

TRANSCRIPT OF PUBLIC RECORD
ZONING BOARD OF APPEALS MEETING
JUNE 24TH, 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

MEMBERS ABSENT:

Mr. Peter Giordano, Alternate Member

OTHERS IN ATTENDANCE:

Ms. Gwen Martone, Zoning Board Secretary

ATTENDANCE:

Board Clerk, Richard Lacroix called the roll with five(5) members present at this meeting.

ROLL CALL:

Board Clerk, Richard Lacroix called the roll of Applicants.

CONTINUED PETITIONS: April 29th, 2009, May 27th, 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 10th, 2002 and recorded with the Essex North District Registry of Deeds at Book 7487, Page 232, as affected by Technical Amendment dated October 20th, 2002 and recorded at Book 7487, Page 231, and Notice of Project Change dated January 11th, 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 at the previous meeting there was a lengthy discussion relative to this amendment and that they had responded to the Boards questions via a letter dated June 16th, 2009. Additionally, per the Boards request, he indicated that he also included the Condo documents requested with the letter.

Vice Chairman Laura Walta indicated that she would like to propose some conditions be placed on the amendment. With respect to the expenses on the smaller units it is her understanding that the Petitioner agrees that it is not the square

footage of the unit but the utilization of the service which is the basis for condo fees and that there will not be a discrepancy with the smaller units from the larger units with respect with said fees. Atty. Borenstein indicated that they proposed a

condition that they would treat the new unit styles in the same way that they treat the existing unit styles. As such each style would be placed in a group as was all the other units in the same unit type group. Discussion ensued with Vice Chairman Walta indicating that she would like to include a condition that the fee for the one-story unit would be the same as the two-story unit for each unit type. Attorney Borenstein indicated that in his proposed Amendment he addressed this issue in paragraph 3. The Board agreed that the paragraph would hold. Ms. Walta indicated that she would like to add that there would also be no discrimination between the number of stories for each unit style. Atty. Borenstein agreed to this addition.

Paragraph 3 will read as follows:

- 3) Condominium fees and each unit's percentage interest in the condominium shall be determined and calculated using the existing scheme of unit type groups currently reflected in the condominium documents and the Original Decision. For example, The Cambridge III unit style, being a Unit Type "C", shall have the same percentage interest in the condominium and pay the same share of condominium fees as the other units assigned to the Unit Type "C" group, The York; The Cambridge I; and The Cambridge II. Similarly, a unit's percentage interest in the condominium and share of condominium fees shall be the same as the other units assigned to the same Unit Type group. Each of the Unit Type groups have differing interests in the condominium and shares in the condominium fees, as reflected in the current condominium documents for the Project. The Applicant and its successors shall not discriminate between 1-story and 2-story units within each unit type group in determining a unit's percentage interest in the condominium or share of condominium fees.

MOTION: *Chairman D'Agostino made a motion to accept paragraph 3 as amended by Vice Chairman Walta*

Richard Lacroix seconded this motion.

VOTE: *5-0-0 UNANIMOUSLY APPROVED*

Vice Chairman Walta indicated that the Board's next concern was giving owners visibility to the financial records of the association. Atty. Borenstein indicated that their position in his letter is that they do that already, that they have been doing that and they intend to continue to do that because they are required to do so under the condominium laws in Massachusetts. He further indicated that they don't believe it belongs inside the Comprehensive Permit, that it is something outside the comprehensive permit process. Additionally he stated that there are laws that apply to this issue and that they are complying with all the laws. The Board agreed that that there are enough laws dealing with this issue and that the Petitioner has complied and see no reason to add this as a condition.

Ms. Walta indicated that the third issue dealt with the affordable units and having them stay the same with no one-story version available. She further indicated that through Atty. Borenstein the Petitioner has indicated that this was not acceptable that they it is their intention to offer the one-story affordable version. Atty. Borenstein indicated that that was correct and added that they have already constructed eight (8) two-story, affordable units. Ms. Walta indicated that she had heard concerns that the affordable units were significantly smaller than the market rate units and that making them one-story is going to make them not fit in with the other units in the development as is required under the 40B guidelines. She indicated that currently, the floor plan of the affordable units were all one bedrooms. However, with the current two-story floor plan, the option for an additional bedroom was possible. She has heard concerns that to eliminate this possibility from purchasers would prohibit them from ever having live-in care, should that need ever arose, and is her basis for having the affordable units remain two-stories only.

At this time Atty. Borenstein presented drawings of both one-story and two-story dwellings to the Board. He further indicated that they believe that the new, one-story floor plans have not dramatically changed the look of the homes, that the look is actually consistent. Ms. Walta agreed with the Durham III (affordable unit) being the exception. She describes it as tiny compared to the initial homes that have been built. Once again she reiterated that she believes the one-story floor plan

is forcing the owner to relocate should they require live in care. The Petitioner maintains that that there is and will be a good mix of the affordable unit styles with somewhere between a thirds and a half of the affordable units being two-story unit styles. Additionally he indicated that there is just not funding available to improve the affordable units beyond what they are

and that the only reason why they were constructed with the unfinished second-story was so they would be consistent with the market rate units. Ms. Walta stated that there is also a requirement that the affordable units not be significantly different from the market rate units and she feels that having one bedroom with no possibility of a second bedroom is significant. Atty. Borenstein indicated that that guideline from the State is based on exterior appearance and that there were two main concerns in that. They are that you don't want to segregate the affordable units and that you don't want to make it obvious when walking down the street, which units are affordable and which units are market rate. He further indicated that the Applicant feels strongly that the single-story Durham unit fits in very well in the project and that it is not going to stick out. Ms. Walta indicated that she would like to make a condition that the affordable units stay the same, with no one-story option available.

Board Clerk Richard Lacroix indicated that when this was being discussed that there was some concern expressed that there were folks for the affordable units that were not interested in the second floor, that they preferred one-level living because economically it was not advantageous to finish the second floor because they would never be able to get a return on that type of an improvement. Atty. Borenstein explained that none of the affordable units have been constructed with a finished second floor because financing is not available beyond the affordable price, which includes the unfinished second floor. He also explained that anyone financing this type of unit over and above the affordable price would in essence be giving up their rights to foreclosure, which is very much a reality with today's economic situation.

At this time Linda Early of Coco, Early & Associates came to the podium. Ms. Early is the broker marketing this project for the Applicant. She explained that they have a lot of buyers who are looking for the option of one-level living versus two-story. She further indicated that the notion that the affordable units do not have the ability for two bedrooms is false. She stated that there is a two-bedroom floor plan available for the one-story Durham model.

Discussion ensued relative to the number of affordable units that remained to be built. Board Member Vin Pesce expressed concerns with the affordable units being located one after another and not scattered throughout the development. Ms. Early indicated that the Durhams are spread out through the development and blend in nicely. At this time Atty. Borenstein presented the Board with floor plans of the Durham with both the one and two bedroom option. Mr. Lacroix indicated that he is still concerned as to whose option it is to build a one-story as opposed to the two-story. Atty. Borenstein indicated that he proposed it as being the developer's option.

MOTION: *Vice Chairman Laura Walta made a motion that the affordable units stay the same with no one-story option available.*

Chairman Matt D'Agostino seconded this motion.

DISCUSSION: *Board member Jesse Ramirez questioned why this motion was being made if there was no market for the two-story version. Ms. Walta indicated that she would like to see the option there should it be needed and felt that it should be required given the fact that the price for the one-story was going to be the same price for the two-story version. Mr. Lacroix questioned if there was some middle, optional ground because he does not like the absoluteness of either the Applicant or the Board having the authority. He would like to see the option being on the buyer. Additionally he does not see the developer incurring a loss here because he would be saving money for each one-story he constructed as opposed to loosing money on the two-story option. He further indicated that opting for a second story is a personal decision and a personal loss that the buyer would be taking because they could never recoup the price of adding the second floor. Ms. Walta indicated that she would amend her motion and questioned if it would be in the Boards interest to split the remainder of the affordable homes between one and two story or do they really want the possibility that all 12 would be the same. Chairman D'Agostino indicated that he did not like limiting the number of homes that could be one-story units. Ms. Walta questioned if it would please the Board to put*

the condition in terms of that the house would be marketed as one or two-story for the same price. Atty. Borenstein indicated that the Applicant would agree to offer the affordable unit in a two-bedroom style on a one-story unit. Additionally, he indicated that as far as the dilemma with the one-story versus the two-story, he proposes that this is done on a pro rata basis. He proposed that if they have three, single-story market units, they do a single-story affordable unit. The same would hold true for the two-story units. This would allow the affordable units going forward to run with the market so if there are more single-story market units then there would be more single-story affordable units, or visa-versa.

MOTION: *Vice Chairman Laura Walta made a motion to amend the previous motion that the affordable units will be kept in proportion to the market rate units with respect to one and two story units for the remainder of the development.*

Chairman Matthew D'Agostino seconded the motion

VOTE: 5-0-0 UNANIMOUSLY APPROVED

Ms. Walta indicated that the next issue dealt with opening the books to the Methuen 40B Audit Committee that did not exist when the original Comprehensive Permit was granted. Given the impact this amendment would have on the economics of the project, she stated that the Audit Committee would like to be able to view documents reflecting the same. Atty. Borenstein indicated that he addressed that issue in his letter and that it was not acceptable to the Applicant. He stated that they have audit conditions in their permit now that allow the City to participate in the audit that comes at the end of the project. He indicated the Applicant is willing to live by those but that they do not want to add a second, interim audit process.

MOTION: *Vice Chairman Laura Walta made a motion that the 40B Audit Committee has access to the books and work papers involved in the audit at the end of the project.*

Jesse Ramirez seconded the motion.

VOTE: 5-0-0 UNANIMOUSLY APPROVED

Ms. Walta indicated that the next issue of concern was the smaller number of the one story style to be evenly distributed throughout the locus. The Applicant suggested that 48 of the remaining units be allowed to be the one-story style, however Ms. Walta indicated that what the Board was originally looking at was of the remaining 56 units, that half or 28 units would be the one-story style. Atty. Borenstein indicated that 28 was a deal breaker for the Applicant, that in order to have the impact for the sales to complete this project they need the option to have at least 48 units be the one-story style. Chairman D'Agostino questioned if they could do it with 40 units. Atty. Borenstein indicated that they went back and forth with the number several times and 48 was the number. He further indicated that the logic was that it basically breaks to project into halves allowing the project not to be dominated with either style. Ms. Walta disagreed stating that the initial one third of the development, which is completed, is all two stories. She further indicated that what they are trying to avoid is a line in the street where suddenly the two-story become one-story. She feels that in order to do that you need an even distribution of one and two story throughout the remainder of the locus. Atty. Borenstein indicated that the applicant, Ron MacLaren believes that it would be aesthetically more appropriate to actually cluster single story units together and two story units together. Ms. Walta stated that there is an articulated opinion in the City that there is not a desire to divide the two story from the one story. She further stated that this development was sold as an upscale, private development and the people that bought into the project so far have purchased very nice upscale homes. To have a point in the development where you go down the street and suddenly you have very small homes is really a detriment to anyone who has purchased into a concept that has never come to fruition. Discussion ensued relative to the number of homes that should be allowed to be one story and their appearance and appropriateness in the development. At the conclusion of this discussion the following motion was made:

MOTION: Vice Chairman Laura Walta made a motion that 38 of the units be allowed to be the one-story, new design and that they be evenly disbursed throughout the remainder of the locus.

Chairman Matthew D'Agostino seconded the motion.

DISCUSSION: Richard Lacroix indicated that from an economic stand point he somewhat understands what the Applicant is saying. He further indicated that 40 is a number he could live with, but from an economic stand point he doesn't think it benefits the residents who live there now, to have this development not go forward and not be able to sell units because this Board is limiting them so much. In his mind it makes sense that it is much better to have homes of any type built in this community than to have none at all. He believes that this helps everybody. Additionally he doesn't believe that the styles are so divergent that anyone is going to incur a huge loss in value of their homes for what they paid for any of the styles being built. He further stated that the statements from Atty. Borenstein and Ms. Early have reassured him that the homes would be clustered appropriately and that it would be hard to discern one from the other. Additionally he indicated that he believes that starting to get into the 30's in terms of what the Board is going to limit them to is on the verge of not being economically viable to the Applicant. Chairman D'Agostino questioned what number Mr. Lacroix had in mind. Mr. Lacroix responded that he was not comfortable with less than 40. He suggested possibly 44, indicating that the remaining 12 was a viable number for two-story styles based on what has been sold in the recent past and what's potentially going to be sold in the future. Ms. Walta stated that 40 seems to be a threshold more acceptable to the Board and that she would be willing to amend her motion to reflect this number. Mr. Ramirez indicated that all that he would be concerned with was that all the affordable units not be clustered into one area. Mr. Pesce suggested splitting the difference and amending it to 42. Ms. Walta indicated that the Board is concerned with the interest of the people who have already bought into the development, that they have bought into a development that they thought was going to look and be priced a certain way. She further stated that when you introduce smaller, less expensive homes, she believes that you decrease the value of the homes that are already there. Mr. Lacroix reiterated that he did not believe restricting the developer to the degree that the project cannot be completed benefits no one.

MOTION: Vice Chairman Laura Walta made a motion to amend the previous motion to allow 42 of the units to be the one-story, new design and that they be evenly disbursed throughout the remainder of the locus.

Chairman Matthew D'Agostino seconded the motion.

VOTE: 5-0-0 UNANIMOUSLY APPROVED

Ms. Walta indicated that she had heard concerns from residents relative to the clubhouse being built and questioned if there were any provision for money to be set aside from the sale of homes to build it. Atty. Borenstein indicated that the Applicant addressed this issue at the first public hearing. Chairman D'Agostino indicated that this is not an area that the Board has power over.

MOTION: Chairman D'Agostino made a motion to include the condition that the amendment shall be confined to only the subject matter of the amendment itself regarding the offerings of alternative designs of homes for the consumer. All other conditions, requirements, and obligations of the original permit granted by this Board shall remain intact and have full force and effect.

Richard Lacroix seconded the motion.

VOTE: 5-0-0 UNANIMOUSLY APPROVED

MOTION: Chairman D'Agostino made a motion to pass the amendment with the conditions

Richard Lacroix seconded the motion.

ROLL CALL:

Mr. Richard Lacroix – yes, with conditions

Mr. Jesse Ramirez – yes, with conditions

Mr. Vincenzo Pesce – yes, with conditions

Ms. Laura Walta – yes, with conditions

Mr. Matthew D'Agostino – yes, with conditions

VOTE: 5-0-0 UNANIMOUSLY APPROVED

NEW BUSINESS:

#2009 - 10 Maria & Richard Bruno, 49 Thornton Avenue, 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 both lots without the required area and rear lot line on the carport, and to clarify front setback on the existing dwelling and side lot line on existing garage in a Residential D (RD) District at # 49 Thornton Avenue Methuen, MA 01844.

Anthony Bruno, son of the Applicant, appeared before the Board on this petition. According to Mr. Bruno they would like to sub-divide the lot so that he can build his home there. Chairman D'Agostino questioned what style house he was intending to build. Mr. Bruno responded that he did not know at this time, that he simply had the maximum allowable dwelling shown on the plan that met the zoning requirements. He stated that it with more than likely be a cape with an attached garage.

Chairman D'Agostino opened the meeting to Public Participation and no one speaking in favor of this application. Speaking in opposition were the following individuals:

Janet Towler, 67 Wingate Avenue, Methuen, MA 01844

Ms. Towler said that she is concerned about the value of her property because she believes that the front of the house would be directly across the street from her house and living room window. She believes that the house is not far enough back to be aesthetically pleasing. Additionally she questions the quality of construction of the new home and how it would affect the value of her home. She further indicated that all houses on Wingate Avenue are setback further and she feels that 25 feet is too close. Chairman D'Agostino stated that the requirement for the district. She also stated that it is there son who is building the home but she is not so sure that he intends on living there. Chairman D'Agostino explained that there would be no restrictions on who would live in the home.

Bernie Howaniec, 73 Walton Avenue, Methuen, MA 01844

Mr. Howaniec stated that he is against this subdivision because past attempts to subdivide property in this area have been defeated. He believes that subdivision of this parcel would devalue the properties in the neighborhood.

John Miller, 57 Thornton Avenue, Methuen, MA 01844

Mr. Miller indicated that he was in opposition to this petition because the direct abuttor has their property up for sale. Generally he would be in favor of this type of petition because it is on a corner lot. He further indicated that he knows that a

house will be built there sooner or later but he feels the new owners of the property for sale should be the ones to have a say on what happens here.

Having no discussion, Public Participation was closed and the Petitioner returned to the podium. Chairman D'Agostino indicated that he was concerned with the creation of two undersized lots, from the 10,000 sq. ft. requirement to 7,500 sq. ft. Mr. Bruno indicated that the neighboring lots are all different, that the lot next door is actually only 30 ft. by 60 ft. in retrospect to what they are trying to do. He further indicated that the house next door for sale is his aunt's and uncle's home that it has been laying vacant for two years and theoretically it could be another two years before it is actually sold. Vice Chairman Walta questioned what the hardship on the land was. Mr. Bruno indicated that he did not understand what she meant by a hardship on the land. Ms. Walta gave examples of acceptable hardships to which Mr. Bruno responded that there were none associated with this parcel.

ROLL CALL:

Mr. Richard Lacroix – no

Mr. Jesse Ramirez – yes, per plan

Mr. Vincenzo Pesce – yes, per plan

Ms. Laura Walta - No

Mr. Matthew D'Agostino – no

VOTE: 3-2-0 DENIED

#2009 - 11 Norma Micheroni, 24 Arthur Street, Methuen, MA 01844

Variance requested under Section VI-D of the Comprehensive Zoning Ordinance of the City of Methuen to construct a farmers porch addition that will be too close to the front lot line and to clarify front and side setbacks on existing dwelling in a Residential C (RC) District at # 24 Arthur Street, Methuen, MA 01844.

The petitioner appeared before the Board on this petition. According to Ms. Micheroni she would like to construct a farmers porch on the side of her home that faces Lippold Street. She further stated that the proposed porch would be attached to the existing enclosed porch, which would attach it to the front door. She stated this would allow her direct access to her kitchen as well as extending the roofline reducing the ability to have roof water going back into the home. Additionally she stated that the addition would improve the structure aesthetically. Chairman D'Agostino questioned if the present entrance would be changed. Ms. Micheroni indicated that the access is not currently being used as the entrance but she would like it to be with the addition of the farmer's porch.

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 and the petitioner returned to the podium.

Board Member Jesse Ramirez questioned if they were going to amend the hours of operation to match what Mr. Kornas had originally stated.

ROLL CALL:

Mr. Richard Lacroix – yes, per plan

Mr. Jesse Ramirez – yes, per plan

Mr. Vincenzo Pesce – yes, per plan

Ms. Laura Walta – yes, per plan

Mr. Matthew D'Agostino – yes, per plan

VOTE: 5-0-0 APPROVED

#2008 - 12 Heavenly Investments, LLC, 126 Merrimack Street, Methuen, MA 01844

Variance requested under Sections VII-D; Paragraph 2(b) and VIII-B; Paragraph 5(a) of the Comprehensive Zoning Ordinance of the City of Methuen to construct a standing sign too close to the front lot line and for parking too close to a building and without the required lot line setbacks in a Highway Business (BH) District at # 137 Pelham Street.

Paul Wescott of the Scott Companies appeared before the Board on behalf of the Petitioner. According to Mr. Wescott the project proposes to convert a former gas station to a donut shop. He explained that they would utilize the existing structure with a small addition on the rear, right side for a cooler and an employee entrance, as well as a small second story addition for a private office. Mr. Wescott informed the board that after a very lengthy process, they have recently received an Order of Conditions from the Conservation Commission so they are ready to proceed with the project pending approval tonight and a Special Permit for a drive-thru window pending from Community Development. At the request of Chairman D'Agostino, Mr. Wescott presented a drawing of the proposed sign to the Board. The sign will be internally illuminated and will be a logo similar to the one on Merrimack Street.

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 and Mr. Wescott returned to the podium.

ROLL CALL:

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

VOTE: 5-0-0 APPROVED

#2009 - 13 D.F. Methuen LLC, 160 Gould Street – Suite 122, Needham, MA 02494

Variance requested under Section VI-D and VIII-B, Paragraph 5(a) of the Comprehensive Zoning Ordinance of the City of Methuen to subdivide a parcel of land into four (4) lots, leaving the kiosk on Lot 1 and structure on Lot 3 too close to the side lot lines; Lot 3 & 4 without the required frontage and Lots 1, 2 and 3 without the required landscaped strip and parking too close to the lot lines in a Business Highway (BH) District at #'s 145-147-151 Pelham Street, Methuen, MA 01844.

Appearing before the Board on behalf of the petitioner was Attorney John Smolak, East Mill, 21 High Street, Suite 301, North Andover, MA 01845. Also with him this evening was Todd Finard, who is the Principal of the petitioner, as well as Chris Tymoula, of MHF Design Consultants, Inc., their project engineer. He stated that they are seeing relief this evening to enable the petitioner to divide the existing approximately 16 acre parcel at the Ranger Plaza site into four separate lots. He explained that there would be no changes are proposed as part of this petition In terms of the existing site improvement, traffic circulation and the light they are simply looking to divide the parcel into 4 separate lots.

He indicated that the site has a very long permitting history and that there have been 8 variance or special permits issued for this site over the past 40 years. Initially the site was permitted back in the early 80's for an auto dealership. The old Fox Nissan building still exists on the site today but is vacant. Over the past 15 or 20 years the rear portion of the site has been permitted for a variety of separate uses but none have come to fruition. Atty. Smolak informed the Board that the petitioner has owned the property since 2005 and that they have tried to market and redevelop the site for retail use without success. He stated that they have worked very hard with the Community Development office to redevelop the site without out success, particular as it relates to the Fox Nissan site. Their issue or concern now is how to get the Fox Nissan site redeveloped. He indicated that based upon the owners research and discussions with others as well as the Community Development Department, the consensus was that they wanted to break up the existing parcel to enable them to market the

lot with the Fox Nissan site is located as a separate lot to be sold. They believe that this is the best way they can market, redevelop and finance the site. They feel that it will be more attractive to market as a separate parcel. Discussion ensued relative to how and why the site would be subdivided as shown on the plan. Atty. Smolak explained that it was their intentions to clean up any zoning violations to make the site conform when subdividing the parcel. Board Member Jesse Ramirez questioned what the existing structure was currently used for. Atty. Smolak indicated that there is currently a crew who maintains the parking area and performs maintenance on the site that, as an exchange, is allowed to store equipment there. Mr. Ramirez indicated that he has observed a lot of truck traffic in the area and was concerned. At this time Todd Finard came to the podium. Mr. Finard indicated that the truck traffic is frustrating but they are clients of their tenants. Additionally he indicated that they do try to enforce that they are not supposed to be parking in that back lot, but it is difficult and that they don't get a ton of support from Dunkin Donuts and McDonalds. He believes that the best solution is to be able to develop the rear parcel and the problem would end up policing itself. Board Member Vin Pesce questioned the terms of the current leases. Mr. Finard explained that the lease are tied up for between 20 and 30 years but the 3 businesses there are doing very well and that it is a mystery why they can't find a tenant for the rear site. Additionally he indicated that the most recent inquiries into the parcel were all more interested in purchasing the building. He attributes this to the fact that it is easier to get a loan as a small business owner than it is for him to get a loan as an investor borrowing against the value of the income.

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 and Mr. Wescott returned to the podium.

Board Clerk, Richard Lacroix read the following correspondence into the record:

- 1) Letter dated 06/18/2009, from Kathleen Colwell, Assistant Director of Planning
- 2) Letter dated 06/19/2009, from Stephen J. Gagnon, Assistant Civil Engineer

Copies of each of these letters can 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. Jesse Ramirez – yes, per plan
Mr. Vincenzo Pesce – yes, per plan
Ms. Laura Walta – yes, per plan
Mr. Matthew D'Agostino – yes, per plan

VOTE: 5-0-0 APPROVED

ADJOURNMENT:

MOTION: *Matthew D'Agostino moved to approve a 8:51 PM adjournment.*
Laura Walta seconded this motion.

VOTE: 5-0-0 UNANIMOUSLY APPROVED

Respectfully submitted,

Gwen Martone, Zoning Board Secretary
Methuen, MA 01844