



ZONING Board of APPEALS
166 Boulder Drive

Fitchburg, MA 01420

MEETING MINUTES – **WEDNESDAY MARCH 11, 2020**

FITCHBURG MUNICIPAL AIRPORT, 563 CRAWFOR ST.

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

CASE No.	APPLICANT	PROPERTY	TIME
ZBA-2018-14	Michael Lamkin	110-112 ASHBURNHAM ST	7:00PM
<i>Review of the Special Permit under §181.3561 to reinstate a vacant/abandoned building and a Special Permit under §181.3555 to extended the nonconformity from 2-units to a 4-unit structure located in the Residential B District at 174/27/0</i>			

Presentation was given by Deb Lafleur and Frederick Hanna (Contractor) stating that rough plumbing, gas, sprinkler and electrical inspection are done. We had a meeting with the architect who is on the process sending the Building Inspector a letter for advancement, so, we are planning starting next week with insulation. Project has been delayed because Mr. Lamkin had an accident and he been about two months hospitalize and about five months on a wheelchair. However, the project is back up and running and all contractors had been hired and seeking for a possibly nine months completion.

JS – So, how long do you think it will be? - DL - She thinks it will be by April of next year, and if thing can sooner great, but she doesn't want to say a short time because 18 months was very aggressive to get everything complete

JB – Did you say that the owner of the property lives across street – DL – Yes

JB – And he has not been able to supervises the project lately? – LF – Correct, but he is the electrician

Frederick Hanna – Mike is the electrician and we got plumbing and sprinkler done, but the wiring took little longer. And wasn't necessary that he had a problem hiring an electrician, but when you have a place half wire no one else is interested

MM – This building was vacant for years, but you said electrical is done and that's what was hold you up, but you still need additional 13 months to finish the project – FH – He doesn't thing that, but Debbie doesn't want to come back to explain all over and over. So, all we are asking is as much time you can give us, we put two new sewer lines and the work is phenomenal

MM – His thought is that all the neighbors had been looking this building for years – FH – The exterior other than the parking lot is done all new windows, so, as far for eyesore point of view is really looks good

MM – Would you be kind enough and get the landscaping done at front? – DL – Yes, we can prioritize that

MM – So, do you think you can get this project done by September? – FH – We can do our part, but it may be not fully complete, but it will be almost to finish

AZ – Motion on ZBA-2018-14 under §181.3561 and §181.3555 to **Continue** the **Review** with the following conditions:

1. **All conditions from Planning Board to be part of this decision**
2. **Not to be a nuisance**
3. **All Planning Board conditions to be completed prior to the occupancy**
4. **The porch and landscaping to be done by the end of the year**
5. **Review in September 8, 2020**

JB – Motion Seconded

Vote

4 – 0

to **Continue** the **Review** to **September 8, 2020**

MM – He visited the property and looks nice, but did you start doing the work without permit? - ZR – So, they hire a contractor and he was responsible to get the permit. Visited the City Hall and found out that it wasn't one and they had to stop him of the project

MM – So, is the deck bigger than the previous porch – ZR –No, it is either the same size or two feet shorter

AZ – Motion on ZBA-2020-02 under §181.355 to **Approve** the **Special Permit** with the following conditions:

- 1. Any construction debris will be promptly and appropriate clean-up**
- 2. With the express finding that the reconstruction, extension, alteration or change will not be substantially more detrimental than the existing structure**

JB – Motion Seconded

Vote 4 – 0 to **Approved** the **Special Permit** with conditions

ZBA-2020-03 Kathleen Walsh 41 ATLANTIC AVE 7:45PM
Variance under §181.414 for the Construct of a single-family dwelling on a newly subdivide Lot 2 and to Appeal to Overrule the Building Commissioner's determination under §181.425 that Lot 2 is not and Infill Lot in the Residential B District Map 70 Block 22 Lot 0

Atty. Asked the Board by writing for an extension of time because he was unable to attend to tonight's meeting. Board also receive some writing correspondence from immediate abutters, which are going to be held until next hearing when everyone in interest will be able to hear them

Board Members were all agreed to Grant the extension of time and hear the case on April 14, 2020

AZ – Motion to waive the writing and place them on file to be read on April 14, 2020

JS – Motion Seconded

Vote 4 - 0 to hold the writing and to be read on April 14, 2020

AZ – Motion on ZBA-2020-03 under §181.414 to **Continuance** to **April 14, 2020** under a mutual agreement

JB – Motion Seconded

Vote 4 – 0 to **Continue** to **April 14, 2020**

ZBA-2020-04 Martha Sanchez 157 HIGH ST 8:00PM
Special Permit under §181.356 to reinstate a vacant/abandoned building as a 3-family dwelling located in the Residential C District Map 10 Block 81 Lot 0

Presentation was given by Martha Sanchez and Rosa Medina (Interpreter) stating that the building suffered a small fire back on 2017, due of some electrical connection. She now seeking for a special relief to fix the third unit with less damage, so she can be able to occupy said unit.

MM – How long how have you owned it? – MS – Sixteen years

MM - How long ago this happened? MS – Is going to be 4

MM – And is been empty since? MS – Yes

MM – What happened? – MS – It was something wrong with the electrical, but it didn't get really fire it was smoke. However, we have to evacuate the property and fix the problem, but the contractor who was hired to take the job run-away with the whole insurance money and never did anything. After that we went to court trying to get the money back, and she have been homeless since that time.

MM – Has been resolve in court? – MS – Yes, but he hasn't made any payment, as her lawyer said if he paid. He paid, but if doesn't, he doesn't

MM – Okay, and she wants to move in to? – MS – The third floor

MM – So, is that just the request is to move to the third floor? – MS – Yes, for now so she can move in. Insurance paid 133K and the contractor open all walls on the other units, but the third floor is the less work needed

MM – Reads a letter from Commissioner Mark Barbadoro exhibit “A”

MS – She wants the Board to know that she currently has to paid rent, paid property taxes and insurance which is very costly on her part

MM – Would like to ask you that we are only four board members tonight and that you need unanimous vote, so you can decide to proceed tonight or continue till next month? – MS – Proceed tonight she had been waiting for this to long.

JS – Are the stairs still liable? – MS – Yes, they are

MM – Reads Water Department correspondence that she needs to make an appointment with them for an inspection, and any problem has to be fix before occupancy exhibit “B”

AZ – How many units are you looking to rehabilitate in the building? – MS – All four

AZ – And how long do you think it will take? – MS – She has people on place and her guess wouldn’t be more than six months

JB – For what he can see on the plan is not enough parking for four units, because street parking is not legal by zoning

MM – So, there is a lot of complexities that happened when the building gets abandoned, once to gets reinstated they have to bring up to current code – MS – Yes, she knows

MM – And we are going try to help her get in and have one unit, but to reinstate a 3-family or large it may be requiring sprinkler system – MS – No, Commissioner Barbadoro told her that it may not required

MM – Okay, that’s not our district we are just trying to aware you on all things she may need, and that’s will be the Fire Department district – MS – Okay

Those on Favor: Over 16 people were present to support the petition

Jose Ramos of 10 Albee Street on her support because she shouldn’t be paying rent someone else when she has a house

She had lived on the property for a very long time and because of what happened she had to move out, but she still can live on the third unit

Mairyn Cintron of 26 Payson Street states that Mrs. Sanchez was a very good landlord and she thinks that she deserved to re-occupy her own property

Kayla Torres of 106 Clarendon Street states that she thinks that she deserved an opportunity to be back into her house

Mark Bradley, he knows Mrs. Sanchez personally as she is a pastor and she is a tremendous lady to the community. Secondly, can the Board take in consideration that she didn’t have the intent to abandon the property and take it as a grandfather in – MM – Unfortunately we are the relief granting board, and this a very difficult case, but it has been empty for a long time and it would need a lot of work because the long that they sit the worse that they get

AZ – Well, this is not abandoned, but it has been dis-use for more than two years which is a separate criteria, but the Commissioner has to apply it that way because that’s is our writing by-law

MM – And also our concern is there was an incident due of a deficiency, so we cannot turn our heads to that deficiency, we have to make sure whatever it happens it happens on the wright way for safety

Those seeking information: None

Those on Opposition: None

AZ – In this case he thinks that if she re-build it right away, she was able to do it by right. Different them other case she did absolutely everything that she was supposed to do, but she got screw from someone that she didn’t have control. So, he thinks that she has a very strong argument for getting as much as legal that she can use. Simply because he doesn’t think is fair for the petitioner to apply all because someone else committed a crime, is a very different situation because this was delivered wrong from a third party and she shouldn’t lose wright on this

JB – On his opinion the congestion on High Street is too dense

MM – Yes, is difficult because the property is with inadequate parking

JS – If it was the electrical problem caused the fire in one unit, why it did cost 133k to fix that which it sounds a lot

MM – He is struggling with the 3 – 4 units because of the lack of the parking space, and the building is too big, but he thinks that the applicant would have to consider less unit in the future

MM – Should be okay with the Board to approve a lesser amount of units

AZ – Yes, we could do that, and she should be have to comeback after she is on her home to talk about the other units. He doesn’t think the petitioner is going to start renting other units under the table

MM – So, we can decide tonight for the building to use only one unit and put a review on the petition

AZ – Motion to give leave to amend the petition to request single unit occupancy owner occupy and Review to September 8, 2020

JB – Motion Seconded

MM – He wants to give her a good recommendation to get some help either from an attorney or from somebody who is on the business, because this is very complex and we want her to have very good knowledge and not know how to proceed and know her choices are and what is good and what is bad

AZ – Motion on ZBA-2020-04 §181.356 to **Approve** the **Special Permit** the amend single unit petition

JS – Motion Seconded

Vote 4 – 0 to **Approved** the single unit petition

ZBA-2020-05 **Dennis Bradley** **1151 MAIN ST** **8:15PM**
Special Permit under §181.313 to establish a car detailing business located in the Central Business District Map 17 Block 64 Lot 0

Presentation was given by Dennis and Mark Bradley stating that they own this property and previous use was a mechanic garage located in the Central Business District. There was a lift ready and everything is technically set-up, in terms of equipment and the layout of the structure everything is ready. So, we just trying to build it bigger

MM – Before getting far as you been hear we only are four members tonight and you would need to have a unanimous vote. Would you like to proceed or to continue – MB – We want to proceed

AZ – Noticed on Plans submitted notation that only shows one exit, where is the second exit will be located – DB – There will be one, but Mark Barbadoro Building Commissioner suggested to not to do anything as of yet until you approved it

AZ – How are you planning to manage the ingress and egress of the cars of the street? – MB – There is not going a backing up off the garage because there is plenty room inside to turn around

JB – It will be a very good detailing operation there

MM – Is the lift still there? – DB – No, it was removed a while ago

MM – So, are you going to be working there or hire people to operate the business? – DB – Plan is to hire couple kids maybe after school to work part-time to help them to stay away off street

MM – So, is going to be one or two cars in? – DB - Yes

MM – Are you going to have sign? – DB – Yes

MM – Professional signage – DB – Yes

MM – No vinyl, no banners – DB – No

MM – So, would you have one car in and one car out? – MB – We can fit 3-cars at the same time, but they must be drop by appointment

MM – Reads correspondence from other departments: BOH states that rear parking area tents to accumulate trash and bulk items – DB – We did clean all that

Those on Favor: Paul Bulick to support him because since he owns the property he kept it very clean on the back. His questions is that how many SF is this going to be? – DB – 3,200 SF – PB - However to his understanding detailing that he knows are more like two cars at the time, this it seen little too big to him

PB – Is going to be a manager handle the business or you are going to be in charge? – DB – We are going to appoint a manager

Those seeking Information: None

Those On Opposition: None

AZ- You mention having some student working and that, but is the idea to have some working some watching? – DB – Both

AZ – Motion on ZBA-2020-05 under §181.313 to **Approved** the **Special Permit** with the following conditions:

- 1. Hours of operations from 9:00AM to 6:00 PM Monday through Saturday**

2. **No non-detailing auto repairs to be conducted on premises**
3. **No extra vehicles to be park on site**
4. **No scrap parts on the exterior**
5. **All premises to be kept in a reasonably clean and well maintain conditions**
6. **Maximum of three vehicles on**
7. **Professional sing only - no vinyl banners or temporary sign allow**
8. **Six months review – September 8, 2020**

JB – Motion Seconded

Vote

4 – 0

to **Approved** the **Special Permit** with conditions

ZBA-2020-06

Victor De Oleo

33 FOREST ST

8:30PM

Special Permit under §181.356 to reinstate a vacant/abandoned building as a two-family dwelling located in the Residential C District Map 67 Block 102 Lot 0

Presentation was given by Victor De Oleo stating that he had obtained this property no long ago, last property use was a 3-family dwelling. As a now all he is trying is to reinstate said property as a two-family, his intent is to occupy one of the units and his mother will reside in the second unit. Personally, he though a three family was to big

MM- Currently, how many kitchens? - VD – Two

MM – Sure – VD – Yes

AZ – There isn't a third kitchen, because you said it use to be a three family – VD – Yes, it uses to be, but there are only two

MM – Do you live in town now? – VD – Yes

MM – So, is going to be owner occupied? – VD – Yes

MM – Are you going to live there with the whole family, and rent one unit – VD – No, he and his family are going to occupy the second floor, and rent the first floor

AZ – He drove by and the building is appropriate use for two units, with reasonable parking – VD – In the future if he wants to make it as a three-family? – AZ – You would have to re-apply and comeback to us to change it into three-family dwelling

MM – He walked around the building very well, could you tell us about renovations – VD – Renovation, is really nothing much to do, beside paint and the doors

MM – So, the porch there is not proper pylons to support the porch and deck, it seems that you are going to need a very substantial fix – VD – Oh, yes planning to replace some woods – MM – Well is more than a wood the whole porch is sitting on sand of box. Which really means that the whole decking and porch need to come off and pylons need to be installed

MM – The roof, there is a large of section of roof shingles are gone, and it is a slate roof. Are you plan of putting roof on? – VD – He just planning to repair or fix what is missing there

MM – Driveway – VD – Driveway is big

MM – Re-paving it? – VD – Yes, going fix that

Those on Favor: None

Those seeking Information: None

Those on Opposition: None

MM – The shed, are you planning to replace or repair it? VD – It is in good condition inside, the wood is in good condition and just pain

MM – The bottom is not in condition – VD – Yes, but just some wood to replace though

JB – Well, this is a young individual and he think he has a very good intentions, and if he states on those intentions, we are going to have a very neat piece of property

AZ – He doesn't have any problems moving forward, he also thinks that petitioner has good intentions

AZ – Motion on ZBA- 2020-06 under §181.356 to **Approve** the **Special Permit** with the following Conditions:

1. **Driveway and parking to be repave**
2. **Shed to be re-siding**
3. **Roof to be properly repair**
4. **Front porch re-build to code, decking to be replace and pylons to be install**

5. Seven months Revie October 13, 2020

JS – Motion Seconded

Vote 4 – 0 to Approve the Special Permit with conditions

ZBA-2020-07 New Vue Affordable Housing Corp. 128 FAIRMONT ST 8:45PM
Special Permit under §181.353 to convert a retail space and apartment building into multifamily housing located in the Neighborhood Business District Map 63 Block 58 Lot 0

Presentation was given by Marc Dohan and Anne Reitmayer stating that this is not the first property that NewVue Affordable Housing has developed. Way back on the 90’s we obtained 27 apartments in the Cleghorn area and we now adding one more, 15 years ago we did a whole a lot of work in the neighborhood and we renovate those 27 units. Also, we built seven single-family and two two-family homes with new sidewalk repave the street and been a dramatic improve in the neighborhood. 128 Fairmont Street is always been a condominium, the bottom is a commercial and the upstairs are nine units. This was JB Variety store and when the owner wants to retire, he started looking to sell the variety store, so we obtained the store because we were afraid that whoever else obtained wouldn’t have the best practice and we did want to have some bad repetition. We been trying to figure out what we could do with the commercial unit. So, we had determined that the best thing for us to do is to convert the bottom commercial space into two units, those will be accessible. One one-bedroom unit and one two bedrooms, both handicapped accessible. Based on the Zoning by-law multi-family is allowed by special permit from Planning Board in this District. Thus, a Special Permit from the Board of Appeals is needed pursuant to Section 181.353 for the conversion of the ground floor retail space into two additional residential units. The two new units will provide much needed additional affordable housing in a current multi-family building and this alteration will not be substantially more detrimental than the existing non-conforming use.

Those On Favor: None Those Seeking Information: None Those On Opposition: None

MM – You own the building all along – MD – The top, was a commercial condominium
JS – Are the tenants staying there while renovation? – MD – Yes, and some will be relocated
JS – What’s the area mean? – AR – Well is depend on family size
AZ – Just to make this clear for all of us, our only decision is under 353 to allow alteration of an existing non-conforming structure. So, all we are doing is giving them permission to make the renovation on a building that hasn’t non-conforming for, what are you using for is not us. That’s Planning Board – MD – Yes, we had a meeting last night and they approved the Special Permit, just waiting for this Board decision for the Plan site review decision
JB – No questions, NewVue has done neat work, they are the new market for the City of Fitchburg
JS – What year the was build – AR – After the 60, she believes was 78
MM – read, correspondence from other departments Exhibit “A”
MM – Are you going to make parking lot better -MD – Yes, we are
MM – And are you going to pave – MD – Yes, we will

AZ – Motion on ZBA-2020-07 under §181.353 to **Approve the Special Permit** as requested
JB – Motion Seconded
Vote 4 – 0 to Approve the Special Permit as requested

ZBA-2020-08 Tricia Ducharme 1022 MAIN ST 9:00PM
Appeal to Overrule the Building Commissioner’s Decision for the need of a Special Permit from the Zoning Board of Appeals under §181.3566 located in the Central Business District Map 29 Block 14 Lot 0

Presentation was given by Tricia Ducharme and Diane Ducharme stating that they are in disagree with Commissioner Barbadoro determination on the property abandonment. Building Commissioner determination stated that property was unused for about three years, so base on her research it was used. We have a copy of a lease by Mr. Amanatidis. Also, he applies to obtain a dealer license which was denied by the City because there was an active dealer license at said location by Mr. Donald Cordio, therefor he was denied. So, he said was abandoned for more than two years, which he made this determination based on Mr. Amanatidis lease and the fact

that Mr. Amanatidis didn't obtain a dealer license because Mr. Amanatidis was using Mr. Cordio's. So, on her opinion the property was in use

AZ – When was the last time that a car was sold of the lot, by the license owner – TD – October 2018

AZ – The abandonment and non-use are two different criteria, if you have the license to use something but is not active use, so that still non-use. So, we need to look at the last time that was actively selling cars – TD – Yeah, that was October 5th, 2018

MM – So, just so he understands, you said that October 5th, 2018 was the last time that a car was sold there – TD – Yes

MM – By? – TD – Mr. Amanatidis, and she has a paperwork for Motor Vehicles to show that there were plates for Performed Auto Sales which Mr. Amanatidis use that name, which didn't expire until December 29, 2019

MM – He thinks knows why we are where we are, is because Performed Auto which he believes was owned by Mr. Cordio and somebody else – TD -Yes

MM – And they had a permit and license and everything to sell cars – TD – And they passed to Mr. Amanatidis

MM – They discontinued it, and at some point, of time Mr. Amanatidis started operating illegally – TD – No, he uses Performed Auto Sales, as states on the lease

MM – Is there a writing lease between them two? – TD – Between who? -MM – Between Mr. Amanatidis and Cordio – TD – No, that's was back on 2017

MM – So, that's going to help us establish that it was on continue use, do you have a copy of that? TD – He use it, showed a court document and it was run under Donald Cordio DBA as Performer Auto Sale, and that's Mr.

Amanatidis lease, which also were included on the application

MM – That's a complaint form, these are not a document that stated it was active

AZ – He understand that is a court document, but complaint is only one side of the history of the court document, it's not a court verification and it's not a proof of anything – TD – But, if you look back on April 2018 the reason why Mr. Amanatidis got denied is because he was using Donald DBA, and this is from City document

AZ – Yes, he remembers that. Again, just if the rejection letter said that he couldn't get a license because someone else was operating at that location, that will proof your point. But it said that there it was a license on that location, so that's doesn't necessarily proof there it was in use

MM – So, how do we know if car were sold from there. We need proof of documentation of vehicles transactions. -

AZ – Yeah, or at least vehicles that were advertise for sale, where it meets sale successful

MM – Okay, and do you have some documents like that? – TD – Well, she has the dealer plates and the date was cancel

MM – Who owns the dealer plates? TD – Donald Cordio

JB – Every use dealership has a proper IRS forms into the State, if you can obtain those IRS forms as to have that money was paid you would know exactly when the last sale was – DD – If they did legally, but you all know that all kinds of illegal things been going there. So, Tricia wants to do things at the proper way, clean up the area and make it look neat

MM – So, you are here because the Building Commissioner denied you. So, your options would be either to ask us to Overrule or to Apply right? – TD – But the point is that he denied her on the fact that he was under the impression that Mr. Amanatidis was denied having car dealer license, but he was using Mr. Cordio. She was on a meeting with Mr. Cordio last time he was in front of you trying to get license back, right before she obtained the building

MM – So, why not apply for a Special Permit to operate the business? – TD – Because since 1960 its been the same use

AZ – He understand that you think what you are to rule but assume for a moment that we don't think so. If we them issue you that Special Permit that he said you need from us, it will be exactly the same situation as if we you were right and you can continue using the property – TD – But she never need a Special Permit and you know she comes from NH, she put a lot money in time to do it and she hate to said this, but that is a horrible neighborhood and she is investing her money. Also, she is trying to do it the right way

AZ – Right, so what we are saying if we issue a Special Permit it doesn't restrict you, it doesn't put you in any worse situation the if you don't need a Special Permit – TD – But, why would she need a Special Permit

MM – If you want us to look at what you apply which is to Overrule the Building Commissioner decision, you would need to show us some concrete information that shows that cars were legally sold from that property – TD – She can't show if legally was sold

AZ – He really wants to understand, he is not opposed to the petition, but he wants to do this through the legal channels. What do you think is the downside to you if we issue a Special – TD – It has a Special Permit there since 1960

AZ – Right, but what do you think you lose? – TD – Is not what she loose she just wants is the building is, is grandfather-in is been the same use since 1960 she shouldn't have to get Special Permit

AZ – If you insist on only pursuing the Appeal and not Special Permit, he can vote for it, because we don't enough evidence to prove that the Building Commissioner was wrong and overturned his decisions requires a very high bar. We have to either prove that he was wrong on the law or if he has the fact wrong and we don't have proof of any of those. So, if we give you Special Permit you have all the same rights even if you think you don't need one, if you insist on going for only for the Appeal and reject the possibility of just going for Special Permit you are going to walk away with nothing instead of a permit that said you can do exactly what you are intending to do anyway – TD – So, why you are making a big deal on make her to get a Special Permit if it's the something?

AZ – Because it has to go through the right legal channels, we don't have the authority to overturn the Building Commissioner decision just because we think it won't make a difference – TD – But his decision was based on the facts that was vacant for more than two years

AZ – He understand, but we can prove that he was wrong – TD – Well, you can because we called until together and the last electricity bill less than two years ago and you have the paperwork that he was evicted on whatever date

AZ – That's prove that he had possession of the building and have utilities on it, it doesn't proof the use of the Permit was actively use – DD – Why it needs to be, its pre-existing non-conforming since 1960

MM – We want to see you come to City, based what is before us tonight you are only asking just on one thing to Overrule the Building Commissioner decision. So, we would like to give you some options. First of all, we are only four members tonight, so you would need unanimous vote. We can proceed, you can ask for leave to withdrawal and re-apply for Special Permit. If you want us to vote base on the all information you provided, we will more than happy to do it – TD – So, what you want? A thing from the registry it shows the last car was sold and registry and sold there? – MM – That will help, or your easier path will to simply apply for Special Permit

AZ – You are asking us to work with you, we want to work with you, but that kind or reasoning the helping you out work with you do what we can to make it work better. That's Special Permit logic, Appeal's logic is appeal of question of law. Is just it's proving isn't not, if it not we can want to help you as much as we want, but we can grant you the appeal? We don't have the power to overturn the Building Commissioner decision on those grounds – TD – She understand, but basically the plates were cancelled on October 21st, 2018 voluntarily, that's when they stop using the plate there and that's less than two years ago

MM – If Mr. Cordio was here tonight and he had spoken to him multiple times and he had asked him when was the last time that he as the business sold the car at the lot, the answer would not be 2018. So, he understands petitioner point, but now his point is: how would you like us to proceed? – TD – Well, there was registration on file to 2018, the plate was there until 2018, the business was register with the City of Fitchburg and the paperwork when Mr. Amanatidis was evited from the property and that also is less than 2years ago. So, the Building Commissioner his only letter to her was it said that the building was in not use for more than two years

AZ – For that use, car sales – TD – The Building Commissioner wrote is discontinuation of use for longer than two years

AZ – The question is not whether the building was use, the question is whether the use – TD – Okay, but cancel on 2018, so they were use there on 2018

AZ – No necessarily, he can have dealer plate and not selling any cars it could be possible for him maintain dealer plates – DD – If you didn't have the opportunity to sell one

AZ – The opportunity but that doesn't mean is in use – DD – If you didn't sell one because of the bad economy

MM – Okay, we want to give you some options. If you would like we can grant a continuance and ask Mr. Cordio to come in and he may can provide us a proof that he was on operation – TD – But you guys have to understand, she has the letter the Mr. Amanatidis had a lease on 2017 and he was unable to obtain dealer plates, because he was using Donald Cordio

MM – He is asking her again: if you want we can move to vote tonight based on the information you provided, or if you would like to bring in some additional information – TD – She is not going to bring any people or other information

TD – If you know that was and had been a lot of illegal activities and all she is seeking is to have a legal use and keep the property neat and clean

JB – We are playing the word use on two different ways. One is saying use, having to sell an automobile on that property. And the other use, is use meaning that they were receiving rent on property.

AZ – In our zoning contexts when we are talking about a permitting use, it’s the specific on the table – DD – Right, which is pre-existing nonconforming

AZ – But, the question is whether is the permitting use is taking place – TD – It was, because if you plate are register, and you have then and then you give then back on whatever day and you are not using then as of this date forward

AZ – So, if he has a license to run a hotel, but he is not open for guess. In he is using it. – TD – But, you still have a license

Those On Favor: Mark Fisher of 962 Main Street stating that he doesn’t see the issue to continue a car sale there. It been use for that in the pass – AZ – We don’t think so either, but we need to get there on the right channel

Those Seeking Information: None

Those On Opposition: None

AZ – We could grant you the Special Permit – TD – If you guys are okay grant a Special Permit why can’t she just run of the fact is a grandfather property?

AZ – Because we have laws that regulate what we can and can’t grant and we have standards for when we can grant an Appeal, you have not met those standard. You have enough standard for Special Permit, and we will be giving you the Special Permit to let you know what you in to do what you want – TD – No

MM – We are giving you the last change for the options. One, to say, yes you would like us to vote tonight base on the information she provide. No, you would like to continuance because you are going to provide you some additional information. Or would you like to withdrawal without prejudice – TD – No, she is not going to withdrawal after she paid \$300 dollars

MM – Okay for the 4th time what would you like us to do? – TD – No, she doesn’t need a Special Permit

MM – So, you want to continuance? – TD – Yes

AZ – Motion On ZBA-2020-08 under §181.3566 to **Continue** the petition to **April 14, 2020**

JB – Motion Seconded

Vote

4 – 0

to **Continue** to **April 14, 2020**

4. MISCELLANEOUS

Election of Officers

Election to move to next month. No, all members were present, and we have two new members to joint us hopefully by next month

AZ – Motion to move Election of Officers to April 14, 2020 so existing and new member could be present

JS – Motion Seconded

Vote

4 – 0

to move Election to April 14, 2020

5. ADJOURNMENT