



ZONING Board of APPEALS  
 166 Boulder Drive  
 Fitchburg, MA 01420

**MEETING MINUTES – JANUARY 14, 2020**  
**SENIOR CENTER, 14 WALLACE AVE**

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

<b>CASE No.</b>	<b>APPLICANT</b>	<b>PROPERTY</b>	<b>TIME</b>
<b>ZBA-2019-23</b>	<b>Zachary Poladian</b>	<b>285 RIVER ST</b>	<b>7:00PM</b>
<i>Review of a Use Variance under §181.962 Special Permit under §181.352 to operate a motor vehicle sales located in an Industrial District Map 39 Block 51 Lot 0</i>			

The presentation was given by Zachary Poladian stating that he just obtained the parking plan from his landlord earlier today, so there shows the parking 6 at front and 2 on the back with the actual layout of the property.

LM - And there are 9 x 19? – ZP – Yes  
 LM – So, they are little largest than the requirement

Those On Favor: None                      Those seeking Information: None                      Those On Opposition: None

MM – Not questions, but reading the plan and it was drawn, whoever did it doesn't appear that they don't even know where the property lines are. So, he is okay with it, but that's what the Board major concern is to know if those parking-spot are on the owner property.

LM – But, your cars are not park in City property? ZP – No

MM – He is okay with it and didn't though to have another review, but he thinks that it won't be a bad idea to have another 6-months review

JB – No questions, he visited the property and had no problems with it

AZ – The property is in excellent shape and he loved that petitioner had cleaned the whole lot – ZP – And he is planning to do a lot more with the building itself, but waiting for the good weather

MM – Yes, and that's why we are given some latitude, so we want to see you successful

ZA – He doesn't had problem with the plan because it's not that one of the things where we get parking crowding and we need to know or at least the plan is off at by 6 or 8 feet or so

MM – Yeah, agree but it wouldn't be a bad idea to have a year review just to see how everything goes

LM – One thing about our respond from different departments, and the Wastewater Department wanted you to contact them about the drains are connected to sanitary system – ZP – Yes, the owner did long ago

MM – Any signage? ZP – Planning on redoing the whole front and then he would like to have a sign

MM – Okay, sounds good and we want professional sign is a reflection on your business and to the City

AZ – Motion on ZBA-2019-23 under §181.352 to **Continue** with the **Review** amending condition #4 with the following conditions:

1. **No motor vehicle repairs, and No exterior storage of motor vehicle parts or supplies maximum of 8 vehicles displayed for sale**
2. **No junk or un-operated cars storage outside**
3. **Hours of Operations: Monday to Saturday 9:00 AM to 5:00 PM and Sundays 12:00 PM to 5:00 PM**
4. **Review in One Year – January 12, 2021**

5. **Plot plan to was submitted at January 2020 hearing showing snow removal storage and lined parking cars**
6. **Sunset Clause: Special Permit will expire/terminate upon the sale/transfer of lease or if such as lease is unable to be negotiated with Zachary Poladian**
7. **Professional signage only – no vinyl banners**

MM – Motion Seconded

Vote 4 – 0 to **Continue** with the **Review** to **January 12, 2021**

**ZBA-2019-13 Ruth Jeanete Guzman 324 LUNENBURG ST 7:10PM**  
*Review of Special Permit under §181.3561 to reinstate a vacant/abandoned building as a 3-family dwelling located in a Central Business District at 36/15/0*

Presentation was given by Ruth Guzman (Property Owner) and Steve Cuevas (Construction Contractor) stating that the building permit was delayed a little, but they are currently working on it. First Building inspection will be done tomorrow

LM – What do you think the time frame it is, to get the project done? – Steve – It’s mostly dependent on the weather because currently, we are working on the siding. Unfortunately, we have found too many mickey mice and we need to face everything, such level the floor, reframe the whole wall of the bathroom on the first and second floor.

LM – Well what do you think worse scenario it is? – Steve – By the end of the next months’ couple things could be done on the interior

LM – So, we should put this case by the Spring or Summer – JB – Five months will be okay

Ruth – She visited the property and he mentions that the up-stairs he would need to re-do them – Steve – Yes, the emergency stairs to the second floor don’t meet code, currently are about 5 feet, but they supposed to be 7 – 8. He doesn’t know how to correct them because there is not enough space, he will play around and make them as an emergency exit

MM – Well, if you finding it gets little expensive keep on mind that on a two-family you don’t have to do sprinkle, he knows that petitioner wants to do three, but it may be an alternative to take a lot of costs off – Steve – He tries to talk to a company about the sprinkle and they need to see the building and test of the water pressure lines

AZ – He as a Board member appreciated all the extensive work that they are putting – Ruth – We wanted to do it right

Steve – We did the windows, because they were too low, and they are code compliance now

Those On Support: None                      Those Seeking Information: None                      Those On Opposition: None

LM – It seems no one has questions tonight, but we got a response from the Wastewater Division to want you to make an appointment with them to make sure that there are not some pumps of drains are going to the sanitary system

AZ – Motion on ZBA-2019-13 under §181.3561 to **Continue** the **Review** and amending condition **#10** with the following conditions:

1. **Repair and paint all decking**
2. **Upgraded exterior uniform gutters, facial boards vinyl siding**
3. **Full rehab kitchen and bathroom front first floor**
4. **Paint kitchen and bathroom from the second floor with granite kitchen counter and new vanity in the 3-units**
5. **Alter paving and landscaping as per plan is shown and filed with the Zoning Board**
6. **Repair slate roof or re-shingle with good-quality asphalt**
7. **All items outlined in Exhibit D, "Scope of Work", to be completed**
8. **Special Permit shall terminate/expire if the property is sold or transferred prior all conditions from Zoning Board have been met**
9. **Property not to be occupied or put into use before Zoning Board findings that all conditions have been met**
10. **Review on July 14, 2020, at which time Petitioner acknowledges that the Board may introduce additional conditions based on any new information obtained**
11. **Awnings to be removed and yard to be clean up to an acceptable condition**

JB – Motion Seconded

Vote 4 – 0 to **Continue** with the **Review** to **July 14, 2020**

**ZBA-2020-01**

**Gapco, LLC  
Paul Tocci**

**54 LUNENBURG ST**

**7:20PM**

*Special Permit under §181.355 to reinstate a vacant/abandoned building as a two-family dwelling located in the Residential C District Map 45 Block 50 Lot 0*

Presentation was presented by Brent Heinzer (Architect) on behalf of the property owner stating that they submitted a Form of Intent with the Building Department and he said that we need a Special Permit on an existing nonconforming. Currently, is a Special Permit on the first floor for a Radio Repair. So, we are trying to do is reinstate this property as a two-family and we required to obtain a Special Permit from this Board

LM – Before going any farther with this, we are only 4-Board members tonight which means that you are going to need a unanimous vote – Brent – Yes, he understood

LM – So, would you like to continue and move forward tonight – Brent – Yes

Those On Support: None

Those Seeking Information: None

Those On Opposition: None

LM – What is the intention on the first floor? - Brent – to be an apartment, we want to have a first-floor apartment and second-floor apartment. We had a property plot plan showing the set-back. All the work we are proposing to do is all interior work to make the conversion. Anything is being done outside is strictly cosmetic repairs of staircases that they already existing

JB – That’s going to be little hard for the tenants on the first floor with all those big windows – Brent – He hasn’t been inside to do any documentation on what is need to be done, once the Board approve them they can move forward with a construction plan to submit at the Building Department

MM – He wants to everyone know that he can’t vote on something that’s plans were not presented – Brent – What plans would you like to see?

MM – Simple, this is a gate away property and if you are going to change the use to residential, you are going make it look residential. Such, street gate, greenery, the fascia that isn’t completely flat and make it looks like a square – Brent – Okay, he is the one represented, and he is the one that has to deliver the news

LM – Well, you want a two-family we want it to look like a really nice two-family – Brent -What, you don’t want it to look like the rest of the neighborhood

LM – No we want you to be the stand for the neighborhood

JB – We do not have a problem approving a two-family along its going to be something that he would live in

AZ – The residential use is allow by right and we are not contesting you on that, but is the code that specific you are looking relief you are looking for is structural of the nature is nonconforming – Brent – But he is not making it any more nonconforming

LM – So, the Wastewater Department would like you to contact them – Brent – Yes, is typical from them

AZ – He does think that it makes more sense and have the petitioner to come back next month with at least some kind of sketch plan of what we may be looking at – Brent – Okay, he can do that

LM – And materials as well

LM – So, how long do you think you may need? – Brent – Next month will be okay

MM – How many bedrooms are you thinking? – Brent – 2-bedroom

MM – Motion on ZBA-2020-01 under §181.355 to **Continue** to: at what time petitioner to submit:

- 1. To present landscape plan**
- 2. The exterior of the Building Fascia**
- 3. Exterior elevation**

AZ – Motion Seconded

Vote 4 – 0

to **Continue to February 11, 2020**

**ZBA-2019-34**

**Dennis Bradley**

**12 FOSTER ST**

**7:40PM**

**Continuance:**

*Special Permit under §181.3562 to reinstate a vacant/abandoned building as a three-family dwelling located in the Residential C District Map 41 Block 37 Lot 0*

Presentation was given by Mark Bradley (Son) on behalf of his dad Dennis Bradley stating that back in November there was a condition on the property title, and they were able to obtain an extension of time from the City Counselor on the property. Also, there was some issue on the initial parking plan, but they re-do it and obtained a curb-cut pre-approve permit from DPW. The reason they were delayed obtained Building Permit to reinstate the property was because his dad purchased few other properties at the same time and fix them one at the time, leaving the property above at last.

LM – So, you are going to raise the grave on there and remove the garage? – Mark – The garage is super worn-down and we probably we are going to tore it down

LM – So, it is going to be a green space – Mark – Yes, most likely

LM – Well, before going far. We are only four members tonight which means that you are going to need a unanimous vote. Would you like to move forward or would you like to come back next month? – Mark – Yes, ready to move forward

Those On Support: None

Those Seeking Information: None

Those On Opposition: None

LM – What’s the renovation is going to be? – Mark – Almost a complete interior renovation, been vacant for a couple of years and we obtained from the City Auctions and has a lot of problems and we want to renovate to make it occupied

MM – Well, if you are doing a good renovation over than 50% you don’t need to be here – Mark – Well, he doesn’t know exactly what the percentage will be, all he knows it needs a lot of work

AZ – He understands he is at the Board because the Commissioner wasn’t sure if there was adequate parking

AZ – So, what are you going to do to bury the space on the left-hand side of the building? – Mark – They are planning to replicate what the neighbor did with his property

AZ – Is he is a landlord, or he lives in there? – Mark – He believes he lives there as a homeowner

AZ – Okay, because we are less concern when the homeowner is, but when you planning to have tenants and have the parking on a hill, but if you are prepared to fill it and graving it’s okay

AZ – He can see the potential, just is going to be a lot of work

LM – It’s a true 3-family set-up right now? – Mark – Yes

LM – So, what’re the numbers of rooms? – Mark – 2-bedrooms in each apartment

LM – So, living room, dining room, kitchen, and two-bedrooms? – Mark – It’s a living room, dining room, and kitchen

LM – So, your intention with this property is to fix it and sell it? -Mark – No, he believes that his father wants to keep it

LM – But is not an owner-occupied intention? – Mark – No, that’s not the intention

MM – On those three spaces on the left it is a flat top right now – Mark – No, he believes is gravel stone

MM – Can you do some planting there? – Mark – Yes, we can do some green

LM – This is what we think you should do. Remove the gravel driveway, make green space and eliminate this 3 parking on the left, remove the garage and add six angle spaces with the 3 feet buffer from the boundary. And the interior renovation it will be up to the Building Department

MM – Ready to vote, just to all conditions to be met before occupancy

JB – Agree

LM – Do you know what is the fascia of the building is going to be, are you siding? – Mark – Yes, we definitely will going to do it, siding and roof because is complete gone

LM – Windows is going to be replaced? – Mark – He couldn’t speak about it

LM – Well, you probably will because you are siding anyway – Mark – All he remembers is that there are some board out

LM – Well, we are going vote on what we already know now, so you can get move forward on your project

AZ – Motion on ZBA-2019-34 under §181.3562 to **Approve** the **Special Permit** with the following conditions:

1. **Vinyl siding**
2. **Roof to be replace**
3. **Garage to be removed and add 6-angle parking spaces with the 3 feet buffer from the boundary**
4. **Make green space on the left-hand side**
5. **Remove gravel driveway on the left-hand side**
6. **Elevate the land with proper curb cut and blacktop driveway**
7. **All conditions to be met before occupancy being granted from the Building Department**
8. **Review in 6-months July 14, 2020**

JB – Motion Seconded

Vote

4 – 0

to **Approve** the **Special Permit** with conditions

**4. MISCELLANEOUS**

Election of Officers:

AZ – Motion to **Continue** the election on **February 11, 2020**, when more members may be able to be present

MM – Motion Seconded

Vote 4 – 0 to **Continue** the election on **February 11, 2020**

AZ – Proposed to change the Zoning Board of Appeals’ alternative date to be two weeks apart. This will be more convenient for him, as a board member the alternative date we currently have which is one week apart. As a City Councilor, these dates interfere with the City Councilor agenda meeting and therefore he won’t be able to attend on those marked dates in case it needed

LM – Agree it will be the best for the Board in case of short staff

MM – On support

AZ – Motion to change the alternative dates on the agenda starting as of **February 2020**

MM – Motion Seconded

Vote 4 – 0 to change those alternative dates on the agenda going forward

**5. ADJOURNMENT**