



**CITY OF GARDNER
ZONING BOARD OF APPEALS
CITY HALL ANNEX, ROOM 101
GARDNER, MA 01440
(978) 630-4007 • Fax (978) 632-3313**

MINUTES

**Zoning Board of Appeals Public Hearing Meeting – October 18, 2016
115 Pleasant St., Room 103
Gardner, Massachusetts**

Sitting in on Hearing:

Raymond F. LaFond, Chairman
Randall W. Heglin, Clerk
Anthony J. Asmar, Alternate Member

In Attendance:

See Attendance Sheet

Meeting Called To Order by: Raymond LaFond, Chairman, @ 7:00 P.M. Room 103, 115 Pleasant St.,
Ground Rules Read. No objection to videotaping/recording of the meeting.

Public Hearings

Case #2016-10-02, Evangelos Roumbakis of 66 St. Jude Street, Fitchburg, MA to request modification of “Condition #15...completion date of this project is to be no later than September 30, 2016” of Special Permit #15-12-01 granted May 9, 2016 for 486 Chestnut Street, Gardner, MA Parcel ID #R22-23-14, located in the Commercial 2 zoning district (COM2) denied by Building Commissioner as it does not comply with the terms of the Special Permit #15-12-01.

Evangelos Roumbakis of 66 St. Jude Street, Fitchburg, MA appeared before the Board to explain why he was not able to finish the project on time. He explained that they discovered contaminated soil so the project had to be stopped. He stated that he has followed on the necessary rules regarding contaminated soil and wants to make sure the job is done correctly. He requested extra time and reported that he expects to be done by the project October 21, 2016. Randy reported that he drove by the project on the way in and it looks really great. The Board indicated that they have seen significant progress on the property.

There being no further issues, the Chairman asked if any City Official opposed. There were none. He then asked if any abutter present opposed. There were none. Then he asked if there were any interested parties that would like to speak. There were none.

Randy Heglin suggested the Board give Mr. Roumboukis until November 15th to complete the project even though Mr. Roumbakis feels he will be done this week.

Randy Heglin made a motion to grant an extension for the project to be done by November 15, 2016. Seconded by Tony Asmar. All in favor. 3-0. So voted.

The Board then proceeded to address Case #2016-10-03.

Case #2016-10-03, Conrad Donell, Trustee for Sunshine Realty Trust of 10 Madigan Lane, Ayer, MA to request modification of “Condition #34 Phasing of the project shall be as delineated on the approved plan” of Special Permit granted on December 18, 2007 for off Pearl Street (Sapphire Park) Gardner,

MA Parcel ID #W32-22-1, located in Rural Residential 2 Zoning District (RR2) denied by the Building Commissioner as it does not comply with the terms of the Special Permit.

Conrad Donell, Trustee for Sunshine Realty Trust, explained to the Board that he would like to have Condition #34 Phasing of the project be deleted on the approval plan and to be outlined in letter dated March 27, 2007 authorized by Charles N. Strickland III, PE; Meisner Brem Corporation, removed as a condition as it does not follow the plan for Lot #59 and #20 is confusing and does not make sense to him.

Randy Heglin did not want to remove it completely and suggested just deleting the chart. Tony Asmar did not understand what Mr. Donell was asking for. Ray LaFond decided that he would rather continue the case to the November 15th meeting and invite Jeffrey Cooke, Building Commissioner, and Atty. Thomas Gibbons, representing Mr. Donell.

Randy Heglin made a motion to continue the case at the November 15, 2016 meeting and invite Jeffrey Cooke, Building Commissioner and Atty. Gibbons to the meeting to help clarify what Mr. Donell is requesting. Seconded by Tony Asmar. All in favor. 3-0. So voted.

The Board then proceeded to Case #2016-10-01.

Case #2016-10-01, Robert Conti of 317 Pinebrook Rd., Manalapan, NJ 07726 to operate a Bed & Breakfast at 4 West Broadway, Gardner, MA Parcel ID #R17-24-1 located in Commercial 1 (COM1) zoning district denied by Building Commissioner as it does not comply with Chapter 675-410, Attachment 1 of the City Code of Gardner. The "Table of Uses" states that the use requested #8 Bed & Breakfast requires a Special Permit issued by the Gardner Zoning Board of Appeals.

Ray LaFond asked Mr. Conti if he had seen the conditions that will need to be addressed in order to get a Special Permit for this Bed & Breakfast. Mr. Conti stated he doesn't recall seeing the conditions. He looked it over and stated that he would be able to address the conditions at this meeting.

Mr. Conti reported that he had purchased the property in July of 2015 and is in the process of restoring the house and would keep it as close to the original as possible.

He added that an individual will be on the property seven days a week. The Board asked when Mr. Conti planned to be opening the Bed & Breakfast during the week. He said that it will most likely be Thursday through Sunday and planned to always have staff in the building. Only five rooms will be used for guests to stay in. Occasionally Mr. Conti stated there may be some special events held.

When addressing the character of the building Mr. Conti stated that he is using as much of the original wood as possible but will have to replace the rotted wood. He put decorative bars on the windows as he has already had people coming into the house.

There will be on-site parking. An agreement has been made with Paul Johnson, the owner of the South Gardner Hotel that people going to the Bed & Breakfast may also park behind their building as it should help increase their business as well. Mr. Conti subsequently submitted a letter signed by Mr. Johnson indicating same.

He added that there are sidewalks the along the streets and there is a driveway to the side of the building. Mr. Conti stated he will need generally no more than five (5) spaces for guests. Ray LaFond asked where the people working there will be parking. Mr. Conti stated most likely behind the South Gardner Hotel. There will parking in the back on the West Broadway side as well. There will be signage marking entrance and egress. It was also noted street side parking is also available.

There will not be a dumpster on the property. Trash will be put out and the City will pick it up. The trash will be kept inside and out of view.

The property will be connected to the City's water and sewer system. He noted that there is water to the meter and to the swab sink in the basement.

Ray LaFond asked Mr. Conti where he would be purchasing his food supplies. Mr. Conti stated that he planned on purchasing from a local bakery and will be offering a continental breakfast to his guests and will not be providing other meals.

When asked if there would be heavy construction going on Mr. Conti replied there wouldn't but they may be putting up sheet rock on the third floor but that would not affect any of the abutters.

When asked by Ray LaFond if he would be living there or anyone in his family. Mr. Conti stated that there wouldn't be.

Mr. Conti also informed the Board that he had the oil system removed and will be using gas. He has a three furnace heating system.

He stated that he will be hiring employees and that will be improving the City's tax base and will be improving the area. He informed the Board that he already has 1,000 people on the waiting list to stay there.

The Board informed Mr. Conti that he will have to follow the Federal and State food codes and should contact the Board of Health for guidance.

Ray asked about the lighting for special events. Mr. Conti reported that he will have normal lighting and will not be using spot lights. There will be a sign in the yard and will have a light shining on it.

When asked about hours of operation Mr. Conti reported that check in will be 10:30 a.m. and check out at 11:00 a.m. There will also be some special tours. When having the tours the groups will consist of eight to ten people. No guests will be walking around unsupervised.

Ray asked if he planned on doing any paving. There will be 3 paved spaces on the Union Street Side. There being no questions from the Board the chairman asked if there were any representatives from the City that wish to speak regarding the Bed & Breakfast. There were none present. He then asked if any abutters present wished to speak on the project. None opposed. Then if any interested parties wish to speak. No one spoke. Then the same questions were asked for those approving the project. No comments. There were no further comments from the Board.

Ray LaFond then set up a time for a site visit. Either Marion Leoma or Ken Watson will be there for the site visit. The site visit is scheduled for Thursday, October 20, 2016 at 5:00 p.m. The Board will meet at the location.

Ray asked that the parking spaces be marked out and how close to the property line they will be. Tony asked if he could go in to look around. Mr. Conti agreed.

Tony Asmar made a motion to close the public hearing. Seconded by Randy Heglin. All in favor.
3-0. So voted .

Ray LaFond then explained the decision and appeal process and required time lines once a decision is made.

Correspondence

None

Minutes

The Board decided to wait until the next meeting to vote on the minutes of the previous meetings as a few things need to be amended.

Adjournment

No other items on agenda. Randy Heglin made a motion to adjourn the meeting. Seconded by Tony Asmar. All in favor. 3-0. So voted.

The meeting adjourned at 8:10 P.M.

Next Public Hearing Meeting will be on Tuesday, November 15, 20, 2016, at 7:00 p.m. in Room 103, City Hall Annex.

Raymond F. LaFond, Chairman

Randall W. Heglin, Clerk

Anthony J. Asmar, Alternate

All detailed conversations, questions, comments & concerns are documented on DVD identified as October 18, 2016.