



ZONING Board of APPEALS
166 Boulder Drive
Fitchburg, MA 01420

NOTE: THIS WILL BE A VIRTUAL MEETING. MEMBERS OF THE PUBLIC THAT WISH OBSERVE THE MEETING CAN GO TO:

<https://register.gotowebinar.com/register/6357008302576587534>

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PERSONS THAT WISH TO PARTICIPATE PLEASE EMAIL mmata@fitchburgma.gov

MEETING MINUTES – TUESDAY JUNE 9, 2020

MEETING TIME: 7:00 PM

- 1. **Call to Order** LM **PLEDGE OF ALLEGIANCE** ALL
- 2. **Communications** LM **ATTENDANCE:** LM, MM, AZ, JB, JS & GB
- 3. **Hearings** **ABSENT:** BG
- 4. **ALSO, ATTENDANCE:** Mark Barbadoro, Building Commissioner

CASE No.	APPLICANT	PROPERTY	TIME
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ZBA-2019-07	Dufresne Realty Trust	197 LUNENBURG ST	7:00PM
Review of Variance under §181.414 for the construction of a Free Standing 2' from the sideline of Lunenburg St. and the bottom of the sign will be street level located in the Commercial & Automotive District 46/30/0			

Petitioner hasn't join into this evening virtual meeting and there isn't any attendee on his representation or neither seeking information in related of this case

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

At this time Board Members agreed to continue the review to September 8, 2020

MM – Motion on ZBA-2019-07 under §181.414 to **Continue** with the **Review to September 8, 2020**

AZ – Motion Seconded

Roll Call Vote 5 – 0 to **Continue** with the **Review to September 8, 2020**

ZBA-2019-02	Santiago Fernandez	84 PRATT ST	7:15PM
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			

Join the Virtual Meeting Santiago Fernandez stating that the inside building is all complete and up to code. New Fire Scape had been installed and inspected. Parking and driveway are the only parts that hasn't been complete, just waiting for the hire company to show up which he believes it will be done in a week or so.

LM – She drove by the property and noticed that the driveway is in process looks like. Could you tell us what the status is with that? – SF – Yes, he has finished the building and the City wanted up to code fire escape. He did it for the back of building. He now started working on entire parking lot and driveway, he had somebody scheduled for Monday, but for whatever reason he got rescheduled to next week.

LM – Do you have Occupancy from the Building Department? – SF – Yes, verbally he has. They gave him permit to utilize the first and second floor, but on the third floor they wanted him to wait until the fire escape was done.

LM – So, they sign off on your permits? – SF – Yes, everything has been sign off, but he hasn't obtain the Certificate Occupancy yet due of the Covid-19

Those On Favor: None

Those Seeking Information: None

Those On Opposition: None

LM – She think that we should have another review to make sure he has obtained occupancy, has met all the building criteria and parking is done accordantly with City standards

MM – The only recommendation would be to coordinate to be at the time after the project is complete, so we can close it up

JB – He visited the property and whatever the petitioner said is true everything is done, just the driveway and the parkin lot. So, let have him to come back till he finished

AZ – Also, visited the property and looks good understandably the driveway is not finish, everything has been slow done lately. So, lets him to come back when it's done

JS – Just curios of what Commissioner has to said

MB Commissioner – He doesn't actually go out to this building, he had spoken to the building inspector that has been out there and it is seeing that he is satisfy with the work is proceeding, so he said is going to be soon that he will be done

AZ – Motion on ZBA-2019-02 under §181.3561 to continue the Review with the following conditions:

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

JB – Motion Seconded

Roll Call Vote

5 – 0

to **Continue** the **Review** to **July 14,**

2020

ZBA-2016-31 Active Life Health Care Management/Valdimir Giterman 783 WATER ST 7:30PM

Review of Conditions placed upon a Special Permit under §181.313B5 to conduct an Adult Day Care Center located in the Industrial District at 122/23/0

At this time petitioner neither property owner had joined the virtual meeting this evening

LM – She thinks that the property looks good and they are doing nice job, it will be nice to see some vegetation and garden if they are going to completed as the plan was submitted

Those On Favor: None

Those Seeking Information: None

Those On Opposition: None

AZ – He thinks the reason that we were concern about the change of ownership was specifically to see if the new owner had any issues, but since everyone seeing that the Bakery property looks decent anyway. He was sure if it there any reason to drag it out far, we all know that they are running a good operation there. So, he thinks that this case just should mark as a complete

JB – Well, the place is running fantastically inside, place clean on the inside. Is just the parking lot, which people on the inside has nothing to do because they are not the owners. So, he doesn't know if we could continue this case, and not getting anything done. It would be good if we can call the owner to get some answers because keeping calling these people doesn't do any good

MM – We have heard this case, but what we all discuss was the beautification because of a gateway property. There have been some issues or miscommunication with the sale of the property, which he is definitely would like to accommodate a further review. It was an overwhelming concern to the Board that we need to have some green space taken care of. So, he will be on favor of moving this out and give the applicant an opportunity to come in or join us. Also, he believes the last he said he was going to try to

AZ – Motion Seconded
Roll Call Vote

5 – 0

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

ZBA-2019-36

Glorie Lopez

16 GLEN AVE

8:00PM

Review of a Variance under §181.961 to erect a 24' X 24' attached garage with a bedroom above leaving approximately 18' from the property front yard set-back located in the Residential A-2 District Map 208 Block 15 Lot 3

Petitioner didn't join our virtual meeting this evening

Those On Favor: None

Those Seeking Information: None

Those On Opposition: None

MM – He had an opportunity and spoke to Glorie Lopez this evening and she did anticipate on trying join the meeting for eight o'clock. She did also mention that obviously with current event they are trying to secure a contractor that it would be able to do the job. Was also mention that she needs a little bit of more time. So, based on her comments we could probably move it for a couple months

LM – She would say October them, that will give them some time, give the State sometime and give us sometime

MM – Motion on ZBA-2018-36 under §181.961 to Continue the Review with the following conditions:

- 1. Not to be operate as a rental unit**
- 2. Review in October 13, 2020**

AZ – Motion Seconded

Roll Call Vote

5 – 0

to Continue the Review to October 13, 2020

ZBA-2014-11

Sean Morrison

76 SUMMER ST

8:15PM

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

Virtual presentation was given by Sean Morrison stating that he would like to continue Special Permit, but with the Covid-19 there is not too much going on with the food industry right now. He had talk to few different to work operating the business for him, but at this time he is going to hold into off and just continue the Special Permit for now

LM – Okay, same conditions and hours of operations 11:00AM to 4:00PM Monday, Tuesday, Thursday, Friday, Saturday and Sunday? – SM- Yes, we will leave everything the same

LM – Wednesday from 11:00AM – 9:00PM and Saturday re-open from 9:00PM thru 2:00AM – SM – Yes, Please

LM – Do you have anything in mind for the Fall? – SM – He would hope, but with everything going we may not able to open it up

Those On Favor: None

Those Seeking Information: None

Those On Opposition: None

JB – Only one thing would like to be added as an additional condition that the buffer is at the office building side is bad and it looks trouble. – SM – What it's Joe

JB – The broker stand that holds the chain and is around the outside of the area – SM – Yes, it did and will be fix next week

LM – We don't really need to keep this case on for further review, he has a clean nice operation there

MM – He did good job on the property and we understand the whole situation and we should definitely accommodate whatever it needs to get there. He visited the property earlier today and he noticed there were few unregistered cars in the parking lot. And at the time there was a car jack-up and somebody was doing break job, and he was concern that after hours doing this as business – SM – Were there on the lower size Mike? – MM – Yes – SM – He been nice to the neighbors allowing them to park there because they are not using the land, but he just was told to his manager that is time to crack down on them. And if the vehicle is not register, we are going town them. He has been charging anything to all these people, but

MM – Motion on ZBA- 2018-38 under §181.355 to **Approved the Review** with no further **Review**

JB – Motion Seconded

Roll Call Vote

5 – 0

to **Approve the Review** with no further **Review**

ZBA-2017-16

South Middlesex Non-Profit 94 HIGHLAND AV 8:45PM

Review of the Remanded from Superior Court to amend the original Petition to seek a special permit to reinstate a prior use as a boarding house under §181.3561, to seek a special permit to operate a boarding house under §181.313A5, to overrule the Building Commissioner and to grant a reasonable accommodation under the FHA and ADA located in a Residential C District Map 45 Block 5 Lot 0

Virtual presentation was given by Atty. Douglas Radigan and Matthew Lane (Director) stating that they have obtained an update plot plan and updated floor plan. This updated floor proposed some modifications, we also have a meeting on this coming week with the Building Inspector, Fire Department along with our architect and the sprinkle company to go over with those plans. We are doing what's needed to compliance with your decisions. We anticipate that we will finalize the indoor plan, and we will be applying for the Building Permit during this summer to proceed with those modifications.

LM – Just to clarify it is a total of 14 individuals including the resident manager – ML – That's correct

LM – So, on the parking plan. Could you please clarify for us what you have? – DR – The plot plan probably not the best document to show compliance with this Board decisions, because the intent document is to show the building footprint. The parking is not showing, but of course will be address consistent with this Board decision, nor is showing the dumpster and the fencing that it was agreed to do, but surely it will be including on the project

LM – So, we will need a final plan showing parking, dumpster layout. So, we will need another visit? – DR – He guess is up to the Board decision if another visit needed or not, but he thinks that decisions speak for themselves and we plan to meet all. We happy to do whatever you like us to do

LM – Reviewing condition number one: Dumpster to be fenced on all sides not adjacent to the building, with vinyl fence. Has that been done? – DR – No, because we haven't started any of the modification yet. The plan we have is to obtain a Building Permit for interior renovation first. At this time the building is unoccupied for the program.

LM – So, the parking space is to be 9 x 18 ½ with adequate back up turning space. She just wants to review so we all are on the same page. Certified plot plan and floor plan to be submitted at the time of the review. Kitchen to be install in the second unit with proof of work by the Building Inspector. Sunset Clause to your entity

Those On Favor: None

Those On Opposition: None

Those Seeking Information: Mark Barbadoro (Building Commissioner) he is hopping that when you apply for the Permit that we get a plot plan that it will have notes on it. Detail where the dumpster is going be, the fencing and the parking that it will layout. It's that something we can get with the application. – ML – Yes, we can do that

MM – Things are moving along; it looks like that it need more time. So, we should just put this out for another review

AZ – We should do what we normally do, he understands exactly where they are right now in terms of current progress. So, we would give them some more time and do the final check as we usually do

JS – So, are you thinking of a six-month review? – LM – Was thinking November, but she will be asking the petitioner

JB – Want to ask the petitioner who is giving us the run and operation how is supposed to go: Did he heard him correctly when he said that they are going to do the inside first, then occupy it and then they are going to do the outside – DR – Yeah, would clarify. We are going to begging the program until after we have sign off. Which require us to do the interior improvement, also required review by the Building Inspector and CO. So, the plan is that we are going to have parking lot, put up the fence for the dumpster

Those On Favor: None

Those Seeking Information: None

Those On Opposition: None

JS – She can suggest that you should get a sign with a change of the letters, that way you can advertise that your sale tires – JS – Yes, he understands

JS – It’s a good investment to obtain a professional sign that is weather resisting, wind resisting etc. – JS – Okay

JB – Now he doesn’t know if he can believe his eyes, because he saw a piece of plywood that he has writing out with tire for sale. That’s not professional – JS – Yes, that’s at the side of the building and he doesn’t use that sign and he will destroy it tomorrow

AZ – Yes, he also visited the property and Jose is right that sign is not visible from the street. We only saw when you drive in, but yes it will be best to destroy it – JS – It’s going away tomorrow – AZ – If it’s going away is great, and he thinks it’s looking better there – JS – As he said he will break it out tomorrow

MM – How long do you think that is going to take care those tires? – JS – He is going to take care tomorrow

JS – He has a question why the Board on the first meeting he got permission to sale car, and the second meeting it was deny. So, why? – MM – As far of the Board we do not approve more that we want to see on that property, because of the size because is so small. Therefore, it can be auto repair only. – JS - Okay

AZ – Motion on ZBA-2019-40 under §181.313C11 & 12 to **Continue** the **Review** with the following conditions:

1. **No handmade signs/banners – Professional signage only**
2. **No vehicles for sale**
3. **No unregistered vehicles**
4. **No storage of vehicles other than active customers and employees**
5. **Auto repairs within the building only**
6. **No outside storage of vehicle parts**
7. **No visible trash to the front of the property**
8. **Dumpster to right rear**
9. **Hours of operation Monday through Saturday 9:00AM to 4:00PM**
10. **Sunset Clause – Special Permit will terminate/expire upon the sale/transfer or change of operation from Jose Santos**
11. **No outside storage of auto parts – tires – tire racks**
12. **Review – September 8, 2020**

JB – Motion Second

Roll Call Vote

4 – 0

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

5. MISCELLANEOUS

JB – Curious of if there is way to be able to see petitioner faces? – MB – Don’t know the answer, but would try to find that out

AZ – He thinks that this a great system, but over the few months he had a very good experience with Zoom, it’s seeing to work better. That will be his suggestion, and he knows that they are willing to facilitate – MB – That is done through FATV, he doesn’t have access to Zoom and they are professional there. So, if you want to explore that options my feeling won’t be hurt on any way. Feel free to explore that options, but he thinks that we would get better on it

MM – He thinks that the meeting went better than he though, but hopefully we only going to have another one or two more of this before we go back live. So, he doesn’t see necessary to change streams, he wants to keep optimist

6. ADJOURNMENT