

**TRANSCRIPT OF PUBLIC RECORD**  
**ZONING BOARD OF APPEALS MEETING**  
**MAY 27<sup>TH</sup>, 2009**

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 7:04 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. Peter Giordano, Alternate Member*

**OTHERS IN ATTENDANCE:**

*Ms. Gwen Martone, Public Recorder*

**REQUEST TO WITHDRAW PETITION ON AGENDA:**

**#2009 - 09      *Homestead Village, LLC, 240 Pleasant Street, Methuen, MA 01844***

Variance requested under Section VI-D of the Comprehensive Zoning Ordinance of the City of Methuen to construct garden style condominiums over the allowed height and too close to the rear lot line in a Multi-Family B (MB) District at AM 11-09, Block 14A, Parcel 19 Village Lane, Methuen, MA 01844.

Board Clerk, Richard Lacroix read a letter into the record, dated May 20<sup>th</sup>, 2009, from Attorney Anthony A. Copani requesting that this petition be withdrawn without prejudice.

**MOTION:**      *Richard Lacroix moved to withdraw this petition.*  
                     *Matthew D'Agostino seconded the motion.*

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

**REQUEST FOR A TIME EXTENSION ON A GRANTED PETITION:**

**#2008-16      *John J. Buco, Tr., 21 Christopher Drive, Methuen, MA 01844***

Variance requested under Section VI-D of the Comprehensive Zoning Ordinance of the City of Methuen to subdivide a parcel of land into three (3) lots leaving Lots A & B without the required area and frontage; and Lot C with zero frontage in a Residential D (RD) District at # 207 East Street, Methuen, MA 01844.

Chairman D'Agostino read a letter into the record dated 5/13/09, from James Buco requesting a six (6) month extension on the above variance, which was granted on May 28<sup>th</sup>, 2008.

**MOTION:**      *Richard Lacroix moved to grant the six (6) month extension.*  
                     *Laura Walta seconded the motion.*

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

**OLD BUSINESS:**

**PETITION CONTINUED FROM APRIL 29<sup>TH</sup>, 2009**

**Alcro Development, LLC, 9 Dick Tracy Drive, Pelham, NH 03076**

Request for an amendment under M.G.L. c. 40B, ss, 20 – 23 and 760 CMR 56.05 (11); to the Comprehensive Permit granted to Stone Castle Estates; Dated September 10<sup>th</sup>, 2002 and recorded with the Essex North District Registry of Deeds at Book 7487, Page 232, as affected by Technical Amendment dated October 20<sup>th</sup>, 2002 and recorded at Book 7487, Page 231, and Notice of Project Change dated January 11<sup>th</sup>, 2008; to allow the Applicant to offer homes in the Project in seven (7) additional unit types in the RR District at AM 216, Block 129B, Lot 7; AM 316, Block 130, Lot 47 and AM 316, Block 130, Lot 48.

Attorney Donald F. Borenstein, 12 Chestnut Street, Andover, MA 01810 appeared before the Board on behalf of the co-applicant, Alcro Development, LLC. Atty. Borenstein summarized that they are here this evening on a continued Public hearing on Alcro Development's request to modify their existing comprehensive permit.

Chairman D'Agostino opened the meeting to Public Participation and no one spoke either in favor or in opposition of this application. Chairman D'Agostino was attempting to close public participation when Phyllis Klockow of 12 Stone Castle Drive asked if she could speak. She stated that her husband spoke at the previous meeting. She indicated that she did not know what the chain of authority was with reference to the condo fees. She stated that she knows the Zoning Board has no authority in the area but she feels that the fees are out of perspective and how they came about. She is not in opposition to the new floor plans and she does not believe that the condo fees for the new style units will be equitable. Having no discussion, Public Participation was closed and Attorney Borenstein returned to the podium.

Atty. Borenstein explained that the condo fees for the new units would be divvied up into the same unit class as the existing units and they would pay condo fees on par with existing units. These units would be somewhat smaller than the units in the same unit type but it is their proposal that they would pay the same condo fees as the existing units. He further indicated that they are doing this out of fairness to the current owners, that offering the smaller units at a reduced cost would benefit the developer and not the residents. They believe that the draw on resources for the new unit styles will be similar to the existing styles and it for this reason they chose to keep the same fee structure.

Vice Chairman Laura Walta indicated that she was pleased that they are seeking to make they expenses of living in the development more equitable and she asked if they would be willing to amend the original condo documents to reflect this. She indicated that the original documents set out condo fees based on square footage as opposed to a percentage of services. Atty. Borenstein responded that the Massachusetts Condominium Act would really prevent them from going an equal percentage per unit. The Act does require some relation between the percentage of the condominium that runs with the unit that directly translates as to what share of the condo fees you pick up. He stated that it prevents them from doing it one unit, one charge that it does have to bare relationship to the market value of the units. Atty. Borenstein explained that they have actually proposed, as part of this amendment, that each of these unit are placed in a unit class and that they would apply condo fee shares to them just as the existing units. He indicated that they believe this was fair and equitable because the only deviation in services have to do with the mass of the structures and would involves differences associated with some exterior element such as roofing and siding. Ms. Walta said that she would like to see this in writing with in the text of the amendment. Ms. Walta also questioned if the applicant would be willing to open the association books to the owners for review. Atty. Borenstein indicated that he could not answer that this evening without first speaking to the Applicant who is actually out of town this evening, but that he believes there has actually been some level of financial disclosure to the owners.

Ms. Walta questioned if they would be willing to keep the affordable units as is with no one-story version available. Atty. Borenstein indicated that a finished second story for the affordable was always an option but that it has never been executed. Ms. Walta indicated that she was concerned with the fact that there was only one bedroom in the affordable units and should the resident ever need live in care, their only option to stay in the home would be to finish the second floor. If the space was no longer available, she believes that the occupant would be forced to move.

Ms. Walta also questioned if the Applicant would be willing to allow the Methuen 40B Audit Committee review it's books. Atty. Borenstein indicated that there are already significant audit requirements in the Comprehensive Permit and that is what they are willing to adhere to. Ms. Walta stated that she believes that is restricted to the Auditor that they have chosen and that the Methuen Audit Committee would also like access to those records. Atty. Borenstein indicated that he would bring the request to the Applicant.

Lastly, Ms. Walta questioned if the Applicant would be willing to accept a smaller number of one-story unity types to be evenly distributed throughout the remainder of the locus. Atty. Borenstein indicated that they are not looking to discontinue the two-story style dwelling, but to be able to offer some alternatives. Ms. Walta expressed concerns that should the two-story styles not be chosen, that you could literally divide the neighborhood in half which is contrary to the intent of the development. She fears that the one half would contain "larger, nicer homes" and "smaller homes in the back". She indicated that given the option for smaller homes, she would like to see some kind of consistency and that a certain percentage of the remaining 56 units would remain two-stories, evenly distributed throughout the remainder of the locus. Atty. Borenstein questioned the Board if they thought it made more sense to cluster similar unit styles in certain areas of the project rather than checker boarding them throughout. He believes that from an aesthetic and architectural perspective that it may make more sense to break up the project in sections and have a block of one-story homes when we already have several blocks of two-story homes. Board Member Vin Pesce asked if the Applicant would be willing to provide the Board with a copy of the condo documents and master deed. Atty. Borenstein responded that they would be willing to provide that information.

Board Member Richard Lacroix questioned when the homeowners association would be set up. Atty. Borenstein responded that under the condominium statute there are several checkpoints that say when the developer has to transfer control to the homeowners. He explained that there is both a time limit and a percentage of sales limit. He indicated that unfortunately, they are not close to the percentage of sales limit but that they are getting close to the time limit. With respect to condo fees it is more beneficial to get more units sold than to raise fees. As an example he indicated that as the number of units sold double the cost for plowing might increase somewhat, but not double. He further indicated that there are a number of fees like that where you get economies of scale where you get much better or less expensive services if you have 89 units as opposed to 33 units.

At this time Linda Early from Coco Early & Associates came to the podium. Ms. Early stated that they are the marketing team for Stone Castle and that they have, in the last month and a half; put two of the medium sized, two-story homes under contract. She further explained that they continually have people come through who are interested in two-story living but they also wish that a one-story design were available. She indicated that they would like to cater to both markets and they are convinced that they would if they could offer the single story style. She believes that even in this recessionary time, they could have stronger sales with the introduction of the single-story styles. Mr. Pesce questioned how many units were sold in the past three (3) months to which Ms. Early responded that two (2) units have sold that had a base price \$466,900.00 but that both units were upgraded bring each unit up to around \$500,000.00.

At this time Chairman D'Agostino stated that they would continue this petition to the next public hearing on June 24<sup>th</sup>, 2009 so that Atty. Borenstein could consult with the Applicant and respond to the questions posed by the Board this evening.

**NEW BUSINESS:**

**#2009 - 07     Doris Butterfield, 14 Belmont Street, Methuen, MA 01844**

Variance requested under Section VI-D of the Comprehensive Zoning Ordinance of the City of Methuen to subdivide a parcel of land into two (2) lots, leaving Lot A without the required area and to clarify frontage, side and front setbacks on the existing dwelling in a Residential G (RG) District at # 14 Belmont Street, Methuen, MA 01844.

Attorney Arthur Broadhurst, 45 Osgood Street, Methuen, MA 01844 appeared before the Board on behalf of the petitioner. According to Atty. Broadhurst Ms. Butterfield is seeking to subdivide her property into two lots. He gave a brief history of the lot indicating that ms. Butterfield and her family has resided at the property since the 1920's. He further indicated that since that time they have acquired two parcel that adjoin their home in the rear as shown on the plain. He explained that the parcels were, at one time, 50 ft. by 100 ft. lots and were buildable lots that were purchased as an investment. Additionally he explained that it was always their intent to sell these parcels at some point but when the merger law took effect, the lots became one. He stated that the hardship associated with this lot is in the shape, that the frontage on the existing house lacks frontage now and will continue to lack frontage if subdivided. He further indicated that Ms. Butterfield is at that stage in her life where she is on Social Security, can no longer afford the taxes that have gone up, and can no longer maintain the property as accustomed. She is now looking to sell the back parcel so that she can continue to maintain her home and stay in the existing dwelling. He further explained that the lot could be subdivided so as to meet the area requirement but it would create an irregular shape lot, which would not be within the intent of the zoning ordinance.

Chairman D'Agostino opened the meeting to Public Participation with no one speaking in favor of this petition. Several individuals came to the podium in opposition to this petition. John Holgate representing his wife Linda, the owner of the abutting property at 15 Beacon Street, stated that he sympathizes with Ms. Butterfield on the increase in costs. He indicated that a plan was shown to him of a 10,000 sq ft. lot with a 50 ft. x 30 ft. dwelling, which he stated would have roughly 7,500 cubic feet of impact on the water table in the area. He said that his knowledge of that property goes back to 1960 and that each new construction in the area since that time has raised the water table. He indicated that he was also on Social Security and that he did not want the burden of the any adverse affects from an increased water table. He indicated that he does not want to see any new construction on the proposed lot. Judith Holgate, the owner's daughter who actually lives at 15 Beacon Street, stated that she has lived there for 12 years and would like to reiterate what her father has said. She indicated that water has increased since they built across the street at 14 Beacon Street. She alleges that they had to put in a reinforced basement and a pumping system installed to have the water flow out of their basement. She stated that the foundation was like a built in swimming pool prior to the house being built. She further indicated that water is pumped out of that house all year round. She further stated the she only used to get water in her basement for a period of 1½ months but now it is 4 months out of the year. She stated that 12 to 24 hours after it rains she starts to get a little puddle in her basement, which she claimed never happened until 14 Beacon Street was constructed. She believes that if a new house was constructed that she would have to deal with much more water and make her life more miserable. She believes that the property should be sold as it is so that there would be no impact on her.

Having no discussion, Public Participation was closed and Atty. Broadhurst returned to the podium. He indicated that with any type of building no matter where it is you have to address any conservation, water run off or drainage issues prior to securing a building permit. He further indicated that there were no wetlands on this property and believes that the new construction would actually reduce the amount of water going on to the abutting properties. Additionally, he stated that if water does end up going in their basement, the Petitioner as the owner of the land

that caused would be responsible to fix any impact on the abutters. He is confident that all issues will be addressed prior to any actual construction.

Vice Chairman Laura Walta questioned what the hardship was associated with this land. Atty. Broadhurst said it is the current shape of the lot. That under the rule of merger it became one lot at some point the 2 back lots merged to become one lot and then Lot A & Lot B merged to become one lot. He further explained that the lot could be subdivided into 2 lots that meet the area requirements but that the shape of Lot A will never allow it to have any more frontage than what has existed since 1920.

**ROLL CALL:**

*Mr. Richard Lacroix – yes, per plan*

*Mr. Jesse Ramirez – no*

*Mr. Peter Giordano – yes, per plan*

*Ms. Laura Walta – yes, per plan*

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

**VOTE:** 4-1-0 APPROVED

**#2009 - 08      Richard Avedisian, 70 Salem Street, Methuen, MA 01844**

Special Permit required under Section IX-B of the Comprehensive Zoning Ordinance of the City of Methuen to extend a non-conforming use by adding a loam processing business to an existing landscaping company in a Rural Residential (RR) District at # 70 Salem Street, Methuen, MA 01844.

Attorney Anthony Copani, 265 Broadway, Methuen, MA 01844 appeared before the Board on behalf of the Petitioner. According to Atty. Copani the petitioner is here this evening with his son and several abutters who will speak in favor of this petition. Atty. Copani indicated that the Avedisian's first purchased this property back in 1921 and that from the moment it was purchased it was used as a farm. Specifically, they grew vegetables and later it was later expanded around 1960 to include greenhouses and flowers. He further stated that at some point in time they expanded their operation and have stored and loam and mulch to customers. At some point they also began a screening process to screen some of the loam that was on the land. He alleges that over the 90 years that they have been in operation they have never had a complaint filed against them. He indicated that this operation has existed prior to any zoning ordinance and that it exists as a valid nonconforming use. He further stated that last summer there was a complaint filed against them by an abutter who recently moved into the neighborhood. He indicated that the abutter did have a valid concern because adjacent to that lot was a pile of loam that the petitioner was screening and he believed that it would cause a disturbance. At that time the Building Commissioner visited the site and that's how he (Copani) became involved with the petitioner. He alleges that contrary to what communications the Board may possess, the petition began voluntarily moving the pile of loam that was adjacent to this particular abutter. He further explained that this procedure began last June but that it would be a timely process. At this time they are here before the Board seeking a Special Permit to extend the nonconformity to include the screening of the loam process on the site.

At this time Atty. Copani referenced the submitted plan indicating that the unscreened loam stockpile is located along Hampshire Road. The proposal this evening is to relocate that pile further into the lot and to provide a buffer and a berm, a privacy barrier, facing and abutting Hampshire Road. He indicated that the petitioner is taking this action to alleviate any concern that any abutter would have in regards to their operation on this particular site. He stated that specifically, this parcel of land consists of 6½ acres of land and adjacent to it is another parcel of approximately 7 or 8 acres that is also used for farming purposes. Atty. Copani indicated that this is significant because it falls under the auspices of Chapter 40A, Section 3; which exempts from the zoning ordinances, parcels of land that are used for agricultural purposes, and are large than 5 acres. He believes that pursuant top Chapter

40A, Section 3, the Petitioner, as a matter of right, can operate his existing business, including the screening of top soil because he is engaged in agriculture, horticulture and floriculture, which are incidental uses, if not a primary use of the screening of the loam which has been stockpiled on the premises for many years. He stated that he discussed this with his client and that the Petitioner chose to come here this evening so that they could address any of the abutters complaints.

At this time, Chairman D'Agostino opened the meeting to Public Participation with the following individuals speaking in favor of this petition:

- |                         |                    |                   |
|-------------------------|--------------------|-------------------|
| 1. Dave Apkarian        | 54 Salem Street    | Methuen, MA 01844 |
| 2. Richard Junknavorian | 61 Salem Street    | Methuen, MA 01844 |
| 3. Henry Rotondo        | 129 Hampshire Road | Methuen, MA 01844 |
| 4. John Wilkens         | 399 Pelham Street  | Methuen, MA 01844 |
| 5. Joe Leone            | 23 Morgan Drive    | Methuen, MA 01844 |
| 6. Patricia Gosselin    | 57 Salem Street    | Methuen, MA 01844 |
| 7. Jonathan Depoian     | 50 Salem Street    | Methuen, MA 01844 |
| 8. Nancy Apkarian       | 54 Salem Street    | Methuen, MA 01844 |
| 9. Thomas Dallon        | 300 Hampshire Road | Methuen, MA 01844 |
| 10. Joseph Wilkinson    | 306 Hampshire Road | Methuen, MA 01844 |
| 11. Martin Gosselin     | 57 Salem Street    | Methuen, MA 01844 |

Speaking in opposition to this petition was Nancy Colbert Puff of 314 Hampshire Road. Ms. Puff stated that she realized that she is in the minority here this evening but would like the Board to consider a few of the points that she and her husband cited in their letter to the Board and the City. She stated that she has no doubts that Avedisian Farming is an institution in Methuen and that they actually love living next door to the farm. However it is not the farm use that they have issues with, it is the very large, growing pile of loam along Hampshire Road that is right across the street from their house that they are concerned with. She said there was some work done to cut down the pile last June but there had not been any attempts since then. She further stated that over the last year they have watched the landscape contracting business thrive. She questioned how this application could be heard as an extension of a nonconforming use because the farm is actually a conforming use. She indicated that it is really the landscape contractor yard with the outdoor storage of materials and the loam pile and processing that is a commercial business in the rural agricultural zone. As far as she can tell that since Methuen adopted a zoning ordinance this has never been an approved use in the rural residential zone. She further indicated that the application asks to resume a use that was discontinued 25 years ago and that a discontinued use only lasts for a 2-year period. She indicated that if the Board is moved to consider approving this application they ask that several things be considered in the application. She stated that the screening and space buffer requirements in the ordinance for commercial uses are actually must more stringent than what is in place here in the residential zone. She asks that the Board consider an appropriate buffer for the residential zone and in closing she asks that they consider the hours of operation.

Robert Puff also of 314 Hampshire Road addressed the Board. He urged the Board to go out and visit the site and view it from Hampshire Road. He indicated that the applicant has acknowledged the issues of noise and dust that is generated by the proposed extension of this use. Additionally, he does feel that the position of the pile on the submitted plan has not changed very much and he would appreciate some consideration in relocating that pile and the whole operation further south on the property so that it would facilitate a better vegetative buffer as stipulated in the ordinance. In closing he stated that he would like to see a specific time frame for the buffer to be installed should this be approved.

Jim Todd who represented the owners of the abutting soccer field said that he had concerns about issuing this permit because loam processing could also be used in building materials and that this could create a lot more traffic and increased heavy equipment in this residential area.

Dave Apkarian of 54 Salem Street returned to the podium and questioned when this area was rezoned to rural residential. It was explained that the change took place in July of 2008 and that the Agricultural Conservation was simply renamed to reflect that it was in fact also a residential area, which was never defined in the old ordinance.

Having no discussion, Public Participation was closed and Atty. Copani returned to the podium to address the issues. With regards to the loam pile, he indicated that it was going to be moved approximately 110 ft. from Hampshire Road, which he feels is a considerable distance. Additionally he indicated that they have no objection to setting up a time line for when that berm would be planted and that they plan to move the loam pile by September of this year. With respect to hours of operation, he indicated that his client had never received any complaints about this in 90 years but that they are willing to work with the Board.

Chairman D'Agostino questioned what they were proposing as the buffer along Hampshire Road. Atty. Copani indicated that they are proposing a 90-foot buffer with a height of 4 feet. They are proposing evergreens but they are opened to any feedback and would be opened to and/or a fence. Additionally Chairman D'Agostino questioned if this could be accomplished with the seeding of the grass and moving of the pile by September 30<sup>th</sup>, 2009. Atty. Copani indicated that it could be accomplished and would be by that date. Additionally, he questioned if it is necessary to do this on Sundays to which Atty. Copani responded that it was, at least seasonally. He stated that they have been open on Sundays for 90 years but that he did not know if the loam processing happened on Sundays. Steve Avedisian came to the podium and indicated that currently they do not screen loam on Sundays and that they very rarely screen on Saturday. He explained that screening is very seasonal and that they usually do it during the months of June, July and part of August while the weather permits and that they cannot screen if the weather is wet. Chairman D'Agostino questioned if they had a landscaping business associated with the commercial business to which Mr. Avedisian responded yes. D'Agostino asked the petitioner to explain what the loam is used for. Mr. Avedisian indicated that the loam has been a part of their operation since the 1940's and that he picked up that portion of the business in 1988. They have been selling loam off and on since 1988 but really picked up again in 2000 where you were able to buy a considerable stockpile of loam that was stored on their property. From that original pile the loam is screened and is stored as is shown of the plan. If the plan was read correctly it should have been said that the unscreened loam pile would be moved behind the screened loam pile, which is staying put, 110 ft. from Hampshire Road. They are proposing to move the first 90 ft. of the unscreened loam pile, grade off the remainder of it and seed it if needed. D'Agostino stated that he is concerned that the loam should be focused more on the retail and commercial part of the business and not of the landscape portion of the business. Jesse Ramirez indicated that he realizes that the petitioner has been there for 90 years but they have to consider that there are more homes in the area today than back then. Additionally he questioned if it would create more traffic in the area. The petitioner indicated that all his drivers are certified and all his vehicles are inspected and that he is adamant about safety. He said that it could create more traffic but believes that the soccer field across the street creates more traffic than they could ever create. Laura Walta indicated that she was very concerned that the letter from the Building Inspector was ignored for over a year and now they are looking for a Special Permit. Atty. Copani indicated that when his client received the letter he brought it to his office and that he (Copani) personally went to see the Building Commissioner and asked him what the concerns were. He stated that he then met with his client and asked him if he would move the loam pile to which he responded that he would but it would take some time. At that time he indicated he went back to the Building Commissioner and informed him of this and have never heard anything since then. He further stated that his client checked with him on a regular basis and that he informed him not to worry he had heard no other complaints and assumed that there were no problems. He further indicated that it was quite possible that the Building Commissioner was incorrect because this was a parcel in excess of 6 acres and that this process is incidental to the existing use. Richard Lacroix indicated that the City has the right to assess a fine of \$100/day and questioned how many fines were issued to which Atty. Copani responded that he believed none were issued. Chairman D'Agostino questioned

**MOTION:** *Matthew D'Agostino moved to include the conditions there will be no screening and/or processing of loam on Sundays, the loam piles are to be relocated as shown on the submitted site plan and a 90 ft. buffer and berm are to be located along Hampshire Road and the target date for these improvements is to be no later than September 30<sup>th</sup>, 2009.*

*Laura Walta seconded the motion*

**ROLL CALL:**

*Mr. Richard Lacroix – yes  
Mr. Jesse Ramirez – no  
Mr. Vincenzo Pesce – yes  
Ms. Laura Walta – yes  
Mr. Matthew D'Agostino – yes*

**VOTE:** 4-1-0 APPROVED

Board Member, Vin Pesce questioned if the abutters concerns were satisfied with these conditions. Bob Puff returned to the podium and indicated that he would be if he knew how wide the buffer would be. Chairman D'Agostino stated that he is leaving that up to the petitioner and the abutter. He suggested they get together and come to an agreement that meets the zoning requirements and is amicable to both parties. Both the petitioner and the abutter agreed to do so.

**ROLL CALL:**

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

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

**Request To Amend /Clarify Comprehensive Permit:**

Attorney Anthony Copani, 265 Broadway, Methuen, MA 01844 appeared before the Board on behalf of Phil Manzi, General Manager of Park gardens Associates, LLP, 10 Burnham Road, Methuen, MA 01844. According to Atty. Copani Mr. Manzi received one of the first Comprehensive permits back in 1979 to construct 160 dwelling units for elderly and handicapped residents. He explained that in February of 1991, Mr. Manzi received approval from the City to construct a 10-story high-rise building containing 140 residential units on the parcel of land know as Lot 2. Mr. Manzi never constructed this structure and the approval has since expired. He further explained that in 2007 Mr. Manzi began proceedings to go before the Community Development Board for a Special Permit and that on or about December of 2008 he obtained permission to construct 28 condominium units on Lot 2. At this time Atty. Copani indicated that he was uncertain if there was a merger issue with Lots 1 and 2 and that he advised his client to come before this Board to clarify this matter prior to starting construction of the 28 units as a precaution to any zoning problems arising during financing. He believes this all that is needed, that this does not constitute a significant change and that the lots do not need to be re-subdivided.

**MOTION:** *Richard Lacroix moved that the request to clarify and amend the Comprehensive Permit initially granted to Park Gardens in 1978 is an unsubstantial change; that the Board considers Lot 2 as a separate, buildable lot and that the Comprehensive Permit applied to Lot 1, the 5.6 acre parcel.*

*Vincenzo Pesce seconded the motion*

**ROLL CALL:**

*Mr. Richard Lacroix – yes  
Mr. Jesse Ramirez – yes  
Mr. Vincenzo Pesce – yes  
Ms. Laura Walta – yes  
Mr. Matthew D’Agostino – yes*

**VOTE:** 5-0-0 APPROVED AS AN UNSTASTANTIAL CHANGE

**ADJOURNMENT:**

**MOTION:** *Matthew moved to approve at 9:18 PM adjournment.  
Richard Lacroix seconded this motion.*

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

Respectfully submitted,

Gwen Martone, Public Recorder  
Methuen, MA 01844