



Zoning Board of Appeals

Regular

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~ Minutes ~

Vanessa Adorno

Wednesday, October 25, 2017

6:00 PM

City Hall--Room 220

I. Call to Order

6:00 PM Meeting called to order on October 25, 2017 at City Hall--Room 220, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Daniel Morrissey	Chairperson	Present	
Norman Roldan		Present	
George Bruce		Present	
George Bourguignon	Recuse from SES Manitoba Street variance	Present	
Andrew Wall		Absent	
Walter Gould		Absent	
Jose Gonzalez		Absent	
Ryan Hess		Present	

II. Public Portion

III. Springfield Lodge 61 of the Benevolent and Protective Order of Elks, requests a variation from the requirements of the Springfield Zoning Ordinance, Article 9, Sections 9.6.12 and 9.3.77 "So as to be allowed to erect a digital changing image sign that also exceeds the maximum display area and the allowed height" Property located at 440 Tiffany Street, Springfield, MA Parcel #11555-0130

Written leave for withdrawal.

IV. Mark Wedderburn, requests a variation from the requirements of the Springfield Zoning Ordinance, Article 10, Section 10.2.11 "So as to be allowed to erect a single family house that does not meet the required 50 foot frontage and is not a single and separate parcel" Property located at S.E.S. Manitoba Street, Springfield, MA Parcel #08190-0029

CITY OF SPRINGFIELD ZONING BOARD OF APPEALS

Springfield City Hall, Room 220
36 Court Street, Springfield, MA 01103

MINUTES OF MEETING

Date: October 25, 2017

Time: 6:00 pm

Petitioner: Mark Wedderburn

Property: SES Manitoba Street - Parcel: 08190-0029

Board Attendees: Chairman Daniel Morrissey; George Bruce; Norman Roldan; Ryan Hess;
City of Springfield Zoning Administrator, Michael Jachym

Chairman Daniel Morrissey opens the meeting introducing the Board Members, explains the rules for this open meeting as well as the requirements the petitioner must satisfy in order to be granted a variance. He asks that the petitioner and/or anyone speaking on behalf of/or in opposition to the petitioner to sign in. *George Bourguignon Jr. has recused himself from voting on this variance; he lives within the 300ft of the property in question.*

Mark Wedderburn: *of 45 Lyman Barnes Rd, Brimfield, MA is sworn in.* “I recently purchased two abutting properties; Manitoba Street and 747 White Street. To give a complete history of how I came about this and how I happen to own these two properties now, I am in real estate and I renovate homes and do construction. This property came across my plate, both 747 and Manitoba. Before I purchased the property, I noticed that Manitoba was a non-conforming lot. I approached the city and they confirmed it is a buildable lot. However, when I went to pull a building permit for it, I was told that because the lot is commonly owned with White Street, I am not allowed to build outright and had to apply for a variance. Either way I applied for the variance and after becoming familiar with the requirements for the variance, I wrote a letter stating why I would like to apply for the variance. The reasons are because the property on Manitoba Street, the requirements in order to build without a variance, is 5,000 square feet and 50 feet of frontage. In this case Manitoba has more than the square footage amount to build but 8 feet shy of the 50 foot frontage. I have 42 and 1/3 feet of frontage. Not being able to build on it will affect me financially. The White Street property here, as you can see needs to be rehabbed and anyone would agree it is going to cost me a substantial amount of money and investments to bring back that property and I thought I could offset whatever hit I’m going to take on this with a new construction. It’s obvious that if I don’t get to complete my projects it is going to affect me negatively. The second thing is that I am not going to be causing any kind of hazard affecting the public good. The lot is a flat lot and I don’t know of anything that would affect my neighbor’s water or electricity by me constructing a home on this property. I have enough space on my lot to construct one with keeping it in line with the neighborhood. I have enough space for the setbacks as well. The only issue I have for building is I am 8 feet shy in the front width. The final thing is that if I had bought this lot before 1971 and owned it separately, I would be able to just pull a building permit for it today and build on the lot without a variance. According to the law, there is an exception to be able to build a home with 5,000 square feet, which is less than the square footage I have here and between 40 feet and 50 feet; given that it is separately owned. Given that there is an exception to that, I cannot see how I am derogating from the original intent of the law if there is an exception to it. The only concern that my neighbors have expressed to me is that there is a tree here that they would not like to see affected. I wrote to the tree warden of the City of Springfield and his professional opinion, he doesn’t think that based on where I am putting my foundation that I will kill the tree. He did say the roots that come over on my property I will have to prune back away from the foundation. I am willing to work with the neighbor in order to get this done. I do have some support and some push back from abutting neighbors. Hopefully we can figure out tonight why.”

Chairman Morrissey: “You said you went to the city before you bought it. What department did you go to specifically that told you it was buildable?”

Mark Wedderburn: “I went to the Building Department and they were nice enough to print me out the property with a red outline of the measurements and what would be allowed to build as far as a percentage. Apparently I didn’t know enough to tell them it was commonly owned and they didn’t pick up on that either. I went ahead and purchased the property thinking okay I am good, only to find out we have a problem.”

George Bruce: “Do you plan on living in one of the houses?”

Mark Wedderburn: “I am going to rehab one and build a new one. I will not be living in either of them. I plan on selling both homes as separate lots.”

Joette St. George: *of 60 Audubon St. Springfield, MA is sworn in.* “I am opposed to the variance for Manitoba St. It doesn’t meet the chapter 40 law. To grant a variance it would have to be out of necessity not convenience. The hardship would have to be not self-created. All of the properties in the surrounding area of Manitoba Street all have a square footage of 5,000 square feet and up. The property that he is talking about is 7,316 square feet with an existing house on it. So if you split that between two houses, the new structure would have a square footage of 3,658 square feet. I think it would substantially bring our property values down and add to our already congested neighborhood with the street parking. It will add stress to the over populated school system in that area if there are going to be children living there. Also, the houses being so close together will be some kind of a safety threat to the neighbors in case of a fire because they would be so close together. In this neighborhood we are not going to have any space left for flora and fauna. We have birds and rabbits and that is going to go down. Unless there was a substantial hardship, which I think there was, before there was a garage there, not a house, I don’t see why we wouldn’t grant the variance.”

Edward Hobaica: *of 17 Manitoba St. Springfield, MA is sworn in.* “First of all I have been a Forest Park resident for 62 years. You can put a finger on when Forest Park started going downhill and that’s when people started leaving their two-family homes, renting out their places, squeezing houses in to little places where they shouldn’t be placed and it’s gone downhill. Now I live right next to this place and I have lived there for 30 years and still to this day, I am hearing that there are two separate lots there. It’s one lot. It’s one parcel. That’s all it is, it’s one property. If you squeeze a house in there and he’s 8-feet short, the next person that comes in to Forest Park and says, well you gave it to this guy and he was 8-feet short, I only have 36 feet and the next guy is 24 feet; where does it end? The law is he doesn’t have the requirements to put a house there. The law is there. Secondly, about the tree, that’s my tree. It’s a beautiful Norway Spruce that spreads 80 feet. It’s 80 feet tall and the city forester came to our house and they measured it at DBH (designated breast height) and he said this tree is a specialized tree and he can’t do anything to that tree without me signing off on it. I will never sign off on it. That tree is beautiful and if you cut the roots off on the outside, that’s where the feeder roots are, that’s where the tree gets its water. It’s the worst part of the tree to cut. I have never heard of that property being anything else except 747 White St. There is no number applied to it so how could it be a Manitoba address? I am opposed to this. This guy is a very hard worker, I have watched him work there but if he bought something without knowing the law, I am not changing my mind because he bought something without knowledge of what he could do. I am opposed to it.”

Michael Jachym: “Just a question, when this property went up for sale, did you try buying it?”

Edward Hobaica: “I didn’t know it went up for sale. The previous owners abandoned the house and it sat there for 2-3 years. I don’t know why the existing house hasn’t been town down. It is really dilapidated.”

Chairman Morrissey: “So it’s two lots, the one with the garage on Manitoba and the abandoned house on White Street. You’re saying they were both abandoned for some period of time, about 2-3 years?”

Edward Hobaica: “It’s all one lot. As far as I know. The house that exists on White Street, the drive way for that house is on Manitoba Street.”

Chairman Morrissey: “Okay but my question is towards the abandonment. You’re saying it was noticeably abandoned, the house and the garage regardless if it was one or two lots. Overall the whole property looked abandoned to you for about that time, is that correct?”

Edward Hobaica: “I’m the mailman there. I can guarantee you it was abandoned.”

George Bruce: “Now, you said the house is abandoned, isn’t that a distraction for the neighborhood?”

Edward Hobaica: “Someone is paying taxes on that property. I don’t know why the City didn’t order for that house torn down. We were all waiting for something to happen or for it to come up for sale. I talked to my neighbors and we would have bought the property.”

George Bruce: “My question is this, why would you object to someone taking an abandoned property, fixing it up to restore some part of the neighborhood? All I am saying to you is, you need to explain to me since no one had bought it or even thought about buying it since 2-3 years had passed. Now where I live at, if there is an abandoned property, we look in to it and tell the City right away so they can do something about it right away.”

Edward Hobaica: “You will hear from one of our neighbors who tried looking in to it a number of times. Now, I am not objecting to him fixing up the house that exists, I am objecting to him squeezing in a second house in there and throwing in to all of our crowdedness. He doesn’t have the requirements. He doesn’t have it.”

Ryan Hess: “Mr. Chairman, one point I want to make, the Manitoba lot is 7,300 square feet. That is in no way shape or form, requesting to be split. The total lot size we are talking about, these two separate lots is over 13,000 square feet. That is not being split to fall under the required 5,000 square feet to build on a lot.”

Chairman Morrissey: “I will make sure that when the petitioner comes back up, he clarifies where is the house going to be built. According to the petition it will be on the 7,300 square foot lot but we will clarify he doesn’t plan on splitting that lot.”

Corrine Bednarz: *of 743 White St. Springfield, MA is sworn in.* “Let me start with a little back history on that piece of property. Approximately 100 years ago that was a pig farm. The house that has been there was the farm house. About 5 years in to them being there, they must have needed money because our corner lot was cut out and sold. If you were to see where our house is and their driveway is, that would be between our garage and where he wants to build, right on our property line. We already have that eye sore to look at. (747 White Street, the old abandoned farm house). My husband was the one who was looking in to purchasing this house. He kept an eye on it through the internet and hired a real estate agent which we gave a deposit to so they can let us know when it came up for sale. We kept up with her and she always said, well if you give us a deposit then we can put in a bid for you when it comes up for sale and that call never came. The next thing you know, I’m reading Sunday’s newspaper stating it got sold. From what I understand, you could bid on the internet and it started at \$20,000. Us neighbors spoke and no one knew what happened. I’m just saying, we did try to get in on this. We would have like to expand our lot and we were never given that opportunity to do so. Even as a group we would have bought it and split it up to make all of our lots bigger. Nobody here wants to see that house

remain an eyesore. Fix it up and sell it, that's fine. But he not only wants to build a house right next to our garage, he wants to put a driveway right next to our house. I have a tree in the front of the house that is our privacy tree. We go and sit on our front porch on Sunday mornings with our coffee and nobody knows that we are there. We don't want our tree to be cut or trimmed or anything. We don't want our trees to look like the neighbors trees. If he wants to come in and clean up the property and sell it to someone who wants to keep up with the property that's fine. However his financial hardship came because he bought the house with an idea of what he wanted to do without talking to any of the neighbors about how they felt. Would you mind if I put a house right next to you? No? Okay, then maybe I shouldn't buy this. That was never posed to us. He has a grand idea of what he would like to do without testing the waters first. If I were him and was putting up a ton of money, I might want to check if it was a marketable idea and that wasn't done. I feel like this is what we have, this is what we would like to keep and now if I want to keep our privacy, we will have to incur the expense of putting up a fence. We all work and I don't have that kind of money."

Robert Tierney: *of 32 Sunapee St. Springfield, MA is sworn in.* "I am against the variance. It directly abuts my property of where it is going. I'm against the foundation going in for the new house again with the roots of the tree being cut, I think might eventually kill the tree. Mr. Wedderburn is a very nice man and a hard worker as I have noticed as he is cutting another tree down with a substantial limb that hangs over my property. I was concerned the way he's cutting the tree down and where he's dropping the wood. I didn't want him cutting it down that way so I hired an arbor tech to cut it down at my own expense; a very expensive expense to someone like myself. I think purchasing the property without the variance already in hand is sort of like putting the cart in front of the horse. I think if you were going to make an investment such as this, you would make sure you were going to be able to do your building without going through this process."

Chairman Morrissey: "Can I ask you a question? The variance is because of the front yard setback. What specifically about that issue do you have a problem with? I understand the other aesthetics but what specifically do you have an issue with the frontage?"

Robert Tierney: "I'm sorry the variance, I thought, was to split the lot in two. Is that what the variance is for? So what is the variance to allow? Is it to allow him to build a second house?"

Michael Jachym: "It's already two lots. The lot should have 50 feet of frontage and it only has 42 feet. It does, however, have more than the 5,000 square feet needed. It has over 7,000. Most of the lots around you are 5,000. He's short 8 feet of frontage but has over 7,000 on the lot. I just want to say, I know there's a lot of talk about the trees on the lot and I get that. Even if he could not build a house on that lot, he could build something on it. There is nothing from stopping him, if he doesn't get the variance, from building something else on that lot."

Robert Tierney: "I understand that and if he wanted to just put a slab for a garage then that wouldn't bother me. But to put a whole foundation on that property, it's going to affect that tree. I know how much it's costing me at 7am tomorrow morning to remove the limb from the existing Pine tree in the back corner of the property. Then there's the expense my neighbor will have to incur in the future if he ever has to cut his tree down and I just wanted to express my opinion that I am one of the abutting neighbors who is against the variance."

Joseph Bednarz: *of 743 White St. Springfield, MA is sworn in.* "My wife covered most of our issues but the frontage, it's going to be so cramped on that side street. It's going to be a safety

issue for firetrucks to get through. It already kind of is but you're going to have more people parking in that corner. If you have cars on both sides, firetrucks can't squeeze through. I have my house on a nice corner lot, nice big yard behind me, nice privacy and I really don't want to lose that with squeezing another house back there. Also with the driveway going in the front of the other house, I know that's not part of the variance, we would have to cut in to our front tree roots as well. We have a huge Silver Maple in the front. It gives us beautiful shade and privacy as well. I was looking online and talking to the City about purchasing it. It came up for foreclosure and I believe it was someone in the Building Department who said it would take about a year being in foreclosure so just keep checking back. I then hired a realtor and gave her a deposit so if anything started moving, we would get a first shot at it. All of a sudden I see online it was sold, went back on the market, I called and was told sorry it sold again. I don't know what happened, but we didn't get a shot at it."

Donna Hobaica: *of 17 Manitoba St. Springfield, MA is sworn in.* "I just want to state for the record that I am opposed. My property runs adjacent to the property where the gentleman is speaking of adding a home. It is my tree that is in question. I do love my tree and I would hate to lose it. I don't see how digging a foundation down deep, would not destroy the root system. As my husband stated, this April we will have lived there 31 years. We have grown accustomed to not having a neighbor right up to our fence. If the house goes in as the picture shows, we are going to lose all of our privacy. I'm not happy. I've also called the city and I've dialed that 311 three times to ask about that property. I was one that complained because the garage that sat on the property. The property was abandoned for at least 5 years. The garage was coming down and the roof was coming down on the house. It was a threat for anyone that could have gone over there. Adults aren't going to go in there but what about kids. Every time I called, they didn't even know the property was up for foreclosure. They thought the owners were still owning it and I was like how could you not know what's going on. It's beautiful that he wants to come in and rehab White St house but to add another property is only going to diminish our values because it's going to squeeze right in."

Gail Taylor: *of 55 Manitoba St. Springfield, MA is sworn in.* "I am definitely opposed to a house being put on that one small lot. It was a small one car garage that was there. If you were to drive down the street and look at that one small piece of property, it's not a very big area. According to everything online, 757 Manitoba St, that L-shaped property says it's a little under 7,000 square feet. So when you were to purchase that area for \$64,000, I don't know where the 13 is coming from. I could be wrong because I didn't go down to the city and say can I see a print out of that property. When the property was purchased for \$64,000 we were all under the understanding that it was just under 7,000 square feet for the entire piece of property with the dilapidated house."

Chairman Morrissey: "Okay so just so you are aware, the lot where the petitioner wants to put the house is over 7,300 square feet. The specific issue we are dealing with is the frontage. It's 42.3 feet wide and it's supposed to be 50 feet. That's the specific issue and if we should grant the variance based on that 8 feet difference."

Gail Taylor: "The city has already made two amendments to the ruling and two other houses were put in. There is hardly any open property, and like I said, he could be a very nice person, I don't know. I have seen him work his butt off and it's awesome to have that house rehabbed. We are not horrible people so if he was going to live in that house and put an addition on, I don't think anyone of us would say anything. But to give up the little land we have on our congested street, especially during the winter you already can't get down that street. But there's not much

open property and it does bring your own property value down. To let one more person build on a lot that's not 50,000 square feet or bigger."

Chairman Morrissey: "Just out of curiosity, my understanding is they are separate lots already. If it is the case that this 7,316 square foot lot, you do not want a house built there, then what is to be done with it?"

Gail Taylor: "It goes with the house like it has for the 35 years I have lived on the street, as open property."

Norman Roldan: "It's a completely different lot now."

Gail Taylor: "Okay you are saying it is over 7,000 square feet but when Mr. Wedderburn stood up here he said it was 50,000 square feet. I mean 5,000 square feet, where did I get 50? I apologize."

Michael Jachym: "If your lot was 5,000 square feet, which is a smaller lot and had 50 feet of frontage, we wouldn't even be here today."

Chairman Morrissey: "So it's actually a bigger lot."

Gail Taylor: "We were all under the understanding it was one big lot together. They did sell a corner piece of their property and a house was built there. But it is a very congested area and to have some open space you know. I guess I have nothing further to add."

Robert Wakem: *of 26 Sunapee St. Springfield, MA is sworn in.* "I told him when he came around with the petition that he was going to do all of this. I told him I was opposed to all of this. I don't mind them tearing down the garage about two months ago and I had no objections to him putting a two-car garage back up there but I really don't want to see a house. I have been there 22-23 years and I have never seen a house. When you have a piece of property like that you should enjoy it and do whatever you want with it. If he was going to live there it would be a different story. I would have bought the property and the lot of the people would have bought it and divided it up but it is ridiculous that the neighbors don't get the first bid before other people get it. They should be sending a petition to the adjoining properties and seeing if we want it before they send it out to the public. He's cutting down a tree and a limb fell on my fence and he said he would replace it where it was damaged. I told him how it would be easier to take them down. That's all I have to say."

Joanne Eldridge: *of 42 Manitoba St. Springfield, MA is sworn in.* "I am here mostly in support of my neighbors but my big concern is that it was one big lot at one time and now it's two lots and it's a weird shaped lot so we are taking this little space that was just left over that they didn't sell to these people and it's supposed to go to that house and now you are going to cram another house in there. It's just going to close it in. We only have one tree on our property and I would be devastated if someone was going to do something that was going to hurt it. It is their tree and it's not my big concern except that it adds to the street. Someone else said we have Fauna and Flora there, Flora being the trees and Fauna being the animals. It's kind of silly in the city I guess but we like to feed them. If you start cramming more people in there and getting rid of trees, those animals are not going to have anywhere to live. The neighborhood is going to change. The whole city is already changing. There is too many people and in the winter that's already a narrow street and the plows don't get as close as they could, I guess they don't want to wreck their plows. If they put another house with a driveway separating those two properties it's just not going to be good."

Kenneth Taylor: *of 55 Manitoba St. Springfield, MA is sworn in.* “One of the things we haven’t seen tonight, this is the first time I think any one of us has had a chance to see to proposed layout. Every house on the street, they are single family houses with front doors facing the street. I’m not sure what the width of this house is but an 8 foot variance out of 50 is a 16% difference so I’m not sure exactly how this is going to fit with the neighborhood. It absolutely will be on the property lines of the other folks abutting so I am in opposition.”

Chairman Morrissey: “Okay will the petitioner please come forward. Sir you have 10 minutes for rebuttal.”

Mark Wedderburn: “Okay the first point, I think you guys addressed it. It seems like everybody thinks I’m going to split 7,316 square foot lot and that is not what I am doing. The lot was already separated and I have documentation that I got at my closing. I got two deeds, I paid two property taxes. 747 White Street and Lot 39 which is Manitoba; White Street is 6,500 square feet and Manitoba Street is 7,316. Most of the houses in the neighborhood are at 5,000 square feet so I am already at a minimum of 1500 square feet greater than the average lot that is in the neighborhood. I showed you guys the layout as to what I plan to do. I have plenty of side set-backs to be able to accommodate the house I am proposing. The second point about the tree; I wrote to the City Arborist, he said the City Arborist came to his house but the City Arborist sent me an email I’d like to read. This was in response to me asking him if he took a look at the property; [Mark, I took a second look at the lot and it looks like the excavation will impact the root system and the crown of the Spruce tree. I don’t think it will kill the tree, but some pruning with need to be done to allow the foundation to be dug. I suggest you hire a consultant arborist to develop a tree protection plan to do the least amount of damage to the tree.] That is his professional opinion, I am not an arborist. It is my intention to hire an arborist. The third thing, as far as Bob is concerned, there is a big Silver Maple on White Street and the base of the tree is about 6-8 feet in diameter. Probably goes about 65 feet or more and I have one branch left that I have basically surgically removed and when the tree came down, it twisted and fell in a way where it damaged one of the neighbors fences. I did tell him I will replace it. The tree is rotted and is a danger to everyone’s house.”

Chairman Morrissey: “You are welcome to respond with the 10 minutes you have to whatever issues were brought up but I think just to encourage relevance here is you’re asking for this issue has to do with the frontage. I know that the front tree is on White Street but we should focus on what is relevant to the 7300 square foot property and what is related to that. I know that there were a lot of issues that were raised on either the White Street property or the other one and we can weigh in our deliberance but you may want to focus on what is related to the frontage issue.”

Mark Wedderburn: “I don’t see any issue they are bringing as relevant. The property is shy 8-feet and it has plenty of square footage to be able to build. I sent you the layout as far as what is going to be put on the property. I got an endorsement from the Planning Board of the City of Springfield as well as the Forest Park Neighborhood Civic Association. They are in favor of the plan and the lot. The property was a mess and I have done quite a bit of work. It was all overgrown and terrible and I think everyone here would agree that I have been working hard.”

Chairman Morrissey: “What about off-street parking. I know they voiced their concerns that there is going to be cramming because of people parking on the street. Someone else’s opinion was that building a driveway was going to be right up against their property so could you explain

off-street parking and how many cars you think would even park in the street? I'm not sure if you would even be able to anticipate something like that."

Mark Wedderburn: "The first thing that is inaccurately portrayed is Manitoba today was used as the driveway for White Street. It always has been used as the driveway. The fact that now I'm going to use White Street as its own property and not use Manitoba as a driveway, I have to put a driveway in on White Street. I approached the neighbor and my first inclination was to put the driveway on the left side and I approached the neighbor and explained that tree is overgrown and needs to be pruned. No one has taken care of this property for the last 10 years; they have done nothing to it. I want to take care of it. I don't want to cut the tree down, just clean it up. It looks horrible right now and needs to be pruned. Either way I changed my mind. The driveway will go on the right hand side of the house and my reason for that is that is where the kitchen is so when they get out of their car, they can just go right in to their kitchen. So they don't have to worry about that. On Manitoba, there has always been a driveway. It will be no different for the house that I am going to build because it was always there. Whatever concern there is about traffic, well they always used that street to get in to there. There will be the garage and two more parking spaces in the driveway so three off-street parking spaces. As far as the front door, that will be facing the street. The house will be about 1700 square feet. I am all set and I have nothing else."

Chairman Morrissey: "Okay thank you very much. We will now close for deliberations."

Chairman Morrissey: "There is a motion to approve this variance by Mr. Hess and properly seconded by Mr. Bruce. All in favor say "I". All opposed say "NAY". Seeing as there are all "I's", we have a unanimous vote in favor of the variance. Congratulations your variance has been granted. Thank you very much and have a great night."

[George E. Bourguignon Jr.: "As a member of the board, I recused myself from the petition with regards to Manitoba St. I recused myself. I took no role or participation whatsoever in regards to questioning the petitioner or the deliberations and had no impact on the vote and did not vote."]

Vanessa Adorno,
Senior Inspectional Service Clerk

Minutes transcribed October 31, 2017

V. HC Brookings LLC, requests a variation from the requirements of the Springfield Zoning Ordinance, Article 5, Sections 5.2.10 and Article 7, Sections 7.1.54 and 7.4.32 "So as to be allowed to redevelop the property for multi-family apartment units" Property located at 367 Hancock Street, Springfield, MA Parcel #06250-0157

**CITY OF SPRINGFIELD ZONING BOARD OF APPEALS
Springfield City Hall, Room 220
36 Court Street, Springfield, MA 01103**

MINUTES OF MEETING

Date: October 25, 2017
Time: 6:00 pm
Petitioner: HC Brookings LLC
Property: 367 Hancock Street - Parcel: 06250-0157

Board Attendees: Chairman Daniel Morrissey; George Bourguignon Jr.; George Bruce; Norman Roldan; Ryan Hess; *City of Springfield Zoning Administrator*, Michael Jachym

Chairman Daniel Morrissey opens the meeting introducing the Board Members, explains the rules for this open meeting as well as the requirements the petitioner must satisfy in order to be granted a variance. He asks that the petitioner and/or anyone speaking on behalf of/or in opposition to the petitioner to sign in.

Ellen Freyman: *of 1441 Main Street, Springfield, MA is sworn in.* “I am here representing HC Brookings LLC and the request for variance is relative to the redevelopment of what everyone is familiar with as the old Brookings school. The City put out an RFP for the redevelopment of the Brookings school which was damaged when we had the tornado. HC Brookings was selected as the preferred developer. We negotiated a land disposition agreement with the City and we are now going through our due diligence before we acquire and develop it. It will be multi-family housing and we are looking at about 44-45 units. We are still combing through the details. It is a historic building and we are going to protect the historical elements and aesthetics of the building. We do require certain variances because we are not going to change the structure. We are looking for a height variance and a rear yard variance as well as a buffer strip variance for parking in a residence B district. We have already obtained a zone change for the property from a B to a Residence C to allow for a multi-family as well as a special permit from City Council to allow the multi-family. We have been to the Six-Corners Neighborhood Council and we were approved by them as well for the redevelopment project. The hardship is that the building is there and we cannot move it. We are trying to work with everything that is there. There is also a lot coverage variance we are going for that is based off of the number of units.”

Chairman Morrissey: “Okay thank you very much. Is there anyone that would like to speak in favor of the petition? Is there anyone that would like to speak in opposition of the petition? Since there are no other testimonies to be heard we will close for deliberations.”

Chairman Morrissey: “There is a motion to approve this variance by Mr. Bourguignon and seconded by Mr. Roldan. All in favor say “I”. All opposed say “NAY”. Seeing as there are all “I’s”, we have a unanimous vote to grant the variance. Congratulations your variance has been granted. Thank you very much and have a great night.”

Vanessa Adorno,
Senior Inspectional Service Clerk
26, 2017

Minutes transcribed October

VI. Develop Springfield, requests a variation from the requirements of the Springfield Zoning Ordinance, Article 5, Section 5.2.10 Table 5-1 "So as to be allowed to erect two single family houses on two new lots that does not meet the required lot width at the building line" Property located at 213 Pine Street, Springfield, MA Parcel #09715-0140

**CITY OF SPRINGFIELD ZONING BOARD OF APPEALS
Springfield City Hall, Room 220
36 Court Street, Springfield, MA 01103**

MINUTES OF MEETING

Date: October 25, 2017
Time: 6:00 pm
Petitioner: Develop Springfield
Property: **213 Pine Street - Parcel: 09715-0140**
Board Attendees: Chairman Daniel Morrissey; George Bourguignon Jr.; George Bruce; Norman Roldan; Ryan Hess; *City of Springfield Zoning Administrator*, Michael Jachym

Chairman Daniel Morrissey opens the meeting introducing the Board Members, explains the rules for this open meeting as well as the requirements the petitioner must satisfy in order to be granted a variance. He asks that the petitioner and/or anyone speaking on behalf of/or in opposition to the petitioner to sign in.

Mark Reed: *of Heritage Surveys Inc. 241 College Highway, Southampton, MA is sworn in.* “I am here tonight to represent Develop Springfield Corp. Danielle McKahn, who is the project manager from Develop Springfield is here to answer any questions that I cannot. Before there was a request for a variance for the width at the front building line and what is being proposed is the creation of two building lots on Pine Street. The frontage for the zoning district is 50 feet. We have more than that for both at 57.49 and 57.50 feet. We are short approximately 2.5 feet at the front building line. It’s a unique situation when you look at the zoning by law because you would have to flare out in order to satisfy the 50 foot frontage and 60 foot width at the building line. I spoke with Mr. Dromey and he suggested I request a variance for this. We do not feel that granting this would be detrimental to the public good or neighborhood. The surrounding lots are smaller in size and pretty narrow. ”

Norman Roldan: “Are they single family homes going up and how big will they be?”

Mark Reed: “Yes, they are single family homes and right now there are no plans drawn up for them. We will propose to have the required 2 on-sight parking spots and the rest on the street.”

Danielle McKhan: *of 32 Perkins Avenue, Northampton, MA is sworn in.* “Of course I am in favor, I work for Develop Springfield, I am the project manager and Mark has been great helping us out with this. In answer to your question, we looked at a bunch of different single family home plans ranging from 1400 sq ft to 1900 sq ft but we do not have exact plans right now.”

Chairman Morrissey: “Okay thank you very much. Is there anyone that would like to speak in favor of the petition? Is there anyone that would like to speak in opposition of the petition? Since there are no other testimonies to be heard we will close for deliberations.”

Chairman Morrissey: “There is a motion to approve this variance by Mr. Bourguignon with a condition that requires the developer to submit full site plans/elevations, to the Office of Planning for review and approval, prior to the issuance of a Building Permit, and a second by Mr. Hess. All in favor say “I”. All opposed say “NAY”. Seeing as there are all “I’s”, we have a unanimous vote to grant the variance. Congratulations your variance has been granted. Thank you very much and have a great night.”

Vanessa Adorno,
Senior Inspectional Service Clerk
26, 2017

Minutes transcribed October

VII. Reverend Ryan Rooney, requests a variation from the requirements of the Springfield Zoning Ordinance, Article 9, Sections 9.3.70 and 9.3.77 "So as to be allowed to erect a digital changing image sign" Property located at 407 Boston Road, Springfield, MA Parcel #01655-0701

**CITY OF SPRINGFIELD ZONING BOARD OF APPEALS
Springfield City Hall, Room 220
36 Court Street, Springfield, MA 01103**

MINUTES OF MEETING

Date: October 25, 2017
Time: 6:00 pm
Petitioner: Reverend Ryan Rooney
Property: 407 Boston Road - Parcel: 01655-0701
Board Attendees: Chairman Daniel Morrissey; George Bourguignon Jr.; George Bruce; Norman Roldan; Ryan Hess; *City of Springfield Zoning Administrator*, Michael Jachym

Chairman Daniel Morrissey opens the meeting introducing the Board Members, explains the rules for this open meeting as well as the requirements the petitioner must satisfy in order to be granted a variance. He asks that the petitioner and/or anyone speaking on behalf of/or in opposition to the petitioner to sign in.

Reverend Ryan Rooney: *of 51 Rosewell Ave, Springfield, MA is sworn in.* "On behalf of the parish, which is zoned residential, we are requesting a variance to put up a digital sign. The standing sign was destroyed in a pretty visible accident back in May and the letters were changed to "OUCH". We took the opportunity to raise the money for the digital sign and then realized we were zoned residential and needed to apply for a variance. The benefit for our community is the ability to change the messaging quicker. The hard copy sign is very hard for us to change in the winter and God help us if we get a lot of snow this winter. We also provide many other opportunities for messaging. We have the Community Watch the meets in our Parish. There are plenty of other opportunities for positive messages with the sign. We don't see any detriment the surrounding properties would face. Also we are the only ones zoned residential on a very busy intersection, everyone else is zoned business. We are only seeking a single color digital changing copy sign. The sign will be used only for the message of the church and activities taking place at the church."

Mike Gawron: *of 101 Balboa Dr., Springfield, MA is sworn in.* "Although the sign we had before was nice, we are in the 21st century and it would be good to update to a digital sign. I am a parishioner of the church."

Jim Carlin: *of 32 King Dr., Wilbraham, MA is sworn in.* "I am the manufacturer of the sign and am here to answer and questions if you have any."

Chairman Morrissey: "Okay thank you very much. Is there anyone that would like to speak in favor of the petition? Is there anyone that would like to speak in opposition of the petition? Since there are no other testimonies to be heard we will close for deliberations."

Chairman Morrissey: "There is a motion to approve this variance by Mr. Hess and seconded by myself Mr. Morrissey. All in favor say "I". All opposed say "NAY". Seeing as there are all "I's", we have a unanimous vote to grant the variance. Congratulations your variance has been granted. Thank you very much and have a great night."

*Vanessa Adorno,
Senior Inspectional Service Clerk
26, 2017*

Minutes transcribed October