

# MINUTES

Zoning Board of Appeals Meeting – April 19, 2022; 6:30PM  
115 Pleasant Street,  
Gardner, MA 01440  
VIA ZOOM

Sitting in on Hearing:

Raymond LaFond  
Randall Heglin  
Michael Gerry

In Attendance:

Rachel Taylor     Roland Jean     Tony Molina  
Brian Marchetti     Alan Belanger     Earl Meagher

Meeting Called to Order by Chairman Raymond LaFond at 6:30PM. Mr. LaFond explained that this meeting was being held via zoom for unforeseen circumstances and the flow would be a little different. All mics will be muted while people present and should there be a question please raise hand to the screen, so chairman can answer questions. 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 #2022-04-01: <u>F</u>	Alan Belanger	Blake St / 161 Chelsea St, Variance Amendment.
Case #2022-04-02: <u>SP</u>	Tony Molina	376 Chestnut St Multi-Family Dwelling.

**Case #2022-04-01 Alan Belanger Use Variance.**

*Application to amend Use Variance, Case 2021-04-01, for warehouse, storage and professional office at 161 Chelsea St, Gardner MA Parcel ID #R17-20-16, located in the single family residential 1 zoning district (SFR1) is denied as it does not comply with the granted use variance case 2021-04-01, dated 6/2/2021. This request will require zoning relief from the Zoning Board of Appeals.*

Brian Marchetti – Engineer and rep for Alan Belanger Mini Storage

Mr. Marchetti explained that a Use Variance had been granted to the applicant from the Zoning Board last year for 161 Chelsea St, to convert the old warehouse building into storage units.

Upon granting the variance an architect was acquired to plan the building layout. It was then discovered that original plans would not be obtainable, and the building structure would only allow 3 bays instead of the intended 7. Mr. Belanger acquired the lot of land behind the building on Blake Street and is hoping to use this land a driveway access to the rear of 161 Chelsea St which will then allow 3 more bays to be added. Without the Blake St access there would be no accessible way to these three proposed bays.

Mr. LaFond asked if the 3 proposed bays are located on the plan provided.

Mr. Marchetti stated that the plan Mr. LaFond referred to is of the bays on the east side of the building and the basement access.

Mr. LaFond asked if there was a plan showing where the new bays would be.

Mr. Marchetti stated he can supply that. This meeting was to ask the Board if the rear access could be added to the current variance as they will not be making changes to the original plan except where the access point would be for the three rear bays. All the condition set in place when granting the original variance will still be adhered too. At this point the lot on Blake St, has no dwelling and is simply overgrown with brush, this would be an easy clean up and require very little disturbance to the abutters.

Mr. LaFond asked Mr. Marchetti to go over the 3 questions set by the variance application.

Mr. Marchetti stated that No changes to the variance granted except for this rear access, as the lack of access to the rear of Chelsea St is a hardship to the applicant but there are no problems relating to soil conditions or topography. This will cause no bad intent to the bylaws. It will not take away from the city code or by a disturbance to the community.

Mr. Marchetti mentioned a letter from Rob Oliva – City Engineer and would like to respond to that now. Letter is attached to minutes. (\*Attachment 1)

It was question that Blake St is not an accepted city road, but a private street. Applicant is aware it's a private street and has talked to abutters about his plan and they are ok with it. The applicant is intending to pave the entry apron and then use compacted gravel or road grindings to cover the rest of the driveway to the rear of the building on Chelsea St. They will provide a dry well and storm water drainage and water removal. Parking will be 10ft from the property line. The parking area was approved last year by the Board; no changes are being made to that plan. Plans are in place for landscaping and snow removal as there is plenty of space. Should the snow build up become vast then full removal from site is available. The two parcels combined will be over 12,000 sq ft so no stormwater management should be needed.

Mr. LaFond asked to have a modified plan showing the new bay doors and location of driveway to the doors. Asked how far the retaining wall was from the property line and parking spaces.

Mr. Marchetti clarified that there was 7ft between the wall and the property line, and 10ft between line and parking. This can be changed if the Board requests it.

Mr. LaFond requested that a site visit be arranged, and if the driveway could be marked in some way to show the dimensions and location.

Questions from the Board.

Mr. LaFond asked if there would be a landscape plan for the new intended driveway. Would there be a fence or screening for the abutters to avoid light wash from vehicles using the entrance. Snow storage and drainage must be addressed for the driveway as well as a lighting plan.

Mr. Belanger stated that lighting would be added to match the existing building plan. They will be using 15 watts downward facing LED as the past 30 watt seemed a little bright. All lighting will be soft and not facing any abutters.

Mr. LaFond asked if the entrance would be gated.

Mr. Belanger said that was not in the plans as he wanted easy access for the intended bays.

Mr. LaFond asked about hours of access.

Mr. Belanger stated that the hours would be the same as agreed upon in the last variance.

Mr. LaFond asked about landscaping and greenery on the driveway.

Mr. Belanger informed the Board that he will keep a green buffer on each side and planned to add fencing, but an abutter had requested that he just leave the brush that is already there instead of making big changes. Mr. Belanger will do what he needs to do to keep the abutters happy.

Mr. LaFond asked if there was a plan to pave the whole driveway in the future.

Mr. Belanger stated that he planned to pave the apron at the start of the driveway and may eventually pave it all, but he would like to see how the drainage flows before committing to a full paving as he would not want to have to dig it all up to add drainage in the future.

Mr. LaFond asked if a condition be to pave within one year would be suitable.

Mr. Belanger requested it be more than a year to allow the natural drainage area to settle.

Mr. Heglin stated that it would be a good time to go over the current condition set in the granted variance.

The following conditions were granted Variance. Case #2021-04-02

- Exterior lighting plan to be submitted to the appropriate City Officials for review and approval.
- The hours of operation for the business to be 6 AM to 7 PM, Monday through Friday, 8 AM to 2 PM on Saturdays, closed on Sundays and major holidays.
- A sign to be posted, listing the hours and days of operation.
- Construction to occur Monday through Friday 7AM to 6PM; Saturday 8AM to 2 PM. No

work on Sundays and legal Holidays.

- Security camera system to be installed with the approval of the Building Commissioner
- No electrical power to be in the storage bays.
- The border of the north parking lot to have plantings or other screening, to prevent light wash on neighboring property. The screening to be maintained, as appropriate.
- Parking area to contain a paved apron, a minimum of fifteen feet where it meets Chelsea Street.
- Water flow from roof to be controlled to prevent runoff to abutters.
- Greenway to be established on right hand side of building.

Mr. LaFond agreed that all these conditions will remain in place moving forward.

Mr. Heglin asked what surface would be used if not paving. As gravel can be a problem.

Mr. Marchetti informed that the plan is for compacted road grindings as they already have an abundant amount at their disposal.

Any Representative of the city to speak.

Mr. Roland Jean – Building Commissioner.

Mr. Jean informed the Board that there was no legal requirement in place stating the driveway would need to be paved. Off street parking will need to be straight and lined for city code. Road grinding can be painted but will need to be re painting a few times a year.

Mr. Marchetti stated that there will be no parking on the Blake St driveway, it will solely be a driveway.

Mr. LaFond asked to clarify if parking would be in the front for these new bays.

Mr. Marchetti clarified that the only parking spaces off Blake St would be in front of the bay doors so tenants can get items in and out of the storage. They would be more than happy to paint lines on this area if needed.

Mr. LaFond requested a site visit be arranged and for the case to be continued to May meeting. A request for updated plans to include landscape, lighting, and drainage.

Motion to continue case to next meeting.

Unanimous vote to continue.

**Case 2022/04/02 Tony Molina / Molina Realty Special Permit. Multifamily loss of Zoning.**

*Application to Operate a Three-Family Dwelling at, 376 Chestnut St, Gardner, MA. Parcel ID #R22-18-13, located in the zoning district General residential 3 (GR3) is denied as it does not comply with Chapter 675-1:1, #4 – Three or Four Family Dwelling 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. Molina – owner and applicant of 376 Chestnut St.

Mr. Molina stated he purchased this property last year and it was listed as a three family. It has three kitchens and bathrooms. The property needs a full renovation on all floors, as well as a sprinkler system. He intends to completely rehab the whole building and would like to use it as a three family once again. There will be no structural changes to the building, maybe some new siding to make it look nice.

Mr. LaFond asked if parking is shared as it was clearly shown on the plans.

Mr. Molina stated that there is plenty of parking and the lot was recently paved and it lined and numbered for the tenants.

Mr. LaFond asked what was at the rear of the lot, will this just be open space for tenants to use.

Mr. Molina stated that this was a privacy buffer, and the dimensions were approx. 22ft by 66ft.

Mr. LaFond asked applicant to address the 9 questions required for a special permit.

- (1) The proposal shall be suitably located in the neighborhood in which it is proposed and/or the entire City and shall be compatible with neighborhood character, existing uses and other uses permitted by right in the same district.

There are many other multi-family homes in the street and surrounding area so it will not be a problem to convert back to a three family.

- (2) The proposal shall provide convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets, property, and improvements.

The property has plenty of off-street parking and room to maneuverer vehicles without causing problems to pedestrians or traffic.

- (3) The proposal shall provide adequate space for off-street parking, loading and unloading of vehicles, and goods, products, materials and equipment incidental to the normal operation of the establishment or use.

As stated, there is enough room for parking and turnaround. There is also a plan to create a space in front of building for unloading. This will not be a permanent parking spot.

- (4) The proposal shall provide adequate and appropriate facilities and utilities for the proper operation of the proposed use and disposal of sewage, refuse or other waste products and methods of drainage of surface water.

The property is serviced by the city utilizes such as water, sewer and trash collection. The plan is to add a fire sprinkler system and upgrade all the gas appliances. All will be up to today's standards and code requirements.

- (5) The proposal shall not constitute a nuisance due to air and water pollution, erosion, flood, noise, odor, dust, vibrations, lights or visually offensive structures or site features.

No pollution as all renovations will be inside the building, new siding will be added later. Lighting will be low light bollard lighting with no glare or disturbance to abutters.

- (6) The proposal shall not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians, as determined by the SPGA.

There will be no inconvenience to abutters.

- (7) The proposal shall be in harmony with the general purpose and intent of this chapter.

The proposal will improve the area and restore the house back to its original glory, if left it will just fall further into disrepair.

- (8) The proposal shall not have a significant detrimental impact on City services, tax base, and employment opportunities.

This will hopefully bring in tenants that will work close by and help raise the tax rate.

- (9) The proposal is consistent with the City's Community Development Plan or Master Plan.

Project will improve the look and function of the dwelling and thus improve the city.

Questions from the Board.

Mr. Gerry asked if they intended to use the city trash collection or would there be a dumpster on site for the tenants.

Mr. Molina intended to utilize the city service, but should the tenants need further help he is more than happy to provide a dumpster and removal.

Mr. Heglin stated that the assessor's card has the building listed as three family and wondering why it was bought before the board.

Mr. Molina stated that when the dwelling was purchased only one unit had been used for quite some time. The other two were vacant, all heating and water was connected and working but the lack of tenants are what lost the zoning of three family by right.

Mr. Roland Jean. Building Commissioner

Mr. Jean confirmed that the dwelling had lost its zoning by right as a three family because two units were not occupied for more than two years. Mr. Molina is following the correct path to get this home reinstated to three family.

Any Abutters to speak against this case.

Mr. Earl Meagher – 285 Elm St.

Mr. Meagher stated he has lived at his home since 1988 and is aware that the past tenants lived in the houses until his wife died and he moved out. The driveway in question was only recently added and had not been there before March. He supplied photos. (Attachment 2) He is concerned about the open space to the parking lot as his grandchildren play in the yard and could get hurt. Also, there is a concern with the lights from the cars shining into his house. He would like to request a six foot privacy fence be installed by the applicant to

protect his grandchildren and yard. A letter had been submitted to Mr. LaFond regarding this from Mr. Meagher. Letter will be filed and added to the case (Attachment 3)

Mr. Molina stated he would be happy to talk and come up with something. Often closely planted trees work better than a fence but he can work with the neighbor to find the best solution.

Mr. LaFond clarified that the board cannot insist on a fence being in place but advises to try to find a solution with the abutter.

Mr. LaFond requested a site visit to see the parking. Hopefully this can be arranged on the same day as the Chelsea St visit, Rachel Taylor will confer with applicants to schedule a good day and time.

Motion to continue case to May meeting.

Unanimous vote to continue.

Any further business.

Approval of minutes from January 19, January 31, February 6 and February 18.

Motion to approve all minutes.

Unanimous vote to accept all minutes.

Site visit to be scheduled.

Site visit proposed date April 30, 2022. at 9am for Blake St and 9:45am for 376 Chestnut St.

Mrs. Taylor will confirm with applicants and confirm and post.


Motion to adjourn meeting

Unanimous vote to adjourn.

Meeting adjourned at 7.40pm

  
Raymond LaFond, Chairman

Michael Gerry, Clerk

  
Randall Heglin, Member