

TRANSCRIPT OF PUBLIC RECORD
ZONING BOARD OF APPEALS MEETING
JANUARY 27TH, 2010

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 7:07 PM.

MEMBERS IN ATTENDANCE:

Mr. Matthew D'Agostino, Chairman
Ms. Laura Walta, Vice Chairman
Mr. Richard Lacroix, Clerk
Mr. Jesse Ramirez, Member
Mr. Vincenzo Pesce, Member
Mr. Robert Andrew, Alternate Member

OTHERS IN ATTENDANCE:

Ms. Gwen Martone, Zoning Board Secretary

STATEMENT BY THE CHAIRMAN:

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

ATTENDANCE:

Board Clerk, Richard Lacroix called the roll with all members present at this meeting.

ROLL CALL:

Board Clerk, Richard Lacroix called the roll of Applicants.

ACCEPTANCE OF MINUTES: December 16th, 2009

MOTION: *Matthew D'Agostino moved to accept the Minutes*
Laura Walta seconded this motion.

VOTE: 5-0-0 UNANIMOUSLY APPROVED

ELECTION OF OFFICERS:

MOTION: *Laura Walta moved to reelect Matthew D'Agostino as Chairman*
Vin Pesce seconded the nomination.

VOTE: 5-0-0 UNANIMOUSLY APPROVED

MOTION: *Richard Lacroix moved to nominate Laura Walta for Vice Chairman*
Jesse Ramirez seconded the nomination.

VOTE: 5-0-0 UNANIMOUSLY APPROVED

MOTION: *Matthew D'Agostino moved to nominate Richard Lacroix, for Board Clerk
Vin Pesce seconded the nomination.*

VOTE: *5-0-0 UNANIMOUSLY APPROVED*

At this time, Board Clerk Richard Lacroix read the following correspondence into the record of the meeting:

1. A letter dated January 23rd, 2010, from Jennifer E. Lewis, Esquire, requesting to continue the Gervais/T-Mobile petition to the February 24th, 2010 Public Hearing.
2. A letter dated January 22nd, 2010, from State Senator Steven A. Baddour, requesting the Board to consider a more suitable location for this cellular tower.

Copies of these letters may be found attached to the rear of the Minutes on file in the Office of the City Clerk, 41 Pleasant Street, Methuen, MA 01844.

MOTION: *Matthew D'Agostino moved to continue the Gervais/T-Mobile petition to the February 24th, 2010
Richard Lacroix seconded this motion.*

ROLL CALL:

*Mr. Richard Lacroix – yes, per plan
Mr. Jesse Ramirez – yes, per plan
Mr. Vin Pesce – yes, per plan
Ms. Laura Walta – yes, per plan
Mr. Matthew D'Agostino – yes, per plan*

VOTE: *5-0-0 APPROVED*

PETITION CONTINUED FROM DECEMBER 16TH, 2009

**Estate of Lucy Cafiso C/O Marie McCarthy, 12 Cottage Lane, E. Hampstead, NH 03826
#2009 - 22 Co-Applicant: Robert Bohondoney, 12 Hall Street, Methuen, Massachusetts 01844**

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 in a Residential D (RD) District at AM 10-14, BLOCK 104, PARCEL 2A Paris Street, Methuen, MA 01844.

Edward Radcliff of Engineering & Surveying Services, 70 Bailey Court, Haverhill, MA 01832 appeared before the Board on behalf of the petitioners. Mr. Radcliff indicated that he was not at the last meeting but that it has come to his attention that there was concern about water on the abutter as well as access to the property. He indicated that the frontage to the property would be on Grace Street. He further indicated that there are hemlock bushes 18 – 20 feet high that surround the property on the northerly and westerly sides and that they are planning on leaving them intact as a buffer to Buco's Trucking located across the street. As far as the water issue, he informed the Board that the abutter in the old Cafiso Estate is actually uphill from the site with a 3 to 3½ foot difference from the subject lot to where their driveway and lockout to their basement is located. He indicated that he feels very confident that they can access this lot from Grace Street and ensure proper grading and get out to the catch basin structures on Paris Street without any detriment to the abutters property.

Chairman D'Agostino opened the hearing to Public Participation with no one speaking in favor to this petition. The following individuals went on record speaking in opposition of this petition:

The mother of Michele Cushman of 40 Paris Street, Methuen, stated that her daughter is out of town this week but that she expressed concerns with a possible water problem at the last meeting. She stated, "I don't know where they get that we are up hill because that right now it is below us. So if they build it up the water is going to come back into our walk in basement" Additionally, she indicated that they are short 1,000 square feet and that the house was originally going to front on Paris Street and now it is going to be on Grace Street. She further indicated that the Attorney was going to get in touch with the abutters to discuss the matter of where the house was going to front before coming back to the Board. She said the attorney never got back to them and that they just found out at 20 past 6 that this was going to be heard tonight. Chairman D'Agostino stated that they were told at the last meeting that they would continue this petition to this meeting at which time it would be heard. He questioned the Board Secretary to see if they were in fact informed of the continuance to this meeting. She confirmed that they were and at this time informed the Board that the Attorney had informed her that he had been let go and would no longer be representing the Petitioner. Chairman D'Agostino indicated that they don't hold up a meeting because the Petitioner did not notify the abutters that they now had new representation and would not be meeting with them prior to this meeting.

Tina Nicolosi, 10 Grace Street, Methuen, MA 01844 indicated that she was also under the impression that the entrance to this property was supposed to be on Paris Street not Grace Street. She stated that if they were informed of this she could have had a petition here signed by all of her neighbors because no one wants this house to be built. She further indicated that they were under the impression that this meeting was going to take place in two months because that is what was said at the last meeting. Chairman D'Agostino explained that the Board could make suggestions to an attorney to meet with the abutters, whether they do it or not is of no consequence to the Board. However, their continuance is always to the next meeting.

Having no further discussion, Public Participation was closed and Mr. Radcliff returned to the podium. With regards to the alleged water problems he indicated that he does have topography on the plan. He further indicated that there is a sewer easement and a driveway easement in that corner that precludes to their property. He explained that you can't build any structures in the easements which means the proposed dwelling is going to be far away from the abutters property and that the grade will not be brought up that high in that section. He further explained that even if the grade is brought up a little bit in the lot, as he said before, they can design it in such a way to get out to the catch basins on the northerly side of the Paris Street. He said this will be required during site plan review and would be an easy engineering accomplishment. Vice Chairman Walta indicated that prior to the issuance of any building permits this plan would have to be reviewed and approved by the City's Engineering Department.

ROLL CALL:

- Mr. Richard Lacroix – yes, per plan*
- Mr. Jesse Ramirez – yes, per plan*
- Mr. Robert Andrew – yes, per plan*
- Ms. Laura Walta – yes, per plan*
- Mr. Matthew D'Agostino – yes, per plan*

VOTE: 5-0-0 APPROVED

NEW BUSINESS:

#2010 - 01 David Manning, 6 Cove Drive, Alexandria, NH 03222

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 and front set back in a Rural Residential (RR) District at AM 410, Block 124, Parcel 10A Cross Street, Methuen, MA 01844.

Attorney Arthur Broadhurst, 45 Osgood Street, Methuen, MA 01844 appeared before the Board on behalf of the applicant. According to Atty. Broadhurst the subject lot is a one acre parcel that Mr. Manning is looking for approval to build a single-family home. He indicated that the shape of the lot and the Spicket River that runs behind it, forces the proposed dwelling forward missing the front setback by 5 feet. He describes the subject parcel as being unique because most of the house lots in the area are 5,000 to 10,000 square feet as opposed to the acre of the subject parcel. He indicated that at one point Mr. Manning and his family allowed the City of Methuen to run, at no cost, the sewer easement seen on the plan. He further indicated that he did that for the City with the anticipation that at some point he would be able to build a home on here. Chairman D'Agostino questioned if the Manning family ever owned all the land. Atty. Broadhurst indicated that at one time they did live in the existing dwelling next door and at one time also sold the lot that is labeled Gonzalez to the people next door.

Chairman D'Agostino opened the meeting to Public Participation and no one spoke either in favor or in opposition of this application. Having no discussion, Public Participation was closed Atty. Broadhurst returned to the podium. At this time, Board Clerk, Richard Lacroix read into the Minutes a letter dated January 27th, 2010, from Joseph T. Giarrusso, Jr., Conservation Officer. A copy of this letter may be found 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. Vincenzo Pesce – yes, per plan
Mr. Robert Andrew – yes, per plan
Ms. Laura Walta – yes, per plan
Mr. Matthew D'Agostino – yes, per plan

VOTE: 5-0-0 UNANIMOUSLY APPROVED

ADJOURNMENT:

MOTION: *Jesse Ramirez moved to approve at 7:33 PM adjournment.*
Matthew D'Agostino seconded this motion.

VOTE: 5-0-0 UNANIMOUSLY APPROVED

Respectfully submitted,

Gwen Martone, Zoning Board Secretary
Methuen, MA 01844