

MINUTES

Zoning Board of Appeals Public Hearing – May 21, 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 (cont'd): Kimberly Geeza's application to construct a two-family home at Lot 1 Green St.

Mr. LaFond reviewed last month's case for the record (see April 16, 2019 minutes)

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. He advised the board that he discussed with Winchendon Building Department, no issues were raised. Building Commissioner, Roland Jean, Jr. was asked if the updated plan submitted was adequate. He advised the board it meet setbacks.

Mr. LaFond informed the audience that at the April 16th public hearing there was no one there in opposition and opened the floor for anyone in the audience in favor. There was none. Opened the floor for anyone in opposition, he added that he was aware there was a petition, it'd be read later.

Guy Manning – 1536 Green St. – His property is across from the proposed lot, he had moved out there to be in a "rural" community, it should stay just that. Allowing this duplex would open the door for others to do the same.

Mr. Lafond advised Mr. Manning, and others, that there was a proposed drawing of the home if anyone would like to review.

Joe Fernandez – 1433 Green St. – It's a rural neighborhood, all single family homes, would hate to see a two family – not the setting, land is filled with sink holes (as another individual had land tested). Issue was raised that 2 septic systems would be an issue as the property slopes into his with wetlands on the other side. Mr. Heglin asked where his property was, it's the grey ranch next door. Mr. Fernandez then stated "we all" have the same concerns, starts with family being proposed then next it's "reenter". He advised that the petition was signed by all that agree, it will become a "city setting" if allowed.

Mr. LaFond asked Mr. Campanili to address the issues raised, the fill issue, a perc test....Mr. Campanili stated they were aware of the debris, however a Perc test was not yet completed, however they would dig down to "original soil" as needed.

Mr. LaFond asked the Building Commissioner if there is anything further. Mr. Jean advised that if there were fill we'd (Building Dept.) make sure that the house is set on "virgin land", not fill and there would only be one septic tank, not two, it would just be a little bigger.

Mr. Manning addressed the board stating that if this allowed and there's blasting it would be felt throughout the neighborhood. Mr. Jean stated that it would be no different that if a single family were being built and blasted for. Mr. LaFond agreed.

Mr. Fernandez added that the Perc testing was on his property line, tested in two different places, there is ledge there – half his house is on ledge, so the get to "virgin soil" they'd have to dig 20 feet.

Mr. LaFond stated if they were doing a Perc testing they'd need permission to go on his property and that could be discussed outside of the meeting. Mr. Heglin asked if this lot was at one time Mr. Fernandez's property. Mr. Fernandez stated it was a long story, to which Mr. Fernandez was advised that it was a yes or no question and to confirm he sub-divided (to create Lot 1). Mr. Fernandez stated that "the owner of the land did", it was his and his ex-wife's property, however it was in her name due to some other issues, when the divorce was completed she got all the land.

Mr. LaFond asked if there were any others in opposition, none, and anything further from the applicant. Mr. Campanili reiterated the house was scaled down, it was a quaint little home, it blended well, and it's not a "McMansion". Ms. Geeza added, this property will be her "forever home", family will live there, and she as well wants it to stay a "rural community". Mr. Heglin asked about paving the driveway, Mr. Campanili stated he hadn't gotten that far.

Mr. Manning interjected, if a Special Permit is allowed for this what else will be allowed, in the future. The board advised Mr. Manning it would be a Special Permit with conditions and they are unaware of what else would be proposed in the future. That "business uses", short of Home Occupation, are NOT permitted, they could be by a Variance, but by right it's not permitted – unaware of what Winchendon allows.

Mr. Fernandez asked if this was allowed could he sub-divide and build a duplex. Mr. Jean told Mr. Fernandez he could come in to discuss.

Mr. LaFond read the petition into record, Mr. Campanili asked how many of the petitions were here and spoke, two (2) were. Mr. LaFond stated the board is closing the case – they have 90 days to make a decision, it would take approximately 14 days, the decision can be appealed within 20 days. Mr. LaFond wanted to note that he was asked if an appeal was filed would the City of Gardner provide counsel for the appellant. Mr. LaFond further stated that if an appeal is filed the City's Attorney would represent the board, those who choose to appeal would be responsible for their own.

Mr. LaFond called the next case:

Case # 2019-05-01: Anthony Andreottola's application to operate an Animal Hide Processing Plant at 381 Main St., Gardner, MA Parcel ID # R22-21-6, located in the Commercial Two zoning district (C2) is denied as it does not comply with Chapter 675, Article 410 Attachment 1:7 # 75 of City Code of Gardner. The zoning code states that the use requested is a "not permitted" use in the "C2" zoning district.

Agent on behalf of, Mr. William Hannigan, introduced himself, as well as others there on behalf of Boston Hide: Rob Rose, Anthony Andreottola, Bob France, Tim Pratt, and Ronald Pachen. Mr. Hannigan stated there was a few issues that came up in the develop meeting, he'd address later. He referenced a narrative that was prepared, plan of the map to display, confirmed it's a Special Permit for a non-conforming pre-existing use, currently owned and used by B and B Trucking. Mr. LaFond and Mr. Hannigan discussed and reviewed, this was two lots being split up Mechanic St., the left was allowed and the right was not.

Mr. Hannigan advised the board that moving from building to building was unknown at this time. Currently B and B Trucking is using the lot and a vacant lot to the east and no longer needs it, Mr. Andreottola is interested. The business of Boston Hides is to have cow (and other animal) hides, already stacked on pallets and pre-salted, brought in then trimmed and salted, and restacked on pallets to be shipped out. Mr. LaFond asked if it would only be trimming and re-salting, Mr. Hannigan confirmed.

Mr. Hannigan noted on the provide plan what lot would be used for parking, what would be getting repaved. This would be addressed in his nine (9) points:

1. District is Commercial 2, however currently used for industrial, so if allowed it would continue as such.
2. There will mostly be only employees as pedestrian's traffic, this is not a "normal" business like a restaurant in the city, and it's only employees in and out – there will be approximately 14 employees.
3. Trucks and materials proposed are far less than currently – only one to two per day and not daily (as currently). All work would only be performed in the buildings. Hours of operation were stated to be Monday through Friday from 8:00 a.m. to 5:00 p.m. There would be no nightly idling/deliveries of trucks, as they would only be there during business hours – this may be a condition if allowed. It would be the general intent for the trucks to be there during business hours, but somethings were out of their control. Mr. Heglin asked how the deliveries came in. Mr. Hannigan advised some box truck some tracker trailer. Stated that currently the trucks for B and B Trucking are use an adjacent lot for parking. The current owner of said lot has agreed to lease the property to Boston Hide. ZBA inquired as to the length of the lease (currently month to month) the owner of the adjacent lot (different owner than the lot currently in SP case), and how trucks would be getting in and out. Mr. Heglin asked if this was just temporary. Mr. Hannigan responded and stated that if/when they get the other building "up and running" they will determine whether or not they'd move.
4. There is currently a dumpster on site, they will make use of it. Mr. LaFond asked if they'd fence it in, Mr. Hannigan stated that it wasn't fenced in now, so most likely not. There would only be approximately a 5 gallon bucket of salt disposed of, as most of it is recycled. Once they have recycled it, to almost the majority of it being dirt, they would dispose of it. It's not toxic, not harmful, and similar to table salt as opposed to rock salt. Development asked for the information for the salt, this is provided to the ZBA. Unless placed in your eyes it is non-toxic, non-combustible, and not a "hazardous industrial" waste element.
5. This is not changing use, therefore it's not applicable, Mr. Hannigan advised. There would be off street parking, as previously advised. The process of salting and trimming puts off a "halogen" smell that is all. Mr. Heglin asked if there would be any internal ventilation, there wouldn't be. Mr. Heglin asked if the board called the Chelsea Code Enforcement what would be said. Mr. Andreottola stated he doesn't smell anything, but that in the summer with the heat there's possibly a smell, however they keep the doors closed and all inventory inside. Mr. Heglin asked how close the neighbors were in Chelsea, Mr.

Andreottola stated within 20 feet. Mr. Heglin asked then if there were any complaints from them, they do what they need to do to make people happy. Building Commissioner, Roland Jean, stated that if it starts to rot, you'll smell rotten meat, but if they were only processing there wouldn't be. Mr. Lafond added that one of his commercial customers used this type of hide process and it only smelled like leather. Mr. Hannigan stated they have letters from abutters, Mr. LaFond advised they would be read at the end.

6. Mr. Hannigan reiterated there would be truck loading and unloading, the additional adjacent lot lease, and a decrease in truck traffic – so an improvement.
7. Mr. Hannigan read the ordinance stating this would not be adverse to the city, the existing structure is appropriate use of land, and there are no historical changes, or no anticipated fire issues.
8. Mr. Hannigan stated that moving a business from one city to another would add tax and employment.
9. Community Development reviewed and stated it is the best use of Industrial and Commercial property; it's a re-use and repurposing of the building, and consistent with the City Plan.

Mr. Hannigan advised the board that he tried to touch on all Community Development points. He asked the board if the letter from Trevor Beauregard (Comm. Dev.), had been received, it was, and was read into record. Mr. Lafond asked further questions about the traffic flow of the trucks, the lease of the adjacent lot, and the current dumpster. Mr. Hannigan stated traffic flow will change once the renovation of the additional building is complete. The trucks will not have to back onto Main St. Mr. Hannigan reiterated the dumpster would stay where it is now, with no fence, as there isn't one now. Mr. Lafond went on to ask about the plan for landscaping, what types of plants would be used, and the maximum height of the same. It was confirmed the sight lines would not be an issue. There would be an exterminator on site every other week.

Mr. Hannigan asked that no time limit would be placed on the Special Permit, if granted, as they are unsure of when they'll move to the other building, doesn't think a time limit can be placed as it wouldn't be wise, practical, or allowed.

Mr. LaFond asked about exterior lighting and snow removal. Snow would be plowed to the back of the lot, which had adequate space. The current exterior lighting will continue to be used. Mr. LaFond read off the data sheet for the salt, no major issues, just not in eyes.

Mr. LaFond opened the floor to any board member questions, there were none. Mr. LaFond asked if any City Representatives had questioned. Mr. Jean responded – He agreed with Mr. Hannigan about not putting a time limit. Mr. Heglin asked if they would then be replacing the other building, Mr. Hannigan stated they would, however only on the same foot print and would try to re-use any possible materials. Mr. Jean then suggested the lease being active be a condition, if granted. Mr. Jean then asked Mr. Andreottola if any of the hides would come in with flesh or tails. Mr. Andreottola stated no flesh but some deer tails, they are just removed and sent to a person in Wisconsin who makes fly fishing lures.

Mr. LaFond opened the floor to any abutters in favor, there were none. Any abutters in opposition, there were.

An abutter addressed the board as being the direct abutter of the property and that trucks could just come in through a different portion of the property with, up to, a 50' truck. Mr. Gerry agreed when it was designed it was so that the trucks could do just that. There was further discussion on the possible outcomes and issues that would need to be addressed if the lease of the adjacent lot fell through. Mr. Hannigan advised that they could come in via Route 2, as historically done.

Chuck Heidorn – 12 Crystal Lake Drive – Stated he was the owner in a business currently inside the building. Per Mr. Heidorn he has now been persuaded this is not a tannery, but yet a processing of the hides. Originally he was concerned this would be a slaughter house. He did question what type of equipment they'd be using. Mr. Andreottola advised a forklift and a knife. There will be no noises heard of heavy equipment e.g. a chainsaw.

Mr. LaFond opened the floor to additional abutters in opposition, there were none. Mr. Hannigan was asked if he had any additional comments, Mr. Hannigan thanked all that came and stated he thought it would be a good project.

Mr. LaFond then read the 5 letters from Mary Karanza, Jose Tohando, Ricardo Morales, and Maryanne Serrano, all abutters of Chelsea location for 10+ years. All four, additional Jesepee Recopieo (abutter for “many years”), stated that Boston Hide were good neighbors and there was no smell.

Mr. LaFond asked for any final comments, Caroyln Kamuda – Inquired if the Chelsea building would stay open. Mr. Andreottola advised that the family business was downsizing, some family were no longer interested, hence the move to Gardner.

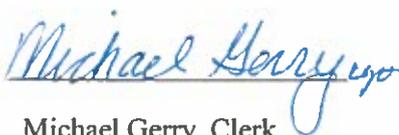
No further questions/comments, so Mr. LaFond closed the hearing for a decision.

CORRESPONDENCE & PREVIOUS MEETING MINUTES

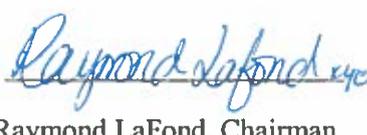
The Board voted to accept the April 16, 2019 Meeting Minutes “as printed”. Mr. LaFond raised Officer Elections - the proposed: Raymond LaFond, Chairman, Randall Heglin, 3rd member, and Michael Gerry, Clerk. This was all voted on and approved.

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

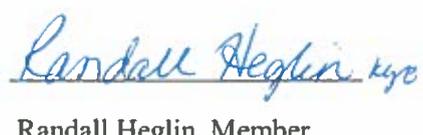
ADJOURNMENT OF THE MEETING @ 8:47 pm



Michael Gerry, Clerk



Raymond LaFond, Chairman



Randall Heglin, Member

All detailed conversations, questions, comments and concerns are documented on CD identified as May 21, 2019.