



Zoning Board
of Appeals

ZONING BOARD OF APPEALS

221 Main Street
Boylston, Massachusetts 01505
Telephone 508-869-0143

MEETING MINUTES Monday, August 15, 2022

CHAIRMAN:	William Filsinger
MEMBERS PRESENT:	Janet Lombardi, Brad Wyatt, Robert Cotter, Arlene Murphy
MEMBERS ABSENT:	None
OTHER ATTENDEES:	Paul Dell'Aquila, Town Planner
RECORDER:	Recorded

Mr. Filsinger called the meeting to order at 6:30 p.m. The Board reviewed the minutes of August 1, 2022. Ms. Lombardi motioned to approve as amended and Mr. Wyatt seconded; all voted in favor.

119 Central Street – Jack Wentzell, owner of Bay Path Barn was present. His attorney, Dan Cotton was also present. The owners have sought their liquor license renewal. They were asking if it could be extended to use outdoors. Attorney Cotton stated the owners were informed they needed to seek approval for extended use of the Bay Path Barn to include the outdoor area. He provided some documentation showing the approval of use was grandfathered in. It has been used as a dance barn. The owners are seeking to use the outside area for horseshoes and allow alcohol to be consumed outdoors. It is no more detrimental to the area if the application is approved.

Mr. Filsinger discussed receipt of the application. He was seeking some type of proof of prior non-conforming use. He questioned if this a substantial increase in the non-conforming use. Mr. Filsinger previously requested information as to when this property came into use as non-conforming.

The Building Commissioner stated in an email that this property is a pre-existing, non-conforming use in the Heritage District. He stated a special permit would be required for extended outdoor use from the Zoning Board. Mr. Filsinger did not agree that the applicant

needed a special permit. The applicant applied for a Finding. The Board discussed this background information. After discussion with Town Counsel, Mr. Filsinger had determined that Bay Path Barn is a non-conforming use according to the bylaws.

After reviewing the application and discussing the business and use with the applicants, the Board discussed and Ms. Lombardi motioned to approve as follows:

The Board finds that the current use of the Bay Path Barn is a legal, pre-existing non-conforming use. The Board also finds that the extension of use to include gatherings, cornhole, child's play area is not substantially more detrimental to the neighborhood. This finding does not preclude the possibility that a Special Permit may be ultimately required by the Zoning Enforcement Officer.

The motion was seconded by Mr. Wyatt. A roll call vote was taken:

Mr. Filsinger - yes
Mr. Cotter - yes
Ms. Murphy - no
Ms. Lombardi – yes
Mr. Wyatt – yes

Motion approved – 4 to 1

Mr. Wyatt motioned to adjourn at 7:32 p.m. Ms. Murphy seconded; all voted in favor.

Meeting Materials:

119 Central Street application (on file in Bldg. Dept)
Email from Bldg. Inspector (on file in Bldg. Dept.)
Letter from residents 143 Central Street (on file in Bldg. Dept.)
Email from Town Counsel dated 4/20/22 (on file in Bldg. Dept.)
Bay Path Barn Documents (on file in Bldg. Dept.)