

# MINUTES

Zoning Board of Appeals Public Hearing – April 16, 2019  
115 Pleasant Street, Room 103  
Gardner, MA 01440

Sitting in on Hearing:  
Raymond LaFond  
Randall Heglin  
Michael Gerry

In Attendance:  
  
Sign-In Sheet attached

Meeting Called To Order by Chairman Raymond LaFond at 7:00 p.m. in the City Hall Annex Meeting Room 103, 115 Pleasant St, Gardner, MA. Mr. LaFond then went over the ground rules and the requirements that must be addressed for a variance or special permit. He then noted that the meeting was being video and audio taped, and requested if anyone objected. There were no objections.

Mr. LaFond reviewed the Agenda for this meeting:

Case # 2019-04-01: Kimberly Geeza's application to construct a two-family home at Lot 1 Green St.

**Case # 2019-04-01:** Kimberly Geeza's application to construct a two-family home at Lot 1 Green St., Gardner, MA Parcel ID# M47-17-6 located in a Rural Residential Two zoning district (RR2) is denied as it does not comply with Chapter 675-410 Attachment 1 of City Code of Gardner. The "Table of Uses" states that her use requested, requires a "Special Permit" (SP) issued by the Gardner Zoning Board of Appeals.

Acting on behalf of Kimberly Geeza, Brian Campanili, addressed the board. Mr. LaFond reminded Mr. Campanili of the 7 points to be addressed with the Special Permit. Mr. Campanili provided photos of the property and a suggestion as to what the property will look like once built. A quaint two family, set back from the road, yard has minimal sloping, and would blend well into the neighborhood. Mr. LaFond pointed out that setbacks would be reviewed by the Building Department. There was back and forth discussion of the length and width of the driveway and turnaround areas/size for vehicle, including emergency.

Mr. LaFond asked that Mr. Campanili discuss the 7 points:

- (1) The proposal shall be suitably located in the neighborhood in which it is proposed and/or the entire City and shall be compatible with neighborhood character, existing uses and other uses permitted by right in the same district;
  - a. House to be set back in the neighborhood in a majority single family home.
- (2) The proposal shall provide convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets, property and improvements;
  - a. There is a slight break in the stone wall that would provide the access for the driveway. While the issue of sight distance was raised by Mr. Heglin, Mr. Campanili does not feel this would be a safety issue.
- (3) The proposal shall provide adequate space for off-street parking, loading and unloading of vehicles, and goods, products, materials and equipment incidental to the normal operation of the establishment or use;
  - a. There is adequate off street parking.

- (4) The proposal shall provide adequate and appropriate facilities and utilities for the proper operation of the proposed use and disposal of sewage, refuse or other waste products and methods of drainage of surface water;
- a. There is adequate room in the back of the parcel for septic and the property has well water. Mr. Heglin questioned if the 250' walk up the driveway for the placement of trash "toters" would be a problem. Applicant answered from audience that it wouldn't be a problem.
- (5) The proposal shall not constitute a nuisance due to air and water pollution, erosion, flood, noise, odor, dust, vibrations, lights or visually offensive structures or site features;
- a. There is gentle sloping in the lot, allowing for proper drainage. Mr. LaFond asked if the property would have windmill at some point in time. Mr. Campanili stated there wouldn't be. The applicant stated from the audience that at one point there may be solar on the house.
- (6) The proposal shall not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians, as determined by the SPGA.
- a. In regard to Abutters, the house will be set back far on the lot. Mr. Heglin again raised the issue of vehicles coming out of the driveway and safe sight line requirement 'based on a 50 mph vehicle speed the minimum sight distance of 30" off ground, within 425 feet in each direction. Mr. Campanili confirmed that the North sight line is sufficient however the South may be a problem. There was discussion of the two lanes heading north, generally vehicles are over posted speed limit. Due to this there may be conditions, if the Special Permit is granted, to ensure safety of vehicles. Mr. Campanili stated that the driveway could be moved to allow for the extra needed distance. Mr. LaFond asked, if allowed when the commencement date of building would be. As the plan provided (generally) is more detailed with less variables. Mr. LaFond suggested that the plan be finalized some more and resubmitted, for review by the Building Commissioner, Roland Jean, Jr. As there is concern that if the Special Permit is granted and the case is closed then the ZBA will not be able to adjust or correct any issues. There was a plan made to continue the case and schedule a site visit once the property is staked out.
- (7) The proposal shall be in harmony with the general purpose and intent of this chapter;
- a. The property will be a quaint two-family that fits in well with the street.
- (8) The proposal shall not have a significant detrimental impact on City services, tax base, and employment opportunities; and,
- a. This will be a positive impact on the City as it is additional tax revenue.
- (9) The proposal is consistent with the City's Community Development Plan or Master Plan.
- a. It is within the plan.

Mr. LaFond asked about a move-in date and whether there was any plan of making this two condos. Mr. Campanili stated the anticipated move-in date would be October or November. The intent of the property was to have family of the applicant in one unit and the applicant in the other. If at any point the applicant's family vacates the applicant will have the other side occupied by a renter.

Mr. LaFond noted that a site visit, preliminary plans (including any solar in the rear being a condition), all fairly fluid. No further comments from the ZBA at that time. Mr. Jean, Jr. (Building Commissioner) stated that there are properties that were built to the south of this parcel and to his knowledge there are no issues with traffic lines. However, contacting the GPD would be of assistance.

Mr. LaFond asked if there were any abutter in favor of or in opposition to the request, there were none.

Mr. Gerry stated his main concern is the sight line.

Mr. LaFond asked Mr. Campanili if he'd like to continue one month. Mr. Campanili confirmed yes, after the site visit. Motion to allow was granted, continuance to May 21, 2019 allowed.

**CORRESPONDENCE & PREVIOUS MEETING MINUTES**

The Board voted to accept the February 19, 2019 Meeting Minutes "as printed", one additional board member signature was required.

No further business coming before the Board, a motion was made, seconded, and voted to adjourn.

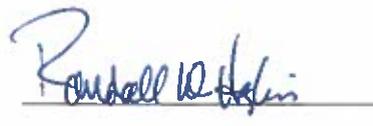
ADJOURNMENT OF THE MEETING @ 7:35 pm



Michael Gerry, Clerk



Raymond LaFond, Chairman



Randall Heglin, Member

**All detailed conversations, questions, comments and concerns are documented on CD identified as April 16, 2019.**