



ZONING Board of APPEALS

718 Main Street – Suite 201B  
Fitchburg, MA 01420

FITCHBURG CITY CLERK

2023 AUG - 8 AM 9: 01

MEETING MINUTES – MAY 9, 2023  
Legislative Building, 700 Main Street

- 1. **Call to Order** Christine Tree **PLEDGE OF ALLEGIANCE** All
- 2. **Communications** Christine Tree
- 3. **ATTENDANCE:** Christine Tree (Chair), Michael McLaughlin (Vice-Chair), Joseph Byrne (Clerk), Brian Gallagher, Eric Chartrand & James Reynolds
- 4. **Hearings:** Started at 6:17 PM

CASE No.	APPLICANT	PROPERTY	TIME
ZBA-2023-09	Ruth Guzman	324 LUNENBURG ST	6:00PM

**Continuance:**

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

Present was Ruth Guzman, Diana Leon (Petitioner’s daughter) and Manuel Matias (Contractor)

CT - This is a continuation of the hearing from March 14, you had been granted a special permit on July 9th 2019. A number of conditions were attached; you had proceeded to engage in some renovations. At the time, this was revoked there were some conditions that had not been completed. It had been a substantial delay in making any progress on the property, a number of meetings where you had not appeared and the lack of progress and communication created a lot of concern among the board members. It had been a repeated promise to complete the entranceway, without action. The board is concerned about whether you have the means, financial resources, and knowledge of the work that has to be done.

RG - I had a lot of issues with contractors in the beginning; therefore, I have invested more than \$400,000 in this property. I am interested in finishing this project, because every month I am spending a lot in the utility bills, such electricity, water, real estate taxes. At time, this special permit was revoked the property was 90% done, we apologize for the delays and misunderstandings. I am humbly asking the board to please let me finish the project, it's almost done.

CT - Are you a licensed general contractor? – MM – Yes

CT - Can you tell us your license number please – MM - CS 107573

CT- Are you aware of what needs to be completed? - MM – At the last time we met at the property, was for a final inspection. Which produced a list of anywhere from like 5 to 10 items that were need to be rectified, the biggest was the sprinkler system. Contractor was able to remediate those things, so we are under the impression that all we needed is to call the inspector to finalize.

CT – So, for your edification these are the conditions that have not been met: #1 the decking has not been fully repaired and it has not been painted. #2 downspouts were required including the installation of uniform gutters, which still are sitting in rocks and have not been installed. #10 all exterior work was to be completed by September 13<sup>th</sup>, 2022. #14 the front porch and walkway to

be repaired including paint by April 30<sup>th</sup>, 2022. Not 2023. I've spoken to the city building inspector and nothing has been done since September of 2022, the special permit was not revoked until the January 2023 meeting. How long do you think you need in order to complete the work? – MM - Not going to take more than a couple of days, by the next time the board convenes.  
CT - 30 days? – MM - Yes

CT - Is anyone in person or virtual seeking information in this matter? None  
CT - Is anyone who would like to speak in support? None  
CT - Is there who would like to speak against? None

EC - I wanted to be clear that this isn't just the code or the final approval from building department; we're looking for the conditions to be met. Are you planning on keeping the property, or sell it? –  
RG – I might be trying to rent it.

BG - Do you feel confident that the project can be completed within 30 days? – RG- I think that is enough time, that's our contractor said  
BG – To be fair with you I think 30 days is a small window, I think 60 would more feasible. We would appreciate some additional time

MM – I am just going to point out a few things, the front steps, lattice work is pretty badly applied. On the side of the steps is a basement wooden door that's at ground level, and it doesn't seem as if the door can be opened because the gravel might be taller than the door. Which is a concern about water infiltration, and then the downspouts on the side sections are held by rocks. Some minor landscaping needs to be done to fix some of these issues.

Board Deliberation:

JR - I'm supportive of the 60 days for the reasons mentioned. I do want to note that, we made reference on ZBA-2019-13 to make sure we keep that connection with this case somewhere down the line.

JB - This been 3-4 years now, agree with the 60-days. What's going to happens if they don't meet the 60-days? – CT - Revoke the special permit again for lack of compliance with the conditions.

MM - In favor of the 60-days, and what the other members said.

CT - I do not believe that it is possible for the renovations to be completed within 30 days, and the fact that the contractor offered that as the timeline; does not give me confidence that the contractor knows what needs to be done. So, if in 60-days, it is not completed, we are probably not going to be renewing it and we will be revoking the special permit. With that in mind, as you proceed on this project. You should look for an alternative way to dispose of the property, exit your involvement of the property, or involve somebody who has the ability to complete the project. That isn't a requirement for the board, but it is a suggestion.

MM - Motion on ZBA-2023-13 under §181.94 & §181.336 to **Approver** the **Special Permit** with all conditions from the prior permit **ZBA-2019-13** be adopted and include some additional conditions as follow:

- 1. All work to be completed and all conditions met by July 9<sup>th</sup>, 2023.**
- 2. Basement walk-out door to be in working condition.**
- 3. Landscape work to divert water from the building to be installed to ensure continued access to the basement.**

4. **Gutters, front steps and decks including latticework to be completed as specified in prior decisions.**
5. **Review Date: July 11, 2023.**

JB – Motion Seconded

Vote

5 – 0

to **Approve the Special Permit** with conditions

**ZBA-2022-23**

**Paula Sanchez**

**132 PLEASANT ST**

**6:15PM**

*Review of a Special Permit under §181.94 of the Fitchburg Zoning Code to change the structure use from one-family into a two-family dwelling pursuant to §181.33 located in the Residential C District Map 30 Block 22 Lot 0*

CT - We're here to review how you're progressing on the conditions, and I understand that today you met the city building inspector John Morreale and there was some discussion of some fixes of things. – PS – Yes

CT - The first condition is that, any conditions or design standards recommended by DPW after review of the site and parking plan, particularly regarding the retaining wall and drainage system in the rear, to be incorporated as conditions of the special permit. Can you summarize the status on that rear wall and state whether or not you've been following the DPW recommendations? – PS – I am, and I only have two steps to be done

CT - The project is to be constructed substantially in accordance with the plan submitted, except for any DPW modifications, driveway and parking area to be paved with finished blacktop or pavers. The paving has not yet been done – PS I think I've finished most and I only need couple weeks to be fully done.

CT - I'm viewing the condition of the retaining wall in the back, and I would be very surprised if that was finished within two weeks. – PS – I currently have many people working to get it finish

CT - How about the paving, do you have the paving scheduled? - PS – I am waiting for the paving company to call me back and give me some quotes.

CT - Is there any person here present or virtual who would like to make a comment for, on, or against this review? - None

EC - At this point, what is the scope of work left? PS – The stairs access, for the emergency exit on the second floor and parking. However, the emergency exit by the stairs is to be completed by the end of this week.

CT - Right before the meeting. I spoke with the building inspector, and he states that he met with the permit holder and the general contractor. There were some issues with the back deck, and the contractor agreed to amend the problems. The retaining wall with the large granite blocks that we are all concerned about, he again spoke to the contractor about how to amend it. Either by grading the slope and removing the blocks, or by removing all the blocks and building it up an appropriately supported and attached wall that accounts for drainage coming off the hill. Lastly, he reminded Miss Sanchez that she needs to pave when this is done.

BG – So, everything inside is complete. – PS – Yes, it passed the plumbing, electrical inspections. I am expecting a temporary occupancy for the first floor

BG - The only two points is the parking and landscaping. – PS – Yes

MM - I would like to have a condition that the site to get cleaned up within the next or two weeks, there is a lot of debris

MM - Motion on ZBA-2022-23 under §181.94 & §181.33 to **Continue the Review to July 11<sup>th</sup>, 2023** with the additional conditions as follow:

1. **Any conditions or design standards recommended by DPW after review of the site plan and parking plan and consultation on the site, particularly regarding the retaining wall and drainage system in the rear of the lot, will be incorporated as conditions of the special permit.**
2. **The exterior architectural elements of this property, as described to the Building Department, to be preserved or replaced with substantially similar replicated elements of similar quality and appearance.**
3. **Property to be used as a two-family dwelling only.**
4. **Project to be constructed substantially in accordance with the plan submitted with the application, except modifications required after DPW review.**
5. **Driveway and parking area to be paved with finished black top or pavers.**
6. **All construction debris to be removed from the property within the next week.**  
*(Added May 9, 2023)*
7. **Review July 11<sup>th</sup>, 2023.**

BG – Motion Seconded

Vote                      5 – 0                      to **Continue the Review July 11<sup>th</sup>, 2023**

**ZBA-2022-32                      PCM Auto Repairs and Sales Inc. 33 PRICHARD ST                      6:30PM**  
*Review of a Special Permit under §181.313D12 of the Fitchburg Zoning Ordinance to open a motor vehicle repair shop located in the Downtown Business District at Map 43 Block 14 Lot 0*

Present was Ricardo Araujo of 33 Prichard St. Fitchburg

CT – Review of conditions: #1 Services are to be rendered by appointment only – RA – Yes  
#2 Hours of operation Monday-Friday 9:00 to 5:00 and Saturday 8:00AM-3:00PM – RA - Correct  
#3 - Dumpster is to be relocated inside the building within 30 days – RA – Completed  
#4 - Professional signage is to be installed either on the building or in the window and to include notice that services are by appointment only. – RA - Correct  
#5 - All exterior window and doorway trim on the first floor to be repainted by April 30, 2023 – RA - We only have half of the last window, but Prichard St it's almost done painting  
CT - How long do you anticipate to be complete? – RA - I believe this week we will be done

BG - I want to comment that was a tough job scraping all that paint off, and it looks like you put a lot of effort into it. We all appreciate it

MM – Petitioner has met the conditions, and I wish him the best and success in his business.

MM - Motion on ZBA-2022-32 under §181.94 & §181.313 to **Approve the Review** with a final condition for the painting be satisfied within thirty days.

1. **Services to be rendered by appointment only.**
2. **Hours of Operation: Monday-Friday 9:00AM-5:00PM Saturday 8:00AM-3:00PM.**
3. **Dumpster is to be relocated inside the building within 30 days.**
4. **Professional signage to be installed either on the building or in the window and to include notice that services are by appointment only.**
5. **Repainting of all exterior window and doorway trim on the first floor to be completed within thirty days.**

BG – Motion Seconded

Vote                      5 – 0                      to **Approve the Review**

*Review of the Special Permit under §181.335 of the Fitchburg Zoning Code to convert a large single-family into a two-family dwelling located in the Residential B District Map 18 Block 30 Lot 0*

Present were Nghia Tran (Petitioner) and Tho Tran (General Contractor) of 9 Hanover St., Nashua, NH 03060

CT – In January, you had most of the items completed, but you were waiting for the Unitil inspection. Did that occur? – TT - Correct

CT - Outstanding items were the balustrade and railing to be matched more closely to the original prior to renovation, so my understanding that you had those milled and installed. – TT – Yes

CT - Do you have a buyer for the building already? – TT – Yes

CT - Is there anyone present or virtually who wishes to speak on, for, or against this review? None

BG – You have done very nice work, but the fascia board up at the roof line looks a different type of molding was added to the corner of the building, would you agree? – TT - I tried, but the gentleman who does the woodwork, the person who has been helping said that he cannot do it.

BG - Has the home inspection happened yet? – TT - Not yet

BG - It may be an issue

CT - When do you have the closing date? – TT - May 24

CT - I'm going ask the board whether it's inclined to require a further review before releasing the conditions. Our next meeting is on June 13th after the scheduled closing date. I think this is important to the board to have the final review with that fascia board completed. If there's a sale prior to our next meeting, when hopefully all the work is done, the buyer needs to come along with you, as you're the person we've been dealing with.

MM - Motion on ZBA-2022-01 under §181.335 to **Continue** the **Review to June 13<sup>th</sup>, 2023** with prior conditions to remain and adding the fascia board up at the roof line corner to be proper installed with matching material:

- 1. To be operated as a two-family with no more than three bedrooms per unit.**
- 2. To be constructed substantially in accordance with the submitted plan dated 1/20/2022 by TAJ Engineering, LLC and the building plans submitted by G. Castillo date 1/24/2022**
- 3. All exterior architectural features to be preserved and repaired in their current state or replaced with an architecturally accurate substitute.**
- 4. Exterior colors to be consistent with a Greek Revival home according to the historically accurate color chart of Historic New England , a charitable organization devoted to the preservation of New England architecture and history.**
- 5. The front stone retaining wall lining the street and the driveway to be repaired, maintaining the same surface materials as are currently present in the existing retaining walls.**
- 6. The new retaining wall to the side of the driveway to be constructed of similar materials and appearance to the front stone retaining wall.**
- 7. Fencing to screen both the rear and the side abutters to be built on the property**
- 8. Construction to be completed within 12-months of the issuance of the special permit.**

9. Property site to be kept clear of debris during construction and construction to occur within appropriate hours as allowed by City ordinance, minimizing the noise, dust, and any disturbance to any neighbor
10. Dumpster to be emptied regularly.
11. Construction vehicles to be parked off street to the extent possible.
12. All debris to be removed upon completion of the project, as well as the dumpster.
13. The fascia board at the roof line corner to be properly installed with matching materials.
14. **\*\*Review June 13, 2023.\*\*** (As revised)

BG – Motion Seconded

Vote

5 – 0

to Continue the Review June to 13<sup>th</sup>, 2023

**ZBA-2023-14**

**Raye Hough**

**16 ATLANTIC AVE**

**7:00PM**

*Special Permit under §181.782 of the Fitchburg Zoning Ordinance to conduct a Home Occupation Business as a hair salon having clients visiting the property pursuant to §181.94 located in the Residential B District Map 57 Block 81 Lot 0*

The presentation was given by Ryan and Raye Hough, stating that Raye has been a hairdresser for 30 years. Bought this property a year ago, and we have a four season room which is a perfect place for a salon. We do not intend to have more than one person at a time, and to be by appointment only. It will be one piece of signage out on the fence area, to notify arriving of clients and them it could be removed. We have ample parking which is 114 foot long driveway, where you could easily park four cars. I've owned my own salon for 15 - 16 years; I do want to do the salon. I don't have the desire to do it at the level I did it at previously, only wanted to do a little work from home and trying to get it legal. The sign is to let people know they've arrived at the right spot.

BG - How would the prospective clients be entering the area where you would be performing the service? – RH- We have two ways of entry, one along the sidewalk and a walkway with an exterior door for entry and exit. We can also have them come through the front, or main side entrance as well.

BG - Hours of operation? – RH - Nine to five, I not the desire to be stacked person to person through the day. I don't plan to work weekends

CT - How many square feet are involved in the salon? – RH - 294

CT - In addition to the driveway, you also have a three car garage. That's where your personal parking is going to be? – RH - Correct

CT- Do you plan on having any employees. – RH - No

CT – Is anyone in the audience or virtual to speak for, on, or against the petition:

Joan McWilliams of 15 Atlantic Ave., directly across from the house. I do have a few questions: First, if it's only going to be you as the sole hairdresser, and no employees – RH- Correct, it's a one chair salon with no room for two

Secondly, you are definitely planning on telling your clients to be parking in your driveway – RY - Yes

Third, the signage you said you might put it out for a little bit and you might take it away, I get nervous when we start putting signs out because it does attract people and is it really necessary right now – RH - We may not even have to do it

EC – As a building inspector, I think you should have a sign. if you don't customers could park in the neighbor's driveway by mistake.

JB - One of the conditions may be not to be operate as a nuisance, which means if your clients do not park where they're supposed to, and the neighborhood goes up in riots we're going to have to pull your permit. So, as long as you understand that, no problem whatsoever with me.

Deliberation:

BG - Doctor Rice ran his practice out of this location, I believe it was the same space. It's a great place for someone to go and have their hair cut, so it's a benefit to the community

MM - Not a fan of having the sign in a residential neighborhood, nowadays everybody uses GPS to get to destinations.

JR - Agree with Mr. McLaughlin

CT - I do like the idea of having a sign out, and then taking it back in when they are not in operation. The signage has to comply with the City ordinance, and look professional and durable.

MM – Motion on ZBA-2023-14 under §181.782 & §181.94 to **Approve the Special Permit** as requested with the following conditions:

1. **No more than one service chair.**
2. **No employees except for the owner.**
3. **No nail services to be offered at the salon.**
4. **Hours of operation Monday through Friday 9:00AM to 7:00PM.**
5. **Not to be operated as a public nuisance.**
6. **Customers to park in the driveway.**
7. **Signage to comply with City Zoning Ordinance, to be located near the entrance and shall not be located within 15 feet of the street.**
8. **Sign not bigger than 1 X 3 SF**
9. **Sunset Clause – Special Permit will terminate/expire upon the change/transfer of ownership of the business or property from Raye Hough or five years from the date of this decision, whichever occurs first.**

BG – Motion Seconded

Vote 5 – 0 to **Approve the Special Permit** with conditions.

**ZBA-2023-15**                      **Nadel Antonio**                      **348 ELM ST**                      **7:15PM**  
*Special Permit under §181.332 of the Fitchburg Zoning Ordinance to reinstate a vacant/abandoned nonconforming mixed-used structure changing the use to another less detrimental use as a duplex pursuant to §181.94 located in the Residential C District Map 10 Block 115 Lot 0*

The presentation was given by Nadel Antonio stating that, 348 Elm St. is an abandoned building previous use as commercial business. Recently, with the last snowstorm the roof collapsed, and the building department requested that the property be fenced for safety purposes. I bought a lot nearby to create four parking spots, so I can make this into a two family. Now, I haven't demolished the building because, I'm waiting to know if any asbestos is found in the existing structure to be properly disposed.

CT - How many bedrooms and are you planning on selling or renting the units? – NA – Renting, and they are going to be three bedrooms and two bathrooms.

CT – The proposed parking lot has a substantial retaining wall both in front and behind it, it's elevated from the street. You would need a curb cut in order to use it for parking – NA – It is an existing parking from before, but we are going to make it a little bigger the entryway to go in and out easier.

CT - Are you demolishing the entire structure? – NA - My goal is to carry them all four walls and start fresh, keeping the same foundation. I think I'm allowed to build the same infrastructure as it was before, but if I can tear down the wall and build on the same foundation and footprint that would be ideal.

CT - What's your timeline for completion of this project? – NA – If I can get a year and a half going two years max, that'll be great. But I would be able to at least demo, that way it's safe for everybody.

CT - Do you have a funding source ready for the completion of the project? – NA - I don't

CT - Is there any person present or virtual who would like to make a comment on for or against this petition? None

BG - When would you get the results of the asbestos testing? When do you plan on having the existing structure that's quite compromised demolished and removed? – NA - I can do it right away once I get the building permit. If there is asbestos, I'll have to find out how much it is and how long it will take to be removed.

BG - Do you know how long it's been since the roof has collapsed? – NA – From whenever we had the bad snow, in March.

MM – I would like to recommend a continuance; I'd like to put in perspective the parking lot that was discussed. Maybe even set up a site visit with the applicant, to really get my arms around this project. I'm not ready to make a decision on this, I could be wrong, but I don't see any setback dimensions on the plan.

EC - I've seen that building a bunch, it's always been a weird building. So, a duplex would fit with the character, it's a permitted use.

CT - I am going to look for a continuance on this matter.

MM - Motion on ZBA-2023-15 under §181.332 & §181.94 to **Continue** this matter until **July 11<sup>th</sup>, 2023**.

JB – Motion Seconded

Vote 5 – 0 to **Continue** this matter to **July 11<sup>th</sup>, 2023**.

**ZBA-2023-16** **Bridgette Siciliano** **72 GLEN AVE** **7:30PM**  
*Special Permit under §181.782 of the Fitchburg Zoning Ordinance to conduct a Home Occupation Business as a single table massage service having clients visiting the property pursuant to §181.94 located in the Residential B District Map 208 Block 13 Lot 0*

The presentation was given by Bridgette Siciliano stating that, I am a recent graduate of Bancroft School of massage therapy in February. I have a license to conduct a massage therapy business, I want to operate a single table massage therapy business servicing one to two clients a day, possibly two to three times a week. My hours of operation would be between 10:00 AM and 6:00 PM. Most of my clients I'm serving now are by word of mouth, and I don't plan on having any signage.

CT - How much room within the structure is going to be devoted to the massage area? BS- 45 to 50 feet, a small single room area.

CT - Hours of operation Monday through Friday or weekends as well? – BS - No weekends, and probably going to be Monday Wednesday Friday; three days out of the week.

CT - Do you have the ability to provide off street parking? – BS - Yes

CT - You haven't submitted a parking plan to us, can you describe the dimensions of the driveway? –

BS - About 40 to 50 feet long, it holds two cars. My husband parks on the off-side.



CT - Is there any member present or virtual of the public who would like to make a comment on, for, or against this petition? None

EC - Do you have an extra room that you're going to dedicate to this? Or how are you going to arrange it inside the home? – BS - There's actually two bedrooms and a living room, so it's probably going to be in the living room area. There is an entranceway to come up into the living room, an entrance through the kitchen, and we also have a basement. In the future I plan to utilize the basement.

EC - How accessible, is it low to the ground? If a person with mobility issues wants to come, will you be able to service them? – BS – Absolutely, we have the house as handicapped accessible.

BG - Mrs. Siciliano was gracious enough to show me the space, and I feel it was adequate. Certainly, a nice sturdy handicap ramp leading to the area in which she's going to be conducting the massages. Also, there appeared to be adequate parking for the clients that she's talking about having, and I believe it's by appointment only. – BS – Correct

BG - Only one person at a time – BS – Yes

MM - Do you have any plan to have an employee? – BS – No, this is my retirement job.

Board Members Deliberation:

MM - Under 181.782, we also must meet criteria under 181.781. So, it looks like it will meet those criteria.

MM - Motion on ZBA-2023-16 under §181.782 & §181.94 to **Approve the Special Permit** with the following conditions:

- 1. No signage related to the business to be installed on or visible from the exterior.**
- 2. Hours of operation are limited to Monday, Wednesday, and Friday 8:00AM – 6:00PM, with no services on Saturdays or Sundays.**
- 3. Customer visits are to be by appointment only.**
- 4. No employees in the business other than the permitholder.**
- 5. The business shall not be operated as a public nuisance.**
- 6. Sunset clause – Special Permit will terminate/expire upon change/transfer of ownership of the business or property from Bridgette Siciliano or at the expiration of five years from the date of this decision, whichever occurs first, as required by §181.7824.**

BG – Motion Seconded

Vote 5 – 0 to **Approve the Special Permit** with conditions

**ZBA-2023-17**                      **Peter Maxfield**                      **247 WESTMINSTER Hill RD**                      **7:45PM**  
*Variance under §181.416 of the Fitchburg Zoning Ordinance to erect a 20X24 feet carport encroaching the required front yard set-back from 30 FT and leaving 15 FT pursuant to §181.93 located in the Residential A District Map 212 Block 16 Lot 0*

The presentation was given by Peter Maxfield stating that, my wife and I have been at our home for over 23-years. We've worked hard to maintain and keep it neat inside and out, now that we both retired the removal of snow from the driveway and from the vehicles is getting tougher. There's the idea for the carport. Now, our property it's a good size property, but at the end of the driveway it's a drop off approximately 30-feet. The driveway itself, is just over 40-feet feasibly and there's no way it can be extended with any type of a retaining wall. It's not financially feasible, I have 80-feet to the east, 100-feet to the West. Is no issue with the neighbor on either side, approximately 7 - 8 years ago we had the driveway redone with a binder and topcoat, in the process of doing so, there were very large bold that we had to taken out. So, it's very stony soil, we also had a stamped concrete walkway put in. In that

process the same issue, we came across with all kinds of boulders. So, the idea of trying to fit this carport and not having the 30-feet, we only have 15-feet to meet. That's feasibly fit, so that's reason we applied to sit before the board.

CT - Is there any person present or virtually who would like to speak on, for, or against this matter?  
None

EC - How are you going to secure it? – PM - I visited several different ways, we first looked at peers, diamond Piers, not feasible because we would have to take up so much of the driveway. Financially and realistically, it wouldn't make any sense. So, I reached out to a friend of mine who is an architect, and he is willing to back me up with this 24-inch anchor L bolts. Epoxied into the ground continuous line of support every four feet, with the mushroom cut underneath the binder.

JB - Visited the property, and this board has at times said no to anything that is encroaching to the front yard set-back. However, there's nothing in this area that has a standard setback. Therefore, I think that he should be given the variance, because based on the topography that's the only place you can put it

Board Members Deliberations:

CT - Looking at the variance criteria, I cannot think of a better example of an issue of topography being a condition that is affecting the ability to use the property. There is no place else right for there to for this structure to be put on that property, I think some board members probably examined whether there was another access point into the property. In addition, I agree that there is a hardship created with the inability to have a garage anywhere else, and after receiving 27-inches of snow I'm sure everybody would agree it's a hardship not to have a garage as you get older. Finally, because there are a couple of other properties in the vicinity on the right-hand side of the road, that have garages built into the upper part of the hill not meeting the set-back for the same reason. I don't think this derogates from the purpose of the zoning ordinance; I think it's constant the rest of the neighborhood.

MM - Motion on ZBA-2023-17 under §181.416 & §181.93 to **Grant the Variance** with the following conditions:

1. **Front yard set-back shall be a minimum of 15-feet from the roadway.**
2. **Site to be kept clean during construction of trash, supplies and construction debris.**

BG – Motion Seconded

Voted 5 – 0 to **Grant the Variance** with conditions.

**ZBA-2023-18**                      **William Gleason**                      **0 AIRPORT RD**                      **8:00PM**  
*Variance under §181.416 of the Fitchburg Zoning Ordinance to construct a 24X50 steel building on a 7,959 SF lot not conforming to the side yard setback pursuant to §181.93 located in the Industrial District Map 142 Block 1 Lot A*

The presentation was given by William Gleason (Petitioner) and 579 Steve Ballard (engineer of Haley Ward) stating, that proposing to erect a building on a very narrow small lot; 40 feet wide and 40 feet of frontage. Mr. Gleason owned it since 2010, they were granted from the board a special permit to operate a landscape business since then. It was reviewed yearly until 2015 among some of the comments as it was being reviewed was more for beautification in the front of the lot, also there were several questions on several years about when he was going to put a building in. He leaned itself is the soil type is a Hinckley 245, a soil classification which is a sandy gravelly soil very permeable, so anything that ends up on the soil will quickly get into the soil right. Presently, Mr. Gleason is storing a trailer, some of his equipment and tools on the property. It is surrounded by a chain link fence; he has kept the front with some trap rock and some plantings

over the years. The proposal of the building and because it's so narrow, is that there will be a door in the front and back to allow him to pass through. To be able to unload and at the end of the day store everything in his building, which would enable him to keep everything undercover and wouldn't be anything subject to the weather as it is now. Over the years he has had a hardship of burglary, crime and damage, equipment stolen and damage. It's cost thousands of dollars, but finally he is in the position to put the building and it would allow it to protect the land to soil test title to keep all the equipment inside of the building.

CT – So, the request as far as the variance criteria goes, soil and shape of the lot – SB - The shape of a lot is rectangular created in 1972, and because of the sideline offsets presently; there's no area that you could put anything. It doesn't allow him to put any building in there presently at all.

CT - Have you examined moving the building on the lot, to increase the setbacks from the seven and a half feet or is there a reason that it's at the front as opposed to the lot appears to widen as you go towards the back. – WG - I'm going to run a water line, and I know how much water lines cost per foot underground. I would like the room behind the building because there's no way I could get all that stuff inside the building for storage.

CT – There's still going to be equipment stored within the building – WG - Everything's going go inside, except for the trailers and possibly a truck.

CT – Are you going to be able to maintain the 50-foot setback in the rear – WG - Yes

CT - Are you planning on conducting any other uses, other than storage of your equipment on the in the building – WG - No

CT - Why is the water necessary? – WG - To wash trucks and to have a bathroom

CT - Looking at the 2011 approval from the planning board, and there is a condition that you're going to add arborvitae screening at the perimeter of the lot. Was that done? – WG - I put it up then I ripped them out, because I wanted to be able to see and all those plants were blocking. So, for security it was better that the property be visible.

CT - Are you going to maintain the same visibility throughout the property – WG - Yes

CT - Moving on for public comments, and we had a letter from the office of John Cronin. See exhibit "A"

CT – Is there any person present or virtual who would like to speak on, for, or against this petition?  
None

BG - Would the proposed structure is it a metal building? – WG - Yes

BG – Are you confident with the self-selection of overhead doors and the entrance door be safe – WG – Very, and there's going to be videos.

MM – on the right of you, the city owns that piece of land, and then I see the piece of pie in the middle. Which is good because it creates a buffer, even though you don't have your own setback it minimizes by having a buffer on that side.

JB – On favor – WG – It's going to be a new fence install professionally

CT – For instance black? – WG – Not opposed to be black, I think is much better

CT – You are not going to put the slats through, right? – WG - No

Board deliberation:

CT – On the hardship, I was looking in the Bobrowski book and I think that this is a shape issue. Where you have a lot with sufficient area, sufficient frontage, as I look at the law, I think no building can be placed that can meet the setback. The side yard setback is 25-feet, and even if we moved this building over completely to one side that would give us 15-feet of set-back. So, I think that the fact that no building could be constructed which makes the setbacks, is more in the line of what is a hardship.

JR - It would be a nice improvement to the area and benefit the community to see yard landscaping, and those types of businesses so the feasibility of him finding a better spot would be hard too.

MM - We're looking at a variance soil shaped topography this is an extremely unusual lot, extremely narrow, long the feasibility of being able to put a structure on this property and meet setbacks it doesn't exist. I'm in favor, and to make the property as beautified with some landscaping.

MM - Motion on ZBA-2023-18 under §181.416 & §181.93 **Grant the Variance** with the following conditions:

1. **The side yard setback shall be no less than seven and a half feet on either side of the constructed building; no other dimensional variances are granted.**
2. **The building shall be constructed substantially according to the plan submitted, by Haley Ward dated April 3rd, 2023.**
3. **All conditions of the April 19th, 2011, Planning Board meeting shall be incorporated as a condition of this decision.**
4. **Petitioner shall install the landscaping as therein required on the perimeter on or before the review date of November 14, 2023.**
5. **The chain link fence to be of solid color and not bare metal.**
6. **Property to be kept in a clean and orderly condition as viewed from the road, with no vehicle or equipment parts, or vehicle or construction debris.**
7. **Site to be kept clean during construction.**
8. **Review Date – November 14, 2023**

JB – Motion Seconded

Vote 5 – 0 to **Grant the Variance** with conditions

**ZBA-2023-13**

**Peter CampoBasso**

**52 NORWOOD ST**

**8:15PM**

**Continuance:**

Variance under §181.93 and Special Permit under §181.4216 of the Fitchburg Zoning Ordinance for the construction of a 3-family dwelling on a 10,579 SF lot not conforming to front yard setback (Special Permit under §181.4216) and rear yard set-back (Variance under §181.93) as set by the dimensional requirements of §181.416, located in the Residential B District Map 173 Block 58 Lot 0

CT - A continuance from April 11, 2023; of a request for a variant and special permit. We have a letter from attorney CampoBasso, requesting the application for a variance in the special permit be given leave to withdrawn without prejudice. Please see exhibit “A”

Atty. CampoBasso “Virtually” stated, from my conversation with the building commissioner if there is a possible way that the applicant can somehow comply with the multifamily we'd like an opportunity for that to exist. Therefore, we submitted a letter and asked the request for the special permit invariance be withdrawn without prejudice.

CT - Is any person present or virtual who would like to make a comment on, for, or against this request? None

MM - I'm not comfortable in voting to allow for leave to withdraw without prejudice, only with the fact that I don't want to have these properties keep coming back before the board with a different owner.

CT - I've looked at the property it's very steep slope, and it's difficult for me to imagine to build a house on especially unable to meet setbacks.

EC - I agree, I'm satisfied that this property is simply not going to meet the requirement separating the property from the existing house

MM - Motion on ZBA-2023-13 under §181.93 & §181.4216 to **Leave to Withdrawal** without Prejudice, as requested

JB – Motion Seconded

Voted 4 – 1 to **Leave to Withdraw** without Prejudice

(MM)

**5. MISCELLANEOUS – None**

**6. ADJOURNMENT** JB - Motion to adjourn

BG - Motion Seconded

Unanimously vote to Adjourn