



Zoning Board of Appeals

Regular

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~ Minutes ~

E. Henry Twiggs

Wednesday, July 26, 2017

6:00 PM

City Hall--Room 220

I. Call to Order

6:00 PM Meeting called to order on July 26, 2017 at City Hall--Room 220, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Daniel Morrissey	Chairperson	Absent	
Norman Roldan		Present	
George Bourguignon		Present	
Andrew Wall		Absent	
George Bruce		Present	
Walter Gould		Present	
Jose Gonzalez		Absent	
Vanessa Adorno		Present	

II. Public Portion

1. **Thomas L. Bretta, requests a variation from the requirements of the Springfield Zoning Ordinance, Article 10, Section 10.2.12 "So as to be allowed to erect a dwelling on a non-conforming lot" Property located at W S Arthur Street, Springfield, MA Parcel #'s 00660-0031**

MINUTES OF MEETING

Date: July 26, 2017
Time: 6:00 pm
Petitioner: Thomas L. Bretta
Property: W S Arthur Street - Parcel: 006600031
Board Attendees: Standing Chair- George Bourguignon Jr.; Walter Gould; George Bruce; Norman Roldan

Standing Chairman George Bourguignon opens the meeting introducing the Board Members, and explains the rules for this open meeting. He asked that the petitioner and/or anyone speaking on behalf of/or in opposition to the petitioner to sign in. Mr. Bourguignon explains the requirements the petitioner must satisfy in order to be granted a variance.

Thomas Bretta: of 32 Eastwood Drive, Wilbraham, MA 01095 is sworn in. "My name is Tom Bretta and I have been a builder/developer for 30+ years. I am interested in building a single family home on an empty lot on Arthur Street that I would purchase from Cheryl, if the variance is granted. The lot is short 5 feet, making it a non-conforming lot, which is why we are here. I have a plot of the lot with the house that I am proposing for there. The city has approximately 30 feet of a rear yard that they require. I have 37 feet even though the whole lot is short 5 feet. We would meet all of the zoning laws and there would not be a detriment with a house on there. We

have an 8 foot side yard, a 37 foot rear yard and a 30 foot setback. There are 5 or 4 other streets that are abutting and they are all the same size lots. They are all 50 foot frontage by 95 feet. I do have a picture of a home I built on Gresham St if you would like to see what it would esthetically look like; it would conform to the neighborhood.”

Standing Chairman Bourguignon: “So this proposed house will be approximately 1700 sq feet, correct?”

Thomas Bretta: “Correct.”

Walter Gould: “Mr. Bretta, did you see the Planning Departments recommendations? They send us their recommendation and it states at the bottom they added a condition to be placed, if approved, that the new construction reflects the character and architecture of the surrounding neighborhood.”

Thomas Bretta: “I have no problem with working with the Planning Department and engineering to ensure everything goes smooth.”

Walter Gould: “I have been on this board for about 8 years now and a lot of times, when we have something like this; the petitioner goes out and speaks to the neighbors. Did you do that?”

Thomas Bretta: “No, I did not do that. When I went to Phil and explained what I wanted to do, he looked up the GIS maps and didn’t think there would be a problem with this. We figured it would be an easy process and I didn’t think anyone would really be opposed to it being 5 feet short. I also did not speak to the neighborhood council either. I am not opposed to speak to people either. Please take in mind, I do not own the lot right now. If this does not go through, she will still own the lot. She is here to answer if she spoke to any of her neighbors.”

George Bruce: “Okay, my question here is, has anyone reached out to the neighborhood council or the neighbors.”

Norman Roldan: : “The only reason we ask is because we like to see the petitioners backed by the neighbors and the neighborhood council.”

Thomas Bretta: “I understand. I only went by Phil’s recommendation due to the situation.”

Standing Chairman Bourguignon: “At this time I give the floor to anyone who would like to speak in favor of the petition.”

Cheryl Ostrowski: *of 220 Arthur Street, Spfld, MA 01104 is sworn in.* “I purchased the property 8 years ago and I was told that it was a buildable lot for a single family home. Due to financial hardships and medical issues, I was not able to build on the lot myself, but I maintained the property taxes/mortgage on it. I made the decision a year ago that I wanted to sell the lot. I got permission from the lender and it cost me out of pocket expenses to get separation of the parcels. I want to be relieved of the empty lot and continue to live in the home I am currently in. I was told it was grandfathered in as a buildable lot and now I’m hearing for the first time that this lot needs a variance. This is all putting a hold on being able to sell it. Coming up in October, my business is closing and I will be facing unemployment and probably have to file for financial hardship of some sort. If this variance is granted and he can build a dwelling on the lot, the city will benefit with revenues for trash removal, water and property taxes. I was unaware I had to talk to my neighbors about it.”

Walter Gould: “I just want to reiterate something. When you purchased the property, you were told it was or wasn’t a buildable lot?”

Cheryl Ostrowski: “I was told it was a buildable lot by the city.”

George Bruce: “How long have you been living on this street? Are you friendly with your neighbors?”

Cheryl Ostrowski: “I’ve been there for 8 years and we are friendly but we do not go to each other’s BBQ’s. I’m on friendly terms with my neighbors. I did call the city a couple of years back and was told it was a buildable lot but I do not remember who I spoke to and do not have any documentation.”

Standing Chairman Bourguignon: “Is there anyone else here who would like to speak in favor of the petition? Seeing as how there is no one else, we will open the floor for anyone who would like to speak in opposition of the petition. Is there anyone who would like to speak in opposition of the petition?”

Kathleen Brown: *of 136 Edendale Street, Spfld, MA is sworn in.* “Good evening, I will be brief. My name is Kathleen Brown and I am President and the Spokesperson for the East Springfield Neighborhood Council. The Neighborhood Council carefully reviewed the paperwork and we consulted with neighbors and discussed it as a topic at a meeting where we had about 65 people in attendance. The elected board voted unanimously to oppose this variance because it will have an effect on the neighborhood. It will add to the congestion and the density. It will set the stage for other undersized properties to be built on. It will affect the quality of life and will create a hardship for the other people who have already gotten accustomed to the space around them. Although many of the lots are a little short, there are several lots in between them that are bigger and offer some special feeling to the neighborhood. The current area has lots that are undersized and lots that are doubled and oversized. As the area gets condensed, the area becomes less desirable to live in and to purchase in. This area currently has a good balance. It will impact the quality of life and it will create detrimental hardship. I do have a map here for you to review of the neighborhood and I also have some letters from abutters.”

Daniel Malone: *of 197 Davis Street, Spfld, MA is sworn in.* “In response to Mr. Bretta’s petition, requesting a variance from the Springfield Zoning Ordinance, “so as to allow a dwelling on a non-conforming lot”, I stand in opposition. The neighborhood is already overly crowded. Another home will add more traffic, more noise, more everything. Many neighbors already live on small lots and something that is very meaningful to all of us is our privacy. I’ve lived in this area for over 50 years and I really love this neighborhood; I enjoy living there. The neighborhood has become so small that I can look out of my second floor window in to the neighbor’s lots. When someone says 5 feet short, that’s a lot when it is 5 feet from the minimum already. I hope that you will not allow somebody to squeeze another home in to this neighborhood. Thank you.”

Laurie Dupuis: *of 210/204 Arthur Street, Spfld, MA is sworn in.* “I have lived at 210 Arthur Street for the past 33 years. I grew up next door at 204 Arthur Street, it’s my parent’s house and I am also on the deed of that house. They also own the other empty lot. If they were to build a house on that lot it would create a hardship by taking away open empty space. We are used to open space and with no open space there would be a neighbor too close and maybe looking in your windows for all we know. It would not add anything to the neighborhood. When that house

was advertised for sale, we had called the realtor and the realtor was very clear that it was not a buildable lot and whoever was going to buy it would have to obtain a variance in order to build on it.”

Standing Chairman Bourguignon: “Can you show us on the map where there are other non-conforming lots on the street that everyone is talking about? Davis Street? Spence Street?”

Laurie Dupuis: “Not at this point, no I couldn’t tell you where there are other non-conforming lots. My parent’s lot and I believe the one across the street are conforming lots. I could only tell you about the one that is for sale.”

George Bruce: “Do you know your neighbor?”

Laurie Dupuis: “Not well no.”

George Bruce: “I have a question. Has anybody sat down to talk with the petitioner and tried to work out or understand this. From what I understand, the Council sat around and voted and the petitioner was not at that meeting. Number two the news went out that she was going to sell this lot and no one reached out to her about it so it is like you are not good neighbors. You all live on the same street and in the same area. You are like a small family. It’s sad you did not speak to each other. I think of my street as a small family. If I am going to choose to build something next to my house, I’m hoping that if I’m not smart enough to reach out to the neighborhood council, then they would reach out to me. But somehow there is no understanding from either side. One side claims hardship and the other side claims hardship and there has to be an understanding somewhere on the line. I mean explain to me how one family in a two bedroom house would take up so much room.”

Laurie Dupuis: “I grew up on the street and I have been there over 50 years since I was 4 or 5 years old. I grew up with a lot of my neighbors and our kids played together so there were friendly neighbors on the street. It’s not so much everyone in their own bubble.”

Standing Chairperson Bourguignon: “I just want to read these comments quickly from the Planning Dept recommendations. It says after reviewing the existing development patterns along Arthur Street, it was noted the majority of the existing homes are constructed on similar sized parcels, including the two adjacent homes. So would you take objection to that statement?”

Laurie Dupuis: “According to what was measured and according to the bank and according to the City of Springfield, I have a 50 by 100.”

Standing Chairperson Bourguignon: “Okay so you are saying this is wrong then? The adjacent lots are the same size?”

Laurie Dupuis: “No they are not.”

Gerald Houle: *of 201 Davis Street, Spfld, MA is sworn in.* “My name is Gerald Houle and I live right behind Cheryl’s house. I have been at my property for 47 years and for 47 years that piece of property we are talking about has been empty all the time. I am definitely opposed to the ordinance. Quality of life is never the same. I live next door to 11 Davis Street and it’s great for me because there is more air coming through, so forth and so on. My wife is sick and I will take her out to the yard to go and sit and she will tell me she cannot sit anymore because the air is

different. I can smell smoke and everything else she says so I have to bring her back inside. Another house wouldn't help the situation and that's all I have to say right now."

Standing Chairperson Bourguignon: "How big is your lot on this map?"

Gerald Houle: "My house was built in 1953 and I don't know what the zoning was back then and it is the same size as the empty lot but for 47 years that lot has been empty."

Bob Henderson: *of 32 End Street, Spfld, MA is sworn in.* "Just to clarify I am friends with Cheryl and I did go over to discuss this with her. To answer your question as to how come nobody talked to anybody, we got that notice two weeks ago. It's vacation time. Does any house affect us? Our neighbor is being inundated with noise because they built a house on Russell Street of 2,000 square feet on a non-conforming lot. It is obscene. Have you guys looked at any of the houses in the area? They average 1100 square feet. They are a story and a half, not two stories like on Russell Street. I don't even want to go in to what the Planning Dept and the City didn't do to protect our neighborhood. There have been 9 seasons of construction going on and that just means more dirt and more noise. I think Cheryl is being over taxed on a lot because if it was a conforming lot we wouldn't be here for this variance."

Standing Chairperson Bourguignon: "Is there anyone else who would like to speak in opposition? We are going to take an unusual step and ask the first person who spoke in opposition to come up since one of the board members has a question for them."

Walter Gould: "Was the petitioner invited to the meeting?"

Kathy Brown: "We didn't have enough time to invite the petitioner to the meeting. We weren't reached out to and we took the map and the paperwork and looked through that. I received the green card for the hearing the day before our neighborhood council meeting and I spoke to her after the meeting and advised her that the neighborhood council took a vote after discussing what we knew about it, taking in consideration the density and speaking to the Planning Dept about it that many of those lots are a little short. But also realizing that a little short on one lot might not be terrible but a little short on a lot of lots is."

Norman Roldan: "I want to clarify that the City Zoning has all of the lots as the exact same size."

Kathy Brown: "I am aware of that. I also do not have actual square footage of the homes on the lots but I think someone here said they are around 11 or 1200. They are consistent with each other. They are like bungalows."

Standing Chairperson Bourguignon: "At this time, I invite the petitioner to come back to the podium."

Cheryl Ostrowski: "I've had a legal sign out there from the realtor's since November 2016 so I don't know why I was never notified of the meeting and the complaints from the neighbor, I'm a non-smoker while he has an adult child who is always out there smoking so if that is affecting his wife, it is not from me. I am offended by that."

Standing Chairperson Bourguignon: "What is the square footage of your house? The petitioner showed us a picture of this other house he is selling and that is, according to this sheet, a 1700 square foot house."

Cheryl Ostrowski: “I’m not in to math I just know my house is small. It’s a 2 bedroom 2-story house with a basement and it is very small. The bedroom ceilings are angled and slanted.”

Thomas Bretta: “You were asking about the square footage and from my knowledge of the street it seems like there are a lot of capes and colonials on the street. I would have no problem working with the neighborhood in coming up with a plan we can all work with if it does get approved. We can make sure everyone is on board and it fits in with the neighborhood. I don’t want anyone to be unhappy.”

Standing Chairperson Bourguignon: “At this point we will close for deliberation. We have a motion to accept the petition and a second so we will take a vote. All those in favor of the variance say “I”, all those opposed say “nay”. The vote is 3 to 1 and since we only had a quorum and needed a unanimous vote, your variance has not been granted.”

Norman Roldan: “As we go forward from here, I think it’s a learning lesson for all of us. I love neighborhood councils, I love that you have a voice. Some of us up here are part of neighborhood councils. As you go forward, try to invite your neighbor to give them a chance to speak on their own behalf. You still get a vote, but with a better understanding. It’s nicer when people work together.”

Vanessa Adorno,
Senior Inspectional Service Clerk

Minutes transcribed August 8, 2017

2. **Lamar Central Outdoor, LLC, requests a variation from the requirements of the Springfield Zoning Ordinance, Article 9, Section 9.9.22, Paragraph d3 “So as to be allowed to remove an existing roof mounted non accessory sign to be mounted on a monopole...” Property located at 765 East Columbus Ave, Springfield, MA Parcel # 04303-0574**

MINUTES OF MEETING

Date: July 26, 2017
Time: 6:00 pm
Petitioner: Lamar Central Outdoor, LLC
Property: 765 East Columbus Ave. - Parcel: 043030574
Board Attendees: Standing Chair- George Bourguignon Jr.; Walter Gould; George Bruce; Norman Roldan

Standing Chairman George Bourguignon opens the meeting introducing the Board Members, and explains the rules for this open meeting. He asked that the petitioner and/or anyone speaking on behalf of/or in opposition to the petitioner to sign in. Mr. Bourguignon explains the requirements the petitioner must satisfy in order to be granted a variance.

Attorney Melinda Phelps: *of 192 Springfield Street, Springfield, MA is sworn in.* “I represent before you today, the Lamar Central Outdoor petitioner, for a variance at 765 East Columbus Avenue. The property is utilized by Balise Motor Sales Company. They are operating an Enterprise car rental facility. I have given you all photographs of the current billboard which is on the roof of the Enterprise building. The proposal is to remove the billboard from the roof and

place it on a monopole about six feet in to the parking lot from where it is presently situated. The variance is requested because it is within 500 feet of a residential area and visible from there. With the billboard up, the building cannot be fully utilized. We cannot expand the building, we cannot add on to it- consistent with the South End revitalization. There is some interest to do that, should the owner decide to do that in the future. So there is a financial hardship with the billboard being on the building at this time. It's also a visual clutter. There are 13 steel struts that support it. It was the technology at the time. A monopole will clean things up and reduce the clutter. You have in front of you the Planning Board analysis showing they are not opposed to the granting of the variance by this Board. Should you grant the variance, the sign will conform to the new sign ordinance. There is a smaller diameter between the two faces of the sign. You have also been given a letter from the citizens council stating they are in favor of it as well. We provided a sketch of what it would look like removing it from the roof and placing it on the monopole. If it is not granted, there will continue to be a financial hardship for the owner. "

Walter Gould: "The sign that is for the gas station next door, is there sign coming down?"

Attorney Melinda Phelps: "If I could Mr. Gould, I would like to defer that question to the owner of Balise to answer."

Jim Demas: *of 765 East Columbus Avenue, Springfield, MA is sworn in.* "I am here representing Jim Balise. In terms of the gas station, we currently lease that. I don't know that the transaction has actually taken place for us to purchase that."

Walter Gould: "I only ask because I do not see that sign in these future plans and as of right now there are about 4 signs in the area of the same size."

Standing Chairman Bourguignon: "Is the sign itself going to be lower, higher or the same?"

Attorney Melinda Phelps: "It's the same dimensions but because of the angle it's going to appear smaller. It's no longer 30 feet between the two faces, it's now 10 feet between. The face size will stay the same and the sign will be at the same level."

Norman Roldan: "Is it going to be an electronic board?"

Attorney Melinda Phelps: "It's a lighted sign. It is not digital. It is basically the same sign just being relocated by 6 feet."

Matt Duddy: *of 32 Midland Street, Windsor, CT 06095 is sworn in.* "I am the Vice President for Lamar Advertising and I am looking forward to this variance being granted and moving forward with building an esthetically appealing structure. It will be much cleaner structure that will be pleasing for the community. Again, it will be the same size and shape but will be moved to stand in a different location. Thank you."

Standing Chairman Bourguignon: "Is there anyone else who would like to speak in favor of the petition? Is there anyone who would like to speak in opposition of the petition? Seeing as how there is no one else who would like to speak, we will now close for deliberation."

Standing Chairman Bourguignon: "We have a motion by Norman Roldan to grant the variance and seconded by Mr. Gould. All in favor of granting the variance say I, all opposed say nay. Seeing as how there are no nays, we have a unanimous vote in favor of the petition and your variance is granted. Congratulations."

Vanessa Adorno,
Senior Inspectional Service Clerk

Minutes transcribed August 8, 2017