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TOWN OF CARLISLE
OFFICE OF
Zoning Board of Appeals

66 Westford Street
Carlisle, MA 01741
978-369-5326

Minutes: Board of Appeals, March 2, 2020

Call to Order

The meeting was called to order at 7:30 p.m. in the Town Hall, 66 Westford Street. Chair Snell advised those present that the hearing was being recorded and asked if anyone present was also recording the hearing. No other person(s) present were recording the hearing.

Roll Call and Declaration of Quorum

Chair Snell recognized the required quorum of Members. Present were Members Travis Snell (Chair), Manuel Crespo (Clerk), Steven Hinton and Associate Member Gretchen Anderegg. Absent were Associate Members Lisa Davis Lewis and Eric Adams.

Statement of Compliance

The issue of compliance regarding posting of the hearing was confirmed by the Chair. According to Secretary Wang, the Meeting Notice was posted in Town Hall on February 26, 2020.

Public Comment – Approval of Agenda

Chair Snell asked those present if there were any matters other than those listed on the agenda which the public would like to add to the agenda. When none were offered, the agenda was accepted.

Approval of prior minutes

The Board voted to accept the minutes from February 3, 2020 as amended, Snell (aye), Crespo (aye), Hinton (aye) and Anderegg abstained.

New Business – Case 2002

Chair Snell opened the public hearing for Case 2002, the application of Scott Jenney requesting a Special Permit, under Section 3.2.2.9 for the continued operation of a landscape business. The property is located within the Residence B District at 303 Brook Street.

Present were Secretary Peggy Wang and members of the public. Secretary Wang reported that no correspondence had been received.

Petitioner's comments

The Applicant, Scott Jenney, appeared before the Board requesting that the Special Permit be renewed.

Board's comments

Chair Snell noted that the 2015 decision, which has expired, included a number of conditions. He read each condition and asked Mr. Jenney to confirm his compliance with the conditions. When asked to reply "yes" or "no" regarding compliance to each condition read by the Chair, Mr. Jenney replied "yes" to all but three (3) of the twenty (20) conditions. Mr. Jenney responded "no" to the following conditions and provided an explanation:

8. Equipment and vehicles – The Kubota flatbed trailer has been replaced with a leaf box.

15. Improved screening either by fence or trees and/or shrubs – according to Mr. Jenney the plantings on the berm which have died could be replaced by ornamental grass.

18. No backing out from subject property onto any roadway at any time by any vehicle or equipment use by or for the landscape business. – Mr. Jenney stated that he backs out from the property every morning.

Public comments

Abutter, Ted Ford Webb at 422 East Riding Drive, expressed concern regarding the effects on his property value by the operation of a business in a residential location. He suggested that the equipment used to operate the business be stored somewhere else. Abutter, Heidi Kidder at 20 Timothy Lane, stated that she had no issues with the business but did consider the tarp (used as screening and serving as a gate) to be unsightly. Linda Stacey, abutter at 328 Brook Street, spoke in support of the business adding that the dead plants that were on the berm need to be replaced.

Frank Golis, an abutter at 282 Brook Street, stated that he has no objection to the business but added that he wants the business to conform to the conditions set in the Board’s decision. He specifically noted the violation of conditions 15 and 18, screening and backing out onto the street every day. He questioned why a tarp is considered proper screening. Mr. Golis referred to an article published in the Mosquito reporting that a business at 303 Rutland Street was required by the Board to install gates to screen their vehicles. He said that a tarp and no fence, demonstrates minimal effort on the part of Mr. Jenney to not operate his business as a nuisance.

Sarah Heney, Mr. Jenney’s fiancée but not a resident of Carlisle, noted that a fence built on the berm would go over the height allowed by code. Jean Ford Webb, an abutter at 422 East Riding Drive, said that as a direct abutter to Mr. Jenney, having nothing to screen the view between properties has impacted her property value.

Nancy and Bob Millis, non-residents of Carlisle, were present but did not speak during the hearing.

Deliberation

The Chair explained that the role of the Board is to make good judgement regarding what is reasonable. In cases like this, when there are many differences of opinions, a tour of the property to assess a reasonable solution is necessary. The Board determined that a site visit on March 5, 2020 would help in the proper evaluation of the Applicant’s and abutter’s properties and concerns. The public hearing was continued to April 6, 2020. It was noted that the Special Permit would remain valid during the continuance until a decision by the Board is rendered.

Adjournment

Chair Snell asked those present if there were any additional issues to discuss. When none were offered the meeting adjourned at 8:15 pm.

Respectfully submitted
Peggy Wang