

**Hopedale
Zoning Board of Appeals
Meeting
August 23, 2017**

Chairman Steve Gallagher called the meeting to order on August 23, 2017 at 7:00 pm.

Members that were present: Steve Gallagher
David Pagnini
Lou Costanza
Sandra Biagetti
Mary Arcudi – Alternate and Secretary

Absent: Nick Alexander

Case 04-2017 7:00 PM

The applicant, Ledges Acquisition, LLC is seeking an appeal of the building commissioner's decision to deny a building permit for a warehouse located at 300 South Main St. Hopedale, MA. The location is zoned C and is owned by the applicant.

Mr. Joseph Antonellis, Attorney for Ledges Acquisition, addressed the ZBA regarding the applicant's decision to appeal the decision to deny a building permit for a warehouse at this commercial location. Mr. Arone is requesting to build a warehouse at 300 South Main Street where he currently has an approved solar farm that he owns. The plan is to store furniture including mattresses, headboards, desks, small kitchen appliances that he needs storage for his group homes he owns in Hopedale. There will only be dry materials store in this warehouse, excluding all paint or liquid materials.

Mr. Antonellis explained to the board his interpretation of the zoning language that does not include a definition of what a warehouse is or what can be stored in the warehouse and believes the specific use is allowed. He referenced Black's Law Dictionary definition that a warehouse is "a structure used for the reception and storage of goods and merchandise. The term may include any structure used to hold goods, stores, wares, temporarily or for a length of time." Based on this interpretation, the appellant is requesting that the board overturn the decision of the Building Commissioner and direct him to issue the requested building permit.

Mr. Robert Speroni addressed the board as to his reasoning to deny the building permit for a warehouse is based on his determination that this warehouse would not be a commercial use since there is no intent for commercial activity.

After a lengthy review of the language in the Hopedale zoning bylaws and the use of the proposed warehouse, Mary Arcudi made a motion to approve the appeal requested by the applicant, Ledges Acquisition and to overturn the decision of the Building Commissioner/Zoning Enforcement Officer directing him to issue the requested building permit for a warehouse at 300 South Main Street. Lou Costanza seconded the motion and the motion passed in unanimously in favor.

Case 05-2017 7:15 PM

The applicants, George A. Hachey and Margery G. Greene of 725 San Marino Drive, The Villages FL, 32154 are seeking a variance from section 13.1(c) regarding side lot distance for new garage, to replace existing garage. The location is zoned RB and owned by the applicant.

Mr. Hachey presented the plans to raze the current dilapidated one car garage and replace it with a new 22' x 28' garage. Chairman Steve Gallagher asked the applicant what the hardship was in this situation for his request for this variance and Mr. Hachey reviewed the plans showing that he was restricted to where the garage can be rebuilt based on the location of the septic system.

Mr. Gallagher was concerned with the increased size of this proposed garage and after a lengthy review of the plans which did not include several important dimensions of the distance from the streets and distance from the house, the board felt they needed more information before making any decision on this variance request.

Lou Costanza made a motion to continue this hearing until our next meeting on September 20, 2017 with full approval from the applicants. David Pagnini seconded the motion and motion was approved unanimously.

David Pagnini made a motion to adjourn the meeting at 8:14 pm, seconded by Mary Arcudi.

Respectfully submitted,

Mary Arcudi
ZBA Secretary and Alternate