

MINUTES

Zoning Board of Appeals Meeting – February 15, 2022. 6.30PM
115 Pleasant Street,
Gardner, MA 01440

Sitting in on Hearing:

Raymond LaFond
Randall Heglin
Michael Gerry GETV

In Attendance:

Rachel Taylor Roland Jean Mayor Michael Nicholson.
Jon Bombaci Mike Dameri

Meeting Called to Order by Chairman Raymond LaFond at 6:30PM. Mr. LaFond then went over the ground rules and the requirements that must be addressed for a Variance or Special Permit. He then noted that the meeting was being video recorded, and audio taped and requested if anyone objected. There were no objections.

Mr. LaFond reviewed the agenda for this meeting.

<u>Case #</u>	<u>Type</u>	<u>Address / Request</u>
Case #2021-11-02:	<u>SP</u> Florida Mass Properties (CON)	120 Grant St. Multi Family Loss of Zoning.
Case#2021-12-01:	<u>SP</u> Gardner Holding Group, LLC	163-165 Pine St, Multi Family Dwelling

Mr. LaFond stated that this evening's agenda would be heard out of the order that it was published.

Case #2022-01-01 SP Gardner Holding Group, 163-165 Pine St. Multi Family Home.

Application to operate a Multi-Family Dwelling at 163-165 Pine St, Gardner, MA Parcel ID #R22-6-8, located in the General Residential 3 zoning district (GR3) is denied as it does not comply with Chapter 675- Attachment 1:1 "#5 Multifamily dwelling" of City Code of Gardner. Due to the building being vacant for longer than two years, this property has lost the status of multifamily by right. The "Table of Uses" states that your use requested, #5 requires a "Special Permit" (SP) issued by the Gardner Zoning Board of Appeals

Mr. LaFond informed all present that this is still an open case and a site visit had been conducted on February 6, 2022. Parking was discussed as well as a lighting plan and snow removal. The application had been well and clearly presented. No real issues were found except for the lack of required parking spaces. The dwelling is in a state of disrepair with evidence of fire damage. Should this application not be approved the building will inevitably get worse over time. A new plan had been submitted for the intended lighting plan and was reviewed by the Board. The floor was opened to discussion.

Mr. Jon Bombaci – Applicant and Rep of Gardner Holding Group.

Mr. Bombaci thanked the Board for their time and for accommodating the site visit on a Sunday morning. It was confirmed that no further changes had been made, information of the lighting plan had been sent for review. All questions and concern had been addressed at the previous meeting or the site visit.

Mr. LaFond asked if there had been any further progress regarding finding other options for the required parking. The proposal is for an 8-unit dwelling which would require 16 parking spaces (2 per unit). The current layout only allows 12 spaces. Buddy parking had been discussed for some units and all spaces will be clearly numbered and allocated to each unit.

Mr. Bombaci clarified that they are still in talks with the neighbor about leasing parking but would prefer to move forward with the current plan of 12 spaces.

Mr. Heglin asked if the parking spaces would be designated in the lease for each unit, with the restriction being clearly outlined to avoid confusion, especially with the buddy parking spots.

Mr. Bombaci confirmed that this is the policy they normally use for the properties. Each unit will get at least one parking space solely for that unit. Others are usually on a first come basis. The buddy parking spots would be designated to one unit so only the tenants would need to juggle cars around.

Mr. LaFond informed the Board that an email had been received this week in favor of this application from a Gardner resident, Ms. Michelle King. (*Attachment 1). The letter is attached to these minutes.

Any questions from the Board.

Mr. Gerry asked for a recap on the snow removal plan. Was the snow to be pushed to the rear of the property and over the bank? What plan is in place for significant snow fall regarding removing the snow from site completely so as not to impact the parking.

Mr. Bombaci stated that there are plans to do some leveling at this site, but the snow will be pushed to the rear and over banking if possible. Should snow need to be removed for the property then they do have the means to make that happen.

Mr. Gerry asked if the trash removal would be via a dumpster or would city collection and barrels be used.

Mr. Bombaci informed the Board that the plan was for dumpsters to be placed on the side of the lot as he believed that it was required for a building with so many units. He will consider the option of city trash barrels as the amount needed would probably take up the same amount of space to store. There is plenty of room for trash trucks to maneuver in the area.

Mr. Heglin asked what the schedule of trash collection would be for the dumpsters, if used. City trash is a weekly pick up so again may be more convenient for tenants.

Mr. Bombaci stated that dumpster would be emptied weekly also.

Mr. Heglin mentioned that may be using the city services for at least recycling barrels could be considered.

Mr. Bombaci insisted he would look into this further and come up with the best option.

Mr. Heglin requested clarification on the lighting plan as he believed there to be a typo error. The plan stated illumination temperature of 4,000 kelvin which would give off a bright white light. In previous discussion it was stated that soft white lights would be used which would need to be closer to 3,000 Kelvin. All lights will be LED.

Mr. Bombaci confirmed that the lighting would be LED and soft white so as not to cause problems for tenants or abutters.

Mr. LaFond went over the 9 requirements for a SP.

- 1) The Proposal is suitably located and compatible with neighborhood character, existing uses, and other permitted uses.
- 2) The Proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets, property, and improvements.
- 3) The Proposal provides adequate space for off street parking and loading and unloading of vehicles incidental to the normal operation and established use.
- 4) The proposal provides adequate and appropriate facilities and utilities for the proper operation of the proposed use and disposal of refuse and methods of drainage and surface water.
- 5) The proposal does not constitute a nuisance due to any pollution, erosion, flood, noise, odor, dust, vibration, lights, or anything visually offensive.
- 6) The proposal does not create an inconvenience or hazard to abutters, vehicles, or pedestrians.

Mr. LaFond asked if there would be gutters installed on the building and where would the drainage flow?

Mr. Bombaci confirmed that gutters would be installed on the property and the drainage from the roof will be directed to the side and rear of the lot, causing no problem for tenants, abutters or general public.

- 7) The Proposal is in harmony with the general purpose and intent of this chapter
- 8) The proposal should not have a detrimental impact on the City Service, tax base or employment opportunities. New tenants would be good for the city.
- 9) The proposal is consistent with the City's community development plan.
- 10) The proposal may be on a property subject to a zoning map amendment and is accompanied by an engineered site plan.

Any Further Questions.

Hearing closed.

Motion to move to decision, Motion made by Mr. Gerry seconded by Mr. Heglin.

Open for discussion.

Mr. Gerry requested that a condition in granting be that buddy parking spaces are designated to one unit and are clearly marked.

Mr. Heglin stated that this property is for 8 units and is in keeping with the surrounding area, there are many multi-family homes in the neighborhood and parking is a difficult requirement to fill. Having one space per unit is already more than a lot of multi-family home have now. Having the spaces marked/numbered for each unit will prevent problems for tenants and should definitely be written into the lease agreement.

Mr. Heglin requested that another conditions be placed that snow will need to be removed if it should seem to be impacting the parking situation.

Mr. LaFond agreed with the condition put forward from the Board and reiterated that the rehab of this building is very much needed. Not many property owners would be willing to take this kind of investment on and should this request not be granted there would be little hope for this building to survive. It is for the greater good of the city to rehabilitate current buildings then to leave them to ruin.

Mr. Heglin stated there is a section of the city code "675-740 A sec 1" (*Attachment 2) which states that parking relief can be granted to a non-conforming use, though this case is not a non-conforming, this section of the code explains the need relief outweighs the requirement of parking.

Mr. LaFond agreed that relief should be granted in this case as Pine St is slowly coming back to life and other homes on the street are also under construction improvements. The condition of granting will be for clearly marked parking spaces for each unit and that snow will be removed entirely if parking is impacted. Would Mr. Bombaci be in favor of these conditions?

Mr. Bombaci agreed with conditions set.

Motion to grant Special Permit to Gardner Holding Group, LLC 163-165 Pine St with conditions

Unanimous vote to Grant Special Permit.

Special permit Granted with Conditions to Gardner Holding Group, LLC.

5-minute Recess.

Case #2021-11-02 Wayne Brasco. 120 Grant St, Multi Family loss of Zoning.

*Application to operate a **Three Family Home** at, **120 Grant St, Gardner, MA.** Parcel ID #**R22-6-61**, located in the zoning district **General Residential 3 (GR3)** is denied as it does not comply with **Chapter 675-Attch 1:1 # 4** of City Code of Gardner. **This property has lost its zoning status by right.** The "Table of Uses" states that your use requested, requires a "**Special Permit**" (SP) issued by the Gardner Zoning Board of Appeals.*

Mr. LaFond informed the Board and all present that a letter had been received from Mr. Wayne Brasco, applicant, and owner of Florida Mass Properties, requesting to withdraw the application for zoning relief at 120 Grant St, without prejudice. Letter Attached. (*Attachment 3)

Motion to approve the withdrawal without prejudice.

Unanimous vote to accept the letter of withdrawal for 120 Grant St without prejudice.

Any New Business.

Annual Report requires approval.

Annual report approved.

Motion to adjourn meeting

Unanimous vote to adjourn

Meeting Adjourned at 7.05PM.



Raymond LaFond, Chairman



Michael Gerry, Clerk



Randall Heglin, Member.

***Attachment 2**

§ 675-740. Relief from parking regulations.

In the following instances, relief from parking regulations may be granted:

A. By special permit from the Zoning Board of Appeals, pursuant to § 675-1170, Special permits:

- (1) In the case of a change from a nonconforming use to a conforming use, that the benefits of a change to a conforming use outweigh the lack of parking spaces; or
- (2) In the case of a change from one conforming use to another conforming use, that the lack of parking spaces will not create undue congestion or traffic hazards on or off the site.

B. By the Planning Board pursuant to § 675-1010, Site plan review, or where it is acting as the special permit granting authority pursuant to § 675-1170, Special permits, where it determines the grant of a waiver would not be detrimental to the functioning of the site and would not create undue congestion of traffic hazards on or off the site.

Rachel Taylor

From: Michelle King <bastarache700@gmail.com>
Sent: Monday, February 14, 2022 3:01 PM
To: Rachel Taylor
Subject: [EXTERNAL] 163/165 Pine street

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Good afternoon,

My name is Michelle King, I am one of the families of 9 that are being evicted due to transfer to new ownership.

Our last day was Jan 31st to be out, due to no apartments available to us, I reached out to Rachel the Mayor's secretary for help and she gave the information of a contractor that is rehabbing units here in Gardner. I reached out to Jon Bombachi and he was more than willing to help us in our desperate situation. I got all families involved to come to my house and meet with Jon and he told us all of what he was doing and he would put us first when units were available.

We have different needs with the 9 families involved, there are seniors and disabilities among the 9.

I did watch the last zoning meeting and saw 1 gentleman that was opposed and wanted a few things changed with the building as he lives next door. I am not sure how long he has lived there, but I think that there will be a different class of people that will be living there and a lot of screening will be done which will not bring in what might have been in the past.

Time is ticking and we are very anxious, we have never been in this position before and we are hoping not to have to go to court, and hope that these units will be done in time.

We are very grateful that Jon has taken an interest in helping us when we had no hope.

I speak for all of us involved.

Thank you,
Michelle King



Florida Mass Properties, LLC
295 Waltham Street
Lexington, Massachusetts 02421
781.330.9941
Wfbr1972@gmail.com



February 8, 2022

Mrs. Rachel Taylor
Secretary of the Zoning Board of Appeals
c/o Gardner Building Department
115 Pleasant Street, Room 101
Gardner, MA 01440

Re: Zoning Board of Appeals Hearing – Request for Withdrawal without prejudice 120 Grant Street

Dear Mrs. Taylor:

I, Wayne F. Brasco, Jr., manager of the Limited Liability Company, Florida Mass Properties, LLC would respectfully request to withdraw without prejudice our application for a special permit.

I respectfully ask the Chairman of the Board as well as all Board members to grant us this withdrawal without prejudice. The reason for such request is to continue to follow up with the building commissioner's office and correct issues raised by the Building Department. Currently our subcontractors are backed up with their work loads and we are unable to fully satisfy our commitment to the Commissioner. We are continuing to schedule our subcontractors to fully satisfy the Building Department.

I would like to extend my deepest appreciation to the board for their time and consideration given to our project to date and apologize for our delays which has wasted the members personal time.

Respectfully,


Wayne F. Brasco, Jr., manager of the LLC
Florida Mass Properties LLC
Wfbr1972@gmail.com
781.330.9941

Via: email