



ZONING Board of APPEALS
 166 Boulder Drive
 Fitchburg, MA 01420

MEETING MINUTES – OCTOBER 8, 2019
SENIOR CENTER, 14 WALLACE AVE

- | | | | |
|-------------------|----|-----------------------------|---------------------|
| 1. Call to Order | LM | PLEDGE OF ALLEGIANCE | ALL |
| 2. Communications | LM | ATTENDANCE: | LM, MM, AZ, JB & JS |
| 3. Hearings | | ABSENT: | NONE |

CASE No.	APPLICANT	PROPERTY	TIME
ZBA-2019-16	William Thomas	0 HIGH ROCK RD	7:00PM

Continuance:

Appeal to Overrule the Building Commissioner’s decision to deny a building permit for a single family dwelling due to a previous zoning merger under §181.9223 in a Rural Residential District at 79R/40/B1

Presentation was given by Atty. Kristine Symonds stating that as she mentioned on the last meeting she was going to present some additional property title history (Please see exhibit “A”). As we know we are here to ask the Board to overturn the Building Commissioner determination. On the original property that was owned by petitioner had an existing single-family resident on it, since back on the 1895. So clearly, we have a preexisting single-family resident that use has continues from the eighteen hundreds to present. When this property was converted it contains, she believes its 15Acress 160 SF. So, it’s a preexisting non-conforming and it never had any frontage, now pursued to the Fitchburg zoning by-laws under section 181.14 which stays that only applies to those properties or structures that hereinafter erected. It exempt properties that otherwise are existing prior to implementation of the zoning. Exempt, if it is changing of the use or a change which it’s create the greater of non-conformity than is not exempted. So, the NAR Plan was presented, reviewed, endorsed and recorded back on 2001, while it did conveyed portion, but did not created any non-conformity the existing structure did not result on any non-conformity for set-back requirements, and the conveyed of Lot B-2 complies with the zoning dimensional requirement residential zone 175 feet of frontage and minimum of 65,000 SF, so is no question it is conforming. As further evidence of the fact that this is a legally created lot attached is a letter from prior commissioner which it stays that it’s a buildable lot.

Those Seeking Information: None Those In Support: None
 Those Opposed: Atty. Mark Meehan on representation of George and Charlene Landry of 130 Etonian Park, states that they are the present owners of the lot “C”. As Atty. Kristine mentioned back on 2002 two owners of body’s property of several lots had swap property, and doing so, Mr. Thomas owns lot “B2” which has frontage. Which leaves lot “C” with no frontage it does have a right away. So, our opposition is that essentially is occurring now and what he is seeking to do is to take a conforming property, and making it non-conforming by making another property conforming. So, what is he doing taking the frontage from one property to make the other conforming and that’s named “infectious invalidity”, which is prohibited by the court and by the Law. We are objecting to the Board Hold the Commissioner position on that matter for further reason as well, water services is very poor on that area and that would be further harm the water supply. Atty. Meehan just one more thing to mention is the intensity, because that it will be another harm not just to his clients, but as well to the neighborhood

Christine Ogauger also abutter from the property and knows the petitioner from when he use to lives where is Landry’s house now, and as abutter she is against the petition
 Troy Andrews of 155 Etonian Pk stating that he is on opposition on this petition

AZ – He wants to remark, that he been hear about intensity, trees, and water, but this case is before the Board purely on a legal appeal on the Building Commissioner decision, not on a request for a relief. So, if they were request relief all those issues will be concern to us. With that being said, if Atty. Kristine could refresh the Board

memory because this type of case doesn't come to the Board that often. The merger doctrine is external to the zoning statutes, right? – KS – Well the State zoning act enforce severance protection, as far the merge there will be the loss of the protection. The purpose of 40A Section 6 is before the protection for under size lots. Which is kind of reverse situation here, we are not talking about pre-existing undersize lot, we have a lot that is not undersize it is more than four times the size of the requirement in that zone. And has frontage – AZ – So, as he reads the Zoning Ordinance and the 40A, a pre-existing non-conformity, still not conforming. And the intention of the merge act is to eliminate non-conformities where is possible, if one already existing non-conforming that will not purpose to the act law on the first place. So, no one is disputing that lot "C" was legal non-conforming prior to any of this happened, but due to the land swap is seems it was an opportunity to make conforming, which is the act law was intended to accomplish. Once the non-conformity was a living in or intent to living in, it then requires the frontage or at least in our zone. There is even a specific provision that it said: if non-conforming use change to a conforming use, it may not revoke to non-conforming. So, at one point of time same person owns B-1, B-2 and C, and as a result C have become conforming and it have frontage under the same owner who owns Lot C. – KS – If it work, otherwise subject to the zoning by-law and non-exempted by the term of zoning by-law from the MASS zoning Act. But it is by its term exempted because you have a structure that's already built, we are not talking just lot or undeveloped land. The fact the exemptions applies because you have structure that is constructed on it, and the idea if you have lots, they could merge but they still have the ability the build not. Because the promise behind a pre-existing protection is so if people otherwise bough undersides lot, they were complying when they were created, we basically do not adding the right to build taking away – AZ – He just don't see that same way – KS – Well, you also 10 years limitation of instruction for fine for non-conforming without a permit, and you have 6 years statute limitation where is a permit. So, she is disagree with him as it not be applicable because we are beyond of any those time frames, so there is any ability under the statute or the City to implement a violation if there was violation, and we know there is a reason for those protections because is not for the purpose of penalizing someone who otherwise move forward under a permit or move for except limitation so you don't have tear down structures that otherwise violation indeed get beyond of the 10 years – AZ – He agrees that the intentions is not to tear down structures, but his take on it is, not to tear down existing structure, not to allow people sliding – KS – Well, he created a conforming lot, so he compliance and there are very details note on the plan which were submitted to the Planning Board. However, this was a very detail plan and the intent of the clear layout the history of the property, so you are creating, but you not otherwise by creating a greater non-conforming – AZ – Not, you would be reducing an existing non-conforming

JB – The Building Commissioner states that some of this lots separately had created is self-inflicting zoning violation as it result the frontage on lot B2 cannot be used to create a buildable lot – KS – That's what he states – JB – And that what he sees too, he cannot overturned that – KS – Now there is a prior determination from the previous commissioner

MM – So, there was a determination made by – JB – Mr. Lanciani – KS – Yes, that's him

AZ – From 2016, so that wouldn't have an operational under that because it should be expire

MM – Looked the letter and don't see any facts or reference on how he made his determinations. So, before we close and deliberate any other thing to add

Atty. Simonds – Well she just restates that her position is set for that the Zoning Act as well the municipal zoning Act afford the protection for this, the pressure to additional protection which she has reference too. There is no change on the use, there is no change in the structure that creating a nonconforming, and zoning is very clear that at less you are otherwise creating a greater nonconformity that is exempted. So, based on the fact that is presented on both statutes, that the application merger is impropriated. An additional point being is that the properties after recorded the plan, the Accessor records well all updated as separate access B1 and B2 as combine property, this been a separate access lot

Hearing Closed

Deliberation:

AZ – So, he cannot see a strong enough case for overruling the Building Commissioner decision

MM – After reviewing the applicant information and also regard information provided by the Building Commissioner to make his determination. He sees this as a zoning merge, and shouldn't get combine to create a less nonconforming situations

AZ – Motion on ZBA-2019-16 under §181.9223 to **UPHOLD** the decision of the Building Commissioner deeming to deny a building permit due to a previous zoning merge was therefore unanimously **DENIED**

JB – Motion Seconded

Vote

5 – 0

to **UPHOLD** the Building Commissioner decision

ZBA-2018-21 FBC19-62, LLC 126 PACIFIC ST/183 CEDAR ST/191 CEDAR ST 7:10PM

*Appeal to Overrule the Building Commissioner’s Decision for the need of a Special Permit from The **Planning Board** under §181.752 in a Residential B District at 13/51/0, 13/50/0 & 13/48/0*

AZ – Spoke to City Solicitor Atty. Pusateri and he said that it been an error in the action to overturned not to opposed.

Those Seeking Information: None

Those In Support: None

Those Opposed: None

AZ – Motion to strike this petition from the agenda

JB – Motion Seconded

Vote

5 – 0

to **Strike the Petition** from the **Agenda**

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

Presentation was given by Ainiwaer Mireguli stating that everything has been completed and building permit been sign off from the Building Department.

Those Seeking Information: None

Those In Support: None

Those Opposed: None

JM – So, all inspection been finalize? – AM – Yes – JM – Plumbing, electrical been sign off? – AM – Yes – JM – Okay, so if everyone had sign off you are good to go

AZ – Motion on ZBA-2017-42 under §181.3561 to **Approved** the **Review** and strike any further review

MM – Motion Seconded

Vote

5 – 0

to **Approved** the **Review**

ZBA-2014-11 Sean Morrison 76 SUMMER ST 7:30PM

Review of a Special Permit under §181.313C10B to allow Open-Air Restaurant Sales located in the Residential C District at 70/30/0

Presentation was given by Sean Morrison stating that he has not done anything with it. He may do something in the next spring, he can hire someone to run it, but at this time the business is not operating.

LM – So, would you like to come back maybe next June, and you can tell us if it up and running or what the status it is – SM – Yes

Those Seeking Information: None

Those In Support: None

Those Opposed: None

Board Member didn’t have any questions at this time

AZ – Motion on ZBA-2014-11 under §181.313C10B to Continue the Review with the following conditions:

1. **Hours will be 11:00AM – 4:00PM Monday, Tuesday, Thursday, Friday, Saturday & Sunday – Wednesday from 11:00AM – 9:00PM – Friday and Saturday re-open from 9:00PM thru 2:00AM**
2. **Review – June 9, 2020**
3. **Must be owner operated not leased**
4. **Plan as submitted**
5. **No plastic or vinyl banners**
6. **Not to be operated as a nuisance**

- 7. Will meet all requirements from Building, Board of Health, Police, Safety and any other City Department as requested
- 8. Special Permit will terminate/expire upon the sale/transfer of the business from Sean Morrison

MM – Motion Seconded

Vote 5 – 0 to Continue the Review with conditions

ZBA-2019-18 **Alex Manhaes Da Silva** **13-15 CHESNUT ST** **7:40PM**
[Continuance](#)

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

Presentation was given by Alex Da Silva stating that he would like to request to amend his petition to a two-family dwelling. As the Board may be aware that according to the City records last use was a 2-family. He went to DPW and spoke with one of the Engineers to discuss about his plan to create parking on the property adjacent lot, they said that they are going to stop by and see his propose. Plot plan petitioner submitted show six parking spots which are more than City Ordinance requires, also presented sketch floor plan for each unit showing 5-bedroom each.

Those on Favor: None Those Seeking Information: None
 Those on Opposition: of 18 Chestnut Street, of 16 School Street, of 18 Chestnut Street, of 9 Chestnut Street and of 2 School Street. A comment we have is that, he is proposing two 5-bedrooms apartments. There are going to be about eight kids in the school system, playing in a yard that doesn't even exist.

JB – he and Joe visited the property and honestly, we were trying to figure it out about the parking, it's so tight there.

AZ – Motion to Accept petitioner amendment from 4-family to a two-family dwelling

MM – Motion Seconded
 Vote 5 – 0 to Accept to amend the petitioner request

AZ – He appreciate the petitioner initiative to reinstate it as a two-family and to clean up the property. The concern he has based on the floor plan is the many bedrooms in each unit, and he understand that there are some rooms it can be use as office. So, even if we are dropping the number of units, but still 16 people living there doesn't not alleviated the problem. – AD – He drew 5bedrooms because there is a full open 3rd floor that it's open for use

MM – Been watching this property for over 20 years and there is absolutely no yard – AS – All houses there has no yard

AZ – That's the problem we are looking immediate on the area

MM – Looking the application do you think that you can renovated the whole building for 45k? – AD – Not for the whole building, doesn't included plumbing, mechanical and electrician. – MM – What are you anticipate the renovation cost is going be for the project – AD – 170,000 – 200,000 total – MM – Do you own other real estate in the area? AD – Yes, he owns a 9units dwelling in Marlborough

MM – This is a very difficult application for the Board, but we must look the basic criteria for Special Permit. We are looking social and economic community needs, traffic flow and safety, and that road is insufficient for today travel of vehicles. He doesn't know how the petitioner could create a curb cut to safely access the parking lot, he doesn't know where the water is going go. It may end at the parking lot and its going come down the driveway and them the street, there it's a hill and a rotary at the bottom, which in winter will be icy

AZ – He thinks that this case the concern is not that the Board thinks that the applicant isn't going to remedy properly or do the proper work, is more than regardless of whether is properly is still become a problem for the neighborhood

JB – Petitioner is going to invest 200,000 dollars it going to be much better to tore it down and built something that is up to code and standard as one-family or even a two-family

AZ – Or tore down and sell it as buildable lot

LM – Well all are good ideas, but we don't want to make any guarantees of what he can do with it

Hearing Closed

Deliberation:

AZ – As a two-family 5bedrooms is just too much for the neighborhood, he entire understand the petitioner because he is an investment. However, the applicant got a bad deal on the sale, whether is his fault, is the seller fault or the lawyer fault we don't know, but he got a bad deal and now the only options are to decide either screw the applicant or screw the neighborhood. So, he feels badly for the petitioner, but he would have to deny the petition and he thinks the solutions is to be tore down the entire building. Either from the applicant or from the City

JB – We heard the applicant said that he renovated a 3-family in Leominster and then sold, who knows, if he is going to do the same with this too

MM – Motion on ZBA-2019 under §181.3564 to **Approved** the **Special Permit** as a Two-Family dwelling

JB – Motion Seconded

Vote 0 – 5 to **Approved** the **Special Permit** as a two-family
(Motion unanimously failed)

ZBA-2019-13 Ruth Jeanete Guzman 324 LUNENBURG ST 7:50PM
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

At this time petitioner had requested some additional time via email to continue the Review to November 12, 2019

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

The Board was agreed to accept petitioner request to continue to November 12, 2019

AZ – Motion on ZBA-2019-13 under §181.3561 to **Continue** the **Review to November 12, 2019**

MM – Motion Seconded

Vote 5 – 0 to **Continue** the **Review to November 12, 2019**

ZBA-2019-24 Yessenia Quijada 70-72 SHERIDAN ST 8:00PM
Continuance
Special Permit under §181.3562 to reinstate a vacant/abandoned building as 4-family dwelling located in the Residential C District Map 141 Block 69 Lot 0

Presentation was given by Yessenia Quijada stating that nothing has change on her petition, and she just waiting for her petition to been approved so she can move forward with the project.

LM – A Correction list letter had been received from the Building Inspector, Exhibit “A”

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

JB – Visited the property and there is enough room for parking, and it should be brought it back to life because is a nice piece of property. And it kept neat and clean

AZ – No questions, just to mention that he likes to hear that property is keep in very good shape too. Because if someone takes care property even when is not making money of it, that shows to invest properly to be taking a good care in the future

MM – How many bedrooms are going to be in each unit? – YQ – Same as it is. Three two-bedrooms and one 4-bedroom. She is not planning to change anything, just cosmetic work – MM – It's going to be owner occupied? – YQ – She is thinking about, but don't know yet – MM – No, is okay answer, he was just asking – YQ – No, she just don't know yet – MM – So, this is a duplex? – YQ – Yes – MM – So, left side has two two-bedroom units, and them the right side has one 2bedroom and 4bedrooms – YQ – Right

LM – How about those cars on the property? YQ – They are not ours; she believes they are from the next-door neighbor – LM – How long is this project is going take? – YQ – Well, her wish is to be done in a month, but is depend of the contractor – LM – So, maybe on four months we can see you again to see how everything is going – YQ - Sure

Hearing Closed:

Deliberation:

AZ – Honestly at the last time Special Permit was granting we didn't put any conditions on it, because it really fit for 4-family dwelling

AZ – Motion on ZBA-2019- 24 under §181.3562 to **Approved Special Permit** with the following condition:

1. Review in February 10, 2020

MM – Motion Seconded

Vote 5 – 0 to **Approved the Special Permit** with condition

ZBA-2019-28 Yarisbeth Guzman 39 MIDDLE ST 8:10PM
Special Permit under §181.355 to build a 20.4' X 13.0' patio terrace leaving 2.9' to the property line located in the Residential – C District Map 82 Block 37 Lot 0

Presentation was given by Yarisbeth Guzman stating that this is her resident location and been living there for about eight years, and when she obtained it was much destroyed. However, the neighborhood is very tied next to each other, unfortunately she started doing the back yard and did a roof to have a small terrace without a permit, and that's why she is here to request a Special Permit to keep the terrace

LM – So, how do you come to know that you need that? – YG – The City contacted her that she did the roof and that she needed a permit to do that – LM – So, it is a floor level the patio – YG – Yes, it is. And it was previously there, she just did the roof so they can enjoy it even on the raining days

Those seeking Information: None Those on Opposition: None
Those in Favor: Gloria Santiago of 36 Middle Street, right across from petitioner property and she was on favor of the petition

AZ – Just one questions, you mention that was something there before what was it? YG – Well the floor was done it was just plain concrete with a small shed the she removes it – AZ – How long ago was that shed move? – YG – About three years ago
MM – He visited the property and he think that they did remarkable job with the house and the terrace
JB – Visited the property and happy with what he saw

Hearing Closed:

Deliberation:

MM – Petition meet the Special Permit criteria

MM – Motion on ZBA-2019-28 under §181.355 to **Approved the Special Permit** as plan was submitted

JB – Motion Seconded

Vote 5 – 0 to **Approved the Special Permit** as plan was submitted

ZBA-2019-29 Linda Dube 625 TOWNSEND ST 8:25PM
Renew of a Special Permit under §181.34 to keep using a 24'.4"x26' single story apartment on the left side of existing house located in the Residential A-1 District Map 165 Block 3 Lot 0

Presentation was given by Linda Dube stating that at this time her niece and her family still using the in-law apartment, nothing has really change

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

MM – No questions he votes the first time will do again
JB – Visited the property and it well maintain looks neat
AZ – It's an accessory apartment and nothing is change, all Board Members are good with it he is also okay with it

AZ – Motion on ZBA-2019-29 under §181.34 to **Renew** the **Special Permit** with conditions as previous:

1. **Property not to be sold or conveyed as a 2-family dwelling**
2. **Special Permit expired in 5 years and must be renewed prior to expiration**
3. **Special Permit will terminate upon the transfer of the property**
4. **Dwelling is to be owner occupied**
5. **Accessory Apartment is to be occupied by a relative of the owner**
6. **Addition will have matching façade to the original property**
7. **Construction pursuant to the elevation plans provided and the plans attached to the 2014 Petition**

JB – Motion Seconded

Vote 5 – 0 to **Renew** the **Special Permit** with conditions as previous

ZBA-2019-30 Michael & Julie Paradise 248 ELECTRIC AVE 8:40PM
Special Permit under §181.332 to operate a Home Occupation Business with an employee visiting the property in the Residential A-2 District Map 127 Block 19 Lot 0

Presentation was given by Michael and Julie Paradise stating that they want to have a business run out of they home office, they rent dumpsters, but there will be any dumpster or any trucks at the home office. We have a separate yard that we been use for over 6years. So, we moved to Fitchburg about a year ago from Lunenburg, the home at Electric Avenue has a separate office with a separated entrance with a parking on the back and we have a fulltime employee who will be working out of our home office. There is no outside noise or storage, we do everything over the phone. We don't have customers visiting the property, payments are processed over the phone.

LM – So, the vehicle the employee has doesn't have signage or anything – JP – No – LM – It's just a regular? -JP – Yes – LM – And employee park on the side where the gravel is or it will go the back? JP – Yes, the gravel goes to the back-parking lot, so she will be on the back-parking lot – LM – Okay, and nobody else come to visit? – Right – LM – What are the hours of operations? – JP – 8:00AM to 5:00PM, she comes at 8:30AM – LM – Okay, so 8:30AM to 5:30PM – JP – 8:30AM to 5:00PM Monday through Friday those are her hours – LM – Okay, are any other employee coming on Saturday or Sunday? – JP – No, she covers things on the weekends

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

MM – Where is the office? – JP – Is behind the garage with it owns entrance
 JB – Visited the property and its very nice property
 AZ – He doesn't see a business registration on the petition package, but this business is been registered at the City Clerk. Is that correct? – JP – Yes
 MM- Petition absolutely meets the criteria for the Special Permit

MM – Motion on ZBA-2019-30 under §181.332 to **Approved** the **Special Permit** with the following conditions:

1. **Employee hours to be 8:30AM to 5:00PM Monday to Friday**
2. **Not to be operated as nuisance**

JB – Motion Seconded

Voted 5 – 0 to **Approved** the **Special Permit** with conditions

ZBA-2019-31 Donald St. Laurent 7 ALICE AVE 8:55PM
Special Permit under §181.355 to build a 12 X 24 shed leaving about 5'ft to the rear property line in a Residential R-1 District Map 151 Block 49 Lot 0

Presentation was given by Donald St Laurent stating that he found out that after he submitted a Form of Intent, he was told by Building Commissioner the shed was to large, but he personally told to the Commissioner and discussed to him about the set-back requirement. Because this is a unique property with 3front yard, and the best place to install the shed it was near the fence. He though to put a small shed, but to have a smaller shed it was pointless, because it will be using almost the same amount of space.

LM – Are any of your neighbor’s concerns? – No, the neighbor whose fence is abuts, has no objection to being there, and it doesn’t block any view for them backing-up

Those Seeking Information: None

Those In Support: None

Those Opposed: None

MM – Visited the property 100% agreed that is unique, it has frontage on three streets. And the shed is spectacular
JB – Property is well maintained neat and clean

AZ – For what he seems is not detrimental to the neighborhood. However, he wants to bring a point to the Board, but he doesn’t think that this petition is not a 181.355 issue. The 355 deals with non-conforming structures, petitioner is no expanding to the existing structure, the existing structure is his house and he is not doing anything to his structure, he is putting a new structure. So, he believes that this petitions it should be seeing as a variance, which he also thinks it can meet the criteria

LM – Did you have a shed there before? – Mr. St Laurent – There was a long time ago, prior when he bought the property

MM – He is okay moving ahead with the Building Commissioner’s denial letter, He doesn’t see any negative impact – LM – Nor does she

MM – There is not body here to speak again the petitioner

MM – Motion on ZBA-2019-31 under §181.355 to **Approved** the **Special Permit** as requested for 12 X 24 shed

JB – Motion seconded

Vote 4 – 1 to **Approve** the **Special Permit** as requested

ZBA-2019-32 **Rayco Motors** **1118 WATER ST** **9:10PM**
Harold Mateo

Special Permit under §181.313C11 to operate a motor vehicle sales located in a Commercial Business District Map 148 Block 12 Lot 0

- 1st Call
- 2nd Call.....
- 3rd and last call.....

There was no one in the audience present for this hearing

MM – He wants to make a note that on the previous hearing for the previous petition, it shows that five members were present, and the vote was four of none. And he would like to make sure that everybody on record knows that he votes against it – LM – Yes, that is right

AZ – Motion to amend the decision on record to be 4 – 1 with MM in opposition

Board was agreed to give some additional time to the petitioner so he can be present and express his though

MM – Motion on ZBA-2019-32 under §181.313C11 to **Continue** to **November 12, 2019**

JB – Motion Seconded

Vote 4 – 1 to **Continue** to **November 12, 2019**

ZBA-2019-02 **Santiago Fernandez** **84 PRATT ST** **9:25PM**

Review of the Special Permit under §181.3561 to reinstate a vacant/abandoned building as a 3-family dwelling located in the Residential C District at 77/68/0

Presentation was given by Santiago Fernandez stating that he started with the project and later, the Building Department place a stop of order. What happened it was that he saw some old walls and he decided to change them to make it looks much better, because of that the Inspector stop us and must hire an architect and engineer. So, another thing is that he doesn’t have any financial institution to finance this, all he is doing is on his own cash. So, this matter increases the project by over seventy thousand, but he should be moving forward with the project. Also,

he has to put more money on the parking, because is not just the driveway is all the way to the back, and the last estimated he had was 17k. However, he now needs some additional time to complete the project

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

JB – There is no problem giving the petitioner additional time, but he really needs is to keep the property clean and not as an eyesore

JM – Yeah, the property it needs to be clean-up, so it doesn't look abandoned and empty

MM – Motion on ZBA-2019-02 under §181.3561 to **Continue** the **Review** to with the following conditions:

1. **Driveway and parking to be re-pave**
2. **Property to be brought up to code accordingly with the Building Department regulations**
3. **Review in April 14, 2020**

AZ – Motion Seconded

Vote 5 – 0 to **Continuance** the **Review** with conditions

ZBA-2018-38 Positive Properties, LLC 35 JEANNETTE ST 9:35PM
Revie of a 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

At this time petitioner wrote a note to the Board via email and asking additional time to May 2020 Agenda

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

Board Members would like to have the petitioner to be present on the next month agenda November 12, 2019 at which date it could be discuss a further date review, otherwise petitioner Variance it would be subject to being revoke

JB – Motion on ZBA-2018-38 under §181.355 to **Continue** the **Review** to **November 12, 2019**

AZ – Motion Seconded

Vote 5 – 0 to **Continue** the **Review** to **November 12, 2019**

4. MISCELLANEOUS

Revise to Approve Zoning Board of Appeals Application and Checklist

MM – Motion to have **Anthony** review the new application on his free time and give recommendations

LM – Motion Seconded

Vote 5 – 0 to have **Anthony** review the new application

Revise to Approve 2020 Meeting Dates and Filing Deadlines

MM – Has a comment to make, there is situation where planning and zoning

LM – They change their meeting time couple years ago, they move to same night as us, and they don't want to move to another day.

AZ – On the plus side if everything goes according to plan, than by next summer it will be meeting at the City Hall and Planning Board will be down on the hall from us

AZ – Motion to Approve the **Meeting Dates** and **Filing Deadlines** as **Review**

MM – Motion Seconded

Vote 5 – 0 to **Approved** the **Meeting Dates** and **Filing Deadlines**

5. ADJOURNMENT