

**TRANSCRIPT OF PUBLIC RECORD**  
**ZONING BOARD OF APPEALS MEETING**  
**FEBRUARY 23<sup>rd</sup>, 2022**

This Regular Meeting of the **Zoning Board of Appeals**, was held via **ZOOM WEB CONFERENCE** and was called to order at 7:05 PM. by Chairman Matthew D'Agostino.

**MEMBERS IN ATTENDANCE:**

Mr. Matthew D'Agostino, Chairman  
Ms. Laura Walta, Vice Chairman  
Mr. Philip Cultrera, Member  
Mr. David DiNatale, Member  
Mr. Nick Boucher, Alternate Member

**MEMBERS ABSENT:**

Mr. Vincenzo Pesce, Board Clerk

**OTHERS IN ATTENDANCE:**

Mr. Felix I Zemel, Director of Inspectional Services  
Petitioners and Representatives of Petitioners

Chairman D'Agostino called for a moment of silence in honor of all Americans that have died for our country, then led the Board in the pledge of Allegiance.

**ACCEPTANCE OF MINUTES: None**

**NEW BUSINESS:**

Pursuant to a request from the Applicant, through their Attorney, Chairman D'Agostino entertained a motion to move #2202-07 to first on the Agenda:

**MOTION:** Laura Walta so moved

**SECOND:** Dave DiNatale

**DIACUSSION:** None

**VOTE:** Unanimous

**2022-07: Griffin Brook Drive Owner, LLC**  
**C/O Anthony Copani, (Copani, Tarlow & Cranney)**

Variance requested under Section VI-D in an IL (Limited Industrial) for building height at a proposed warehouse and delivery hub 501 – 600 Griffin Brook Drive.

Atty. Anthony Copani appeared before the Board on behalf of the petitioner. He stated that the locus shown on the plan is a compilation of 2 separate parcels, 501 and 600 Griffin Brook Drive. He stated that there is an existing warehouse at 501 and that the proposed structure would be built on 600 Griffin Brook Drive, He presented a copy of the site plan making reference to the matrix on the plan that shows the proposed structure would comply to all zoning requirements except for the height. The Zoning Ordinance states that the structure could be built with a maximum height of 45 ft. At this time Scott Cameron of the Morin/Cameron Group, 25 Kenoza Avenue in Haverhill MA addressed the Board. Mr. Cameron presented the technical criteria as to how the height of a building is determined. He explained that in this case the parcel slopes upward and that the elevation increases by 12 ft. from the front to the rear of the proposed building. It is for this reason that the height variance is needed.

At this time the hearing was opened to public participation with no one speaking in favor or in opposition to this petition. Having no further discussion, public participation was closed. Please note that an on-demand webcast of this meeting, including public participation may be heard at [www.cityofmethuen.net](http://www.cityofmethuen.net).

At this time Chairman D'Agostino asked if the Board had any further questions. Mr. Cultrera wanted clarification on the existing building. He questioned if the building had "3M" on the side to which Mr. Cameron responded yes. Mr. DiNatale was concerned with the height of the building compared to the treeline and if it could be seen on the golf course that abut the property. His concerns were addressed by Greg Smith the architect on the job. He informed the Board that there would be no interference with the golf course as they have position the building so that there will be a 25 ft., wooded buffer between the two properties. Having no further discussion, Chairman D'Agostino called for the vote:

**ROLL CALL:**

*Mr. Philip Cultrera – yes, per plan*

*Mr. David DiNatale – yes, per plan*

*Ms. Laura Walta - yes, per plan*

*Mr. Nick Boucher – yes, per plan*

*Mr. Matthew D'Agostino – yes, per plan*

**VOTE:           5-0-0 UNANIMOUSLY GRANTED**

**2022-05: Perrault, C/O Anthony Copani, (Copani, Tarlow & Cranney)**

Variance requested under Section VI-D in a BN (Neighborhood Business) zone related to front, rear and side setback provisions for an existing single-family dwelling on a newly-formed lot at 91 Haverhill street.

**2022-06: Orchard Realty Trust, Jane E. Siglio Trustee & Charles F. Perrault  
C/O Anthony Copani, (Copani, Tarlow & Cranney)**

Variance requested under Section VI-D in a BN (Neighborhood Business) zone related to front setback provisions and frontage for an existing single-family dwelling on a newly-formed lot at 93 Haverhill Street.

Atty. Anthony Copani appeared before the Board on behalf of the petitioners. He informed the Board that originally both houses were on one lot. He explained that when multiple dwellings exist on a single lot that; pursuant to M.G.L. Chapter 41, Section 81L; an ANR Plan may be approved by the Community Development Board creating separate lots for each of the structures. He further explained that while this conforms to Sub-Division Control Laws the structures are still considered non-conforming and that they don't necessarily conform to the current zoning ordinance. It is for this reason that they are before the Board this evening. Vice Chairman Walta questioned when the dwellings were constructed. Atty. Copani deferred to Mr. Perrault who stated that the previous owner said they were over 100 years old. Ms. Walta made the statement that this plan was accepted as opposed to being approved by the City. Atty. Copani indicated that basically that was correct. Ms. Walta then questioned why is a variance required if the City has already accepted the plan. Atty. Copani explained that having more than one structure on a lot is non-conforming. By approving the newly-formed lots with a dwelling on each lot the non-conforming nature is technically lessened. However the dwellings as they are situated on the lots are also non-conforming relative to setbacks and frontage so a variance is necessary to clarify these issues. Member Phil Cultrera asked if the dwellings were occupied. Mr. Perrault indicated that they had been rented since 1998 but that the rear property was recently vacated. He also stated that they originally tried to market the property as 2 structures on one lot but were unsuccessful. Atty. Copani had previously stated that anyone trying to purchase the parcel that way would more than likely be an investor and that they would need to apply for a commercial loan as opposed to a residential mortgage. Mr. Perrault explained to the Board that they took the property off the market and made improvements that made it possible to market them individually. He further stated that when they went back on the market they quickly went under agreement. Additionally he said they are currently under agreement pending approval of the required variances. Ms. Walta once again questioned why the variance was required. Atty. Copani reiterated what he previously stated relative to this issue. He further informed the Board that if he had a client who wanted to purchase one of these properties without the variance that red flags would be raised. He stated that there could be a problem with obtaining a mortgage because the dwellings don't comply with the zoning ordinance. Additionally, if there was a fire there is a possibility that the newly-created lots have lost the protection as legal, non-conforming and that a permit to rebuild could be denied.

At this time Chairman D.Agostino opened the hearing to Public Participation. Speaking in favor to this petition was Chris George who was there representing Gladys George. With no one speaking in opposition to this petition Chairman D'Agostino closed Public Participation. Please note that an on-demand webcast of this meeting, including public participation may be heard at [www.cityofmethuen.net](http://www.cityofmethuen.net).

Having no further discussion Chairman D'Agostino called for the vote:

**ROLL CALL: Lot 1 as shown on the submitted plan**

*Mr. David DiNatale – yes, per plan*

*Mr. Philip Cultrera – yes, per plan*

*Ms. Laura Walta - yes, per plan*

*Mr. Nick Boucher - yes, per plan*

*Mr. Matthew D'Agostino – yes, per plan*

**VOTE: 5-0-0 UNANIMOUSLY GRANTED**

**ROLL CALL: Lot 2 as shown on the submitted plan**

*Mr. Philip Cultrera – yes, per plan*

*Ms. Laura Walta - yes, per plan*

*Mr. David DiNatale – yes, per plan*

*Mr. Nick Boucher - yes, per plan*

*Mr. Matthew D'Agostino – yes, per plan*

**VOTE: 5-0-0 UNANIMOUSLY GRANTED**

**2022-08: George & Kathleen DiMambro**

Variance to Section VI-D in an RG (General Residence) Zone related to the side yard setbacks provisions to construct a sunroom addition at 22 Madison Street.

Appearing before the Board on behalf of the Applicant was Kevin Kieler, Chief Designer for Brady Built Sunrooms. According to Mr. Kieler the dwelling is very small, old style construction with a very small kitchen. He indicated that the Applicants contemplated selling but that they enjoyed living in their neighborhood and opted to stay and to put on the sunroom addition. Photos of the property were shared with the Board showing where the previous owners had put a small, pantry addition on the rear of the dwelling. Additionally he indicated that the dwelling is located only 6.6 ft. off of the side lot line and that there is a rear entry door to the left of where the sunroom is to be located. He explained that the doorway allows access to another level of the dwelling which is not the same as the kitchen and must remain as is and cannot be covered over to add to the kitchen. He stated that the only option is to tear down the pantry addition and install the sunroom in that location. The addition would extend up to the rear door and the wall between the sunroom and kitchen would be removed. He also indicated that the addition would be stepped back 1 foot from the side of the existing dwelling and would be less non-conforming than the existing pantry addition. He also informed the Board that they have spoken with the abutters and that they had no opposition to granting of the variance. Ms. Walta questioned what materials were going to be used to construct the addition. Mr. Kieler responded that the addition would be 2 x 6 construction, will be sided like the existing dwelling, doors and windows would be of the type of glass used for sunrooms and half of the roof would be solid and half glass to allow for much needed sunlight into the space. At this time Chairman D'Agostino stated that he was not in opposition to

granting this request but that he had issues with the condition of the property. He indicated that there was miscellaneous debris scattered through out, some of which he considered dangerous, and that he would like to see that cleaned up before voting. He suggested that the Applicant continue to next month, clean up the property and then have the Board vote. Mr. Zemel suggested that as an alternative, he could put a formal complaint into the system and have Code Enforcement assess the property for any violations. If in fact they exist are were not cleared in 30 days, they would be fined \$300.00 per day until the matter was rectified. Both Ms. Walta and Mr. Cultrera agreed with Chairman D'Agostino's sentiment.

At this time Chairman D.Agostino opened the hearing to Public Participation with no one speaking in favor or opposition to this application. Chairman D'Agostino closed Public Participation. He thank Mr. Zemel for his suggestion but indicated that he would defer to his original suggestion. He stated he would allow the Applicant to decide if they wanted to continue or go forward with the vote this evening. Mr. Kieler stated that this was a reasonable request and that they would request the continuance. Chairman D'Agostino entertained a motion to continue to the March 23, 2022 meeting:

**MOTION:** Laura Walta so moved

**SECOND:** Philip Cultrera

**DISCUSSION:** None

**VOTE:** Unanimous

**ADJOURNMENT:**

There being no further business before the Board, Chairman D'Agostino called for a motion to adjourn:

**MOTION:** Laura Walta so moved

**SECOND:** Philip Cultrera

**DISCUSSION:** None

**VOTE:** Unanimous

Chairman D'Agostino adjourned the meeting at 5:13 PM.

Respectfully Submitted,

Gwen Martone  
Public Recorder