



ZONING Board of APPEALS
Senior Center, 14 Wallace Av
Fitchburg, MA 01420

MINUTES OF THE MEETING
March 21, 2017

1. **Call to Order:** MM **PLEDGE OF ALLEGIANCE** All
2. **Communications** Members **ATTENDANCE:** MM, AZ, JB & AP
3. **Hearings**

6:00PM
ZBA-2014-19
William F. Walsh
1 & 3 PROSPECT ST

Co-Chair, MM – This is a review of Conditions #2 & 3. No one is attendance for this review.
Copy of the Electrical Permit and Application were presented to the Board (Exhibit A).

Mark Goldstein, Assistant City Solicitor, stated that if they have complied with the conditions, the can be approved and if they have not complied, then the Board could have further discussion on what to do in the matter.

JB – Visited the property and there are only 2 meters for the building.

MM – The owner of 1 & 3 Prospect St has complied with Conditions #2 & 3.

Hearing Closed:

AZ – Motion on ZBA-2014-19 to Approve the Review as conditions 2 & 3 have been met.

AP – Motion Seconded

VOTE: 4-0 APPROVE the Review

6:15PM
ZBA-2014-15
Steve Scharmatt
511 JOHN FITCH HWY

MM – Conditions placed on the Variance for the sign were reviewed with the petitioner by the Board. All conditions have been met.

JB – Sign looks good.

AP – Drives by the sign frequently and it adheres to the conditions and she has no concerns.

Those in Favor - None Those Seeking Information – None Those Opposed – None

Hearing Closed:

Deliberations:

Board members discussed the advertising of the Milford Drive-In that Mr. Scharmett also owns and the Board has no problem with this advertising.

AZ – Should strike the year on conditions #6.

JB – There is no need for further review and we should strike condition #5.

MM – The business is run well and is kept up well.

JB – No problem approving this whatsoever.

AZ – Motion on ZBA-2014-15 to Approve the Review striking Condition #5 and amending Condition #6 removing the year.

JB – Motion Seconded

VOTE: 4-0 APPROVE the Review

6:30PM

ZBA-2017-08

Christie DeRosa

47 PACIFIC ST

Presentation given by Christie DeRosa stating that the Assessor's Office has the property listed as a 4-family, but it was originally only a two-family and that is what he is looking to restore it as. He has limited parking. There is one spot on the lot and 4 spaces on the next property given by an easement. He will be doing a total-gut remodel on the inside to see if there is any framing issued that need to be addressed. The home was built well, but is now in deplorable condition. He presented the Board with a picture of the property as it is now and floor plans (Exhibit B). This will be a total remodel with everything brought up to code. The deck is rotted and will be replaced. Windows, doors and new floors. This property is not intended for flipping. He buys properties, fixes them up and keeps them as a business for his family. His 3 children work for him and his brother is his partner. He wants to be part of changing Fitchburg for the better.

Those in Favor – None Those Opposed – None Those Seeking Information – Nancy Featherstone of 73 Congress St. stated that she has owned her house since 1980 and the neighborhood is very congested. She has a concern in regard to the parking and of congesting the neighborhood further. Also, there are a half dozen properties that are boarded and abandoned in the neighborhood that never should have happened. The neighborhood has become so deteriorated that she now has a *Order of Protection* against one of her neighbors (now incarcerated). William Cotter of 74 Congress St. – The parking spaces on the next lot are pea stone and not paved. Concern because the parking is not on this lot. Margorie Cotter – There are abandoned cars on properties that are boarded up on the street and the Police Department does not take care of them because they are on private property even though the buildings are abandoned.

AP – The parking spaces are shown on the next property. If you can accommodate the parking the next property the concerns of the neighbors will be addressed.

MM – The proposed reinstatement is for a 2-family dwelling requiring 4 parking spaces.

JB – The plan is showing a 27.5' easement

AZ – We usually require a certified parking plan showing the parking because parking is a major concern for the City.

MM – Had a chance to drive to Lowell and went to see between 1- and 15 properties that he has rehabbed. You do a splendid job and is untypical of what we see in Fitchburg. The architecture of this

structure is splendid and one of the findings for approval. We would like to put our best foot forward and see stimulation for the neighborhood starting with this property.

Mr. DeRosa – After he rehabs a building, other people in the neighborhood start to reinvest in their properties.

JB – Would like to see a parking plan of the easement area.

MM – Have been familiar with this property and the grant was because there was sufficient space on the next property for parking. We could approve the petition and review next month asking for the parking plan so as not to prolong the project. If we do not receive the plan, we can then deny the Special Permit.

AP – In looking at the plan presented, mathematically he has enough space for the parking.

AZ – With Anna’s math calculations and Michael’s recollection of the property and prior plans, would go with the approval and review the parking plan at the next meeting April 11, 2017.

MM – Receiving the parking plan at the next meeting is a minimal risk for the Board and the petition meets the criteria of the by-law.

Hearing Closed:

Deliberations:

AZ – The request meets the Special Permit conditions for approval and does not adversely affect the neighborhood, has minimal impact on traffic flow and safety and is an architecturally a beautiful home. With a review next month for the parking plan would be in favor.

MM – Meets the criteria under §181.3561

JB – In favor providing we have the plan next month

AZ – Motion on ZBA-2017-08 to Grant the Special Permit with the following condition:

1. Certified Parking Plan of spaces on next lot showing dimensions and turning radius to be presented at the April 11, 2017 Meeting for a two-family dwelling.

JB – Motion Seconded

VOTE: 4-0 GRANT of the Special Permit with Condition

6:45PM

ZBA-2017-09

Jennifer De Los Santos & Juan Colon

44 MONTROSE ST

Presentation given by Juan Colon stating that they are trying to make the house livable so they can move in as soon as possible. He will be doing a number of repairs on the home including windows, doors, floors, painting, and basement stairs. He has an electrician, plumber and contractor in place waiting for the approval.

Those In Favor – None

Those Opposed – None

Those Seeking Information – None

JB – This is a nice property

AZ – Visited the property and the setback issues are boarder a vacant lot that looks like marshland.

AP – The encroachment is on at one corner of the property and is very minimal.

MM – I have no concerns for a single family at this property. How long would the project take once your appeal period is done? Mr. Colon – The plumber and electrician will only take a few days and the contractor said he could be done in a week.

Hearing Closed:

Deliberations:

AZ – In favor of the project, meets the criteria to allow a Special Permit and has architectural merit. The reinstatement of the property will be an improvement to the neighborhood and be of no detriment.

JB & AP – In favor

MM – The petition meets the criteria under §181.3561, architecture is in keeping with the neighborhood and the structure is in very good condition, and it will be nice to see it back on the tax rolls.

AZ – Motion on ZBA-2017-09 to Grant the Special Permit as stated

JB – Motion Seconded

VOTE: 4-0 GRANT of the Special Permit

7:00PM

ZBA-2016-24

Hannah Wanjiku & Timothy Kihiko

160 PLYMOUTH ST

No one is in attendance for this hearing.

AZ – Motion to Continue the hearing to April 11, 2017

JB – Motion Seconded

VOTE: 4-0 GRANT CONTINUANCE

7:15PM

ZBA-2017-07

Horne & Associates LLC

70-72 SHERIDAN ST

The Board had requested a certified parking plan at the last hearing and the petitioner presented it at this time and complete floor plans (Exhibit C).

AZ – Parking plan and floor plans address the concerns from the last meeting.

MM – 70 – Unit 1 has 1 bedroom and Unit 2 has the potential for 4 bedrooms

72 – Unit 1 has 2 bedrooms and Unit 2 has 1 bedroom

Petitioner was made aware that he will be needing a sprinkler system installed and if he has any questions in regard to this he should contact the Fire Department/Fire Prevention.

JB – This will be a fine building once it is completed

Those in Favor – None

Those Opposed – None

Those Seeking Information – None

Hearing Closed:

Deliberations:

AP – With the plans submitted, the project meets the criteria required.

AZ – Especially given the proposed use, this project is providing a service to the community. The project will not affect traffic flow and safety as it has adequate parking and the structure has architectural merit.

MM – I agree with both Anna and Anthony’s comments and am in favor of the petition.

AZ – Motion on ZBA-2017-07 to Grant the Special Permit per plans submitted

JB – Motion Seconded

VOTE: 4-0 GRANT of the Special Permit

7:30PM

ZBA-2017-03

Craig LaCrosse

26 CASWELL ST

MM – Mr. LaCrosse is here to request a change in the conditions placed upon his Special Permit.

Mr. LaCrosse – Would like to have Condition #3 to be deleted. If his mother does not live in the home and he is left with a vacant property that he has to pay for and cannot rent, it would cause a real hardship. He also stated that with this type of condition it would make it difficult to sell the property.

MM – I would not have a problem with removing this condition. It is your property and after you reinstate it, if you wish to sell it for whatever reason, that should be your right as the owner. You have done a good job with the property. It is a very well built house.

AP – At the first hearing, the abutter said he wanted them to put a privacy fence up for their benefit. That should be up to them whether to or not.

AZ – Since we said we would review the fence issue in 8 months, we should review it to give the abutters a chance to have their say.

Mr. LaCrosse – I have 228’ of frontage on a dead end street as one side of my property which is fenced and the abutter who requested a fence cannot see my property from his home.

MM – Will you be putting a roof over the porch? It would really make it pop.

Hearing Closed:

Deliberations:

AP – I feel that the petitioner has address all of the concerns

AZ – I see no problem with striking Condition #3, but should keep the review.

MM – Recommend that the Board that we amend condition #1 to add: roof will be added to front porch and strike condition #3 and #4

AZ – Motion on ZBA 2017-03 to Amend the Conditions:

1. Rear porch to be rebuilt, in a style consistent with the architecture of the building and the character of the neighborhood and roof will be added to the front porch
2. Single –family use only
3. 8 month Review – October 10, 2017 at 6:00PM

JB - Motion Seconded

VOTE: 4-0 Amend Conditions of the Special Permit

4 MISCELLANEOUS

5. Adjournment