

**Zoning Board of Appeals  
4/22/14 - 7pm  
City Council Chambers**

Present: Ed Ramsdell, Rob Ciampitti, Jamie Pennington, Howard Snyder, Richard Goulet, Duncan LaBay

The minutes of 3/25/14 were approved unanimously. Mr. Snyder motioned to approve, Mr. Goulet seconded, and Mr. LaBay abstained.

**2013-054, 055**

**BullDawg USA Realty I, LLC c/o Law Offices of Robert L. Brennan, Jr. P.C.**

**37 Middle Street**

**Dimensional Variance**

**Special Permit**

The applicant requested a continuance to the next meeting since they missed the publishing deadline for filing their revised variance. Mr. LaBay motioned to continue to May 13, Mr. Snyder seconded. Mr. Pennington recused. All voted in favor of the continuance.

**2014-016**

**Michael D. Lavoie and Deanna L. Lavoie c/o Mark Griffin, Esq.**

**43 Fair Street**

**Special Permit for Non-Conformities**

The applicant requested to continue the application to the next meeting in order for their other DCOD permit to be heard simultaneously. They had a prior request to the Historical Commission under the Demo. Delay ordinance but the adoption of the zoning amendments now required the application to be reviewed by the ZBA. Mr. LaBay motioned to continue to May 13<sup>th</sup> and Mr. Ciampitti seconded. All voted in favor.

**2014-014**

**Ilya M. Shnayder**

**26-28 Titcomb Street**

**Special Permit for Non-Conformities**

Ilya Shnayder, owner of the property appeared seeking a SPNC to change a three-family to a four-family. He explained that he was not looking to modify the use as it would still be a multi-family (use #103). All work would be done within the existing property. He said that the request met the special permit criteria. The requested use is desirable to the public convenience and welfare. He said that the building has been an eyesore of the neighborhood for over 20 years. A lot of ad hoc work had been done over the years. An entire renovation would need to be done to bring it back to its former glory. He said that the renovation would bring additional tax revenues. It would cause no undue traffic congestion. Mr. Shnayder explained that they would provide eight parking spaces although the code only requires 7. He said the addition of one unit won't overload utilities. There were no special regulations in the use table to be met, it would not impair the integrity of the district or be detrimental to the health and welfare. He said that there were a variety of uses in the area, which makes this neighborhood what it is. He felt the improvements will enhance the area. It would not create an excess of the use and it would be only the second condo conversion that he could find on the street. The project would be in harmony with intent of the ordinance and won't emit dangerous or noxious fumes. All public health and safety requirements would be complied with.

No one spoke in favor of the application.

Susan Carnduff of 12 Washington Street said that she lived across the street from this property for almost 25 years. She was very happy to see it being renovated and being made into a functioning property. She said she was not clear how it's ascertained that there would be negligible impact as she had never seen any more than three people living there at one time. There was not a wide right of way between the houses and wondered what the legal status of it is in terms of passage of cars, plowing, etc. Mr. Shnayder said that he believed it was owned in common by each neighbor on each side, and the property in question has an easement. He also said that everything will be brought to code so that the entire building can be accommodated. To address the negligible impact comment, he said that they would only be delivering utilities to one extra unit. There will also be fire protection added, improved safety, and the whole building would be brought to full current building codes. Mr. Ramsdell also mentioned that specific City departments would also have a say in providing services.

Mr. LaBay asked if the parking was too tight for access. Mr. Shnayder said they had options of adding more parking but opted for green space. Mr. LaBay asked if there was any buffer being provided to the properties on Washington Street. Mr. Shnayder said that there is a 6' fence that already exists that prohibits light from entering homes. New seed would also be planted along with a 4' perimeter walkway. Mr. LaBay asked if they were increasing the amount of pervious material. Mr. Shnayder said they were looking to remove as much as possible. Mr. Snyder asked where the additional 600 s.f. space was coming from that was indicated on the application. Mr. Shnayder explained that it was derived from finishing off the existing attic, which would be accomplished by not changing the roof line. The space has always been there, they were just updating to make it habitable to code. Mr. Shnayder said that it was previously inhabited, although the square footage was not included in the City's records. Mr. Pennington asked if there would need to be decks or egresses added. Mr. Shnayder said there would be a slider to a small 6' x 4' landing with stairs to provide secondary means of egress from one of the second floor units. The other units already had secondary means of egress. Mr. Pennington also asked if the applicant has driven back there. Mr. Shnayder said that large trucks can get through and they have had a 45' dumpster back there. Mr. Pennington thought the use was fine, but was worried that the parking configuration couldn't be accomplished and was worried that the dimensions wouldn't be viable for circulation. Mr. Ciampitti acknowledged that it was tight but said the configuration has been in practice. The number of parking spaces proposed meets requirements. He noted that the abutters weren't out in opposition so it seemed workable. Mr. Ramsdell noted that the whole street is a very tight area and it's the nature of the neighborhood. He said he was not as concerned with the parking configuration.

Mr. Pennington said he was persuaded by the discussion about parking. Mr. Ciampitti mentioned a few specific properties with tight parking areas which seemed to be functioning. Mr. Pennington said that in general it is a good application, though parking is predicated on the plan submitted. Mr. LaBay said that he has been in the building in years past, so he was pleased to see this property and the grounds being brought back to what it was before. He said he was glad to see the applicant was keeping original features and keeping with the design. Mr. Pennington agreed that this project would not be substantially more detrimental than the existing. Mr. Ciampitti motioned to approve the Special Permit for Non-Conformities and Mr. Pennington seconded. It was approved unanimously.

The meeting adjourned at 7:55pm.

Dianne Eppa  
Note Taker