



ZONING Board of APPEALS
 718 Main Street - Suite 201B
 Fitchburg, MA 01420

MEETING MINUTES – MARCH 14, 2023
Legislative Building, 700 Main Street

Note: This was a virtual meeting, broadcasting and recording by FATV. Due to the inclement weather, the in person option wasn't available!

1. **Call to Order** Christine Tree **PLEDGE OF ALLEGIANCE** ALL
2. **Communications** Christine Tree
3. **REMOTE MEMBERS ATTENDANCE:** Christine Tree (Chair), Joseph Byrne (Clerk), Brian Gallagher & Eric Chartrand
4. **ABSENT MEMBERS:** Michael McLaughlin (Vice-Chair) & James Reynolds
5. **ALSO IN ATTENDANCE:** Mark Barbadoro (Building Commissioner)
6. **Hearings:** Started at 7:15PM

CT - With all board members and petitioners, as well as the public being able to participate with the FATV and zoom. However, at this point in time of the six available members of the board one, is working in emergency services and the other four do not have either Internet or power. As a result, we believe that the best way to hear both the public and the petitioners is by at least a visual connection. We will be broadcasting this meeting and holding it in recess until 7:15 PM. At 7:15 PM, we will resume the meeting and at that time, it is my expectation that we will be calling each matter, allowing anyone who wants to make a one minute brief statement, then hearing a motion to continue that matter to the next available meeting. We do apologize; we try to keep to our agenda and move all matters forward for the applicant's betterment and for the benefit of the city. However, there are times when a delay is more appropriate to give each applicant and any public member who wishes to comment a full ability to be heard. Anyone who would like too is welcome to re-enter the meeting at 7:15. I would ask that you check and verify the rescheduling on the city's website, where the zoning board posts its agenda, the meeting date and the time will be listed.

CASE No.	APPLICANT	PROPERTY	TIME
ZBA-2022-21	Tara Pena	447 WATER ST	6:00PM
<i>Review of a Special Permit under §181.94 of the Fitchburg Zoning Ordinance to continue the business operation of an Auto Dealership and Repair pursuant to §181.313D11&12 located in the Neighborhood Business District Map 95 Block 59 Lot 0</i>			

CT – On this matter, I have received a communication by which the applicant or the permit holder has agreed to a continuance to the next meeting which is April the 11th 2023.

CT - Any person here wishes to make a comment on the matter please raise your hand - None

JB – Motion on ZBA-2022-21 under §181.94 to continue this **Review** to **April 11th, 2023**

BG – Motion Seconded

Roll-Call Vote 4 – 0 to continue this **Review** to **April 11th, 2023**

ZBA-2022-05 **AG Dream Flip LLC** **83-85 MARSHALL ST** **6:15PM**
Review of the Special Permit under §181.3366 of the City of Fitchburg Code to reinstate a vacant/Abandoned building as a 3-family dwelling located in the Residential C District Map 10 Block 64 Lot 0

CT – If any member of the public is here to make a comment please raise your hand - None

CT - We have not received any communication from this permit holder, but it is a review so we may continue. I will make a brief comment that there appears to be not much progress, and there does seem to be some compromise of the integrity of the supporting wall. So, I would like to see the applicant or the permit holders strengthen that wall.

EC - Motion on ZBA-2022-05 under §181.3366 to **Continue** this matter to **April 11th, 2023**

BG – Motion Seconded

Roll-Call Vote 4 – 0 to **Continue** this matter to **April 11th, 2023**

ZBA-2023-02 **Maitland Ishmael** **479 Water ST** **6:30PM**

Continuance:

Special Permit under §181.3332 of the City of Fitchburg Code to reinstate a vacant/abandoned building from one nonconforming use to another less detrimental nonconforming use as a duplex units pursuant to §181.313, located in the Neighborhood Business District at Map 96 Block 5 Lot 0

CT – If there is any person here from the public who would like to comment please raise your hand - None

JB - Motion on ZBA-2023-02 under §181.3332 & §181.313 to **Continue** this matter to **April 11th, 2023**

EC – Motion Seconded

Roll-Call Vote 4 – 0 to **Continue** this matter to **April 11th, 2023**

ZBA-2023-10 **Lewis Colten** **21 UNION ST** **6:45PM**

Special Permit under §181.94 of the Fitchburg Zoning Ordinance to reinstate and change the use of a vacant/abandoned building from a church to a single-family dwelling pursuant to §181.333 located in the Residential C District Map 44 Block 141 Lot 0

The presentation was given by Lewis Colten (Petitioner), stating that this was an abandoned building that we're trying to bring it back to the neighborhood. Prior use was a church and we want to reinstate it as a residential use. Our issue here that the folks that are selling this are bound by a scheduled closing, and they have another property and it's creating quite a difficult hardship. Is there any special opportunity to have this heard possibly earlier on?

CT - We would need to make an arrangement on space and ability to broadcast, we have our alternate meeting date on Thursday and that is going to be entirely occupied by another case that we are hearing. Mr. Barbadoro I don't see any opportunity to hear it before April 11th, if you have any comment on that?

Commissioner Barbadoro - You have exactly one hour for the Special hearing, and I doubt you'll be able to even finish the case that you've got.

Roll-Call Vote

4 – 0

to **Continue** this hearing to **April 11th, 2023**

ZBA-2023-09

Ruth Guzman

324 LUNENBURG ST

7:45PM

Special Permit under §181.94 of the Fitchburg Zoning Ordinance to reinstate a revoked Special Permit for the reinstatement of a vacant/abandoned building as a 3-family dwelling pursuant to §181.336 located in the Commercial District Map 36 Block 15 Lot 0

CT – Is any person of the public who wishes to speak, if so please raise your hand – None

EC - I'm disappointed that the applicant did not show up to speak, I understand that there's been some extenuating circumstances, but they miss a lot of the other meetings and that's why the permit was revoked. I would think that the urgency would be here this time, but I understand that the weather is complicating a lot of things. Even though that outside of our area there is no snow, we don't know where she lives, but in some places isn't any snow

CT - I very much understand the petitioner not making it out here in person, I'm not sure why they are not able to call in and it does and continue a pattern of behavior. Although, I do know that the applicant was actively communicating with Miss Mata (Zoning Secretary) in the days prior to the hearing, on some questions that were raised. I believe that all owners of the property have now signed the special permit application, which was an issue and the copies of all deeds up to current have been provided.

Briefly, I am going to make a comment, it doesn't seem like this is a priority for the applicant. And I wish that were not the case, but I am open to hearing about any extenuating circumstances that apply to the absence today, given the weather. Our April agenda is up to capacity at this point, so we would have to give the continuance to May 9th, 2023

JB - Motion on ZBA-2023-09 under §181.94 & §181.336 to **Continue** this matter to **May 9th, 2023**

BG – Motion Seconded

Vote by roll-call

4 – 0

to **Continue** this matter to **May 9th, 2023**

7. MISCELLANEOUS

8. ADJOURNMENT 7:52 PM Meeting adjourn