

MINUTES

Zoning Board of Appeals Meeting – August 17, 2021
115 Pleasant Street,
Gardner, MA 01440

Sitting in on Hearing:

Raymond LaFond
Randall Heglin.
Mel Cornett.
Michael Gerry GETV

In Attendance:

Roland Jean	Joanne Travano	James Wallgren
Rachel Taylor	Angela Luhtjarv	Cassandra Conrad
Steve Rockwood	Scott Cordeiro	Patricia Trick
Robert Chicoine	Lisa Chicione	Irene Chicione
Tiffany Krupski	Bob LeBlanc	Scott Graves
Attorney C Tree	Tom Melanson	Susan Moore
Patrick Richard	Laurel Adams	Dana Heath
Ronald Koivu	Kevin Davis	Tina Stacy
Laurel Chaison	Jessie Chaison	Rodney Gelineau
Nancy Melanson	Lee Bradley	Eric Hulette
Robin Leger	Mikko Harjumaki	Johanna Harjumaki
CC Mossman	Alan Erickson	Brian Erickson
Joyce LeBlanc	Gerald Poirier	Jessica Caron.

Boaventura Furtado.
More Present but not all signed in.

Meeting Called to Order by Chairman Raymond LaFond at 7.05 PM 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.

<u>Case #</u>	<u>Type</u>	<u>Address / Request</u>
Case #2020-09-03: <u>V</u>	Brenda Erickson (Ext)	18-19 Ashley Dr. Frontage
Case #2021-06-02: <u>SP</u>	BCF Group Inc (Con)	75 Oak St. Multi-Family Home.
Case #2021-08-01: <u>V</u>	Joanne Tavano	0 W Broadway. Open Space Development.
Case #2021-08-02: <u>V</u>	Jesse Chaison	262 Elm St. Access Driveway
Case #2021-08-03: <u>V</u>	Harbor Classic Homes	0 Clark St. Open Space Development
Case #2021-08-04: <u>V</u>	Harbor Classic Homes	0 Century Way. Open Space Development

Mr. LaFond informed all present that the hearings would be taken out of the order on the Agenda and Case 2021-08-03 and 2021-08-04 will be taken first. This will be conducted as one case as both are for the same area but different access routes.

Case 2012-08-03. Open Space Development. Clark St Entrance

Application to construct an access for the proposed Open Space Residential Development (PID M32-6-10 – Clark St. Entrance), located in the General Residential 3 zoning district (GR3) and Single Family 1 Residential zoning district (SFR1) is denied as it does not comply with Chapter 675 Attachment 1:1 Table of Use #10 – Open Space Residential Development of City Code of Gardner. The zoning code states that your use requested is a “not permitted” use in the “GR3” and “SFR1” zoning districts.

Case 2021-08-04. Open Space Development Century Way Entrance.

Application to construct an access for the proposed Open Space Residential Development (PID M37-21-42 – Century Way Entrance), located in the General Residential 3 zoning district (GR3) is denied as it does not comply with Chapter 675 Attachment 1:1 Table of Use #10 – Open Space Residential Development of City Code of Gardner. The zoning code states that your use requested is a “not permitted” use in the “GR3” zoning district.

Mr. LaFond asked if the applicant was present as the board had been made aware that legal representation for this case was not present at this meeting for personal reasons.

Ms. Laurel Adams owner of Harbor Classic Homes was present along with the Engineer of the project.

Mr. LaFond stated that it would be in the best interest of all if this case were continued to October as the application needed more updated plans and the legal rep needs to supply more information on the project. The Board are willing to hear the case tonight but will lean towards denial as there is so much lacking.

5-minute recess for the Applicant to speak with Reps and reach a decision on continuance. Another case will be heard while deliberating.

Chair handed over to Mr. Randall Heglin

Case #2020-09-03. 18-19 Ashley Dr- Variance of frontage. Extension request.

Application to construct a Single-family home at Lot 18-19 Ashley Dr., Gardner, MA Parcel ID # W22-12-61, located in the Rural Residential Two zoning district (RR2) is denied as it does not comply with Chapter 675, Article 620 Attachment 2:1 of City Code of Gardner.

Required frontage in RR2 is 150' your proposed lot has 40' of frontage.

Mr. LaFond asked if Ms. Erickson or representation was present to explain the application.

Christopher Mossman – Trowbridge Engineering, rep for Ms. Erickson.

Mr. Mossman stated that he is currently working with FEMA this project. In September of last year, a variance was granted with conditions to build a single-family home on this lot. Upon moving forward with the project, it was discovered, that the lot was on a flood plain and further relief was needed from FEMA. A request is in place and will take thirty to sixty days to reach a conclusion. The need for FEMA to review the lot will result in the granted variance failing to meet the one year limitation set by the Board last year. The need for the extension is of no fault of the applicant but merely an oversight. No work has been started on the lot, as they want to make sure everything is done correctly and all regulations are met.

Mr. Heglin Confirmed that a letter had been received from Ms. Erickson and read out loud to the meeting.

1) Letter is included at the end of these minutes.

Motion to Grant one year extension for the variance with current conditions.

Unanimous Vote to Grant.

Variance extension Granted until October 28, 2022.

Ms. Adams Returns from 5-minute recess for Case #2021-08-03 & 2021-08-04.

Mr. LaFond retakes the Chair.

Ms. Adams confirms that they would like to continue their case to the October meeting to be better prepared.

Motion to Grant continuance

Unanimous vote to continue. Case 2021-08-03 & 2021-08-04 to October.

2-minute recess to allow interested parties from this case to exit.

Chair handed back to Mr. Heglin for case 2021-06-02 75 Oak St, Multi-family dwelling.

Case # 2021-06-02. 75 Oak St, Multi-Family Dwelling. Continued from June.

Application, on behalf of BCF Investments, LLC, to operate Three Residential Units at 75 Oak St, Gardner, MA Parcel ID #M27-24-57, located in the General Residential 3 zoning district (GR3) is denied as it does not comply with Chapter 675, Attachment 1:1 of City Code of Gardner. The zoning code states that your use requested #4 Three-Four Family Dwelling requires a Special Permit in the "GR3" zoning district.

Attorney Christine Tree- Legal rep for BCF Group.

Atty Tree utilized the screen share option in the meeting room with the TV. Image shows the multi-family home from the street view. Ms. Tree recapped the case stating that her client Mr. Furtado owner of BCF Group, was present and is requesting relief from the zoning board to renovate and use the third unit in the current building. The property is a triple decker building and was vacant

for several years which caused the loss of zoning by right as a three family. Restoring this property to a three family will be the most practical use and will need little additional work as the unit is already present. On utilizing this unit there will be an increased need for parking which is the bigger problem as there is no space available in the area. Mr. Furtado has very recently, negotiated a parking plan lease with the local liquor store, Beaugard's, for 4 parking spaces. This would give a parking location to residents although it would be 150 yards from the property. The store owner was willing to sign a 5-year lease but would be willing to consider longer.

Mr. Cornet asked if these spaces at the liquor store would be for the sole use of the residents, and would they be marked and signed that they were private parking?

Mr. Heglin added that is this would need to be for overnight parking and snowstorms.

Atty Tree was not sure of the fine details of the lease as it had only just been agreed upon in the last few days.

Mr. Furtado – Owner of BFC Group.

The lease will be for four parking spaces, but he had not discussed marking the lot or making the spots private, but he will talk to the store owner and clarify.

Atty Tree stated that the board could consider setting this as a condition, on the granting of the Special Permit. This case has been on going and the owner would like to move forward as soon as possible.

The only other option the applicant had to address the parking problem was to add another driveway on the right side of the building, creating three more parking spots. This driveway would be narrow and only allow three cars to park in tandem, so not ideal. The construction the second driveway would also need to have zoning relief as there cannot be two driveways on one property within 200ft of the other. The area would also be very tight for this project with only space for a single car to pass through. Trying to create more parking on site is less than ideal so the leasing of parking off site is by far the best choice.

Any questions from City officials.

Mr. Roland Jean – Building Commissioner and Zoning Enforcement officer.

Mr. Jean agreed that the offsite parking was a much better idea but there would need to be a legal document stating the agreement with the store owner. The parking spaces would be much better utilized if they were clearly marked for private residential use, provided that the space is available to do so.

Atty Tree requested that the Board decide this case tonight, having the parking request a condition of the special permit.

Mr. Jean requested that the board not rush to decide tonight as it would be better to see if the store has the parking space available and a written agreement in place before moving on the case.

Mr. Heglin confirmed he was not ready to make a decision tonight and would like to have a legal document state the parking agreement before they made the decision on the case.

Mr. Cornet asked how long the contract would be for the parking and stated that how would it stand legally should the liquor store be sold in the future.

Mr. Gerry agreed that the lease may become a problem should the store ownership change hands.

Atty Tree stated that she will looking into this lease further and have it registered with the deed of the store and the property, so it will run with the land and not the owner. She will also enquire about the lease being for 10 years rather than 5.

Mr. Heglin requested a site visit of the property.

Atty Tree agreed to a site visit requesting a week so she may investigate the lease and hopefully have a document in place for the Board.

Site visit was Scheduled for Thursday August 26, 2021. at 6pm.

Motion to continue case to September meeting.

Unanimous vote to continue.

Chair handed back to Mr. Lafond.

Case 2021-08-01. 0 W Broadway. Joanne Travano. Open Space Development.

Application to construct 32 Multi-Family Units at 0 West Broadway, Gardner, MA Parcel ID # H17-7-1, located in the Commercial 2 zoning district (C2) is denied as it does not comply with Chapter 675, Article 1:1, #5 - Multifamily Dwelling of City Code of Gardner. The zoning code states that your use requested is a "not permitted" use in the "C2" zoning district.

Attorney Christine Tree – Legal Representation for Private Oversight company.

Attorney Tree explained the case to the board, 0 West Broadway is located at the end of Route 2A and goes into Templeton. The area of land is mostly in Gardner and in the Commercial two district. The applicant is proposing to build 32 units, 4 buildings in total. 8 townhouses/Condos 24 apartments. Each townhouse will have its own private garage and driveway for another vehicle. All apartment units will be 1 or 2 bedrooms and 1 and a half baths. There will be space for 47 parking spaces. The plan for the area also includes a basketball court and a dog park. Extensive landscaping is planned to provide privacy for residents and abutters to the lot. There is a current plan to keep a 50ft buffer of vegetation around the lot. The plan shown also indicated where snow storage would be as well as the dumpsters would be located. Lighting would be placed around the area.

2) [Plans attached to the minutes](#)

Mr. LaFond asked if Templeton had been approached for this project and how much of the lot is across the city line.

Atty Tree indicated where the Templeton line was on the map.

3) [Plot plan included at end of minutes.](#)

Mr. LaFond stated that for the number of units planned, the requirement of parking is 48 spaces, the current plan is short one space, this would need to be amended. What is their plan B should Templeton not allow this project.

Atty Tree confirmed that should the lot not get permission from Templeton the plan would lose a section of the apartment building or move the buildings' location. The parking was based on some of the parking being on Templeton land, so only the units in Gardner were counted which would only need 36 parking spaces. Atty Tree explained she had reached out Templeton and decided the best plan was to appeal to after, the decision was made by Gardner as this is the larger area of land. Templeton has a very similar zoning code to Gardner so the applicant is aware that relief will need to be granted from Templeton also, in way of a special permit as Templeton has the land zoned as R1/R2.

The need for a use variance from Gardner is mostly due to hardship of the topography of the lot. The land has a significant increase of gradient from the street level to the rear of the lot. Atty Tree had talked to the City Engineer, and he has confirmed that Gardner would be able and willing to supply power and utilities to the site. Arrangements would be made with Templeton for payment to cover the utilities supplied to the units on the property located in Templeton. The applicant is also aware that the next step for this development would be the City Planning Board for a site review.

Mr. Gerry asked if there was a concept image of what the apartment building would look like.

Atty Tree stated that the apartment building would look the same as the townhouses/Condos but without the garage, these plans were still just concept, but final plans would be submitted to the Planning board.

4) All images are included at the end of the minutes

Atty Tree went over the 3 Criteria questions for the Variance.

- 1) A literal enforcement of the provisions of this Code would involve substantial hardship, financial or otherwise, to the Petitioner or Appellant owing to **circumstances relating to the soil conditions, shape, or topography of such land or structures** and especially affecting such land or structures, but not affecting generally the zoning district in which it is located.

Atty Tree explained the hardship would warrant leveling and grading as the topography is so steep.

Mr. Jean asked if there was an overlay plan of the gradient for the topography.

Atty Tree was able to supply the overlay.

5) Image at the end of Minutes.

Atty Tree also explained the area is zoned as Commercial 2, the only allowed use in this zone is religious, educational, or industrial. On the map, which is shown, a lot of the surrounding area is used for single family homes. There is a gym, the city's Animal Control facility, and an electrical supply store to name a few. Of the 28 lots in the area only 7 comply with the zone code. Atty Tree stated there is another small development at Deer Hill Rd, which was granted the same relief being requested in 1987, decision was signed by a Mr. Raymond LaFond.

- 2) Desirable relief may be granted without **substantial detriment to the public good or creating or aggravating a safety hazard.**

No safety issues or hazards would be incurred with this Variance. The addition of the units will add to the tax base for the City of Gardner. A landscape buffer will be in place up to the road and the egress for the lot is on a straight section of road off route 2A. Applicant is aware that Mass Dot would need to approve this access point, and a traffic study may need to be conducted. This project application would also need to go through the Planning Board.

- 3) Desirable relief may be granted without nullifying or substantially **derogating from the intent or purpose of this Code** but not otherwise.

This project will be bringing new homeowners to the Gardner area, the average working wage for the area is \$49,000 a year. People getting on the real estate ladder will need an average of \$10,000 for a down payment to buy a home, currently Garden has 27 homes on the market and of those 27 only 3 are single family, only 1 fall into the affordable bracket. This application would bring in affordable homes and rental properties to allow people to build their equity and bring more diversity to the City.

Any questions from the Board.

Mr. LaFond asked if the property card was correct as parcel ids did not match up.

Atty Tree stated that the lot was once two and the accessors documents does not yet show that the two lots were combined but the deed supplied states that it is now classed as one lot.

Mr. LaFond asked if there was a plan for a second egress, especial for emergency vehicles.

Atty Tree stated that there were no current plans for a second egress, but all these things would be bought up in the site plan review for the Planning Board. It is expected that a traffic study would be requested.

Mr. LaFond asked about a discrepancy on the application, as two different addresses were stated for the applicant.

Ms. Travano – Owner of Oversight Properties and case Applicant.

The office has recently moved address and the application is from the old address so not all documents are updated yet.

Mr. LaFond addresses Atty Tree stating that an agreement needs to be in place with Templeton regarding the utilities.

Attorney Tree explained that as the frontage is in Gardner this would mean that Gardner would take the reasonability of the utilities, the City Engineer confirmed this and did not see a problem, a fee would be charged to Templeton for the connections.

Mr. Heglin asked if the homes in the small piece of land in Templeton would be billed to Templeton.

Attorney Tree stated that the building unit in question will be sole ownership, the apartments would not be. A condition of the Board could possibly be that condos are sole owned in the region as underlying land owned property.

Mr. LaFond questioned that there was only one egress on the plans and maybe a second should be added. Should there be issues on Route 2A, access for emergency vehicles at the least, should be planned. A previous sub-division had a gated dirt road for this kind of access.

Atty Tree stated there was no plans currently to include a second egress as the topography will not really allow such onto route 2A, but they will review an area on Deer Hill Rd for an emergency access.

Mr. LaFond asked about the amenities on the plan, observing a dog park and basketball court. Would a dumpsters and trashcans can be placed around the area and is there a plan for snow removal and storage.

Atty Tree shared a plan of the layout and indicated where the dumpster and snow would go. As of the Current plan only one dumpster was planned but another could be added in a future review. The snow storage was clearly shown on the plan.

Mr. LaFond asked about a lighting plan and if there would be time restrictions to the dog park and basketball court.

Atty Tree stated that the lighting would be downwards facing from the buildings so as not to cause glare to the residents. Signs can be posted to inform on time limits for the court and park. Dawn till Dusk would be an acceptable time frame.

Mr. LaFond asked what the average cost would be for these units.

Ms. Travano stated that as the current market price is high and going off this rate the condos would be priced at between, \$250,000, and \$300,000 each and the apartments would be rentals stating at \$1,500 per month depending on size, the larger units would be higher price.

No further questions from the Board.

Any Abutters to speak

Mr. Patrick Richards, 22 Deer Hill Rd.

Mr. Richards voiced his concerns about the proposed snow removal, stating the gradient of the land already has the melting snow and rain flow traveling through his property. He has recently spent over \$3,600 on a new well and is worried that the building and extra drainage from the plan will cause future damage to his land and well. He stated that he is not against the project but would want some reassurance that his property would be protected, and his concerns take seriously.

Mr. Jean asked Mr. Richard to point out on the plan where his property was and to see the gradient overlay for the area to see just what the runoff would be.

No further questions from Abutters.

Mr. Gerry asked why the plan had come to the Zoning Board first when all parties new they would need to go through the Planning Board also.

Atty Tree explained these large projects have many steps before coming to fruition and choosing which to take first was mostly down to the cost, with the need for both planning and zoning

approval it seemed the smart thing to do by opting for the cheaper appeal first, should the variance be approved.

Mr. LaFond requested a site visit, asking that the entrance egress be marked in some way. He would like to look at the actual lot if it should be accessible. This case would need to be continued to the October meeting as he is unable to chair the September meeting. This will also give time to submit detailed documents and a timeline of the project.

Atty Tree agreed to supply Rachel Taylor, Zoning Admin, with a few future dates so as to schedule a site visit that would be convenient for all parties.

Case continued to October 19, 2021.

Case 2021-08-02, 262 Elm St. Mr. Jesse Chaison Additional Access Driveway.

Application to construct a second driveway at 262 Elm St. Gardner, MA Parcel ID #R22-13-43, located in the Single Family Residential 1 zoning district (SFR1) is denied as it does not comply with Chapter 675-720 C. 2 – Each parking area may have one additional access driveway for each 200 feet of frontage, provided that all such access driveways shall be at least 200 feet apart on the parking area measured from the center line of each access driveway, of City Code of Gardner. Your Plans show less than 200 feet from the current driveway.

Mr. LaFond opened the floor to Mr. Chaison or Legal Representation.

Mr. Chaison representing himself stated that he recently bought the house and the driveway in question was already present. On further investigation it was discovered that the previous owner had added the driveway without permits and had received a violation notice stating a second driveway not allowed and relief was need. Rather than come before the board and fix the problem, they moved forward and sold the home. Mr. Chaison explained that he as the current owner, is here before the board to do things the right way and ask for the driveway to remain. He added that he has spoken with his neighbors, and they agreed that the driveway causes no problem for them and are in support of it remaining. Letters form the abutters are supplied in the application and one was present at tonight's hearing. Mr. Chaison continued to address the 3-requirements of a variance.

- 1) A literal enforcement of the provisions of this Code would involve substantial hardship, financial or otherwise, to the Petitioner or Appellant owing to **circumstances relating to the soil conditions, shape, or topography of such land or structures** and especially affecting such land or structures, but not affecting generally the zoning district in which it is located.

Mr. Chaison stated a large financial cost would be incurred should he have to remove the driveway and he is also concerned there will problems with sewer pipes and tree roots upon the removal.

- 2) Desirable relief may be granted without **substantial detriment to the public good or creating or aggravating a safety hazard.**

There will be no detriment or safety hazard with the driveway staying, in fact there will be a much safer area for delivery trucks such as UPS and mail carriers, as currently they have to park in the shared driveway and then need to back out onto Elm St causing potential traffic problems and safety issues.

- 3) Desirable relief may be granted without nullifying or substantially **derogating from the intent or purpose of this Code** but not otherwise.

There would be no change to the city code with this driveway and as stated earlier, the driveway is already present so no need to make changes.

Any Abutters to speak in favor of the application.

Mr. James Wallgren, 268 Elm St.

The driveway was constructed by the previous owner which he believes were flippers. The driveway causes no issue to himself or other abutters and helps by taking delivery traffic off the road and the other access driveway. This problem was in no way Jesse's fault, and he is doing the right thing by getting this permitted the right way.

Any Reps from the City to Speak

Mr. Roland Jean. City Building Commissioner confirmed that the driveway was added by the last owner and a violation letter was sent informing them that they would need zoning relief to keep the driveway. Instead of seeking relief they sold the property. Mr. Chaison has been in contact with my office many times to get this rectified the right way.

Mr. LaFond requested a site visit for Saturday 21, 2021 ay 9AM.

Mr. Gerry asked if the shared driveway would still be used or if the new driveway would be their only driveway.

Mr. Chaison confirmed the shared driveway is the only access to his garage at the rear of his home so the shared driveway will still be used.

Mr. LaFond made a motion to continue this hearing to October.

Unanimous vote to continue to October.

Any Further Business

No Further Business

Acceptance of minutes from July 20 meeting, Site Visit Minutes July 27, and August 3, 2021

Unanimous vote to accept minutes.

Motion to adjourn meeting

Unanimous vote to adjourn

Meeting Adjourned at 9.05PM.

R Heglin (RT)

Randall Heglin, Acting Chair

M Gerry (RT)

Michael Gerry, Clerk

M Cornett (RT)

Mel Cornett, Member

R LaFond (RT)

Raymond LaFond, Chairman.

Attachment

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VARIANCE EXTENSION REQUEST

TO: Gardner Zoning Board
FROM: Brenda Erickson – Trustee, Denis D Gagnon Trust
RE: CASE # 2020-0903 – Lot 18-19 Ashley Drive
DATE: July 19, 2021

As Trustee of the Denis D. Gagnon Trust, I am requesting an extension of the variance that was granted by the Zoning Board on October 20, 2020 to construct a single-family residence on Lot 18-19 Ashley Drive, Gardner, MA. Following approval of the variance, I was informed of the issue presented by the fact that the lot is located within a flood zone according to the existing FEMA flood zone map. Despite diligent effort to address this concern it has not yet been resolved and necessitates this request for an extension. Outlined below are the events that have transpired thus far with regards to the variance and the work that has been performed since its granting.

1. On August 3, 2020, I received notification from Gardner's Building Commissioner that my application for construction of a single-family home at Lot 18-19 Ashley Drive (Parcel ID #W22-12-61) was denied as it did not comply with the current 100' frontage requirement. The lot has 40' of frontage.
2. On August 18, 2020, an application for a variance was filed with the Gardner Zoning Board by attorney Christine Tree on my behalf as Trustee of the Denis D. Gagnon Trust. The application requested a reduction in the frontage from 100' to 40'.
3. A hearing was held on September 15, 2020 and the zoning board members concluded that a site visit was needed. The case was left open and continued until the October 20th meeting. The site visit was held on Sept 23, 2020.
4. At the October 20th meeting, the board voted to approve the variance request with three conditions.
 - Only one single family home may be constructed on the combined lots.
 - Pins must be set for the lot prior to the issuance of a building permit.
 - The lot cannot be subdivided.
5. A copy of the decision was filed with the Planning Board and the City Clerk on October 28, 2020, following the twenty days period for appeals.
6. The variance was recorded with the Registry of Deeds on November 25, 2020. (Attachment 1. Book 63842, Page 281.)
7. Also in November, Szoc Surveyors was contracted to set the pins as required by the conditions. On December 28, 2020, they confirmed that all of the lot corners were located and staked. The record plan to show the found or set points was updated. (Attachment 2. Plan Book 564, Plan 26.)
8. On December 3, 2020, the Gardner Building Commissioner informed me by phone that Lot 18-19 Ashley Drive was located in a flood zone and as a result, a building permit could not be issued.
9. After exploring our limited options for this nearly two-acre residential lot, a decision was made to consult with a civil engineer and explore the possibility of obtaining an amendment to the flood zone map from FEMA. At the end of December, I contacted Trowbridge Engineering and spoke with

Chris Mossman who noted that the existing FEMA flood plain maps were prepared in 1984 and inaccuracies are sometimes found given the advancement in today's GPS technology. He agreed to do some research and field work to determine whether at least part of the lot may be at an elevation above the flood zone and therefore buildable.

10. In January 2021, Mr. Mossman began examining existing documentation but had difficulty finding benchmarks to tie-in to the lot because documented benchmarks no longer existed. He also contacted the City of Gardner, but was not able to obtain reliable data from the DPW or the Building Department.
11. Mr. Mossman concluded he would need to work with a surveyor who had GPS and could set an elevation using a satellite above to give him the on-site benchmark he needed. Winter weather conditions caused some delay, but by February 18th, a benchmark had been established.
12. Mr. Mossman recommended that a topographical survey be completed in order to determine whether a letter to FEMA requesting partial removal from the flood zone map was worthwhile. Again, winter weather conditions caused delays to the completion of this task.
13. On April 1, 2021, Mr. Mossman notified me that the topographical survey had been completed and there was a significant elevation difference between the stream to the far left of the lot and the portion to the right of the driveway.
14. Over the course of the next few months, heavy rains caused delays with some on-site work, but Mr. Mossman was able to perform additional survey work, complete a plot of the buildable area that was located outside of the flood zone elevations (Attachment 3.), and prepare the LOMA submission.
15. On July 15, 2021, Mr. Mossman notified me that Gardner's City Engineer had signed the FEMA certification form required for the LOMA submission and following a final Metes & Bounds Plan, the request will be submitted.
16. In planning for the length of time it takes to receive a determination from FEMA, a decision was made to request an extension of the variance to prevent its lapse before building on the lot might be permitted.

Given the time and finances that have been expended on this pursuit, your kind consideration of this request is greatly appreciated. I would be happy to answer any questions you may have and Mr. Chris Mossman of Trowbridge Engineering is also authorized to speak on my behalf regarding this matter. Please copy him on any communications. Our contact information is listed below.

Brenda Erickson

Phone: (443) 812-8084

Email: berickson1500@gmail.com

Chris Mossman

Phone: (978) 874-5527

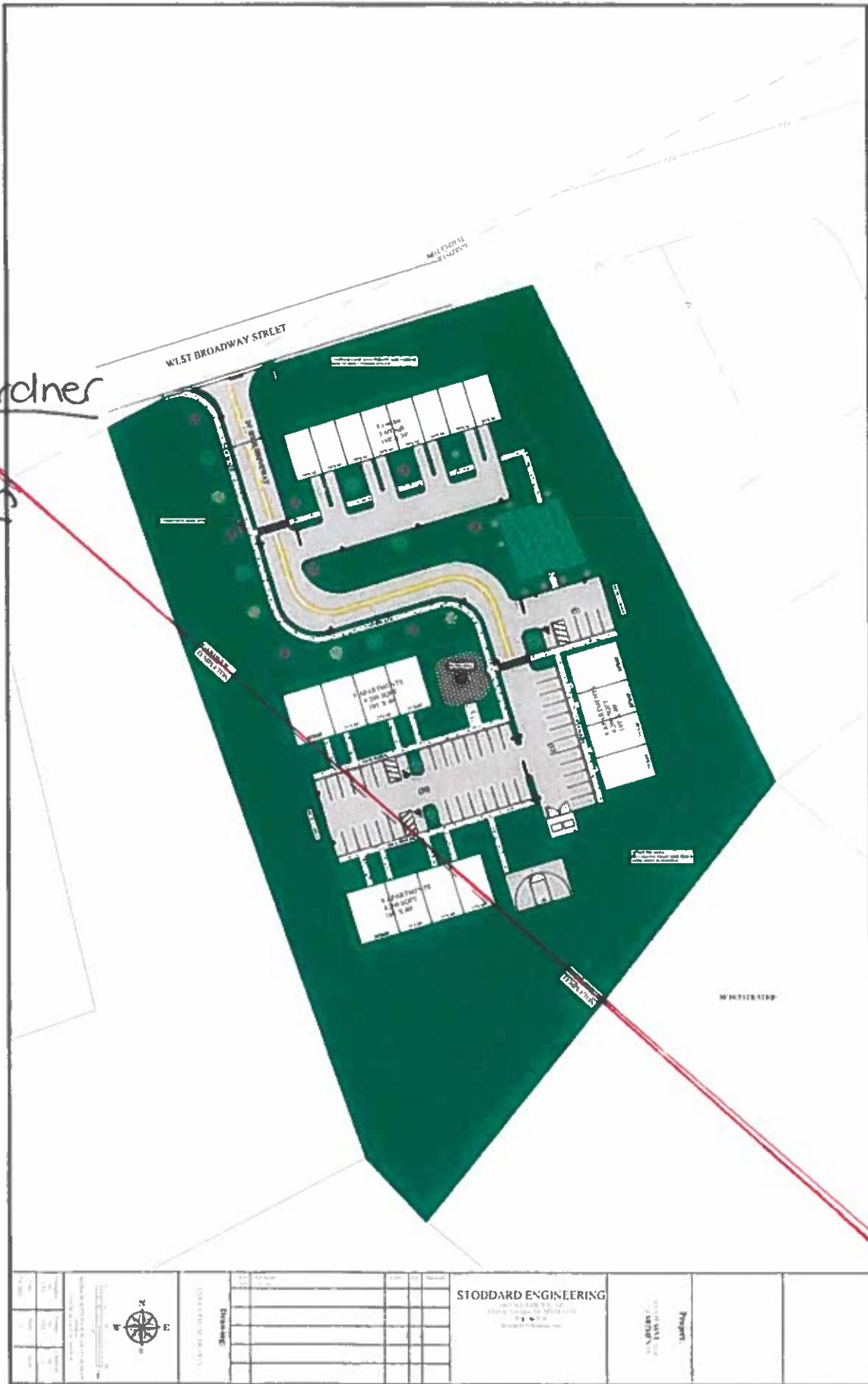
Email: ccmossman@troweng.net.

Attachment 2



<p>Scale: 1/8" = 1'-0"</p> <p>North Arrow</p>	<p>PROJECT: NEW APARTMENT BUILDING</p> <p>DATE: 10/15/2010</p>	<p>STODDARD ENGINEERING</p> <p>1400 14TH AVENUE, SUITE 100 ALBUQUERQUE, NEW MEXICO 87102 (505) 263-1111 Website: www.stoddard-engineering.com</p>	<p>PROJECT: NEW APARTMENT BUILDING</p>	<p>DATE: 10/15/2010</p>
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Attachment 3



Gardner

Templeton

Gardner/
Templeton
Line

Attachment ④



Attachment 5

