

**ZONING BOARD OF APPEALS**  
**781-982-2100**

**Minutes**  
**January 10, 2013**

**Members Present:** James Haney, Lisa Bezanson, William Mullen, John Shepard, Sean Reynolds

7:00 p.m. Petition of 221 North Avenue LLC, 221 North Avenue, Abington, for: a variance to allow a 240 s.f. secured storage shed to be placed within 0 feet of southerly lot line at 221 North Avenue, under Abington Zoning By-laws 175-26A & B. The property is located on Assessors Plan 53, Plot 102, in the Central Business District. Voting members: William Mullen, John Shepard, Sean Reynolds. Mrs. Bezanson made the disclosure that her husband, herself, their family and company, have done business with Atty. Reilly, Nathan Elliott and the Russell Wheatley Company, but have no interests financial or otherwise in this petition.

Atty. Shawn Reilly and Nathan Elliott, the principal of 221 North Avenue LLC, appeared before the board. This is the Cellar property, which Mr. Elliott has cleaned up quite a bit. Has been a bar, hotel and restaurant since 1800's. They have stored inventory outside in a storage area, but a problem had developed that the storage area has been broken into and items stolen out of structure that exists now. Police suggested a more substantial structure that could lock. Accessory building triggers Sec. 176-26A and B. Submitted plan showing proposed storage area. Temporary structure is on lot line now. This is requested pending Fire Dept. restrictions. Neighbor doesn't object. New England Art is abutting property.

This is for variance because accessory building should be 10' from lot line. They had talked to building inspector, and this was suggested. Mr. Reynolds – what was the intent of 10' setback? Atty. Reilly wasn't sure, but thought it could be to make sure there was breathing room between neighbors, and possibly a safety feature. John Shepard – there isn't much security there now. There was a keg of beer out there. Mr. Elliott – it was an empty keg. They are chained up at night. They need lockable storage; it will be built with steel doors. There has been liquor stolen in outside storage, but that had been moved inside to the boiler room, but the Fire Dept. told them to remove it. They are limited on space because there is no basement. Mr. Elliott – it will look better than what exists now. There will be no electrical out to storage structure. If it was main structure it would come under different section. Will be a wood building.

Opened to floor – no comments, back to table. Mr. Reynolds – will be in line with replacing existing structure. As long as it will be secured, is not opposed. Mr. Shepard – condition should be that it has to be locked. Motion by Mr. Mullen to approve, seconded by Mr. Shepard, unanimous.

7:15 p.m. Petition of Lisa Mastrangelo dba Emerald Hall, 60 President Road, Braintree, for: a special permit for a change of use from club to restaurant license, and use of outside, general use of bar area and function area for events at 30 Central Street, under Abington Zoning By-laws 175-72. The property is located on Assessors Plan 40, Plot 41, in the R-30 Zone. Voting members: James

Haney, Lisa Bezanson, William Mullen. Mrs. Bezanson made the disclosures that she, her husband and their company have done business with Atty. Whiting and the Russell Wheatley Co. in the past, but have no interests in this property.

Atty. George Whiting and Lisa Mastrangelo gave the presentation. Atty. Whiting explained his client has had 12 years experience in this business, catering in Braintree, and has done the cooking for the Mastrangelo Family Catering business. The VFW building has been in business for over 30 years, has held many fund raisers and charitable events there. It is Ms. Mastrangelo's goal to keep building open and functioning, to allow organizations and people to use building. She has held many types of functions and has had many inquiries for holding future events for the hall. It is not going to be sports pub/bar. Ms. Mastrangelo is going to cook on the premises for functions at the hall. She would like to keep members area with bar functioning for small groups. They are applying to convert club license to restaurant license only to have private rentals or hold events herself. She does not intend major changes in building. Wants to use outside grove for picnics, as VFW has, serving alcohol outside, possibly use field for wedding functions. She may look into hosting movies outside for families, if possible.

Mr. Haney - biggest issue is whether this is or isn't a substantially different use. What would the hours of operation be? Atty. Whiting – this would be a continued function use, not regular restaurant. Mr. Reynolds – what would the impact be in an R-30 zone? Atty. Whiting – they would be changing from non-profit to for profit use, going to a commercial use. They were advised by the Board of Selectmen to go to ZBA before the Selectmen. Mr. Reynolds asked about Ms. Mastrangelo's business in Braintree – volume, etc. He didn't think the ZBA should have been the first board to hear this.

Mr. Shepard - concerned about alcohol use outside. This is a significant change in property. Mr. Haney – volume of business would be of interest. Ms. Mastrangelo - if they don't get approved for the use change, they won't have to go before the Selectmen. Mrs. Bezanson - change of use is independent of BOS. Mr. Mullen – what would current members lounge be? Atty. Whiting – there is bar and seating area which is currently for veterans. Ms. Mastrangelo - it would be area offered to people off the street for special occasions. She would rather do smaller functions in there, does a lot of training seminars. She does catering and functions. Maybe consider 5-11 p.m. Thursday thru Sunday. She is not looking to have a restaurant. The building would be for private and public functions.

Mr. Haney - question on volume of business. Does she have estimate of volume based on her current business? Ms. Mastrangelo - does about 180-200 functions a year. An average of two functions a weekend. Mr. Shepard – concerned about controlling drinking at outside functions.

Opened to floor:

Rick Walsh, 65 Central Street – concerned that it was going to be a restaurant. Glad it's not. If they get approval, it could change down the road. Would want more information.

Marilyn Griffin, 88 Central Street – lives three doors down. Concerned it would change from private function hall to commercial building. VFW has very few functions per week. There would be a lot more use, noise, people, traffic. Would change property forever. If it is approved now, it doesn't preclude it from changing down the road. Shouldn't be done.

Greg Thompson, 39 Central Street – doesn't think there is enough information to make a decision. Members always took care of themselves and property. That would change.

Mrs. Gillis, 47 Central Street – VFW has always been quiet. Is against this. Anticipates this use expanding.

Dawn Boyle, abutter – concerned with drinking. There is a lot of wildlife in the area. Can't even sit outside now due to the noise from D'Ann's.

Joe Franey, 50 Kimber Circle – concerned with noise if it happens every weekend.

Lawrence Cartier, 71 Bradford Street – concerned with parties outside. When VFW has functions, it is loud and doesn't end when they say it will. He is concerned with outside functions.

Bill Jones, Quartermaster of VFW – outside functions usually end around 5 p.m. They have cut back on functions. Her intent is not as restaurant, but a function hall. Didn't think it would be much different than what they have now. VFW was always used, maybe not on a constant basis.

George Whiting – they could impart restrictions on the grove use that they would be glad to comply with.

Mr. Reynolds – asked if they had set up a meeting with the neighbors at all. No, they hadn't.

Deborah White, 84 Central Street – would be in her backyard. VFW has had functions infrequently. This would be all the time. Can't tolerate this. Wouldn't have bought her house if she knew of this. Against it. Bar outside is unacceptable.

Jan Boyden, 56 Central Street – has had very few problems with VFW. If used continually, okay, but not outside. Can't imagine hordes of people the entire weekend. Won't be comfortable for her. Keep it, minus the grove use.

Marilyn Griffin if it changes to commercial use, it will be that forever and can be something other than what it starts as. Mr. Haney – zoning won't change, it will still be R-30. Any change in use would have to go through ZBA, BOS and Planning.

Ms. Mastrangelo – as far as grove area, thinking of barbecues, just wants to utilize property. It is not her intention to have parties out there at all hours.

Mrs. Bezanson – BOS would set hours for alcohol.

Mr. Reynolds – doesn't see anything in by-laws that make him want to move from the intent of the by-laws.

Atty. Whiting - has spoken with building inspector and originally thought it would be a grandfathered situation.

Mr. Reynolds – is trying to stay true to by-laws. It is a substantially different use.

Mrs. Bezanson – if VFW had more functions, they wouldn't have to sell. It's about 10 acres. Has anyone looked at it for subdivision?

Mr. Reynolds – do they have something in writing from the BOS? No, but they were told by the chairman to go to ZBA first.

Mr. Haney – doesn't want to turn residential neighborhood into a commercial district. It would be every weekend during the summer. It would cause observable differences in area. Once it is a restaurant license, the next owner may not have same plans. Needs more guidance on this. If this was continued pending the hearing for the liquor license, feels this is a substantially different use. Catering would be ideal, but going outside is getting into commercial use. Suggested they meet with BOS and neighbors to further discuss plans.

Atty. Whiting – requested continuation.

Mr. Mullen – asked if the applicant could request from the BOS what the restrictions would be, maybe work towards something a little more palatable to all.

Bill Jones – they can use the VFW to meet with the neighbors.

Motion by Mr. Mullen to continue the hearing to February 14<sup>th</sup> at 7:00 p.m., seconded by Mrs. Bezanson, unanimous.

7:10 p.m. The petition of Steven Nicoletta, P. O. Box 321, Whitman, for: a special permit to raze existing structure and construct a single family home to the rear of the existing dwelling at 81 Vernon Street, under Abington Zoning By-laws Sec. 175-35. The property is located on Assessors Plan 15, Plot 74, in the R-30 Zone. Voting members: James Haney, Lisa Bezanson, Sean Reynolds.

This was continued from last meeting due to sewer issues. Sewer Department confirmed that this lot is connected to sewer. Mr. Nicoletta felt he was improving the lot. They have an Order of Conditions from Conservation. Original structure is not salvageable. Moving house back 44' from the street. Driveway encroachment is going to be taken care of.

Opened to the floor with no comments and brought back to the table. Motion by Mrs. Bezanson to approve the petition, seconded by Mr. Reynolds, unanimous.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Nancy Hurst