



ZONING Board of APPEALS  
 166 Boulder Drive  
 Fitchburg, MA 01420

**MEETING MINUTES – JULY 9, 2019**  
**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 & JS |
| 3. Hearings       |    |                             |                 |

CASE No.	APPLICANT	PROPERTY	TIME
<b>ZBA-2014-18</b>	<b>Grecco Alonso</b>	<b>134 CRAWFORD ST</b>	<b>7:00PM</b>
<i>Review of a Special Permit under §181.23 to operate a construction yard located in the Industrial District at 114R/1/0</i>			

LM – Petitioner had sent a writing notification and had asked for a continuance to September meeting under a mutual agreement

Those Seeking Information: None                      Those In Support: None                      Those Opposed: None

AZ – Motion on ZBA-2014-18 under §181.23 to **Continue the Review to September 10, 2019**

MM – Motion Seconded

Vote    4 – 0    to **Continue the Review to September 10, 2019**

<b>ZBA-2018-38</b>	<b>Positive Properties, LLC</b>	<b>35 JEANNETTE ST</b>	<b>7:10PM</b>
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*Review of the Variance under §181.355 to erect a 26' x 24' attached garage with a room above leaving +/-7' to the property line located in the Residential A-2 District at 101/11/A*

Presentation was given by James Pappas, Christopher Cordio and Kelly Cordio stating that they will move soon to occupy the property. The driveway was finished today which was one of the conditions, the yard it will be finished soon, machines got fix today we have two machines were using and both broken down. So, by the end of the weekend the yard is going to be all in good shape. So, over next week is going to be flat and beautiful

Those Seeking Information: None                      Those In Support: None                      Those Opposed: None

MM – Looks good, probably would like to see just to accelerate the place clean-up you got a lot stuff that is been there for a long time, may be if you can clean what is there – CC – Yeap, all will be gone by the end of the weekend – MM – Okay – CC – It all happened at the same time the machine broke it just happened – MM – With the snow plow and all that, just help the neighbors out – CC – Absolutely, they are all excited we are friends with every one of them

JP – They did incredible job in the inside, the inside is so beautiful and they are going to do that at the outside – CC – The weather kill us on April we couldn't do much – MM – No, you did a great job – CC – We are putting a nice stone wall in the front is going be look beautiful, the driveway came out beautiful today which it's the last piece, we work hard every night every weekend we were there

AZ – No questions he love those pictures were presented tonight and he doesn't have any concern about the details exterior because no everybody put a lot on the exterior then the interior – CC - absolutely

JP – So, the question he has for the Board is that the driveway conditions the Building Department will take care whether its get fix the grass and all that. Is he relief from the zoning tonight – LM – Hopefully, some of the members may said lets see the finish product and come back and lets have one more review, but we will see

MM – So, we have a condition that we want the driveway to be pave, but we didn't put any condition that it will prevent you from obtaining an occupancy permit – LM – No, we did – JP – He could obtain the occupancy permit now, all he has to finish the lawn – MM – We typically like to see the project get completed and you were talking about fencing that we didn't put it as a condition

LM – And you also were about a pool, but are you not doing that right now? – CC – That it may going to be done by the end of the summer – LM – But it may not – CC – It may not exactly – LM – If it will under the building department – CC – Yes, it will be under the building department – JM – They won't issue the occupancy if anything, its really the landscape is what is holding and they are planning to move in by the next week – LM – Usually what we do is that we like to make sure that even if you obtained your occupancy we want to make that everything is complete and not debris left on the property

MM – When we granted a project the Board has the authority to put reasonable conditions and also to be able to review the project, because we have applicants who come in and present the project and in good faith you said this is what we are going do, so we want said in the end okay you done what you said you were going do and everything is good. Do you have concerns if we put another review on this – JP – No, he just want to be done that's all – MM – Well, just said this: he doesn't expect this, but our concerns could be that people get into the house and those construction vehicles are there for another year, the lawn it sits and its stays the way it is. So, this is the way that ensure to the neighbors the whole project is done that's all

AZ – A lot of those that we put specific conditions on the permit on those things that you said you are going do, but God for beat if something would happens to you before you finish the project and someone else takes possession of the house. So, having an additional review up to the point is the project finish give us the option to ensure is complete

MM – So, what do you think to have a review on October? CC – Okay, he will be ready by September

MM – Lets do the September review and we may be down

AZ – Motion on ZBA-2018-38 under §181.355 to **Continue** the **Review** striking condition #1 and amended condition #2 to Read:

**1. Review on September 10, 2019**

MM – Motion Seconded

Vote 4 – 0 to **Continue** the **Review** with conditions

**ZBA-2017-42**                      **Ainiwaer Mireguli**                      **24 VICTOR ST**                      **7:20PM**  
*Review of a Special Permit under §181.3561 to reinstate a vacant/abandoned building as a single-family dwelling located in the Residential B District at 3/50/0*

1<sup>st</sup> call and no one was present on the audience for this petition

MM – Suggested to move the review to October 2019

2<sup>nd</sup> call and no one is present on the audience for this petition

LM – We should give them few minutes since that we can't call the next case at this time

Those Seeking Information: None                      Those In Support: None                      Those Opposed: None

3<sup>rd</sup> call and no one is present on the audience for this petition

LM – Please to make a note and ensure petitioner knows: If the petitioner will not be present for October's hearing the Special Permit will be on jeopardy to be revoke

MM – Motion on ZBA-2017-42 under §181.3561 to **Continue** the **Review** to **October 8, 2019**

AZ – Motion Seconded

Vote 4-0 to **Continue** the Review to **October 8, 2019**

**ZBA-2018-11**                      **Brothers Parking Lots and Roads**                      **126 JACKSON AV**                      **7:30PM**  
*Review of a Special Permit under §181.313D5 for a Construction Yard located in the Industrial District at 59/9/0*

1<sup>st</sup> call and no one was present on the audience for this petition

LM – We have a letter from the Building Commissioner that it was issue to the petitioner stated that they have decision from us and that they haven't complied, two campers on the property and parking is un-pave. She doesn't know if other member visited the property, but they did do the grave basic they just haven't fully paved it. We were notified that the petitioner went to the Building Department and verbally notify that they are no longer interested to continue with the petition – AZ – Do we have anything recorded contemporaneously, like when did he said that? LM – Well we have the email was send to us that day he visited the Building Department – AZ – Okay, that will enough – AZ – That will be acceptable – AZ – Yeah

Those Seeking Information: None

Those In Support: None

Those Opposed: None

LM – So, how would you like to proceed on this – AZ – Well, this is a review, so our only options is to revoke the Special Permit

AZ – Motion on ZBA-2018-11 under §181.313D5 on light of refusal of the petitioner to complied with conditions and his speediness agonist to continued proceeding with the Zoning Board we move to **Revoke the Special Permit**

JS – Motion Seconded

Vote 4-0 to **Revoke the Special Permit**

**ZBA-2019-18 Alex Manhaes Da Silva 13-15 CHESNUT ST 7:40PM**  
*Special Permit under §181.3564 to reinstate a vacant/abandoned building as a 4-family dwelling located in the Residential B District at Map 18 Block 107 Lot 0*

LM – We are only four members this evening and you would need to have unanimous vote on your petition or would like to continue? AD – Okay – LM – So, do you want to continue them with four member's board? AD - Yes

Presentation was given by Alex Da Silva stating that he bought this property about two years ago and it didn't have parking. He has been in contact with the building department about the property and they said that he couldn't do anything without the parking situation, he has invested all his savings on this property and he couldn't do anything until he obtained parking. So, he obtained the adjacent lot to create parking where he can fit 8 parking spots. So, previously was apply for a 5-family dwelling and now he is changing it to a 4-family dwelling, based on the parking spots he has available. He has already talked to Gary at DPW and he looked at it and he said that looks fine to created parking. Therefore he applies to obtain the Special Permit to reinstate the property, because is aware about the concerns everyone has about the snow plow and the traffic because property didn't have parking, but now property has parking.

MM – Do you we need to make vote that this petition is substantially different than – AZ – He doesn't think that a formally vote needs on that – MM – He thinks they do – LM – No, just by simple majority – AZ – Sure – LM – And before we do. Do you have any though? – MM – Well, we know this house is being a topic for a long time, several years ago before the request for reinstatement of abandoned building were on the zoning board it was the City Counselor and applicant had purchased a property go in front of the City Counselor and its get deny, petitioner has requested within a year same thing. However he all wants is to make the Board aware if everyone feels if this is a substantially different from the last applicant – AZ – Honestly as the matter of law he thinks it is substantially different, but the turn-out he doesn't know it will be different, that's what we would discuss after words, but he thinks that the application itself because he now owns the adjacent lot and he is requesting less than 5-units, he believes that would be enough to satisfy that is a different application

AD – When he first obtained the property he didn't know that he has to reinstate it, but now he try to sell the property and even the real estate agent who was helping him it got a claim that was open-up with the realtors association about this property was advertise for 5-family – MM – Well, that it may was because it was listed untruthfully – AD – Right, but base on what you were saying, he didn't know any of this before he invested all his savings in and now he owns this property for 2-years and unable to do anything – MM – Did you have an attorney? – AD – Yes, he did

MM – Do you have other Real Estate? – AD – He has the house that he owns – MM – Do you have any other rental units? – AD – Yes, he has another one. This was my investment for retirement

AZ – So, Chairperson should we take that vote procedure and then move on – LM – Yes, we should

AZ – Motion to acknowledge this petition has substantial different from the previous petition

MM – Motion Seconded

Those Seeking Information: None

Those In Support: None

Those Opposed: Mark Bigelow of 42 Chestnut Street have lived there for 39-years, he doesn't think this property can be used as a 4-family, he believes that this property it was originally a 3-family. He also knows that the lot he bought is not big enough to create those numbers of parking, and his other concern is that road it is on a hill and it has a lot of traffic sometime going from Main Street to Arlington Street. And now he is going to have this big family building where cars can be parked on the street and people can't go by especially on the mornings – LM – So, parking is your biggest concern? – Mr. Bigelow – Parking issue and he doesn't think that the building is big enough for 4-family

Joseph Smeraldi of 18 Chestnut Street stating that on his opinion this 4-family doesn't fit on the neighborhood all other properties are single and 2-family dwellings, on the past 6-months the Fitchburg Board of Health has issue multiple tickets because of the dump and trash accumulation on the property. AD – Yes he has gotten call from the Board of Health because people dumps mattresses and other materials because they know this is a vacant property – AZ – How often do you check your property – AD – He tries to check the property once a month and if he sees something he takes pictures and removed it

Robert Talbot of 16 School Street stating that he is the located just behind this property and just supporting all that Mr. Smeraldi said. He also believes that the petitioner was fully aware of the situation about the reinstatement process, which was recorder with the Registry of deeds. AD – No, he wasn't aware, he had a lawyer representing him and neither his lawyer was aware of the City reinstatement situation – AZ – He just wanted to know about question #4 on the application does ask if you have knowledge of prior appeal or decision and you did know on our decision on September 11, 2018. If you or your lawyer were aware of that decision you should look and see exactly what it said –AD – I did see on that what had said on the previous petition that there wasn't enough parking – AZ- That was that, but it also has more details on it other than that, there were a lot more concerns than just parking – LM- So, she just would read to the petitioner what it said. A, The request fails to meet the intent and purpose of the Zoning Ordinance by adding more congestion to the overpopulated neighborhood. B, Once the required buffer is added to the lot proposed for parking and a space for a dumpster, the parking is not adequate for what is being requested—would be a stretch to support two units, much less than five. C, the purchase of the property and the property proposed for parking is contingent upon the grant of the special permit and therefore is not a hardship for the petitioner financial or otherwise. So, those were the findings which you note it in the application – AZ – A and B are very specific

Judy Bearfield of 9 Chestnut Street stating that also snow is a big concern

Ann Mary Desaulnier of 22 School Street stating that she been living there for 8 years now to have 4-units on this property it doesn't seems is a good idea, and definitely traffic is a big concern there. No once on the last past 3-years has cleaned the snow at all

MM – One question to the petitioner did the engineer who created the parking plan visit the property or he just make this up? – AD – Don't know, he provide the information – MM – Because doesn't shall curb cut very familiar with the neighborhood, the roads maybe 11feet wide if best and very concern of trying to come-out and turn in and out into the property, because it's a higher grade – AD – That's going to be in middle and he didn't have problems entering into the property – MM – He been in the property a lot and he is being honest that he feels bad of petitioner being on this situation, on his opinion the building it should get demolish even before petitioner obtained. And now we are on the situation now where the Board has to look what is the best interest to the City and what's the best interest to the neighborhood and this is not a good plan. Anyway he is struggling with this petition

AZ – So, speaking of the parking plan, there are some things that he doesn't seem on this plan and he understand that he went to see Gary, but Gary is not responsible for approving parking. He doesn't see a 10foot buffer strip which is necessary for multi-family parking plan, so he needs to have 10feets between the parking space and the property line. So, looking the plan if we considered that you probably would have six conforming parking spots, them he doesn't seem any snow remove area which you need because you can't just dumped it onto the neighbor's yard and can't dumped on the street and obviously you can put it against your foundation and you may know that, and you also need a dumpster which it would need to be somewhere on your property – AD – He thinks that he may able to move the parking angle to fit the dumpster – LM – Well, that's great, but depending on the angle of the parking you also will need returning radios, so we have parking rules to follow

MM – So, here is the thing your engineer who draw that plan should open the Fitchburg zoning by-law and look at parking criteria, he didn't do that he just drew eight spots on that said here you go and charge you for it – AD – Yeah, and he charged him a lot – AD – Okay, so if he change his petition instead of 4-family and ask for a 3-family – LM – You can apply for whatever you want to apply for, but she thinks that what petitioner is hearing from the Board this evening a 4-

family a 3-family it doesn't seem to keeping with the neighborhood, it's been too much traffic on the past. And more likely it's was a two-family on the past

AZ – He just wanted to address something you had mention that you are by Lancaster and Leominster area frequently, but you only checked this property once a month and there is clearly no landscaping maintenance been done or anything like that. Why should be we trust that you will maintain the property adequate if we approve this, even when you don't maintain the property right now – AD – he didn't maintain the property because he was waiting for the Special Permit go through – AZ – As an owner – AD – He was a way out of the country, but he already has contacted a landscape to clean the property, and the landscaper said that he was going to take care everything today. He doesn't know if he did it or not, he didn't have the time to go and check before coming to the meeting, but planning going after

MM – He wants to make a comment to the petitioner, if you want to continue to try to move ahead with a request to the Board that you should at least look at presenting a plan that fits the City standard for parking – AD – Okay, but he hire an engineer he didn't know – MM – He understand and he believes to the petitioner, but all can he recommend that if they didn't open the book and provide a plan based on the by-law them maybe you want to consider moving ahead with some type of request from Board and find out what it really fits there – AD – He thinks maybe 6-parking – MM – But you didn't open the book either to understanding turning radio because people always said okay we have a table and how many cars can we fit there, well you have to move them. Also a lot of comments were made about snow and we get a lot snow. He knows that petitioner is on a tuff situation, unfortunately we have to do what's right for the City and for the neighbors – AD – Like he said the trash dumped into the property its nothing that he can do about that – LM – She understand when is unoccupied people tend to see that and make a mess – AD – He understand about those snow comments, but the snow on the lot no one is going into the lot. On his property nobody is going to go in – AZ – How about the sidewalks? You are the property owner responsible to keep the sidewalk clean

LM – So, what she is hearing from the other board members and information that we are getting from the neighbors. First of all the parking plan that you had submitted is not adequate to move forward on this petition. Do you want to ask for a continuance or would you want us to vote on this evening as a 4-family? – AD – Lets do a continuance and maybe change amend the petition – LM – So, you want to continue – AD – Yes, to the next meeting and he can have some time to talk to the engineer – LM – Okay, September, October because we don't have meeting on August – AD – September – LM – Okay, is the Board willing to grant the petitioner the continuance? – AZ – He thinks that this is a clear cut issue and don't think that this property is not suitable for rehabilitation, therefore continuance should be necessary since we had been told that there is not sufficient parking available – LM – But he could ask for a single-family – AZ – True, but also again we been hearing from the petitioner multiple excuses to not taking care this property and it shouldn't be a mystery if you are a property owner, whether or not you are permitted to do anything with it, you still should take care. You should still take care and shovel the snow, the bushes should be trim, the trees should be trim and the trash at least not be save for more than a week because you drive by more than once a month to check if you notice that people been dump some trash and the side should be shovel because that's an Ordinance requirement. Frankly he doesn't not have faith that this petitioner would following condition that we may put and maintain the property in a good condition, as soon it came unprofitable which it may have it as an one-family or two-family rate. So, he is just one person member, but his vote will be deny – LM – Okay

JS – She agrees with Anthony don't think that this should be granted as 4-family or 3-family

MM – He thinks that the Board should give the petitioner a continuance to October, so he can have plenty time to communicated with the engineer and work with a better parking plan, but he is good either way he can vote tonight or give a continuance

LM – Are willing to make a modification on your application – AD – He thinks that he has too, he has to contact the engineer for the parking

MM – Motion on ZBA-2019-18 under §181.3564 to **Approve the Continuance to October 8, 2019** which at that time petitioner to submit a better detail parking plan and add some modifications to the original petition to a single or a 2-family home

JS – Motion Seconded

Vote 3-1 to **Approved the Continuance to October 8, 2019**

**ZBA-2019-19**

**Peter M. Pelletier**

**41 SCOTT RD**

**7:55PM**

*Special Permit under §181.355 to build a 24x21 garage on a single-family dwelling leaving 25' to the front yard property line located in the Residential A-1 District Map 287 Block 3 Lot 0*

LM – As may already know that we are only four Board Members this evening and so you would need a unanimous vote from us. So, you have the opportunity to ask for a continuance or you just can move forward this evening – PP – Move forward – LM – Okay

Presentation was given by Peter Pelletier and Alice Pelletier stating that they have own and lived on the property for several years, and they would like to build an attached garage to the property which it will encroach the front yard setbacks. During winter time he has hard time cleaning his driveway using his snow blower, so he has to shovel by hand and it's a lot sometimes. There is no room to remove snow in the property because he can't put the snow against the house, he can't push it to the street either.

Those In Support: None

Those Opposed: None

Those Seeking Information: Laura Montuori of 31 Scott Road stating that her main concern is the height on this new addition – MM – If he looks to petitioner house to live to the right – Mrs. Montuori – Yes, she believes that this addition is going to block her view throughout her room window and she will only see his grey house, which sometimes she wish that it wouldn't be grey. Also she wouldn't be able to see the sunset

LM – Okay, we will going to find that out for you once we open it up to the Board

AZ – So, he actually has some questions after he drove by the property and happens to see Mr. Pelletier on his driveway. So, you said that existing structure that used to be a garage is not liable garage because is too narrow. So, what's going to happens with the existing structure area that is going on the front of the proposed one? – PP – So, the doors are existing there will be closed and become just a single door to access the garage from the inside – AZ – Okay, and had the opportunity to see how far the addition is going to be, so he doesn't think that he has any more questions – PP – Other properties on the neighborhood are closer to the road than this is going to be, there some properties with one car garage and others with 2-car garage.

JS – Looking this plot plan it seems that you own a very long lot, but she can't find where the driveway is – PP – Right at the front of the property – JS – Oh, thank you that's what she was looking for, so you are encroaching 25' to the front and the side? – PP – Front – JS – What is supposed to be 40feet on this District? – AZ - Yes

MM – He visited the property about 2 days prior the meeting and you will need to obtain a plan on the new addition to submit to the building department, and if you get approved zoning you will need to record it – PP – Yes, he is very familiar with the process – MM – He wants to be sensitive to the neighbors, do you have a picture of your house? – PP – Yes – MM – Okay, could you please tell us the roof line of the new garage – PP – Yes, it will be just underneath of the existing one – MM – So, show us the concept on and what is to the peak – PP – He would have to guess but about 14feet – MM – Okay, any windows on the left side? – PP – He wasn't planning but he can if the Board request it

LM – So, tell us about the facade of the property, it is going to be the pretty much exact same as the rest of properties – PP – Yes, it is – LM – Okay, it is going to be an entry door – PP – It will be the garage and another door next to it to access the work shop area – LM – What is your plan for construction time? – PP – Planning to start as soon as he can and to be complete in about 6-months – LM – Okay

Hearing Closed:

Deliberation:

AZ – He thinks that this it will be more complicated as a variance, but he thinks that under 181.355 it meet and fit on that criteria that is not going to be more substantially more detrimental

JS – She is on favor of the petition she believes that they meet the criteria and it doesn't seem that is going to be any more detrimental to the neighborhood, so she doesn't seem any problems

MM – On favor, it meets the criteria

MM – Motion on ZBA-2019-19 under §181.355 to **Approved** the **Special Permit** with the following conditions:

- 1. Property façade to be kept with the main structure**
- 2. Construction to be completed within the 6-months**
- 3. Plan to be submitted to the Building Department at the time the Building Permit is requested**

AZ – Motion Seconded

Vote

4-0

to **Approved** the **Special Permit**

**ZBA-2019-01**

**Kenneth Godfrey**

**220-222 ALBEE ST**

**8:10PM**

***Continuance:***

*Special Permit under §181.3561 to reinstate a vacant/abandoned building as a 3-family dwelling with stacked parking spaces located in the Residential A-2 District at 121/11/0*

1<sup>st</sup> call, No one was present in the audience for this hearing

MM – Petitioner was trying to sell the property, but he wanted to keep the petition open just in case that the transaction didn't go through

2<sup>nd</sup> call no one was present in the audience for this hearing

Those Seeking Information: None

Those In Support: None

Those Opposed: None

LM – We can give the petitioner some additional time, so he can express what his intention are

LM – On the next hearing notice to the petitioner mark on that if he doesn't come the petition will be withdrawal

3<sup>rd</sup> call no one was present in the audience for this petition

AZ – Motion on ZBA-2019-01 under §181.3561 to **Approve** the **Continuance** to **September 10, 2019** and to be send a notice to the petitioner that if he is not present for the hearing petition will be in jeopardy to be **DENY**

MM – Motion Seconded

Vote 4-0 to **Approve** the **Conitnuance** to **September 10, 2019**

**ZBA-2019-13**

**Ruth Jeanete Guzman**

**324 LUNENBURG ST**

**8:20PM**

***Continuance:***

*Special Permit under §181.3561to 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, Emanuel Frias and Anthony Quiles construction Consultant stating that basically from last meeting we presented the property plot plan and were asked to bring a list of the scope of work this evening, and here we are with the list and the approximately on the total cost. Petitioner is aware that it may go over on the total cost by the time is complete, but we want to bring this property back to like and make it looks neat and beautiful to the neighborhood. As a construction Consultant adviser the petitioner that Fitchburg is only going get up, it's an investment property and after contacting the Building Department and also incurred that this as a 3-family would be more adequate. Looking at the property itself he can said that is not going to be detrimental to the neighborhood for the use of the property as 3-family dwelling and all we are trying to do is doing right. We believe if the Board grant the Special Permit we all going to win, we will reinstate the property neighbors will be happy to see this rehabilitate, the City will collect taxes accordantly. Petitioner's knows that it's a lot of work needs to get done, planning to update electrical, plumbing because he already knows that these the Building Department wouldn't let them go, it has to be bring up to Code there is no another way around it

Those Seeking Information: None

Those In Support: None

Those Opposed: None

LM – Did they have talk to you about sprinkling? AQ – No, because base on a similar property case that he recently had about sprinkler and it came out that the State now put an amendment that it call "New Work Area" so basically you walk into the whole place and it's all pre-existing and you create new work area over the 50% of the value of the construction cost, so it is very difficult to make that determination of what is a 50% on cases like this – LM – What's the Building Commissioner said? – AQ – He hasn't discuss the whole scale with the Commissioner, because he knows that in this case the petitioner doesn't has to do the sprinkler

LM – Oh we have to address that we are only 4-member on this evening meeting, which means that you need unanimous vote. Do you still want to forward this evening? – AQ – So, what's that means? If you have 4-members – LM – You can't have any descending vote – AQ – And when is the next meeting? LM – September – AQ – Petitioner is in a really detrimental situation and the property is on a very bad stage, it's a very difficult situation for her – LM – Do you want to take a minute to talk about – AQ – Yes, please give us one minute – LM – Sure, because we can't help you with that decision – AQ – Yes, we only need a minute - LM – So, what we decided? – AQ – We believe that the Board will make the right decision and understand that she wants to make things right and move forward as soon as possible – LM – So, do you want to move forward toning? – AQ – Yes, we do

AZ – So, all he wants to say on the subject of the sprinkles, if we choose to approve this and concern about the sprinklers, he thinks that the Board just do what had done in the past which is just put as a condition saying that the permit isn't affective until the Fire Department sign-off on it

MM – Could you please get me into perspective, because he looks is a house and a barn, so refresh this again on this plans. We have the first floor, we have a big apartment from the house through the barn? – AQ – No, we have a unit on the first floor and another unit on what you call the barn which is only one unit the whole thing and on the front part are two-units up and down – AZ – So, one two floor unit and two one floor – AQ – Exactly – LM – Lunenburg Street is two units – MM – 2-units, 2-bedrooms on the back is 1-unit 3-bedrooms – AQ – Yes, and this is all pre-existing which is not a real big changes – LM – Well, this use to be a single-family home – AQ – But, to be honest with the Board it was may be back on the 1925, but right now is a 4-family, there are 4-meters, 4-electrical meters and 4-gas meters, so we are coming down in units – MM – You said that you going to do all of this for \$150k – AQ – Because we are not doing the full house on the entire place – LM – Do you think you can – AQ – Yes, the kitchen on the back-unit is pretty new, there is a bathroom on the second floor is new – MM – And you are going side the whole building? – AQ – We will have to side the whole building – MM – And you are going landscaped? – AQ – Absolutely – LM – And you are getting rid of that bad pave – AQ – That's correct except for the parking – MM – So, tell a little bit of the landscaping – AQ – What we are planning do on those funky blocks on the property we are going to take the paving out and we are going planting grass and install a nice fence

JS – What is the time frame for the project? AQ – Reality, if we start

MM – Since the previous petitioner came in, he had been looking at this to be a two-family. So, if we are going look this as a 3-family, our expectations are high, there is not a minimum of renovation that you are going do and done, because this is a gateway road. We are not a perfect city but we are trying to make our City looks better and reinstating this abandoned properties correctly it help – AQ – He explained to the applicant that if she spend \$150k and if she spend a little more at the end of the day 10 years from here and how is Fitchburg is growing her property will be well worth

AZ – Question for you, and he apologies because you may answered this before, but what are the plants with the property. Are this going to be rental units, is this going to sold as units or sold as single building? – AQ – Owner is planning to get retired soon and basically this is going to be her income retirement – AZ – Okay, so it will rental as market rate? – AQ – Well, she will be looking some section 8 or whatever is comes, but she is going look in the real estate agent locally

LM – Could you tell us about the interior what the intentions are? Like are were talking tiles, cabinets – AQ – Yes, one of the kitchens is brand new, the tiles are gone go they are little bit older maybe from the 90's, but he guess that they left the titles when they update the kitchen – LM – So, some of the kitchens need rehab? – AQ – Yes, one of the kitchens definitely needs full rehab, one of the bathrooms would need full rehab – LM – Okay – AQ – The other ones just partial – LM – Which one needs the full rehab? – AQ – The 1<sup>st</sup> floor one on the front

AZ – But is that the kitchen or the bathroom? – AQ – The kitchen and the bathroom – AZ – Both

LM – So, are you saying that the second unit on the front doesn't need it – AQ – The bathroom doesn't need it and the kitchen doesn't need it – LM – Okay – AQ – they pretty brand new – LM – So, kitchen and bathroom on the second floor – AQ – They are in very good condition – LM – So, painting and paper? – AQ – Paint, but as he explained to the petitioner that electrical work will need to be done on the entire building, and it may would have to open holes here and there and you may have to redo plaster and you may one to change the titles – LM – So, the rear single-unit will be up and down is that in good shape? – AQ – It's in good shape – LM – Is going to be full rehab kitchen and bath? – AQ – Is going to be rehab kitchen and bath – LM – Full rehab? – AQ – Not full rehab the kitchen cabinets are great, but the counter are not. So he suggested the property owner to use granite for it and those last forever – LM – How about the bath on that unit? – AQ – The bath same thing the vent it has to be change, vanity it has to change – LM – All of them? – AQ – Well, one of them is brand new the other two not really. 1<sup>st</sup> floor for the house full new bathroom and kitchen, 2<sup>nd</sup> floor bathroom is in good condition the kitchen is too, the unit on the back is mostly good, we are only changing the floor and removing some rugs and installing floor because suggested not rugs on any of the units – LM – All the siding would be the same – AQ – Yes, gutters, base supports – LM – And also on the plan it said that on the Klondike Street side it's going to be all grass – AQ – That's correct



MM – The exterior steps the grasses and all that – AQ – Yes, there is going to be some pave, and also there is a retaining wall is very solid it hasn't move and we want to paint it natural – MM – How about the decks in steps – AQ – All that it has to be fix, the construction itself it's still solid, but the decking it has to be repair

LM – What is the status on the roof? – AQ – The roof, that we haven't put it into the list, because he likes slate and he wants to see if it can be save – LM – So, it's going to stay? – AQ – We are going to try too – LM – And the parking – AQ – Yes, parking to be pave and the rest it will be grass, which also helps for drainage – LM – So, if the Board seems this and grant you a three-family, there will be few more reviews and something may change a long away as we watching the project

MM – If he is going to look this favorably his expectations are very high because you look the criteria for abandonment requirement well more than a 50% rehabilitation – AQ – It's the vinyl siding is fine for the Board? – MM – Yeah, and if you can give us some thought of anything it changes – AQ – Okay, because he already has the feelings that it may go over of the budget, and will try his best to not go over too, too much, but he knows that the Board is going to be happy whit this project

AZ – So, on that note that was discussing of what kind of conditions you would be willing to arrange, one thing on something like this stope, specialty something this stope were we are is may said really looking to be address, one condition he would like to see is that the Special Permit “expires if the property is transferred before it's sign off on” – AQ – Sure that will be not a problem – AZ – And it's because we had have some cases on the past where ownership change and previous owner didn't comply with conditions and the new owner wasn't aware and everything gets all over the places

MM – We trying to work with people and it's not that we don't have any distrust we just have to said in order to prevent that to happening on the future, we have to be very cautious – AQ – Absolutely – MM – One more thing, if this got approve and still there are 20-days appeal period. When is all this going to start and when you expect to be complete? – AQ – So, by the end of this week he is sitting down with his contractors, we are looking to start as soon everything is all-set and Special Permit is recorded – MM – Structure time line? – AQ – He thinks that is going to be before Christmas maybe around late October November – MM – How about landscaping is that going to be done earlier on? – AQ – Yes, because we always do the exterior first – MM – So, are you going to be involve on this project all the way through? – AQ – Yes, he is going to be his eyes and ears until is complete it

AZ – If we granted as it come up on the review dates, would you able to arrange for one or more of us to do a walk through on the property? – AQ – Yes, of course and you can do a walk tomorrow if you like – MM – He just walk by and the property is mess – AQ – Yes, it is but the neighbors are very happy and expressed that they are very happy that someone finally is going to do something with the property

Hearing Closed:

Deliberations:

LM – She has taken a lot of notes that it can be used to put conditions on this petition

JS – She likes what another member said to keep it as a two-family, but her though was as even as a 2-family still's going to be same amount of people, so reinstating as a 3-family it's really doesn't going to be that different from the two. At least they are going to do a major renovation

MM – Struggle with it as well, and he is hopping that he is making the right decision. So, he thinks that it will be a good idea to have the first review on this project for October, and his expectations are high, such if windows need to replace, they got replace, if doors need to replace, they replace. And we are going to be visiting the property and kind of roll the punch list and he thinks that petitioner understand the expectations, he is on board for a 2-family and he is giving the opportunity for a 3-family

AZ – He likes what is hearing to be honest he didn't expect to like this rehab of 3-family and multi families specially building like this which is give us trouble on the past, but he likes what is he hearing the petitioners are presented themselves cooperative on what are we requesting and as we discuss we can put conditions on it. On his opinion this is the best it could happened to this property because realistically he doesn't think anyone is going to invested as a two, and it just going to sit until tax title take it over

LM – It's come a long way, and we are putting our faith on you and he is happy to hear everything that we heard and she wasn't at all on favor of this at the beginning and now we are going to put our faith on you and conditions are going to be very important and she wants to address it again that when you come back again we may add some more conditions, if we don't like what we see. And this is going to be a clause on this that the property can't be sold, this project is to you not to anyone else. We really concern because this is a gateway to our City of Fitchburg

AZ – Motion on ZBA-2019-13 under §181.3561 to **Approve** the **Special Permit** 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 second floor with granite kitchen counter and new vanity in the 3-units**
5. **Alter paving and landscaping as per plan 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 to a Zoning Board finding that all conditions have been met**
9. **Property not to be occupied or put into use prior to a Zoning Board finding that all conditions have been met**
10. **Review on October 8, 2019, at which time Petitioner acknowledges that the Board may introduce additional conditions on the basis of any new information obtained**

JS – Motion Seconded

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

**ZBA-2017-07                      Horne & Associates LLC                      70-72 SHERIDAN ST                      8:30PM**

**Reconsideration:**

Special Permit under §181.3561 to reinstate a vacant/abandoned building located in the Residential C District at 141/69/0

LM – Just to you own knowledge we are only 4-members and on whatever decision we made tonight you will require to have unanimous vote – YQ – Okay – LM – You can opt to come back on another time where you will have 5-member and you can have one descending vote, tonight you need unanimous. Do you want to move forward? – YQ – Yes

AZ – So, we have a procedure problem here, this case isn't properly before to us tonight, because is listed as a reconsideration which he tries to investigate sooner, but he run out of time. This is a request to amend an existing permit, but the permit in question here, has this property been occupied? YQ – No – AZ – Okay, that's the problem. The Board granted this permit on March 2017 the use did not permit for over 2-years, that means that this permit is expired

LM – So, you weren't the initial petitioner – YQ – No, she just bought it – LM – So, you would have to file you own application, you can't just ask for a reconsideration, anytime its changes the ownership it has to be a new application

MM – Did you have an attorney when you bought the property – YQ – Yes she did – MM – Did he did the research on the property, this is crazy we seems so many people property with not a right information – LM – Did you work with a local agent – LM – Yes – LM – Real Estate Agent that is local – YQ – No, local from here no – LM – So, this is why – MM – Where is your attorney from? – YQ – He is from Everett

AZ – Unfortunately there is nothing that we could do tonight

MM – Well, lets try to make this simple the permit that was granted to the last person couple years ago is no longer good, so you would have to apply for your own permit for a 4-family – YQ – What do you mean like 4-units to rented to any one – AZ – Or whatever you want to use for – YQ – And what bout because she would like to do some of the work like to change the floor, there is carpet and it been vacant for many years – MM – Oh yeah we know it been before us – but she doesn't want to wait until you get a permit from us unfortunately – YQ – Oh, yeah – AZ – Well you can ask the building department what you can do without the special permit

MM – You saw the last applicant same thing as you bought a house didn't do due diligence though that they bought a 4-family and they didn't, and we are making them to do extensive renovation. The property you bought is in very bad disrepair, so we are going have some expectations, parking, the driveway, the garage on the back is in very bad shape, so this is not going to be just painting wallpaper and renting it. – YQ – Well, she is going to do all plumbing, electrical

AZ – As you hear tonight right, if you want us to look up this favorable when you come back, make sure to keep up the property on the meantime, even though we haven't granted the permit yet, there is some trash its needs to clean-up, there is some brush it needs to cut, if the property looks badly when we see you again on two months them we are going to be asking you why – YQ – So, we clean the yard few days ago – AZ – Well, we just saying to not let the property look like a junk

MM – So, she saw Yesenia at the City Hall couple weeks ago, and when she saw her and kindly talk to the Building Commissioner, she thought that she had been before us before and we put her on the agenda. You are not far behind because you would be looking at September, so you are going to be okay if you file the application soon – YQ – She is going to be doing a lot of work, new electrical, new heat system – LM – The biggest thing is that you are going need parking plan. On the back of the property there is a lot of parking. Its that all yours? – YQ – Yes – LM – It was a car on



AZ – Motion on ZBA-2014-11 under §181.313C10B to **Continue** the **Review** to **September 10, 2019**

MM – Motion Seconded

Vote

4-0

to **Continue** the **Review** to **September 10, 2019**

#### **4. MISCELLANEOUS**

##### **Continuance:**

##### **Update Board of Zoning Appeals Application**

On the new application a signature from the property owner will require on the consent/affidavit

MM – On her opinion a check list attached with the application will be good to have, because we have so many incomplete applications.

For example: If an application for Accessory Apartment should include.....

If an application for Special Permit should include.....

If an application for a Variance should include.....

#### **5. ADJOURNMENT**