



Zoning Board of Appeals

December 19, 2013 - **Minutes**
City Hall, 133 William Street, Room 314

PRESENT:

Chairman Ian Comerford

James Mathes

Allen Decker

Jennifer Smith

Debbie Trahan

Dan Romanowicz Building Commissioner

MEETING CALLED TO ORDER by Ian Comerford @ 6:08 pm and explained procedures.

A motion was made (JM) and seconded (AD) that Case 4113 be taken out of order.

Motion passed unopposed.

Michael Kehoe of 128 Union Street, New Bedford, spoke on behalf of petitioner GCCF New England, LLC. Mr. Kehoe identified his partner Jay Peabody, as well as Christian Farland of Thompson/Farland Engineering.

Mr. Kehoe explained that petitioner was present this evening for request for variance as to the sign only, stating that all other aspects of project meet the zoning requirements.

Mr. Kehoe explained the 53,700 sq foot lot greatly exceeding required lot size. The petitioner is proposing construction of a convenience store, Cumberland Farms, on the site, having approximately 4,650 sq feet of area, along with fuel islands for self serve.

Chairman Comerford interrupted the speaker in order to bring the plans into the record and properly open the case.

A motion was made (AD) and seconded (JM) that communication of commissioners be received and placed on file.

Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the appeal be received and placed on file. Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the plan be received and placed on file. Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the owners of the lots as indicated are the ones deemed by the Board to be those affected.

Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the action of the clerk in giving notice of this hearing is hereby ratified.

Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the communication from the Office of the City Planner be received and placed on file.

Motion passed unopposed.

Chairman Comerford declared the hearing open.

Mr. Kehoe stated that before the board was a rendering both existing and proposed for the site. The left showing the current site of the Shawmut Diner. The right showing the proposed Cumberland Farms and the sign superimposed. Mr. Kehoe stated the proposed sign would have the following features: the company name; the price of the gasoline, and below that an electronic message sign. Mr. Kehoe stated zoning requirements are 25 square feet of maximum surface area, and 120.48 sq feet are proposed. In addition, maximum height from ground to sign bottom is 10 feet. The proposal is 10.01 or 10 feet one inch from top to bottom. Zoning requires 15 feet maximum height and the proposed sign is 25 feet in height. Petitioner represents the 25 foot height is due to the topography of the lot being significantly sloped. Mr. Kehoe stated there are many signs in the immediate area in excess of the 25 foot zoning bylaw requirements.

Mr. Kehoe then addressed the concern expressed by Planning regarding City Ordinance 32.20 and 32.22, which says any sign which incorporates moving, flashing, animated or intermittent lighting are one of the prohibited signs. He suggests the message board is very much in keeping with the message board in operation at the Cumberland Farms located at the corner of Dartmouth St. and Rockdale Avenue. He represents there is no animation, flashing or intermittent lighting, also expressing there are similar signs at Walgreens and CVS. He represented that without the sign, the site's proposed use makes no sense and is a hardship; that people need to see the price of the gasoline before they get onto the intersection. He also suggested this would be a visual improvement to most of the surrounding signs. Mr. Kehoe stated they had met the requirements for variance due to an unusual topography, a hardship, and that in light of the signs already present in the area, no substantial detriment to the neighborhood is created. Mr. Kehoe, after noting a similar signage petition on the agenda, requested consideration and favorable action.

Chairman Comerford inquired if anyone else wished to be heard in favor without response.

Chairman Comerford inquired if anyone wished to be heard in opposition without response.

Mr. Comerford and Mr. Mathes both expressed the modernization and updating was favorable. Ms. Smith inquired of Building Commissioner Romanowicz as to whether dimensional maximums have changed since the installation of other area signage. The response was that those were preexisting, prior to zoning changes in 2003. Ms. Smith further inquired if applicant could provide hours of operation.

Mr. Kehoe stated that since the project is still at site plan review and proposed hours of operation are 24 hours, but hours of operation are yet to be determined. Mr. Kehoe stated that there is a dimming in the evening. Christian Farland provided the board members with pictures of the sign at night, which dims down at night. He also added the message board shuts down at night.

A motion was made (AD) and seconded (JM) that the signage photos be accepted.

Motion passed unopposed.

Ms. Smith stated that she felt there was more residential housing around this site. Ms. Smith also inquired as to communication that the Planning Board tabled deliberations pending additional information from applicant.

Mr. Kehoe explained that at conclusion of the first public hearing the applicant was asked to do a traffic study. The study was done and the engineer was present at the second public hearing. Applicant was then asked to do a five year projection of the traffic for existing businesses and those businesses permitted but not yet online.

After a second public inquiry of opposition and with no further questions of the board, Mr. Comerford declared the hearing closed.

Mr. Decker raised that the message board issue was discussed and may be addressed by requiring the message board be shut off during certain hours. Mr. Mathes felt there has been no distractibility problem or accidents attributed to the message board.

A motion was made (DT) and seconded (JM) to grant variance on petition of Philip Paleogos, Trustee ANP Realty Trust, 943 Shawmut Avenue, New Bedford, MA 02746, relative to the property located at 943 Shawmut Avenue, Assessor's Map 95 Plots 233 & 303 in a Mixed-Use Business Zoned District, and to allow the petitioner to erect a ground-mounted, double-sided pole sign, with electronic message center, at the corner of Shawmut Avenue and Hathaway Road, which would require variance under Chapter 9, Comprehensive Zoning Sections 3200 (Sign Regulations) 3201 (Purpose), 3250 (Regulations Governing Particular Types of Signs) and 3255 (Area restrictions for ground signs) with no conditions, and that the project be set forth according to the plans submitted, be recorded at the Registry of Deeds, and that the permits be issued by the Department of Inspectional Services and acted upon within 1 year.

Motion passed 5-0.

Case #4111 - 1015 Kempton Street.

A motion was made(AD) and seconded (JM) to receive and place on file communication from Commissioner/Inspector of Buildings.

Motion passed unopposed.

A motion was made(AD) and seconded (JM) to receive and place on file the appeal
Motion passed unopposed.

A motion was made (AD) and seconded (JM) to receive and place the plan on file.
Motion passed unopposed.

A motion was made(AD) and seconded (JM) that the owners of the lots as indicated are the ones deemed by the Board to be those affected.
Motion passed unopposed.

A motion was made(AD) and seconded (JM) that the action of the clerk in giving notice of this hearing is hereby ratified.
Motion passed unopposed.

A motion was made(AD) and seconded (JM) that the communication from the Office of the City Planner be received and placed on file.
Motion passed unopposed.

Mr. Comerford declared hearing open and called upon the petitioner.

Richard Plante of 15 Tanner Lane Fairhaven, MA spoke on behalf of the petition explaining that the Dessault and Zatir law offices are in the process of upgrading and changing their logo, and that some of the changes have already been incorporated into exiting signage, in compliance. Mr. Plante explained the current Kempton Street

sign on the pie shaped lot has been there for some time and the petitioner has little ability to change the location of the sign. The roofline currently interferes with the visibility of the sign for eastbound traffic. Petitioner is seeking to raise the height of the new sign from 12 to 13.5 feet so that it clears the roofline of the building. Petitioner is seeking to reduce the width of the new sign by about 3 feet from the existing sign to encroach less on the sidewalk in front of the property. Petitioner is also seeking to incorporate an electronic changeable feature. The existing sign being 17.5 feet, the proposed sign to be 21.5 feet. Mr. Plante assured the Board the sign would have an auto-dimming feature to adjust light output to ambient light around the sign, and it would not flash or animate. Petitioner is seeking to display time and temperature and public service messages related to the law firm. The new sign is proposed to be 4 sq feet larger than the existing sign, and therefore would not be detrimental to the neighborhood. It is merely a more contemporary modern presentation to compliment the goal and image of the business.

Mr. Comerford questioned the content of the proposed message board. Mr. Plante assured they would be public safety messages complimenting the law firm's practice, elaborating it might contain slogans such as don't forget to buckle up, drive safely while it's snowing.

Mr. Jim Dessault, owner of the property, then addressed the board. He stated the property, originally a Shawmut Bank, was purchased in 1990/1991. He stated the current sign is dilapidated, dirty and broken and is currently white and possibly brighter than the proposed blue sign. He suggests the proposed sign is roughly the same size, just more modern and appealing. Mr. Dessault then introduced five letters from abutters to the property. He reiterated the message board will mostly be time and temperature, and raised that other businesses nearby have similar signs. He gave an electronic message example of don't text and drive.

A motion was made (AD) and seconded (JM) to accept the five abutter letters.
Motion passed unopposed.

There was no response to an invitation by Mr. Comerford to be heard in favor of the petition.
There was no response to an invitation by Mr. Comerford to be heard in opposition of the petition.

Mr. Comerford then closed the hearing.

A motion was made (JS) and seconded (AD) to grant Appeal #4111, a motion to grant variance under the city code of New Bedford to D&Z Realty Inc. 1015 Kempton Street, New Bedford MA 02740 relative to the property located at 1015 Kempton Street, Assessor's Map Plot 55 Lot 33 in a Mixed-Use Business Zoned District and to allow the petitioner to replace an existing sign with a new, larger sign, to include a new electronic message center, and to relive the petitioner under Chapter 9, Comprehensive Zoning Sections 3200, 3201, 3250, 3255 and 3256, and that the project be set forth according to plans submitted with the application, and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon with one year.

Motion passed 5-0.

Case #4112 - Maple Street.

A motion was made (AD) and seconded (JM) to receive and place on file the communication from the Commissioner and Inspector of Buildings.
Motion passed unopposed.

A motion was made (AD) and seconded (JM) to receive and place on file the appeal.
Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the plan be received and placed on file.

Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the owners of the lots as indicated are the ones deemed by the board to be those affected.

Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the action of the clerk in giving notice of this hearing is hereby ratified.

Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the communication from the Office of the City Planner be received and placed on file.

Motion passed unopposed.

Mr. Comerford declared the hearing open and invited the applicant to address the board.

David Masters of Maple Street addressed the board. He stated he has had a deck in the back of his house since 1977 and is seeking to put a roof over the deck due to having a slate roof on the house that slates back onto the deck creating safety concerns with sliding snow. He stated sliding snow, which he described as an avalanche, prevents his using the rear door. He stated he is not a contractor but has an Amish background, and the current deck is built on utility poles. He stated he was told by city officials it was the most sturdy ever seen. The applicant stated he has built other buildings on his property using the utility pole system and that his wooden fence has been there forty years. Mr. Masters invited any questions of the board.

Ms. Smith inquired of Mr. Romanowicz why this was before the board. Mr. Romanowicz explained that once attached to the building a required set back kicks in.

Mr. Masters explained that the roof and deck are not attached to the house, but was told by the city inspector that he was not within 30 feet of the north property line. He stated to the Board that this being an old established neighborhood, that should be taken into consideration. He also stated that this being an existing deck, he did not see it as a detriment to neighbors. Applicant stated a contractor would do the roofing, with $\frac{3}{4}$ inch plywood and asphalt, and there would be no walls or sides. He inquired as to why the city building department could not just grant this.

Mr. Comerford explained that because it did not fall within the code it must come before the ZBA to assure that neighbors have no problems with it and that there are no public interest issues.

Mr. Masters represented that on November 21, 2013 neighbors signed that they had no objection to the building of a roof over the backyard deck at 321 Maple Street and he offered the same to the Board.

A motion was made (AD) and seconded (JM) to accept the statements of abutters as to no objection to the proposed work.

Motion passed unopposed.

Mr. Decker sought assurance that the proposed roofing would not extend beyond the current deck.

Mr. Masters explained that it would extend only enough to allow the rainwater to drip over the deck as opposed to accumulating on it. He explained there would also be roofing over the 2 sets of steps to the deck which he estimated at two to three feet.

Mr. Mathes explained that the building inspector has no discretion when something does not fall within the code.

There being no further questions by the Board, Mr. Comerford invited comment from anyone else in favor of the application, without response.

Upon invitation by Mr. Comerford to be heard in opposition, Peter Schmidt of 412 West Clinton Street, addressed the Board. Mr. Schmidt explained he was directly behind the property. He offered pictures to the board. He stated the fence put up with telephone poles or pier pilings has not been there forty years. He stated it was constructed in approximately 2004 when the hedgerow between the properties went down, but he had no problem with the fence. He stated he was told by the building inspector it was an illegal fence, but stated he welcomed the privacy it provided. He stated there was continuous construction with the sheds built on all four perimeters, in spite of Mr. Masters being told to stop. Mr. Schmidt said when the entire property is looked at in context, there is a continuation of illegal building being performed that makes the property a compound, which affects neighbors and property values. Mr. Schmidt demonstrated by pictures various views from his property. He stated other pictures showed wood stacked against the property line and the property in general showing the continuous construction, which he said prevents him from sitting on his patio to have a quiet dinner summer after summer.

Ms. Trahan inquired of Mr. Romanowicz regarding the history of the property and any cease and desist order. Mr. Romanowicz stated there had been ongoing problems with abutters and a cease and desist had been issued when Mr. Masters starting construction of the roof, and there was an inspector revisit due to continued construction.

Upon invitation by Mr. Comerford to be heard in opposition, John Perry of 416 West Clinton Street, approached the Board, stating he too was directly behind the Masters. He stated in 2006 he had his land surveyed and Mr. Masters had a shed on Mr. Perry's property line that he was made to move. He stated that Mr. Masters has come onto to his property without permission, as well as Mr. Schmidt's property. He stated he was in agreement with Mr. Schmidt regarding the shed built on the east property line, and said prior to the building of the shed Mr. Masters would spray his hose over the fence of the owner on the easterly side of him to "piss her off". Mr. Perry also stated that Mr. Masters had tried to run someone over in the front of his yard, but that the ZBA did not care about such little details. He stated that in spite of the city law allowing someone to trim their trees back to the property line, Mr. Masters has trimmed trees some 10 feet away from his property line and could not have performed this work without trespassing on neighbors' property. He stated Mr. Masters also trimmed trees on the city sidewalk and was fined for the same. Mr. Perry stated that in 2008 his wife spoke to Mr. Masters about trimming the trees and Mr. Masters "went off" on his wife, and his wife was calling him for help. He stated that his wife was grabbed by Mr. Masters and thrown down his front stairs. He complained about living next to someone of this nature. He stated Mr. Masters was a "no good son-of-a-bitch". Mr. Comerford suspended any further comment by Mr. Perry.

Upon invitation by Mr. Comerford to be heard in opposition, no further response was heard.

Mr. Masters in rebuttal said he would give all kind of background as to why these issues were brought up, but that he just wanted to build a roof.

Upon invitation on further rebuttal, no response was heard.

Mr. Comerford closed the hearing. He further stated he was not in favor of the application, it being right next to neighbors' houses some ten feet away. He felt it was encroaching.

Ms. Smith stated that in spite of the fact that Mr. Masters has attempted to perform this work without permit on two occasions, which does not give her a good sense of his character, that is not the vote before her. Ms. Smith

also raised that in dense neighborhoods the 30 foot set back is not realistic, stating that the board has allowed 8 feet.

Mr. Decker did not recall allowing for such little set back with objecting abutters. Mr. Comerford expressed that is why the board seeks to give neighbors adversely affected an opportunity to be heard.

Mr. Mathes stated that though he had known Mr. Masters for some time, he was profoundly affected and reeling by what he had heard this evening, especially with issues concerning the safety of Mr. Perry's wife. He stated that having observed the photos, covering an existing deck with a roof to prevent snow safety issues is a hardship. He stated however that Mr. Masters continued working after having been notified that he needed a permit. Mr. Mathes stated that behavior matters as well as plans and diagrams. He stated that he tries to put himself in an abutter's position and how he would be affected. He stated such permits and variances are a privilege, not a right. Mr. Mathes stated that while some projects begin without permits, the fact that this continued without permit, coupled with all the other comments, he would not vote for it.

Ms. Trahan stated that obviously neighbors have been irritated, and that people often don't pull needed permits and then ask for forgiveness, but she inquired of Mr. Romanowicz how many times the property in question had been in violation or had an issue. Mr. Romanowicz stated at least a dozen times.

Ms. Smith inquired of Mr. Romanowicz whether an eye was being kept on Mr. Masters in light of some 12 violations and frustrated neighbors.

A motion was made (JS) and seconded (DT) to accept and place on file 15 photographs of existing conditions. Motion passed unopposed.

A motion was made (JS) and seconded (DT) to grant appeal 4112 and grant a variance under the city code of New Bedford to David & Beverly Masters, 321 Maple Street, New Bedford, MA 02740 relative to property located at 321 Maple Street, Assessor's Map Plot 44 Lot 510 in a Residential A Zoned District and to allow the petitioner to erect a 12' x 24' roof over an existing 12' x 21' deck, which would require a Variance under Chapter 9 Comprehensive Zoning Sections 2700, 2710, 2720, 2750, and 2753, and that the project be set forth according to plans submitted with the application and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon with one year. Motion failed 5-0.

Case 4114 - 277 Union Street.

A motion was made (AD) and seconded (JS) to receive and place on file the communication from the Commissioner and Inspector of Buildings. Motion passed unopposed.

A motion was made (AD) and seconded (JM) to receive and place on file the appeal. Motion passed unopposed.

A motion was made (AD) and seconded (JS) that the plan be received and placed on file. Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the owners of the lots as indicated are the ones deemed by the Board to be those affected. Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the action of the clerk in giving notice of this hearing is hereby ratified.

Motion passed unopposed.

A motion was made (AD) and seconded (JM) that the communication from the Office of the City Planner be received and placed on file.

Motion passed unopposed.

Mr. Comerford declared the hearing open and invited the applicant to address the board.

Attorney Bernado Cabral, 414 County Street, addressed the board on behalf of Petitioner Jordan AGV Inc. Att. Cabral represented the subject property at 277 Union Street is a little yellow building bordered by LeBaron and the drive-thru area of the First Citizen's Federal Credit Union. The property was purchased by the applicant in April 2013 from First Citizen's which had foreclosed on the prior owner who used the property as office space. The applicant wishes to remove an interior wall and retrofit the area for a retail tobacco product store.

Referring to the ANR plan filed with the application, the lot size is 1,726 sq feet. The building area is 1,494 sq feet, resulting in a five foot strip running along the easterly side of the building, with no space or land area available to comply with the dimensional requirements. Parking requirements are an additional impossibility.

Attorney Cabral commented most other buildings in the Union Street area also take up almost the entire lot, and rely on metered parking. Att. Cabral expressed that the type of business proposed is not one where customers will stay on the premises for any length of time, assuring that parking spaces would not be tied up with regard to availability for other businesses in the area. The use requested is retail sale, a permitted use in the area of multi-use business, so there is no use change. Att. Cabral stated the hardship is that there is no land area to comply with dimensional or parking requirements. He further stated he believes this property meets all the criteria, and requests the variance be granted creating one less vacant building in the downtown area.

Ms. Smith, stated the petitioner's proposal to remove an interior wall and retrofit the space has nothing to do with their appearance before the ZBA, because it's not a change of use. Mr. Romanowicz corrected that it is a change of use, which triggers in the parking.

Upon invitation by Mr. Comerford to be heard in favor, Att. Cabral then introduced Alex Naswori, principle of Jordan AGV owner of the property.

Mr. Naswori, of 30 Clarks Cove Drive, South Dartmouth, addressed the board. He represented that his partner who runs the Cedars Smoke Shop on Faunce Corner Road will also run this establishment. He represented that even his employee will not be using a parking space but will be dropped off. He expects customers will be in the establishment for five to ten minutes max.

Upon invitation to be heard in favor, Chris O'Neil of TL Realty, an abutter who owns the Citizens Credit Union building and abutting lots, then addressed the board. He expressed he was neither for nor against the plan but was seeking clarification on his concerns. He stated the building in question had been office space for the last 30 years. He stated that contractors had blocked the lane, believing there was a 3 space easement, which is not the case. He stated his concern is the amount of foot and vehicle traffic will be brought by a business of this type. He cited Expos on Dartmouth Street, a similar type establishment, which has a heavy volume of vehicle traffic. He stated that with one of the largest parking areas in the downtown area, they spend their days ushering people out of the lots resulting in repair costs to maintain the lots. His expressed a potential concern expansion of the smoke shop ultimately becoming a convenience store. He is seeking a very specific use because of the limited space available. He believes he will have issues with people parking in his lot.

Ms. Trahan asked who owned the fenced off lot, and Mr. O'Neil responded that it was the Times Building.

Mr. O'Neil then inquired if any applications had been applied for regarding use of the space and whether permit applications had been made and adhered to. He expressed that the registry already takes up a lot of the spaces on Union Street and already create issues with parking on his property. He also inquired as to the operation hours of the proposed business.

The meeting suspended briefly for a recess and resumed.

Mr. Comerford expressed that the ZBA was looking at specific uses and dimensional regulations and did not readily have the information Mr. O'Neil sought.

Mr. O'Neil expressed confusion on whether there was an application for a change in use. Mr. Comerford answered that certain businesses must come before the ZBA regardless, even if it was currently mixed use. Mr. O'Neil expressed that he was looking for some way to make people know there is no parking in his lots.

Ms. Smith said she was considering it be a condition that the applicant must put a sign up.

Mr. Comerford inquired if anyone else wished to be heard in favor of the petition without response. Mr. Comerford inquired if anyone wished to be heard in opposition to the petition without response.

Mr. Comerford invited the applicant to address Mr. O'Neil's questions in rebuttal.

Att. Cabral stated that smoke shops where people go in and smoke in a little room are not permitted because of board of health regulations. In multi use business, retail use is a permitted use. He stated with regard to parking, Citizens has 100% control of their lot. He expressed that Mr. Naswori can do little more than post a sign. He stated he believed hours would be 9:00 to 8:00. He also stated there were no applications for any kind of food, but strictly tobacco products.

Ms. Smith clarified that it sounded like the applicant would be amenable to some condition to inform his customers about the parking. Mr. Naswori stated he would post signs on the building, since he certainly didn't want his customers to get their car towed, and he would make sure they know.

Mr. Mathes expressed that abutters have been very clear that they don't want the board granting accommodation for the petitioner's hardship to create a hardship for them. He sought assurance from Mr. Naswori that he would do all in his power to not contribute to existing parking issues.

Mr. Naswori stated he was a businessman and that he understood.

Mr. O'Neil stated that the plan appears to be two feet off the building easterly, not five. There's no placement for cardboard or a dumpster area. It's the building and about two feet.

Ms. Smith inquired whether the petitioner needed to go before the Planning Board with a site plan. Mr. Romanowicz stated they do not. Ms. Smith then inquired about how the petitioner planned to dispose of his trash. Mr. Romanowicz stated that downtown businesses throw it out every day.

There being no further questions, Mr. Comerford then closed the hearing.

Ms. Smith inquired about whether the Board wished to do a condition about signage. Mr. Comerford felt the two businessmen would work together to make sure things were worked out and that the applicant would put forth the proper efforts to address the matter.

A motion was made (JS) and seconded (JM) to grant Appeal # 4114, a motion to grant variance under the City Code of New Bedford to Jordan AGV Inc, 452A State Road, Dartmouth, MA 02747, relative to the property located at 277 Union Street, Assessor's Map Plot 52, Lot 269 in a mixed use business zone district, and to allow the petitioner to remove an interior wall and retrofit the space into a tobacco products retail store which would require a variance under Chapter 9, Comprehensive Zoning Sections 2000, 2100, 2110, 2200, 2210, 2230, 3200, 3100, 3110 and 3130, and that the project is set forth according to plans submitted with the application and that it be recorded at the Registry of Deeds and a building permit be issued by the Department of Inspectional Services and acted upon with one year.

Motion passed 5-0.

Mr. Comerford inquired of Mr. Romanowicz with regard to a submission to the board. Mr. Romanowicz stated the Attorney Colty sought a notarized letter from the board. He stated he gave the history to the Board. He stated in 2005 they got a variance and it was recorded in the deed if they ever going to sell the property it would not go to the used car dealership but to the house south of that, but they never acted on the variance and it lapsed. They are now trying to sell it but it prints out with a variance, so they need something from the Board to submit to the bank saying that the variance has lapsed and is no longer valid.

Mr. Comerford inquired of Ms. Trahan about the best way to address the matter. Ms. Trahan stated the solicitor's office would usually draw up the needed legal verbiage, the board would approve it and send it up. She felt the Board could only send them what deadlines have expired. Mr. Romanowicz stated that if directed to send it to the city solicitor and sign it as the zoning officer representing the Board, he would do so. Ms. Trahan and Mr. Comerford expressed that was sufficient.

A motion was made (JS) and seconded (DT) to have Danny Romanowicz have the Solicitors Office craft a response and allow Mr. Romanowicz to sign on behalf of the Board relative to the property at 889 Mt. Pleasant Street, Plot 123A, Lot 365.

Motion passed unopposed.

Mr. Comerford sought meeting minute approval for SEPTEMBER 26TH

Mr. Decker stated meeting minutes of September 26, 2013 consisted of hearings heard as follows: Case 4100, Case 4101, Case 4102, Case 4103 and Case 4104, and made a motion that the minutes as presented be approved and accepted. Mr. Mathes seconded the motion.

Motion passed unopposed.

Ms. Smith expressed she was seeking, by way of new business, input on how to deal with what she perceives as diminishing support for the ZBA in the last couple of months. She stated that the regular solicitor attending meetings was lost, then the stenographer was lost, and now there are no planning staff attending the meetings. Board members are not getting packets or are getting them right before the meetings or are getting incomplete packets. At tonight's meeting not all materials were provided. She further stated that her concern was that it would begin to make the board look inept and unprofessional and would start to affect the constituency. Without the materials provided and the staff present for questions, cases may have to be tabled and continued. There has been a lack of quorums due to lack of communication. She suggested something be forwarded to whomever can deal with the issue. Ms. Smith felt that if the board was in agreement they might consider a recommendation to let someone with influence know what has been going on.

Mr. Comerford expressed that he was invited to meet with the planning department, but due to his schedule it was not possible. Ms. Smith expressed that with the assistant planner position unfilled, she understood planning was short staffed in the office.

Ms. Trahan agreed and cited that she did not feel it was not possible to make a schedule for a full year on the ZBA.

Mr. Comerford expressed that he felt the board needed more support and more participation from the mayor's office and the planning office. Mr. Mathes agreed and suggested the city planner meet with the ZBA. Mr. Comerford stated he would address the matter and try to have the city planner at the next meeting.

Mr. Comerford tabled discussion of the meeting schedule and election of officers. Mr. Mathes and Mr. Comerford complimented Ms. Smith's contribution to the Board. Ms. Smith encouraged the board to make sure that her position was filled and a quorum was established for the important work the board does. And she thanked the board for the pleasure it was to serve with them.

Meeting adjourned at 8:00 p.m.