

**TRANSCRIPT OF PUBLIC RECORD**  
**ZONING BOARD OF APPEALS MEETING**  
**DECEMBER 20<sup>TH</sup>, 2006**

This Regular Meeting of the **Zoning Board of Appeals** was held in the Great Hall of Searles Building, City Hall, and was called to order at 7:02 P.M.

**MEMBERS IN ATTENDANCE:**

*Mr. Matthew D'Agostino, Chairman*  
*Ms. Laura Walta, Vice Chairman*  
*Mr. Richard Lacroix, Member*  
*Mr. Silvio P. Uliano, Sr., Member*  
*Mr. Peter Giordano, Alternate*

**MEMBERS ABSENT:**

*Mr. Jesse Ramirez, Board Clerk*

**OTHERS IN ATTENDANCE:**

*Ms. Gwen Martone, Public Recorder*

**STATEMENT BY THE CHAIRMAN:**

Matthew D'Agostino read a statement prior to the opening of this meeting advising appeal rights.

**ROLL CALL:**

Laura Walta called the roll with four (5) members present at this time.

**ACCEPTANCE OF MINUTES: September 27<sup>th</sup> and October 25<sup>th</sup>, 2006**

The Chairman entertained a motion to approve the transcripts of meeting minutes.

**MOTION:**      *Laura Walta moved to approve transcript of recorded meeting minutes.*  
                     *Richard Lacroix seconded this motion.*

**VOTE:**            5-0-0 UNANIMOUSLY APPROVED

**CORRESPONDENCE:**

Chairman D'Agostino read into the record a request from Cedars Home - Lebanese Community Housing for the Elderly, 222 Pelham Street, to construct an addition to the existing Office/Community Building which they believe is an unsubstantial change under the Comprehensive Permit Regulations.

At this time it was determined that there was no representative from Cedars Home in the audience at this time. Chairman D'Agostino indicated that they would delay acting on this item and placed it to be heard at the end of the agenda.

**NEW BUSINESS:**

**#2006-74      ANAA Realty, LLC, 54 Hunt Road, Kingston, NH 03848**

Variance requested under Section VI-D of the Comprehensive Zoning Ordinance of the City of Methuen to construct a single-family dwelling without the required area, frontage or minimum lot width and without the required front and rear set backs in a Multi-Family B (MB) District at AM 914, Block 105, Parcel 31 Court Street.

Andrew Carace appeared before the Board and explained that he has been granted a significant change on his application and is now proposing to construct a one-family dwelling as opposed to a two-family dwelling. He indicated that he purchased the lot from the City and is planning on constructing a home for his daughter. He describes the lot as a good clean lot having no wetlands or irregular shape with good accessibility with little impact on traffic to the area. He indicated that the area is comprised of single, two and multi-family homes and believes that his proposal is consistent with the neighborhood. At this time Mr. Carace presented the Board with pictures of the lot and the surrounding area. Mr. Carace indicated that presently, as show in his pictures, some abutters have been utilizing this lot as an extension of their property and that it is beginning to be utilized as dumping ground for unwanted items. He feels that developing the lot is the best way to assure the lot is maintained.

At this time Chairman D'Agostino opened public participation with the Charlie Farrington, 30 High Street, Methuen speaking in favor of this petition. Mr. Farrington indicated that he was the owner of 8 Carroll Street and was a direct abutter to the rear. He stated that he has owned his property for 20 years and that there have always been squatters on Mr. Carace's property. He is in favor of this petition and would like to see a single-family dwelling built on a lot by an owner who will maintain the property.

Having no further discussion, Chairman D'Agostino closed public participation and Mr. Carace returned to the podium.

At this time Laura Walta read into the record an e-mail from Leo Cuticchia of 35 Vermont Street who was in opposition to this petition. According to Mr. Cuticchia this lot is too small and he believes that development would pose a safety issue for neighborhood children with cars pulling out of a driveway.

**ROLL CALL:**

*Mr. Richard Lacroix – yes, per plan*  
*Mr. Silvio P. Uliano, Sr. – yes, per plan*  
*Mr. Peter Giordano, - yes per plan*  
*Ms. Laura Walta - no*  
*Mr. Matthew D'Agostino – no*

**VOTE:**            3-2-0 DENIED

**#2006-75**

**Henry Baillargeon, 78 Anderson Drive, Methuen, MA 01844**

Waiver requested under Paragraph A of the Methuen Municipal Code, Section 9-89; Ordinance Regulating Fences; to erect an extension of an eight foot fence above an existing six foot stockade fence making the fence over the allowable height in a Residential C (RC) District at # 78 Anderson Drive.

Mr. Baillargeon appeared before the Board on this petition. He indicated that he is looking for a privacy fence for his back yards because there are too many eyes in his back yard. At this time he presented photos to the Board of his back yard. He stated that he is looking to put a fifty ft. length of 8ft. high lattice fence on top of the existing 6ft. fence. Additionally he indicated that most of the yards in the neighborhood are screened with large spruce trees but that the previous owner of his property removed most of the trees that were on this lot.

At this time Chairman D'Agostino opened public participation with no one speaking in favor of this petition. Speaking in opposition were the following individuals:

**Jean Christilaw, 74 Anderson Drive, Methuen, MA 01844**

Ms. Christilaw stated that she is a direct abutter and does not understand why the petitioner wants to put an 8 ft. extension over an existing 6ft. stockade fence. She believes that this will impact her because it will block her light, as well as cause a potential mold problem and wind damage. She also presented pictures to the Board and indicated that the previous owners did not cut down the trees, but that the petitioner did when he put in his pool. Additionally she stated that she is at home during the day and that the neighborhood mothers rely on her to watch their children after school. She stated that if the fence was extended it would block her line of sight and she would not be able to see the children.

**Aimee Fotino, 70 Anderson Drive, Methuen, MA 01844**

Ms. Fotino stated that she was diagnosed with cancer on October 3<sup>rd</sup>, 2006 and that she has 4 children ages kindergarten through 5<sup>th</sup> grade. She indicated that she had surgery on November 4<sup>th</sup>, 2006 and has not been able to drive since then so her children have had to walk to and from the bus stop. She claims that if the petitioner is allowed to erect the fence that she will not be able to observe her children walking on the road or playing in any of the neighborhood back yards.

Having no further discussion, Chairman D'Agostino closed public participation and the petitioner returned to the podium to address the abutter's concerns. The petitioner responded that he did not agree with Ms. Fotino and that it is his opinion that she does not have a clean line of sight to observe her children as things are now because she would have to see through Mr. Christilaw's sun porch and two stockade fences.

Chairman D'Agostino questioned the petitioner if the deck at 74 Anderson Drive was there when he installed his pool. Mr. Baillargeon responded that it was but that the abutters were not using it as often as they do now. Mrs. Baillargeon joined her husband at the podium and they both indicated that their daughter is very popular and is embarrassed when there are people on the neighbors deck "eyeing" her and her girlfriends when they are in the pool. Mr. Baillargeon indicated that the police have been there endless times and that too many eyeballs come from their yard.

Ms. Walta indicated that she felt that an 8 ft. extension was excessive and asked the petitioner if he would be satisfied with a 4ft. lattice extension. The petitioner responded that he could live with that. Ms. Walta then suggested that the petitioner could actually put a fence around the top of the pool creating even more privacy.

The petitioner indicated that the problem also extends to his deck; which is higher than the pool and that when they are sunbathing everyone is “eyeball to eyeball”.

Chairman D’Agostino suggested that some type of greenery could be planted that would grow allowing the fence to eventually being removed.

**MOTION:** *Laura Walta moved to include the condition that the extension to the fence shall be constructed solely of latticework and will not exceed 4 ft. in height.  
Sy Uliano seconded this motion.*

**VOTE:** 5-0-0 UNANIMOUSLY APPROVED

**ROLL CALL:**

*Mr. Richard Lacroix – yes, per plan with condition  
Mr. Silvio P. Uliano, Sr. – yes, per plan with condition  
Mr. Peter Giordano – yes, per plan with condition  
Ms. Laura Walta – yes, per plan with condition  
Mr. Matthew D’Agostino – yes, per plan with condition*

**VOTE:** 5-0-0 UNANIMOUSLY APPROVED

**#2006-76 Joseph & Steven Fisichelli, Preferred Construction, LLC, 232 Pleasant Street, Methuen, MA**

Variance requested under Section VI-D and VIII-B, Paragraph 5 (a); of the Comprehensive Zoning Ordinance of the City of Methuen; to construct a new commercial building without the required front and side setbacks; without the required landscaped strip in the front yard and parking too close to the rear lot line in a Central Business (CBD) District at # 248 – 250 Broadway.

Mr. Ron Laffely of Folcrom Architects, Inc., 22 Lafayette Road, Salisbury, MA 01952 represented the petitioners before the Board. According to Mr. Laffely they have been working with the Historic Commission for the past six (6) months with regards to what the building would look like and have agreed on a final design that will consist of a village type concept. He further explained that the project would also include the renovation of the abutting shopping center that is owned by the petitioners’ family. Many different designs were considered taking into account on site parking, handicap accessibility, landscaping, etc, prior to deciding on the plan before the Board this evening.

Chairman D’Agostino asked what the occupancy of the building would consist of. Mr. Laffely responded that it is designed for retail on the first floor with office space on the second floor. Chairman D’Agostino questioned if the petitioners would be relocating their realty business this location. Mr. Laffely responded that is possible but that they could also relocate next door when the shopping center is relocated. At this time he indicated that when the shopping center was remodel they would now have access from the rear.

Vice Chairman Walta questioned if the parking lots would be contiguous. Mr. Laffely responded that they would that the buildings would share a common entryway.

At this time Mr. Laffely reviewed the plan with the Board explaining what setbacks were required and the variances that they were requesting. Chairman D'Agostino questioned if any additional parking was going to be gained by the current shopping center. Mr. Laffely explained that currently the rear parking is not utilized but that once the renovations are completed and the rear of the building is accessible that employees would have a designated parking area freeing up spaces for the public.

At this time Joseph Fisichelli approached the podium and explained that there is currently between 75 and 80 spaces in the existing plaza and that the new building will add an additional 8 or 9 spaces. He further explained that his mother who owns the current plaza would be granting them an access easement so that they could access the new building.

At this time Chairman D'Agostino opened public participation with no one speaking in opposition of this petition. Speaking in favor were the following individuals:

**Steve Fisichelli, 33 Westwind Drive, Methuen, MA 01844**

Mr. Fisichelli stated that he is obviously in favor of the plan and believes that the improvements they are proposing with the village concept would be a nice addition to the downtown area.

**Joe Fisichelli, 7 Chestnut Way, Methuen, MA 01844**

Mr. Fisichelli stated that he is obviously in favor of the plan and indicated that they have spent many months trying to develop a plan that will fit in with the concept the City envisions for the downtown area.

**Charlie Farrington, 30 High Street, Methuen, MA 01844**

Mr. Farrington stated that he is a member of the Methuen Historical Society and that although they are normally not in favor of demolishing existing buildings; this particular structure is I tough shape and does not meet any of the existing fire or handicap codes. He believes that the petitioners are attempting to construct a building that is aesthetically pleasing and conducive to the downtown area.

Having no further discussion, Chairman D'Agostino closed public participation and the Mr. Laffely returned to the podium.

Vice Chairman Walta read into the record a letter dated December 20<sup>th</sup> 2006, from Joseph T. Giarrusso, Jr., Conservation Office. This document can be founding its entirety attached to the rear of the Minutes on file in the office of the City Clerk, 41 Pleasant Street, Methuen, MA 01844.

**ROLL CALL:**

*Mr. Richard Lacroix – yes, per plan*

*Mr. Silvio P. Uliano, Sr. – yes, per plan*

*Mr. Peter Giordano – yes, per plan*

*Ms. Laura Walta – yes, per plan*

*Mr. Matthew D'Agostino – yes, per plan*

**VOTE:**            5-0-0 UNANIMOUSLY APPROVED

#2006-77

**Daniel M. Riccio, 9 Wallace Street, Methuen, MA 01844**

Variance requested under Section VI-D of the Comprehensive Zoning Ordinance of the City of Methuen to sub-divide a parcel of land into two (2) lots leaving Lot 25A without the required area, front and rear setbacks and to clarify front and side setbacks on existing garage; and also leaving Lot 25B without the required area, rear set back and to clarify front setback on existing dwelling in a Residential D (RD) District at # 9 Wallace Street.

Mr. Riccio appeared before the Board on this petition. According to Mr. Riccio he is proposing to construct a single-family home on a lot that does not have the required area. He indicated that the current structure is an older two-family dwelling, which had a sufficient floor plan when it was just he and his wife. He indicated that he is now caring for his elderly mother and a more modern floor plan with more than one bathroom would be more convenient.

Chairman D'Agostino questioned if the petitioner considered adding an accessory apartment to the current dwelling. Mr. Riccio responded that he had but that the structure was not conducive to such an addition and that he really did not want a separate unit for her because she needed constant supervision.

At this time Chairman D'Agostino opened public participation with no one speaking in favor or in opposition of this petition. Having no further discussion, Chairman D'Agostino closed public participation and the Mr. Riccio returned to the podium.

**ROLL CALL:**

*Mr. Richard Lacroix – yes, per plan*

*Mr. Silvio P. Uliano, Sr. – yes, per plan*

*Mr. Peter Giordano, - yes per plan*

*Ms. Laura Walta - no*

*Mr. Matthew D'Agostino – no*

**VOTE:** 3-2-0 DENIED

**CORRESPONDENCE:**

At this time it was determined that no representation from Cedars Home - Lebanese Community Housing for the Elderly, 222 Pelham Street, was present. Chairman D'Agostino entertained the following Motion:

**MOTION:** *Laura Walta moved to consider this request a substantial change and modification from the present plan and the petitioner must bring a full application before the Board.  
Richard Lacroix second this motion.*

**VOTE:** 5-0-0 UNANIMOUSLY APPROVED

**ADJOURNMENT:**

**MOTION:**      *Chairman D'Agostino moved to approve a 8:20 PM adjournment.  
Laura Walta seconded this motion.*

**VOTE:**            *5-0-0 UNANIMOUSLY APPROVED*

Respectfully submitted,

Gwen Martone, Public Recorder  
Methuen, MA 01844