

Audio Tape Record
Petition # 2393
Maria Ferreira
29 Oliver Street
Everett, MA 02149
Re: 29-31 Oliver Street, Everett, MA 02149

BOARD OF APPEALS
CITY OF EVERETT, MASSACHUSETTS

MINUTES
FOR
SEPTEMBER 17, 2018

Pursuant to notice duly given a meeting of the Board of Appeals was held in the George Keverian Room, City Hall, Everett, MA, on Monday, September 17, 2018 at 7:00 P.M.

Those members present were: Joseph DeSisto, III, Chairman, Michael Dantone, Steven O'Connor, Roger Thistle, Alternate Member and Mary Gerace, Alternate Member.

Joseph DeSisto, III, Chairman, presided at the meeting and the Clerk, Kimberly Rauseo, kept the minutes of the meeting.

A public hearing was granted to the *Maria Ferreira, 29 Oliver Street, Everett, MA 02149 (RE: 29-31 Oliver Street, Everett)*, who petitioned the Board asking for a *Special Permit/Variance* of the Building Zone Ordinance of the City, as applied: *The applicant seeks to convert the existing Two (2) family residence built in 1895 into a Three (3) family residence, by adding a third floor addition to the existing structure.*

Violations:

- The building is an existing non-conforming structure in that the front yard is only 9.3 FT, and
- The Floor Area Ratio will be 1.5.

Zoning:

Section 4 Dwelling Districts B. Dimensional Requirements

2 Lot Area:

- c. All other uses-----0.5 maximum floor area ratio (Ord. of 6-29-87; Ord. of 4-29-91 Ord. of 7/16/2002; Ord. of 11/13/2007)

4. Front Yard:

Twenty (20) feet minimum except where the average front yard of a least two (2) buildings on the same side of the street and within two hundred (200) feet of the lot are less than twenty (20) feet, and the front yard may be equal to the average of those buildings but not less than ten (10) feet. Porches may encroach ten (10)

feet onto the required front yard. Stairs shall be excluded from any front yard restrictions. (Ord. of 6-29-87)

Maria Ferreira, the petitioner, her son Edson is speaking for her. We would like to add a third family, extend parking space in back yard we can fit around 8 cars.

IN FAVOR

None

OPPOSED

Que Lee – 32 Oliver Street, Everett, MA – Parking is extremely tight

Response – He is referring to George Street which is across from Oliver Street. We already paved back yard and added 5 spaces to the back yard. There is no off street parking, Oliver Street is a one way street.

QUESTIONS FROM THE BOARD

Michael Dantone – Are you going to put an addition on top, are you adding to the structure.

Response – The structure is already there, there will be construction to add.

Steven O'Connor – How much higher?

Response – It is going to be the same height just putting dormers.

Michael Dantone – The top apartment is going to be a one bedroom, how big is it going to be?

Response – It is going to be the same size just two bedrooms, it is a three two bedrooms.

Joseph DeSisto – Based on the information given to us by Mr. Soper do you want to put the same restrictions?

Steven O'Connor – I want to put no off street parking as part of the lease.

Joseph DeSisto – Mr. Soper how do we monitor this?

Jim Soper – That would be done through the parking clerk.

Joseph DeSisto – Who will follow up with the parking clerk?

Jim Soper – My department will do that.

Michael Dantone – I make a motion for favorable action with the restriction that no residential parking sticker will be allowed in the lease on the 3rd apartment and Steven O'Connor seconded the motion.

Joseph DeSisto – There has been a motion for favorable action and it has been seconded any further discussion.

ROLL CALL

<i>Mary Gerace</i>	<i>Yes</i>
<i>Roger Thistle</i>	<i>Yes</i>
<i>Steven O'Connor</i>	<i>Yes</i>
<i>Michael Dantone</i>	<i>Yes</i>
<i>Joseph DeSisto</i>	<i>Yes</i>

PETITION - GRANTED

Kimberly Rauseo, Clerk

Audio Tape Record
Petition # 2386
347 Third Street Realty, LLC
98 Elm Street
Salisbury, MA 01952
Re: 85-87 Boston Street, Everett, MA 02149

BOARD OF APPEALS
CITY OF EVERETT, MASSACHUSETTS

MINUTES
FOR
SEPTEMBER 17, 2018

Pursuant to notice duly given a meeting of the Board of Appeals was held in the George Keeverian Room, City Hall, Everett, MA, on Monday, September 17, 2018 at 7:00 P.M.

Those members present were: Joseph Desisto, III, Chairman, Michael Dantone, Steven O'Connor, Roger Thistle, Alternate Member and Mary Gerace, Alternate Member.

Joseph DeSisto, III, Chairman, presided at the meeting and the Clerk, Kimberly Rauseo, kept the minutes of the meeting.

A public hearing was granted to the 347 Third Street Realty, LLC, 98 Elm Street, Salisbury, MA 01952 (RE: 85-87 Boston Street, Everett), who petitioned the Board asking for a Finding of the Building Zone Ordinance of the City, as applied: Appealing from an issued building permit for property at 85-87 Boston Street, Everett, MA 02149, pursuant to MGL C. 40A S. 8 and Section 11.A.1 Appendix A of the Revised Ordinances of the City of Everett.

Joseph Desisto - Chair would entertain a motion to take petition number 2386 off the table

Michael Dantone – I would like to make a motion to take petition number 2386 off the table and Mary Gerace seconded the motion.

Joseph DeSisto – All in favor 4 yas 0 nas

Bill Sheehan represents 347 Third Street. This is an appeal from the decision of the building inspector dated May 3, 2018. Our opposition to as set forth in an addendum to the papers we filed. The law in Massachusetts is that the case in this matter when variances and special permits are required and there was an appeal to the special permit no building permit is to be issued until there is a decision on the variances and special permit. My client did timely take an appeal on the decision from February 2018, while that appeal was pending the building permit was issued that is error as a matter of law. On November 7, 2016 the variances had been granted which no appeal was taken those variances lapsed and that is under the statute a well. Those variances were lapsed by November 7, 2017 they cannot be the basis of the building permit. On May 1, 2017 that decision purported to extend the variances for a period of 9 months, that decision violates the statutes chapter 40A section 10 which authorization an extension for a period of time no longer than 6 months. Even if that decision were to redeem to be valid, 9 months added on to the date in which the decision was made on May 1, 2017, it would take you to February 1, 2018 and the variance would have elapsed with the 9 month extension. I am also aware of a decision by this board which was dated November 6, 2017 where purportedly you extend the variances for another 3 months. The problem with that is the statute only authorizes only one extension that was already given in May, secondly if you add the 3 months to the 9 months that is a 12 month extension which is twice what the statute allows and again even if that were valid and even if you started from February 1,

2018 and you added 3 more months that would bring you to May 1, 2018 after that date the building permit didn't issue until May 3, 2018 so for all of those reasons the building permit should not have issued. I am also aware of your decision of March 19, 2018 where you purported to go back and change what you did, with all due respect, you cannot do that, this is not a situation where you were trying to correct some kind of a scrivener's error to make specific, material changes to actions that have been taken by the board. It is never comfortable to come before a board and say you should have not done that, that is the suggestion that are making here tonight and for that reason we are asking you to determine that the building inspector issued that building permit in error and to nullify that decision. Thank you for your time.

IN FAVOR

Dino Iofratti – 107 Boston Street, Everett, MA – Like the gentleman just said the way the process is going on down at Boston Street has been dealing from the bottom of the deck. He is right if those are the statutes the thing should be denied. Wood Waste should have a cease and desist, we were before this board 2 years ago when he wanted to create his recycling center I was here I was not against it that did not happen. He keeps operating, it has to be denied and start all over.

OPPOSED

None

QUESTIONS FROM THE BOARD

Jim Soper – I believe I acted in accordance to the law; I relied on a variance that was given November 7, 2016 variances and special permits for this project. The board then granted on May 1, 2017 a 9 month extension, there is some controversy as to the ability to issue a 9 month extension because the law only allows a six month extension. I acted on that extension and I acted under a 6 month provision of that extension, thinking that the intention of the board was to grant the extension but they could not grant above and beyond what the law allows, therefore I issued a permit within a timely manner and there was no appeal on this variance/special permit and there was no appeal on the issuance of the building permit. This is a permit only for the foundation it only affects one building of the four buildings that will be on that lot.

Jonathan Silverstein speaking, special counsel for the city – I wanted to go through a number of issues. In order for someone to appeal a building permit before this board they are required to have standing. The law gives certain property owners, an abutter or abutter to an abutter within 300 feet or directly across the street. If you are across the street and not directly across the street then you do not have a presumption of standing. That being the case the burden is on them to demonstrate how they are going to be hung by this development. As I understand the party that Mr. Sheehan represents they have not attempted to demonstrate how they are going to be hung by this decision I don't see how they are going to and they have not even tried to. The other issue is I don't think the variances are required anymore. He is passing out the zoning amendment that was passed by the council and signed by the Mayor on September 13, 2018, the Commercial Triangle Overlay District Zoning. The development is allowed by right. The development complies with all of the setbacks, the height, the requirements and all of the use restrictions in the Commercial Triangle Overlay District in which the property is located. So this is another reason the building permit is in accordance. This was written in 2013 by Tufts University before this development was even proposed. It is a valid passed zoning

ordinance that allows this development by right therefore the appeal should fail. He is speaking about special permit and variance laws. You have to record the variance within 1 year which was done and you have to take some action. The appellant followed the law, site plan review process, traffic study, demolished structures on the site. This board did issue a 9 month extension. The building permit was pulled within 6 month from the original deadline. I think Mr. Soper made the correct decision in issuing the building permit.

John McDermott – Attorney for Rossi & Associates representing 347 Third Street Really, LLC – Speaking about the dates of the variances and the expiration and extension dates. Part of the original application for the 9 month extension there was a part of that request a letter written to Mr. Soper for an extension and it was posted to request an approval for a 9 month extension to act on the variance.

Michael Dantone – Do you have something to say about what was just said?

Bill Sheehan – The suggestion that the building permit cannot be pulled until after site plan review, site plan review was granted in May of 2017, there were many months for applicant to pull building permit after site plan review. The way you exercise your rights under a variance is by pulling a building permit. There is a history here. Why was he here in May for 9 months then again in November for additional 3 months he didn't have to come back here he came back because he didn't have enough time that additional 3 months from first of second expiration date does not go past the expiration date why did the applicant come back to the board in February of 2018 seeking variances all over again if he thought he had one. He knew he didn't have what he needed that is why he came back. My client is 40 yards from here, he expected properties to be used as similar as him, not 545 families 120 feet away who will start complaining about what my client is doing that is the nature of the harm we have standing, anyone who will be harmed, we are 120 feet away. Building permit should not have been issued time had lapsed; he did not extend for 6 months. Could applicant come before you to extend until May 7, 2018 yes he could have but he did not.

Jonathan Silverstein – They applied for new variance because they wanted more time to exercise, they wanted an additional year, which this board could not grant, they did not want to have to pull a building permit in May within the extension period because of Mr. Sheehan's filing the lawsuit to the new variance. Had there been no challenge to the variance they would not have pulled permit in May they would like more time to wind their existing business. Speaking about standing, the intent of zoning is to protect from harmful effect of the use, noise or dust if sensitive land use. Being concerned someone is going to make invalid complaint it is not harm within the case to provide standing to appeal. A building permit is required much less than site plan review, it was obtained under the same as the ordinance, only difference is the variance that they needed they no longer need.

Roger Thistle – Mr. Chairman, I would like the clarification for a yes vote to a no vote for this.

Joseph DeSisto – If you vote yes you are voting for the appellant that the building inspector should not give the building permit, if you vote no you will be disagreeing with the appellant and the permits stand as issued and they have the right to appeal it.

Jonathan Silverstein – A yes vote would overturn the building permit a no vote would uphold the building permit.

Michael Dantone – I move for favorable action and Roger Thistle seconded the motion

**Joseph Desisto - There has been a motion for favorable action and it has been seconded
is there any further discussion?**

ROLL CALL

Mary Gerace	No
Roger Thistle	No
Steven O'Connor	No
Michael Dantone	No
Joseph DeSisto, III	No

PETITION – DENIED

Kimberly Rauseo, Clerk

Audio Tape Record
Petition # 2396
Ronaldo Santos
19 Bartlett Street
Everett, MA 02149
Re: 39 Rich Street, Everett, MA 02149

BOARD OF APPEALS
CITY OF EVERETT, MASSACHUSETTS

MINUTES
FOR
SEPTEMBER 17, 2018

Pursuant to notice duly given a meeting of the Board of Appeals was held in the George Keverian Room, City Hall, Everett, MA, on Monday, September 17, 2018 at 7:00 P.M.

Those members present were: Joseph DeSisto, III, Chairman, Michael Dantone, Steven O'Connor, Roger Thistle, Alternate Member and Mary Gerace, Alternate Member.

Joseph DeSisto, III, Chairman, presided at the meeting and the Clerk, Kimberly Rauseo, kept the minutes of the meeting.

A public hearing was granted to the *Ronaldo Santos, 19 Bartlett Street, Everett, MA 02149 (RE: 39 Rich Street, Everett)*, who petitioned the Board asking for a *Special Permit/Variance* of the Building Zone Ordinance of the City, as applied: *The applicant seeks to construct an addition onto the existing single family structure resulting in the conversion to a four (4) unit residential dwelling on the existing 6134 Sf lot located within the Dwelling District. Plan submitted by Kunz Associates Dated August 8, 2018.*

Permit was denied in accordance to the City of Everett Zoning Ordinance Appendix A as follows:

1. Appendix A Section 4(a)1 limits a single or double semi-detached dwelling existing at the time of the first enactment of the Zoning Ordinance (1926) to convert to not more than a total of three (3) dwelling units. The applicant must seek relief in the form of a variance allowing the conversion of a double semi-detached dwelling to a four (4) unit dwelling.
2. Appendix A section 4(b)(7). Rear Yard: Requires minimum rear yard setback of 25'. The previously compliant rear yard setback on the existing structure has been reduced to 12' requiring a dimensional variance of 13'
3. Appendix A Section 4(b)(2)c. limits the floor area ratio for "all other uses" to a maximum of 0.5 (FAR). The proposed construction results in an (FAR) of 1.0 . The applicant must seek relief in the form of a variance.

4. Appendix A Section 17(A)2 requires two (2) parking spaces per dwelling unit needing a total of eight (8) spaces. The proposed plan contains six (6) parking spaces requiring relief in the form of a variance for two (2) parking spaces.
5. Appendix A section 17 (I) requires a car space measuring 9' x 18'. A suitable 9' access has not been provided to access all of these spaces.
6. Appendix A Section 17(J) requires parking facilities to be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. The applicant must seek relief in the form of a variance.
7. Appendix A Section 17(M) requires parking to be located more than 8' from a habitable window. The applicant must seek relief in the form of a variance.
8. Everett Zoning Ordinance APPENDIX A Section 17(O)5 requires a minimum access road of 18' to allow ingress and egress of vehicles at the same time. The applicant must seek relief in the form of a variance.

The petitioner was present and Evan Gones, the Architect from Boston, spoke on his behalf. The owner is Ronaldo Santos who owns the property next door also, he owns this building which exists, it is a single family he has lived there most of his life and it is in terrible condition. He would like to convert this to a 2 family and add 2 additional families in addition to the existing house with the stairway in the middle. There are 6 parking spaces, 2 are tandem, leased to the units so that the same family will be dealing with the tandem parking spaces. Two parking spaces for the original will have 2 units.

IN FAVOR

None

OPPOSED

Neil Piazza – 164 Linden Street, Everett, MA – I am opposed to any project requires 8 parking spaces. Tandem parking is against the zoning laws.

Response – I think one of the issues of the parking spaces are they are within 8 feet of a window the limitation of the lot and being able to get parking and being able to turn and drive out are required, otherwise there is no room to put additional spaces.

QUESTIONS FROM THE BOARD

Michael Dantone – This is a single family and you want to make it a 4 family, take existing structure put an addition to that to make it a 2 and build a separate structure for 2 more?

Response – The original building we are converting to 2 families then we are adding another building which is an addition we are fully sprinkled safety precautions all codes are followed.

Joseph DeSisto – Can you tell us what the hardship is why you have to go from one family to a four family, other than making money.

Response – An investment, I think it is basically the price he has to pay for the lot of the building and rebuild entire building. He owns the property next door and wanted to buy this as an opportunity and also in order to provide housing for people this is what he chose to do.

Michael Dantone – He is not working next door that property has nothing to do with this one correct?

Response – No it does not.

Michael Dantone – The parking issue is a real problem on this street.

Roger Thistle – These units are all going to be 3 bedroom?

Response – There are three 3 bedroom units and one 2 bedroom unit.

Michael Dantone – I think you are asking for way too much, that is a lot of relief.

Michael Dantone – I would like to move for favorable action and Mary Gerace seconded the motion.

Joseph DeSisto – There has been a motion for favorable action and it has been seconded any further discussion.

ROLL CALL

Mary Gerace	No
Roger Thistle	No
Steven O'Connor	No
Michael Dantone	No
Joseph DeSisto	No

PETITION – DENIED

Kimberly Rauseo, Clerk

Audio Tape Record
Petition # 2388
Benjamin Tymann
Pioneer Owner, LLC
100 Cambridge Street, 14th Floor
Boston, MA 02114
Re: 79 Vine Street, Everett, MA 02149

BOARD OF APPEALS
CITY OF EVERETT, MASSACHUSETTS
MINUTES
FOR
SEPTEMBER 17, 2018

Pursuant to notice duly given a meeting of the Board of Appeals was held in the George Keverian Room, City Hall, Everett, MA, on Monday, September 17, 2018 at 7:00 P.M.

Those members present were: Joseph DeSisto, III, Chairman, Michael Dantone, Steven O'Connor, Roger Thistle, Alternate Member and Mary Gerace, Alternate Member.

Joseph DeSisto, III, Chairman, presided at the meeting and the Clerk, Kimberly Rauseo, kept the minutes of the meeting.

A public hearing was granted to the *Benjamin Tymann, Pioneer Owner, LLC, 10 Cambridge Street, 14th Floor, Boston, MA 02114 (RE: 79 Vine Street, Everett)*, who petitioned the Board Appealing from an issued building permit for property at *79 Vine Street, Everett, MA 02149*, pursuant to *MGL C. 40A S. 15 and Section 11(1)(d) & (3) Appendix A of the Revised Ordinances of the City of Everett*.

Michael Dantone – Mr. Chairman I would like to make a motion to take petition #2388 off the table and Mary Gerace seconded the motion.

Joseph DeSisto – I have a letter from Benjamin Tymann the attorney representing the appellant regarding a settlement agreement between my client and other parties regarding 79 Vine Street we are therefore withdrawing out appeal. The chair would entertain a motion to withdraw without prejudice.

Michael Dantone – Make a motion to withdraw without prejudice and Mary Gerace seconded the motion to withdraw without prejudice.

Joseph DeSisto – There has been a motion to withdraw this petition without prejudice and it has been seconded any further discussion?

All in favor
4 yas 0 nas

PETITION HAS BEEN WITHDRAWN WITHOUT PREJUDICE.

Kimberly Rauseo, Clerk

Audio Tape Record
Petition # 2394
2050 Revere Beach Parkway, LLC
68 Harrison Avenue
Boston, MA 02111
Re: 119 Revere St aka 2050 Revere Beach Parkway, Everett, MA 02149

BOARD OF APPEALS
CITY OF EVERETT, MASSACHUSETTS

MINUTES
FOR
SEPTEMBER 17, 2018

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Those members present were: Joseph DeSisto, III, Chairman, Michael Dantone, Steven O'Connor, Roger Thistle, Alternate Member and Mary Gerace, Alternate Member.

Joseph DeSisto, III, Chairman, presided at the meeting and the Clerk, Kimberly Rauseo, kept the minutes of the meeting.

A public hearing was granted to the *2050 Revere Beach Parkway, LLC, 68 Harrison Avenue, Boston, MA 02111 (RE: 119 Revere Street aka 2050 Revere Beach Parkway, Everett)*, who petitioned the Board asking for a *Special Permit* of the Building Zone Ordinance of the City, as applied: *The applicant seeks a permit to expand the existing nonconforming "self-storage use" within the existing structure located in the Business Limited district.*

Reason for Denial:

Floors 2-4 of the existing structure have a current nonconforming "self-storage use". The applicant proposes to expand this use into the first floor of the existing structure. There are no build-outs or additions proposed to the existing structure. The existing use of the first floor is retail.

The permit was denied in accordance to the City of Everett Zoning Ordinance Section 20(a) Uses: The applicant must seek relief in the form of a Special Permit from the Everett Zoning Board of Appeals pursuant to Everett Zoning Ordinance Appendix A Section 3. General Requirements (6):

"Pre-existing, non-conforming structures or uses may be extended, altered or changed in use, providing that such extensions, alterations or changes of use shall be permitted only upon the grant of a Special Permit by the Zoning Board of Appeals and after a public hearing, a finding by the Board that such extension, alteration or change of use shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure."

The petitioner was present and David O'Neil, who represented them, spoke on their behalf. This property is identified as Mark's Discount. My client purchased property in February of this year. Presently floors 2, 3 and 4 are self-storage additionally the 6,500 square foot on the side is also currently self-storage, 80% of the existing building is being used for self-storage under current zoning by laws self-storage existed nonconforming use it can only be extended by special permit and this is what he is requesting. Logan Machine Shop is occupying now. Eric and Stephanie who operate are here tonight. The first floor we are asking to use self-storage as well. I would ask that this board grant the special permit and allow them to have a consistent use of the self-storage.

IN FAVOR

Wayne Matewsky – Everett, MA – This building goes way back. This property is presently self-storage and he is going to do some landscaping and parking lot across the street he purchased. His intention is to buy more land. We had a rodent problem that Mr. Soper took care of and new owner. He knows no work on Sunday, he has knocked on doors, he has been in the business. The parkway has a good future I would hope that when he purchases more property he will do some good there. I think he will do the right thing for that property.

David O'Neil has a letter from an abutter in support.

Eric Chaperone – I am currently a tenant on the first floor, I am in support of this petition. What he is proposing is for a good future of Everett. A lot of good things are going to be happening in the 5 to 10 years. I think it is a good project.

OPPOSED

None

QUESTIONS FROM THE BOARD

Michael Dantone – The whole building will be storage now correct, 2 tenants are going to be leaving correct?

Response – Yes that is correct.

Michael Dantone – I move for favorable action Mr. Chairman and Mary Gerace seconded the motion.

Joseph DeSisto – There has been a motion for favorable action and it has been seconded any further discussion.

ROLL CALL

<i>Mary Gerace</i>	<i>Yes</i>
<i>Roger Thistle</i>	<i>Yes</i>
<i>Steven O'Connor</i>	<i>Yes</i>
<i>Michael Dantone</i>	<i>Yes</i>
<i>Joseph DeSisto</i>	<i>Yes</i>

PETITION - GRANTED

Kimberly Rauseo, Clerk

Audio Tape Record
Petition # 2392
Night Shift Brewery
87 Santilli Highway
Everett, MA 02149
Re: 87 Santilli Highway, Everett, MA 02149

BOARD OF APPEALS
CITY OF EVERETT, MASSACHUSETTS

MINUTES
FOR
SEPTEMBER 17, 2018

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Those members present were: Joseph DeSisto, III, Chairman, Michael Dantone, Steven O'Connor, Roger Thistle, Alternate Member and Mary Gerace, Alternate Member.

Joseph DeSisto, III, Chairman, presided at the meeting and the Clerk, Kimberly Rauseo, kept the minutes of the meeting.

A public hearing was granted to the *Night Shift Brewery, 87 Santilli Highway, Everett, MA 02149 (RE: 87 Santilli Highway, Everett)*, who petitioned the Board asking for a *Variance* of the Building Zone Ordinance of the City, as applied: *The applicant wishes to alter the existing use by including "live entertainment", which is not specifically allowed in the Riverfront Overlay District. On July 15, 2013, the applicant received a Special Permit from the Everett Zoning Board of Appeals to alter the existing use to provide "Free Standing Retail Sales and Services for the Production and Sale of Beer"*.

Reason for Denial:

Permit was denied in accordance to the City of Everett Zoning Ordinance Section 26(b) Uses: The applicant must seek relief in the form of a variance from the Everett Zoning Board of Appeals.

Michael Dantone – I would like to make a motion to take petition #2391 off the table and Roger Thistle seconded the motion.

The petitioner was present; Greg Antonelli and he spoke on his own behalf. As you recall, I was before you last August with almost the same petition, it was 21 residential units and 1 retail unit. I heard some concerns and some people's opinions on what they thought and what they wanted to see. I tabled it and came back with a redesign I raised the building up one story put parking underneath, reduced the number of units to 18 and I was granted a variance that was around October or November of 2017. Going to the spring of 2018 I get an email from the

city requesting a meeting regarding eliminating the podium style parking on Broadway, they do not want to see that look anymore, they would like to see a retail or mixed use building on Broadway. I explained to the city that I would incur additional costs, redesign a refiling, project has already been permitted, I could pull permit to start digging tomorrow no need to back before the ZBA. I got back with the architect, we redesigned it, we actually kept the number of units to 18, and we reduced the size of the building by 5 feet in front, 5 feet in the rear and we are back before you with an 18 residential unit with a retail on the first floor, a coffee shop or some sort of a food establishment.

IN FAVOR

None

OPPOSED

None

QUESTIONS FROM THE BOARD

Richard Zullo – Who in the city asked you to do this?

Response – I received an email from Jim Soper it is from the Community Development and the Mayor's office. There were 3 projects that were targeted, mine and two others.

Richard Zullo – Is there anybody here that is in favor of this?

Response - I don't see anybody here.

Richard Zullo – I think you are a great business man and a great kid I think you are out of line here.

Response – I understand.

Joseph DeSisto - Councilor McLaughlin I have a question and Dr. Tesone raised it I've heard rumors about expansion of the bus line, the city is in discussion with the MBTA to have a northbound bus lane is that true?

Michael McLaughlin – Yes that is true.

Joseph DeSisto - That would mean the people living in Mr. Antonelli's building make sure they move their cars are not parked southbound side and when they come home they lose their spots on the northbound side.

Michael McLaughlin – It could change I don't want to be tide into this. It may or may not but there have been discussions.

Joseph DeSisto – 14 months ago you were at one of our meetings we asked questions about our zoning, Mr. Soper and our City Solicitor told us that there was a loop hole, does the city council have a new building code plan that you are about to vote on.

Michael McLaughlin – We had a meeting it was tabled 2 weeks ago.

Joseph DeSisto – Mr. Antonelli came before us a few months ago we voted on it. Mr. Philbin's project did not require variances, it was a special permit, parking was not on the table.

Michael McLaughlin – You asked me a question and I answered it.

Joseph DeSisto – In the 20 years I have been on this board the issue is parking and it has not gotten any better. Why any department in the city would request a building without any parking is unbelievable.

Greg Antonelli – Why don't we table this and see if we can get some of the departments involved and see if they are in favor of this project.

Joseph DeSisto – I don't understand how we are going to allow on Broadway next to parlin and a retail area without any parking.

Mary Gerace – The first time you came you had parking, my question is there a compliable way to come back with something?

Joseph DeSisto – Mr. Antonelli has done a due and diligence, he has heard people in the city of Everett, why someone would want him to change that is up to them.

Greg Antonelli – This is not free this cost money, redesign with architect, refile, I took the recommendation from the city and see what happens.

Michael Dantone I would like to make a motion to table this until our next meeting and invite the city officials that can answer some questions as to why all of a sudden these units are going up without parking in the city.

Joseph DeSisto – Whomever Mr. Soper received the email from we want those people invited along with Mr. Soper.

Richard Zullo – I will be on vacation on September 17, 2018 I will not be here. You will only have 4 members.

Joseph DeSisto – Tell Steven O'Connor that he must listen to the tape from this meeting and there is a form he signs so he can participate in this. All those in favor of this motion 4 yas 0 nas. Does everyone understand what we just did? This petition will be tabled until Monday, September 17, 2018. The Chair would entertain a motion to adjourn all those in favor 4 yas 0 nas.

PETITION - GRANTED

Kimberly Rauseo, Clerk

Audio Tape Record
Petition # 2395
William A. Roberts
18 Auburn Street
Everett, MA 02149
Re: 18 Auburn Street, Everett, MA 02149

BOARD OF APPEALS
CITY OF EVERETT, MASSACHUSETTS

MINUTES
FOR
SEPTEMBER 17, 2018

Pursuant to notice duly given a meeting of the Board of Appeals was held in the George Keverian Room, City Hall, Everett, MA, on Monday, September 17, 2018 at 7:00 P.M.

Those members present were: Joseph DeSisto, III, Chairman, Michael Dantone, Steven O'Connor, Roger Thistle, Alternate Member and Mary Gerace, Alternate Member.

Joseph DeSisto, III, Chairman, presided at the meeting and the Clerk, Kimberly Rauseo, kept the minutes of the meeting.

A public hearing was granted to the *William A. Roberts, 18 Auburn Street, Everett, MA 02149 (RE: 18 Auburn Street, Everett)*, who petitioned the Board asking for a *Special Permit/Variance* of the Building Zone Ordinance of the City, as applied: *The applicant seeks a permit for renovation and additions to the existing single family dwelling for a 1 (one) story rear addition.*

Permit was denied in accordance to the City of Everett Zoning Ordinance Appendix A and Massachusetts General Laws, Chapter 40A as follows:

Violations:

The proposed rear yard will be only 13'-7" and the side yard will be only 0'-6"

Zoning:

Section 3 General Requirements paragraph C; which states the following:
Existing non-conforming structure or uses may be extended or altered, provided that such extension, alteration or change of use shall be permitted only upon the grant of a Special Permit by the zoning board of appeals after a public hearing and a finding by the board that such extension, alteration or change of use shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure. (Ord. of 4-29-91)

Section 4 Dwelling Districts b) Dimensional Requirements:
Line 6 Side Yard:

- a. Four (4) feet minimum with a total of sixteen (16) feet

Line 7 Rear Yard:

- a. Twenty-five (25) feet minimum, except for open decks and porches which may encroach into the required rear yard providing that in no case shall the rear yard be less than fifteen (15) feet measured to any part of the porch or deck.

The petitioner was present and spoke on his own behalf. I am looking to put a one room single floor addition on the back of my house and another small extension adjacent to that to expand for a laundry room. I've had 2 new heating units put in. There will be no more additional residency.

IN FAVOR

Margaret Doherty – 21 Auburn Street, Everett, MA – I have no objections at all, I would like them to stay with us.

Richard Doherty – 21 Auburn Street, Everett, MA – They came to Everett to raise a family, they need the extension as their family is growing.

Jerard Mooney – 16 Auburn Street, Everett, MA – I am in favor of this petition.

Wayne Matewsky – Everett, MA – I met the family a few years back, I spoke to several people they have no problems with this it is just an addition, I represent the neighborhood no one has called me against this.

OPPOSED

None

QUESTIONS FROM THE BOARD

Michael Dantone – I move for favorable action Mr. Chairman and Mary Gerace seconded the motion.

Joseph DeSisto – There has been a motion for favorable action and it has been seconded any further discussion.

ROLL CALL

Mary Gerace	Yes
Roger Thistle	Yes
Steven O'Connor	Yes
Michael Dantone	Yes
Joseph DeSisto	Yes

PETITION – GRANTED

Kimberly Rauseo, Clerk