



ZONING Board of APPEALS
166 Boulder Drive
Fitchburg, MA 01420

SENIOR CENTER, 14 WALLACE AV

MINUTES – FEBRUARY 13, 2018

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| 1. Call to Order: | LM | PLEDGE OF ALLEGIANCE: All |
| 2. Communications: | LM | ATTENDANCE: LM, MM, JB AZ, JS & JM |
| 3. Hearings | | |

CASE No.	APPLICANT	PROPERTY	TIME
ZBA-2017-61	Yendi Rodriguez	40 BERRY ST EXT	6:00PM

Continuance:

Special Permit under §181.3561 to reinstate a vacant/abandoned building as a single-family dwelling located in the Neighborhood Business District at 58/78/0

No one is in attendance for this hearing.

KJ – Under the most recent by-law covering this case, the Building Commissioner has given the applicant permission for reinstatement. Applicant requested Leave to Withdraw Without Prejudice.

JB – Motion on ZBA-2017-61 to Grant the applicant Leave to Withdraw Without Prejudice.

MM – Motion Seconded

VOTE: 5-0 GRANT Leave to Withdraw Without Prejudice

ZBA-2017-64	Raymond Lamy	26 CASWELL ST	6:05PM
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Continuance:

Special Permit under §181.3561 to reinstate a vacant/abandoned building as a single-family dwelling located in the Residential A-1 District at 12/33/0

Presentation given by Raymond Lamy stating that he has been working on the building and then he will bring in the plumber next. There is a problem with the sewer line under ground. He has to get in touch with the DPW because the system is so old, you cannot see where the problem lies.

Those Seeking Information: None Those Opposed: None Those in Support: None

MM – Do you have a timeline? Mr. Lamy – I would like to be able to get into the house by Christmas of 2018.

MM – Would like to have a review on the progress of the construction. All prior conditions placed upon the special permit to remain in effect concerning the porches and retaining the architectural character of the existing structure.

LM – Would like to have the first review in June.

Hearing Closed:

Deliberations:

MM – Motion on ZBA-2017-61 to Grant the Special Permit to reinstate an abandoned/vacant single-family dwelling with the following conditions:

1. Front and rear porches and steps to be rebuilt in a style consistent with the architectural character of the existing structure.
2. Single-family dwelling use only
3. Review – June 12, 2018

JB – Motion Seconded

VOTE: 5-0 GRANT the Special Permit with Conditions

ZBA-2016-15 Pavlos Amanatidis 1033 MAIN ST 6:10PM

Review of a Special Permit and conditions under §181.23 to occupy land and building for Automobile Sales and Repair Services located in the Central Business District at 18/90/0

LM – Recused

Presentation given by Pavlos Amanatidis stating that the business is a little slow at this time.

MM – In regard to the conditions placed upon this Special Permit, all have been met except the vinyl signs on poles. Mr. Amanatidis assured the Board that those signs would be removed immediately.

When you return to the Board for your next review, would like to see a copy of your registered decision from the Registry of Deeds showing the Book and Page number.

Hearing Closed:

Deliberations:

JB – Motion on ZBA-2016-15 to Approve the Review with conditions remaining changing #9 to a 3 month review – June 12, 2018 and the Board requires a copy of the Registered Decision at that time.

JS – Motion Seconded

VOTE: 4-0 APPROVE the Review with Conditions

ZBA-2017-01 Carewell Urgent Care 432-504 JOHN FITCH HWY 6:15PM

Review of a Variance and conditions under §181.5363 for an Electronic Reader Board Sign located in the Central Business District at 48/1/0

Presentation given by Jason Parillo stating that the only condition that was not being observed was #6 regarding the 8 second timing and will now be in compliance.

JB – The timing was his only concern and since that is being changed to the 8 seconds, he is satisfied.

MM – Discussed dressing up the building and lot to appear more unlike the old Pizza Hut restaurant. Otherwise, the sign looks good and all conditions have been met. I would strike condition #7, do not need a further review.

MM - Motion on ZBA -2017-01 to Approve the Review striking condition #7 and retaining the following conditions:

1. Display to be monochrome with no flashing/blinking, animation or video of sign
2. Size and location of signs as per plan submitted
3. Alpha/Numeric/Symbolic Picture display only
4. Public Service announcements to be included in the test, such as, time, temp, and amber alerts
5. Signs to be maintained and in good condition and repair

6. Minimum 8 second rotation of message/images
7. Sunset Clause – Variance will expire/terminate upon the sale/transfer of the property from Carewell Urgent Care

JB - Motion Seconded

VOTE: 5-0 APPROVE the Review with Conditions

ZBA-2017-26 Brett Usher & Silvia Cavillo-Hayes 162 MARSHALL ST 6:20PM

Review of a Special Permit with conditions under §181.3561 to reinstate an abandoned/vacant building located in the Residential B District at 3/68/0

No one is in attendance in the audience for this hearing.

Presentation given by Attorney Mark Bradley representing the petitioners stating that he was perplexed at the Board's request for a snow removal plan.

MM explained that with the congested parking that the Board had request a plan showing where the snow would be plowed to or removed. Cannot place snow on abutter property. Also explained that the plan that was agreed upon showing 5 parking spaces was incorrect and that only 4 spaces can be squeezed in the rear of the building and where the space being utilized in the front of the building is not a proper parking spaces and was to be converted to green space.

Attorney Bradley – currently there are no cars being parked on the street and there are only 3 cars at the property. The condition of the front parking be green space is unfair to the handicapped person in the first apartment.

JB – The condition was placed and agreed upon before that apartment was rented. They should have told the tenant that there was no parking in front of the structure and she would, therefore, not rented from them. Because they failed to give the prospective tenant the proper information does in no way change the condition placed upon the Special Permit.

MM – We have spent a great deal of time on this case working with the petitioners trying to give them every opportunity to comply with their conditions and we are unfortunately losing patience. The Board wants something more permanent than the planters in the front. Something that is not removable, shrubs, trees, etc.

LM – The property will not be owned by the petitioners forever, and the Board has to look to the future and the possible tenants that may occupy the building.

AZ – The Board has not seen any evidence of good faith in the petitioners to meet the conditions imposed upon the Special Permit. Whether the conditions make sense to them or not, the conditions are the conditions. Their unwillingness or lack of interest in meeting these conditions is frustrating. I would be willing to go along with approving the review with the understand that a plan showing what is going to be done to have 5 fully complying parking spaces of 9' x 18.5' in the rear of the property at the time of the next review. If at that time the petitioners cannot accomplish this for financial or other reasons, they may be faced with the need to downsize the building to a 2-unit structure. The Board has done this in several cases where the parking requirement could not be accomplished. The Board has made a concession is only requesting 5 parking spaces rather than the required 6 spaces for a 3-unit building.

MM – Motion on ZBA-2107-26 to Continue the Review to June 12, 2018 when conditions are to be complied:

1. Petitioner to submit a definitive plan for parking and snow removal.
2. Snow removal plan must EITHER show snow removal entirely on petitioner's own property OR signed agreement from abutters allowing for snow to be moved to their property.

3. Plan submitted must EITHER show a minimum of five dimensionally conforming spaces in the rear (including a maneuvering aisle) OR elect to reduce occupancy to 2 (two) units (including removal of third kitchen). Maneuvering aisle may be as little as 14' *if* all other dimensional requirements are complied with, seeing as the Board had previously approved a plan with a 14' aisle for this property.
4. In either case, plan submitted must include unpaved green space across the totality of the frontage, excluding the driveway- planters or other artificial containers, even if constructed and/or installed so as to be immovable, will not meet this requirement. Some form of “blocking” material, whether railroad ties, trees, shrubbery, or comparable must be employed to make the green space unusable for parking—this is in addition to, not in place of the requirement that the entire footage be reduced to planted, unpaved green space.

JB – Motion Seconded

VOTE: 5-0 Continue the Review

4. MISCELLANEOUS

Election of Officers:	Nominated	Seconded	VOTE
Chair: Lauren McNamara	JB nominated LM	AZ Seconded	5-0
Vice Chair: Michael McLaughlin	LM nominated MM	AZ Seconded	5-0
Clerk: Joseph Byrne	JS nominated JB	AZ Seconded	5-0

5. ADJOURNMENT