bylaw.

That the use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

That the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisance.

That the proposed use will not cause undue traffic congestion in the immediate area

Motion made seconded and voted, to approve petition 18-1 to construct a dwelling of approximately 2,350 s.f..

2. Public Hearing Case 18-2 – Chi-Lung Cheung Applicant and Yuk Ling Cheung Owner, for a Special Permit under the provisions of Section 5500 of the Sudbury Zoning Bylaws, to allow a detached Accessory Dwelling Unit that is no greater than 786 s.f., property shown on Town Map H09-0021, at 260 Concord Road, Historic District, Residential Zone A.

Mr. and Ms. Cheung were present at the hearing to request a detached Accessory Dwelling Unit that is no greater than 786 s.f., at 260 Concord Road. The detached accessory unit will be for family use only, the detached building was built and approved in 2007 with a finished second floor and a bathroom on the first floor. The applicant submitted an application to the Historic District Commission requesting approval to replace the current garage door with painted wood frame French Door.

Mr. Cheung expressed he would like to have his parents occupied the accessory dwelling, this will be beneficial for his family, since they will be able to take care of their grandchildren if needed.

The plan is to convert one of the garages into a kitchen, the second level of the barn was already build on 2007, the garage has an existing bathroom and a pottery shed.

The only change visible from the outside will be the approved replacement of one of the garage doors with a French door approved by the Historic Districts Commission at their meeting on February 1, 2018.

Mr. Riepe informed the Board the HDC approved a modified request for the garage door.

Mr. Klofft review the ByLaw regarding the size of the proposed accessory dwelling being 50% greater than the detached structure where its located, but under 850 s.f., questioning if a variance was needed for this request instead of a special permit under Section 5523 of the Bylaw, he felt comfortable waiving Section 5522.

Mr. Klofft expressed he is in favor of the application, but he is not sure if the Board is within their rights without considering a Variance as well.

Mr. Riordan reminded the Board of a recent case: 108 Pantry Road, Case 17-30 special permit, approved as a detached accessory dwelling unit.

Mr. Gossels and Mr. Riepe agreed this petition should be considered as a special permit and not a variance.

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Chair Riordan opined this petition should be heard as presented.

Mr. Gossels reminded the Board the intent of the Bylaw is to have a subordinate structure and not two dwellings in one lot, as to avoid having duplexes or two family homes.

Mr. Klofft agreed the intent of the Bylaw is to avoid having two homes on the same lot, and asked the Chair if and when the Zoning Bylaw is reviewed or amended to have the same option to waive section 5523 just like section 5522. Mr. Klofft added he will abstain from voting on this petition out of principle, but he is not necessarily against the application.

Mr. Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition. There were no further comments.

The Board finds that the use is in harmony with the general purpose and intent of the Bylaw.

That the use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

That the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisance.

That the proposed use will not cause undue traffic congestion in the immediate area.

Motion made seconded and voted, to approve petition 18-2 restricted to direct family members and not further expansion to the size of the accessory dwelling's living space, the structure could expand, but not the living size of the accessory dwelling unit.

Mr. Klofft abstained from voting. All other four members voted in favor.

3. Public Hearing, Case 18-3 – She's A Keeper Corp., Isys Johnson Applicant and Jaqueline L. Downing Owner, for a Special Permit under the provisions of Section 2310, 2313 & 2230 of the Zoning Bylaw, to operate a kennel on the premises, property shown on Town Assessor Map K02-0302, at 41 Prides Crossing Road, Residential Zone AC.

The Board received the following items prior to this hearing:

- Special Permit Application, dated January 9, 2018
- Proposed Site Plan at #41 Pride's Crossing Sudbury, MA 01776, Prepared by CF Carlos Ferreira Consulting Engineer, dated August 8, 2001
- Plot Plan Land, Sudbury, Mass, prepared by Schofield Brothers of New England, Inc., dated July 11, 1997
- "As Built" Sunroom Addition at Woodsedge, 41 Prides's Crossing, Sudbury, MA, prepared by Thaddeus Szkoda, PE, dated April 29, 2013
- Plot Plan Land, Sudbury, Mass, Site Plan – Proposed, Project Woodsedge, prepared by Schofield Brothers of New England, Inc., dated June 17, 2001
- Building Section B-B, Woodsedge, prepared by Draudt Design, dated July 20, 2001
- Building Section A-A, Woodsedge, prepared by Draudt Design, dated July 20, 2001

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- Front and Playground Side Elevations, Woodsedge, prepared by Draudt Design, dated July 20, 2001
- Side and Rear Elevation, Woodsedge, prepared by Draudt Design, dated July 20, 2001
- Email from Beth Athanasoulas, January 28, 2018
- Email from Cybill Goldberg, January 28, 2018
- Email from Dan Chase, Everett Street, dated January 28, 2018
- Email from Masih Rezaee, Somerville, MA, dated January 28, 2018
- Email from Meghan Harris, January 28, 2018
- Email from Paul Guzzi, January 28, 2018
- Email from Maryam Salari, Somerville, MA, dated January 28, 2018
- Email from Shoshana Friedman, January 28, 2018
- Email from Peggy Maki, Gloucester, MA, dated January 29, 2018
- Email from Diane Kessler, Whinthrop, MA, dated January 30, 2018
- Letter from Michael Shapanka, 170 Wayside Inn Road, Sudbury, MA, dated January 31, 2018
- Email from Jane O'Reilly, Boston, MA, dated February 2, 2018
- Email from Pam Bendock, Boston, MA, dated February 2, 2018
- Email from Sylvia Fogel, dated February 3, 2018
- Letter from Mark Kushinsky, 15 Blandford Dr., dated February 5, 2018
- Email from Jennifer Currier, dated February 5, 2018
- Letter from Judith G. Edersheim, dated February 5, 2018
- Email from Amelia Caflisch, dated February 5, 2018
- Email from Hillary Greene, dated February 5, 2018

Alex Parra, Esquire from D'Agostine, Levine, Parra & Netburn, P.C. was present at the hearing representing the Applicant, Isys Johnson present as well, requesting a special permit for a small, specialty dog and handler training facility to provide boarding for dogs undergoing or who have been trained by the Applicant as therapy dogs or service dogs, as well as conventionally trained.

The Applicant states she is under agreement to purchase the property at 41 Prides Crossing Road (site of Woodsedge Childcare), the property contains approximately 5.768 acres +/- with approximately 400 feet of frontage, the Applicant is in the process of purchasing the property.

The Applicant stated she is the owner and founder of "She's A Keeper" a dog training business that trains service and therapy dogs and regular dogs as well, but that is not their priority, the Applicant intends to reside in the property with her fiancé and raise a family in Sudbury, they have a lot of clients that live in Sudbury, the Applicant shared she intends to lease the property to the Animal Therapy Project, Inc. a non-profit educational corporation for the purpose of conducting therapy and service dog training and conventional training. The applicant added she will also provide on-site private training and group training sessions. Group training sessions will be limited to a maximum of ten handlers and their dogs. Additionally, the Applicant proposes to board dogs who are participating or have participated in training through the Applicant. The number of dogs expected will on average be approximately five (5), but during holidays may be as many as twenty (20).

The Applicant stated she visited the neighbors two Saturdays in a row, to meet them and shared her plans and details about her request to the Board of Appeals, she also left letters in mailboxes, she met five of different neighbors and four of them were definitely in support. She understands the main concern is barking dogs, she admitted she would not like to live next door to a barking dog, but that is what they do,

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they train dogs to not bark and she has clients to attest to that, after a dog is trained with them they become non barkers, she added they trained 5-6 dogs at the time, there will not be more than 4-6 dogs outside, supervised at all times, she remarked they have high standards and expectations, considering they are working dogs, therapy dogs, they have to be high caliber dogs, she guaranteed the board, neighbors will not hear barking, maybe just once a day and it will be corrected right of way, especially on their first day in training, their dogs will not be outside and around barking.

The Applicant stated traffic will not increase because they do all the drop offs and pickups for private lessons, outside during the day and group classes once a weekend, with no more than 10 dogs at a time. Waste with 4-6 dogs gets pick up immediately.

The Applicant pointed out the large outdoor space of more than 5 acres will work perfectly with the outdoor off leash call training, they planned to fenced in the entire back portion of the property with an eight-foot-tall white fence, and keep the current 4 feet chain link fence.

The Applicant clarified they are not “Buddy Dog”, they are not a shelter and they do not bring barking dogs to their facility, if a dog arrives barking they will work on it immediately, if a dog cannot be trained they will not be allowed to stay in the facility.

The Applicant shared she is in the process of finalizing the purchase and sale agreement, the pre-school will continue operating until June, to have at least two-month notice to all her clients, then the current owner will have the month of August to move out.

Ms. Johnson added the dogs will be kept overnight in the basement of the main dwelling, they would like to have immediate access to them, in case they bark to be able to correct them.

She explained the boarding consist of having dogs for about a week while they are being trained, they also board dogs that had been trained by them before, when their owners are away on vacations.

Mr. Gossels asked for clarification about the statement on her application listing 20 boarding dogs, in his opinion it sounds unimaginable to have 20 dogs in one house.

Mr. Parra clarified that 20 dogs will be only around holiday times and not more than 4-6 dogs will be outside at once.

Mr. Gossels reply this is a major commercial operation that belongs on Route 20 and does not belong in a residential neighborhood, he asked how could the applicant subject the neighbors to 20 dogs.

Ms. Johnson clarified they are definitely not a commercial operation, they are a very small operation, is just herself and her fiancé as trainers with two other employees that do outside training. The reason why she stated 20 dogs on her application is because last year they took care of 21 dogs without a single complaint from neighbors, they have been running the business for the past two years, she clarified the intent is to have a total of four employees, (the owner of She’s A Keeper, Isys Johnson, and her fiancée) will live at the Property.

Mr. Riepe asked where the operation is running at the moment.

Ms. Johnson reply in Revere out of one-bedroom apartment, in a small building, the dogs are kept in the apartment but it is not an ideal place for growth.

The Applicant shared she has a pet dog as well.

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Mr. Riepe recap it sounded like the boarding operation is run entirely indoors.

The Applicant reply yes, and most of the training work is done of site right now, they take the dogs to a dog park, hiking or to the beach.

Mr. Riepe asked about the size of the current operation at the property.

Mr. Parra replied there is a site plan approval from 2001 that the Board of Selectmen issue a decision for 110 children.

The current owner of the property, Jaqueline Downing reply they currently have 35 children.

Mr. Gossels opined there is a difference between children and dogs and the numbers should not be compared.

Mr. Klofft opined the nature of the current structure, the size of the lot in this particular area makes him feel comfortable, the zoning in the area is 5 acres.

Mr. Riordan asked about a definition for the Applicant of holiday time.

The Applicant reply the number of 20 dogs only happens once a year around Christmas-New Year's week, other holidays there is a small increase and they would have 5-10 dogs on Summer Holidays and February vacation.

Mr. Klofft illustrated the lot is 250,000 square feet, if broken up by 35,000 s.f. lots one could have 5-7 lots, by right people can have up to 3 dogs, by running these numbers they could be up to 21 dogs in this area by right.

Mr. Riordan asked the Applicant about the situation of the dogs in the evening.

Ms. Johnson reply the last outing for dogs is at 9 p.m. and then they are in the house until 6:30 a.m.

Mr. Riordan asked about lighting for the facility.

Ms. Johnson reply it will be just a typical outdoor light outside of the porch area, it will only be what a typical home would have, regarding the sign they will just replace the letters on the current sign.

Mr. Riordan asked if any members of the public wished to speak.

Roksana Sansafar, 55 Prides Crossing Road, express the current location is located right next to her house, the proposal is not in any way similar to a small home business, she stated this will be a violation to her right to live in a quiet place, she added this will be a violation the zoning bylaw, she opined this does not sound like a small business but a commercial business, she noted she found out about the hearing at the last minute and she did not have enough time to be represented by and attorney at this hearing.

Jennifer Falconry, Littleton MA, expressed highly of the Applicant and encouraged the Board to approve their application.

Mr. Gossels opined he is not questioning the applicant ability to train dogs but his concern is mainly zoning, the questions is whether this business belongs in a residential neighborhood or not.

Mary P. Heckman, 28 Pratts Crossing Road, added she does not understand why the Board will even consider this application, this is a residential, 5 acre zoned and those who choose to live there moved

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there because they wanted the privacy and quiet sound of a residential neighborhood, they did not want a business in their neighborhood, she feels this is a protected area, she added this is a for profit business and it is unacceptable, she has been in this property for over 40 years and she objects to this request.

Mr. Riordan clarified the Board has to review the application in public as part of the process, and the Applicant has the right to have her application heard. He also noted that the Town through Town Meeting had voted to allow kennels in residential zones by special permit.

Mark Kushinsky, 15 Blandford Dr. shared he had a pool party at his property with 18 dogs and these dogs after been trained do not bark, express the Applicant picks up the dogs to train them, he believes it will not be a nuisance.

Adam McAdam stated he works for “She’s A Keeper”, and added all the dogs that are board have been through the program have been previously trained.

Gretchen H. Biggins, 6 Whitetail Ln., stated she has 5 children under 9 years old and one yellow lab and Ms. Johnson trained her dog, and stated after the training her dog barks but stops barking upon command, it will be unreasonable to expect a dog not to bark, but the use of commands after the trainings are effective.

Gail Mays, 202 Wayside Inn Road, has met the Applicant in person and she believes she will be very successful and she feels 20 dogs will be the normal not only around holidays, if the Applicant business moves to Sudbury her business will expand.

Gerald J. Cicciu, 182 Wayside Inn Road, next door to 41 Prides Crossing Road, expressed he has no problem with the school, he added he is living there because of the zoning, he is opposed to the petition, he does not want a dog kennel next door to his house, currently next door there is a day care but he has never complaint because there are kids, he owns two dogs, he added he loves dogs, but he does not want to be next door to a kennel with dogs barking, he bought the land because of the protection and zoning of 5 acres near a historic district.

Ala Tolouei Rahim, 55 Prides Crossing Road, expressed his home is located in a residential five-acre zone, this request is against all the rules in the Bylaws and the proposal is for a commercial facility, in his opinion the Applicant is misrepresenting the facts to the Board.

Jaqueline Downey, 41 Prides Crossing Road, owns the current property, she stated the Applicant’s business is not for profit, she added she cannot be a for profit business and be in that property, she clarified the home is not located in the historic district, she added she has barking dogs next to the property on the right hand side and those dogs bark a lot.

Trevor Bell, Acton MA, has worked with the Applicant, he is a therapist and has seen many of the dogs after been trained by Ms. Johnson help his clients and these dogs do not bark.

Mr. Riordan asked how people would feel if a business that will board 20 dogs will move next to them in their neighborhoods.

Mr. Bell reply he understands people’s concerns.

Mr. Ray asked for clarification about the neighbors mentioned in her introduction stating four out of five neighbors where in favor, but so far the Board heard from 4 people that spoke against the application and not one single neighbor in favor.

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Ms. Johnson admitted she was surprised by some of the comments from neighbors tonight, she was hoping to received support.

Mr. Klofft asked for clarification about the business.

The Applicant replied for training purposes 3-5 dogs are training at one time; she mentioned 4-6 thinking they may grow, one-week board in training, during the day they will be private training on site 1-2 clients and lessons to be one hour.

Nanette LaRochelle, 122 Prides Crossing Rd., expressed her concern about the boarding aspect of the application, not the training, she feels the training could be done quietly, she asked how many clients per day is the Applicant expecting to have, and how she plans to expand her business, she remarked her concern is the boarding aspect of the petition, Ms. La Rochelle was not aware the Applicant was a nonprofit 501c3, she asked the Applicant if that is continuing or if that is going to stop.

The Applicant reply that “She’s A Keeper” is for profit, the Animal Therapy Project portion is non-profit.

Ms. LaRochelle replied then that her understanding is that the Applicant will be purchasing the property under the Dover amendment but hold the for profit portion of her business. She added her concern is the boarding aspect of the application, she feels the training could be handle quietly with little disruption. She asked how many dogs will she bring per day; she understands 1-2 per hour.

The Applicant replied 1-2 clients per day, and stated this will be her primary residence and she does not want to expand the current capacity of the operation, been a primary residence she does not want 20 dogs every day and it is definitely never going to happen, because she could not manage 20 dogs it is not realistic, not desirable, she wants to cap it at that, the reason for moving to this location is because they want to train on site and live in the area, and teach classes of up to 10 dogs on weekends.

Mr. Klofft clarified even if the Board were to grant this permit, this will not be a permit in perpetuity, typically the permit will be at first for 6 months or a year, with an opportunity for re-evaluation.

Mr. Parra pointed out to the Board that there is legal precedence to grant special permits that are personal to the applicant and will not be tied to the property, regarding a time limitation, such of condition will not be an issue and asked the Board to note in the permit the option for the applicant to come back in the future to renew and increase the number of dogs in the permit.

Mr. Gossels noted that the applicant asserted on their application that this is essentially an educational use and therefore allowed by right.

Mr. Klofft commented that in principle he does not have an issue in granting this request at the requested size. If the boarding portion is limited to 4-6 dogs with a modest initial permit time frame.

Mr. Riordan asked the applicant if 20 dogs are not approved will her business model work.

The Applicant reply she asked for 20 dogs because that is what they are doing currently this year, if there was a provisionary time of 6 months with a cap of ten dogs perhaps they could do that, but she could not do less than 10 dogs.

Mr. Klofft asked if this is more of a training facility, and he would feel more comfortable with, but if the Applicant is asking for more of a boarding model, then it starts to sound more like a regular kennel model, and he would not feel comfortable going to 10 dogs at the beginning, he is comfortable with the

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train-board model, but if the boarding starts to be main focus then the numbers are different sounding more industrial.

The Applicant replied that currently boarding is 30% of the revenue, and it's been like that since they started and ideally it would remain that way, she could try for 6 months but definitely will not be possible to run the facility with 4-6 dogs for a year, the numbers just do not work.

Mr. Ray shared he would not feel comfortable with a term longer than 6 months, because the Board has heard enough from the neighbors and they deserved the Applicant to have to come back in front of the Board sooner rather than later.

Mr. Parra stated from the Applicant's perspective the shorter the time the Board is comfortable with the better.

Mr. Riordan asked the applicant about a limitation on number of boarding weekends or holidays.

Mr. Klofft stated he is not sure how this will turn out in the long run, what he knows because he has been a Board member for a number of years is that sometimes things look catastrophic and six months later no one has objections to a renewal.

John Curran, 50 Jack Pine Drive, expressed concerned about the wells in the area, and the impact on the land, he asked the Board of Health to weigh in on this issue.

Nancy Stone, 177 Prides Crossing, asked the Board about the difference in zoning for a for-profit vs a non-profit business, she added she is opposed to the application.

Mr. Gossels reply they are the same it does not make a difference.

Mr. Riordan thanked everyone present at this hearing, clarified the board does listens to the neighbors' concerns and balances all sometimes competing considerations under Chapter 40A of the Massachusetts General Laws.

There were no further comments.

The Board finds that the use is in harmony with the general purpose and intent of the Bylaw.

That the use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

That the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisance.

That the proposed use will not cause undue traffic congestion in the immediate area.

Move to accept the application with a limitation of 6 maximum boarded dogs at any one time and not more than two additional daily one-hour private individual lessons for a period of six months, starting September 1st, 2018 and ending February 28, 2019, hours of operation from 8 a.m. to 8 p.m., lighting will be compliant with Dark Sky Regulations, no single fixture will be more than 1,500 lumens, dogs to have tags identifying them to the business, the applicant will accept inspection by the animal control officer

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and the Board of Health, if any issues the special permit will be terminated, appropriate treatment of dog waste shall be provided so as not to create odors, health conditions, or a nuisance for neighboring properties, no more than two employees in addition to the applicant and her fiancée operating in the property, neighbors not to be disturb by barking.

At the time of renewal, the applicant is entitled to request a change on the limitation of number of dogs.

Motion made seconded and voted, to approve petition 18-3. All voted in favor.

4. Public Hearing Case 18-4 –OSPD Realty Company, LLC, Applicant and Owner, for a Variance under the provisions of Section 3114 of the Zoning Bylaw, for construction after demolition with parking proposed not completely behind or to the side of the proposed building, property shown on Town Assessor Map K08-0006, at 415 Boston Post Road, Residential Zone LBD/Res A-1.
5. Public Hearing Case 18-5 – OSPD Realty Company, LLC, Applicant and Owner, for a Variance under the provisions of Section 2600/2620 of the Zoning Bylaw, to request a dimensional variance for a front yard deficiency of approximately 7.5’ on the LBD portion of the premises and a front yard deficiency of approximately 12.5’ on the Res. A District portion of the premises, property shown on Town Assessor Map K08-0006, at 415 Boston Post Road, Residential Zone LBD/Res A-1.
6. Public Hearing Case 18-6 – OSPD Realty Company, LLC, Applicant and Owner, for a Variance under the provisions of Section 2600/2620 of the Zoning Bylaw, to request a dimensional variance for a side yard deficiency of approximately 14’ on the Res. A District portion of the premises, property shown on Town Assessor Map K08-0006, at 415 Boston Post Road, Residential Zone LBD/Res A-1.
7. Public Hearing Case 18-7 – OSPD Realty Company, LLC, Applicant and Owner, for an Use Variance under the provisions of Section 2200/2230 of the Zoning Bylaw, to permit retail/office/restaurant/and/or personal service, property shown on Town Assessor Map K08-0006, at 415 Boston Post Road, Residential Zone LBD/Res A-1.

The hearing for Cases 18-4, 18-5, 18-6 and 18-7 were not open on this date, the hearing will be re-advertise for March 5, 2018.

Attorney Joshua Fox was present representing the Applicant, Jake Parsons, of Parsons Commercial, Mr. Fox stated there is 100% opportunity to work collaborative with the neighbors, that has been their goal all along, they are not at the point where they have a refined landscape plan, the intent is to present to the neighbors the landscape plan when they made more progress, their objective this evening was hopefully to have an agreement on the size of the building and consensus of the location of the building so they can move forward with a full stormwater, landscape and lighting plan to address the concerns from the neighbors.

Mr. Riordan acknowledge correspondence received from neighbors and opined a working session would be helpful.

A couple of members from the Board will meet with the applicant to hold a working session on a date to be decided, neighbors will be notified of this date and the working session will be open to the public.

There were no further comments.

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8. Vote to approve Warrant Article: ZBA Revolving Fund, Permits.

Motion made, seconded and voted to approve the Warrant Article: ZBA Revolving Fund, Permits.

9. Approval of Meeting Minutes for January 8, 2018 meeting.

Motion made, seconded and voted to approve Meeting Minutes for January 8, 2018. All voted in favor.

10. Administrative Report.

Motion to adjourn at 10:35 pm.