

MINUTES

Decision Meeting

Zoning Board of Appeals Meeting – September 2, 2020
115 Pleasant Street, Via Zoom.
Gardner, MA 01440

Sitting in on Meeting:

In Attendance:

Raymond LaFond
Randy Heglin
Michael Gerry

Roland Jean
Rachel Taylor
Linda Hanson

DWT
Kris Singer
Marcela Guzman

Meeting Called to Order by Chairman Raymond LaFond at 4.43PM. Mr. LaFond went over the ground rules for Zoom meeting and how the proceeding where to take place, stating “In pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner Zoning Board of Appeals will be conducted via remote participation and on the City’s YouTube Channel. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City’s website as soon as possible after the meeting. Since this meeting is being conducted via Zoom, all votes taken will be by roll call and all participants to raise their hands to be recognized”. Mr. LaFond explained and the requirements that must be addressed for a variance or special permit. He then noted that the meeting was being streamed live to YouTube, and requested if anyone objected. There were no objections.

Sitting on today’s decision meeting is Mr. Raymond LaFond, Chair, Mr. Mike Gerry, Clerk and Mr. Randall Heglin, Member.

Mr. Lafond explained that this is a decision meeting and will not be open to communication from the applicant and the Board members present. Questions may be asked of the applicant but that is all.

<u>Case No.</u>	<u>Case Type</u>	<u>Case Description</u>
2020-06-02	Special Permit	62 Princeton St / Licensed Day Care
2020-07-01	Special Permit	94 Lynde St / Domestic Pigs

Motion to move forward with case decision made by Mr. Gerry seconded by Mr. Heglin.

Mr. LaFond opened the first case # 2020-06-02 Mrs. Marcela Guzman Licensed Day Care

Mr. LaFond stated the members of the Board had conducted a site visit of the property at 62 Princeton St, no issues were found. The special permit questions were all answered and there was no problem with the location or the facilities.

There was discussion at the last meeting regarding paperwork for the application. The initial application was for a small day care but in light of the Covid-19 pandemic, the application changed to a large day

care. These issues have now been corrected. The correct paperwork stating a large day care with maximum of 10 children, has been received and filed with the office.

Any questions from the Board?

Mr. Heglin informed the board members that there is no change in the process for a special permit, in regards to the issue of the case being either a large or small day care. So no real significant changes were needed.

Mr. Gerry had no further questions.

Any further questions?

No further questions.

Motion to move on a vote to grant Special Permit.

Mr. LaFond asked if conditions should be made on how many children can be present at the day care, to which Mr. Gerry pointed out that the State license takes care of that. Mrs. Guzman would have to comply with state law on such things. No conditions were then needed.

All members voted in favor unanimously.

Special Permit Granted to Mrs. Marcel Guzman of 62 Princeton St

Case 2020-07-01 Ms. Elaine LaRosee 94 Lynde St/Domestic Pigs.

Motion to move forward with decision made by Mr. Heglin seconded by Mr. Gerry.

Any Questions?

Mr. Gerry noted there was a site visit conducted Friday 21st August at 10.30am. Upon arrival some neighbors were present, but stayed on city property. Ms. LaRosee showed the board members around the property, including the Pen, and yard where they root and graze. The members were shown the areas where the pigs reside inside the home. The pigs sleep inside at night and remain indoors during hotter or colder weather.

Mr. LaFond stated that the special permit has 9 questions that need to be answered, he feels that most of the questions 2 through 8 are in compliance with this case. Upon review of questions 1 and 9, Mr. LaFond feels this is where the case falls short.

(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;

(9) The proposal is consistent with the City's Community Development Plan or Master Plan.

Mr. LaFond stated that the city ordinance is vague when it comes to the City's master plan in question 9. There is no clear outline for domesticated pigs being kept as pets, so with respect the Board should proceed on the side of caution. If the ordinance does not clearly state this is allowed, Mr. LaFond's evaluation would be to deny they application.

Mr. Heglin informed the Board he had thought long and hard on this case and agreed that with no clear ordinance guidelines, Mr. LaFond is right with his concerns. Mr. Heglin continued that these pigs are

classed as exotic pets and feels that the home is not the ideal environment for them to be raised. The property is in a densely populated neighborhood, with abutters in close proximity to the home. The pigs should be able to roam free in a larger area than what is available at 94 Lynde St.

Mr. LaFond confirmed that the property has just ¼ of an acre, and the vet's documentation states the pigs are classed as exotic pets.

Any questions?

No questions.

Motion to vote for Special Permit

All Board members voted unanimously to Deny Special Permit for 94 Lynde St.

Special Permit Denied.

Mr. LaFond added that the applicant should be given a 6 month period to rehome the pigs. Ms. LaRosee can appeal the board's decision on this case, once the decision has been filed with the city clerk. Should the court decide to deny the appeal, Ms. LaRosee will still have the 6 months to find a place for the pigs to dwell.

Mr. Heglin agreed to this condition, 6 months is ample time to relocate the pigs

Any further business.

Motion to approve the minutes from August 18th meeting.

Minutes approved with amendments.

Mr. LaFond made a motion to adjourn the meeting.

Mr. Heglin seconded.

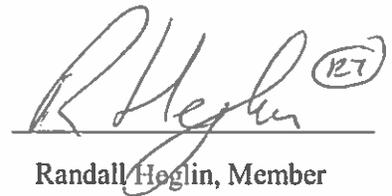
Meeting adjourned 4.57pm.



Raymond LaFond, Chair



Michael Gerry, Clerk



Randall Heglin, Member