

**TRANSCRIPT OF PUBLIC RECORD**  
**ZONING BOARD OF APPEALS MEETING**  
**JANUARY 26<sup>TH</sup>, 2022**

This Regular Meeting of the **Zoning Board of Appeals**, was held via **ZOOM WEB CONFERENCE** and was called to order at 7:05 PM.

**MEMBERS IN ATTENDANCE:**

- Mr. Matthew D'Agostino, Chairman
- Ms. Laura Walta, Vice Chairman
- Mr. Vincenzo Pesce, Board Clerk
- Mr. Philip Cultrera, Member
- Mr. David DiNatale, Alternate Member

**OTHERS IN ATTENDANCE:**

- Mr. Felix I Zemel, Director of Inspectional Services
- Petitioners and Representatives of Petitioners

Chairman D'Agostino called for a moment of silence in honor of all Americans that have died for our country, then led the Board in the pledge of Allegiance.

**ACCEPTANCE OF MINUTES: 12/18/2021**

Chairman D'Agostino entertained a motion to accept the Minutes of `12/8/2021.

- MOTION: Laura Walta so moved
- SECOND: Philip Cultrera
- DISCUSSION: None
- VOTE: UNANIMOUS

**ELECTION OF OFFICERS:**

Chairman D'Agostino entertained a motion for nominations for Chairman.

- MOTION: Vincenzo Pesce moved to nominate Matthew D'Agostion
- SECOND: Philip Cultrera
- DISCUSSION: None
- VOTE: Unanimous

Chairman D'Agostino entertained a motion for nominations for Vice Chairman.

- MOTION: Vincenzo Pesce moved to nominate Laura Walta

SECOND: Dave DiNatale  
DISCUSSION: None  
VOTE: Unanimous

Chairman D'Agostino entertained a motion for nominations for Board Clerk.

MOTION: Philip Cultrera moved to nominate Vincenzo Pesce  
SECOND: Dave DiNatale  
DISCUSSION: None  
VOTE: Unanimous

**NEW BUSINESS:**

**2022-01: Integrity Medical Transportation Corp./ Martin Family Realty Trust  
C/O Anthony Copani, (Copani, Tarlow & Cranney)**

Special permit required under Section V-D in a RD (Residential D) Zone for a Medical Transportation Vehicle Fleet that is not allowed in a Residential Zone. Change in non-conforming use pursuant to Section IXB of the Comprehensive Zoning Ordinance. 500 Jackson Street.

Atty. Anthony Copani appeared before the Board on behalf of the petitioner. He indicated that the Petitioner has been on business for the last 8 years and that they provide transportation for non-emergency medical transportation. He stated that also in attendance this evening and available to answer any questions was Dr. Cipriano Vargas, President and Treasurer of Integrity Medical Transportation. Atty. Copani stated that property contained 28,530 sq. ft. with 338 feet of frontage on Jackson Street. He further stated that currently located on the parcel is the legal, non-conforming use known as Martin's Flower Mart which they are asking to change to the requested use which they believe is substantially less detrimental. The Company currently has 32 employees, the Doctor and his wife, 5 helpers and 25 drivers. He further stated that they own 25 vans; 11 regular vans and 14 wheelchair quipped. Atty. Copani stated that there are 33 parking spaces but that the Petitioner are volunteered to keep only 17 vans on the site. The rest would be taken home with the drivers and would be dispatched from their homes. Additionally he stated that they are currently operating at 225 Broadway and that there have been no complaints at that location. He also indicated that the vans are dispatched with staggered starts between 4AM and 7AM and also have a staggered return after 4:30 PM. At this time Kenneth Cram, Traffic engineer with Bayside Engineering addressed the Board and reiterated the traffic patterns that Atty. Copani presented. Mr. Cram stated that the actual number of trips from the site for the proposed use would be 25 to 30 % less than the trips when the florist occupied the premises.

At this time the hearing was opened to public participation with no one speaking in favor of the petition. In opposition was Steve Gillis and Eleanor Miele of 235 Jackson Street. An e-mail was received by Felix Zemel from Duane Hanna who was also in opposition. All those in opposition stated that this was a residential area and located next to the access road (Ranger Road) to Methuen High School and believed that it was a safety hazard to students and pedestrians. Mr. Hanna was also concerned with the size of the fleet and the proximity to the crosswalk. Having no further discussion, public participation was closed. Please note that an on-demand webcast of this meeting, including public participation may be heard at [www.cityofmethuen.net](http://www.cityofmethuen.net).

Members continued discussion relative to to the number of parking spaces and hours of operation. They also discussed the possibility of conditioning one way entry / exit of the vehicles. All though the Applicant volunteered to have only 17 vehicles on the site Chairman D'Agostino suggested limiting the number of commercial vehicles to 10 and limiting arrivals to 4:00 AM to 6:30 AM and returns to 4:30 PM to 10:0 PM. on weekdays and limited hours and number of commercial vehicles on weekends. Through Atty Copani the Board asked if Dr. Vargas could operate wit only 10 vehicles on site to which he responded that he could not. Chairman D'Agostino asked if the Applicant would like to proceed with a vote or if he would like to withdraw the petition to which he indicate that he would like to continue. Upon completion of the discussion the Board agreed to the following conditions:

- 1) Entry shall be on the south side of the property with the exit located on the north side of the property.
- 2) Hours of operation shall be Monday – Friday: 4:00 AM to 6:30 AM and 4:30 PM to 10:00 PM, Saturday 6:30 AM to 12:00 PM and Sunday 4:00 AM to 5:15 AM.

Laura Walta made a motion to vote on the Petition with the adopted conditions; with a second by Davis DiNatale:

**ROLL CALL:**

*Mr. Vincenzo Pesce - no*

*Mr. David DiNatale – no*

*Ms. Laura Walta - no*

*Mr. Philip Cultrera - no*

*Mr. Matthew D'Agostino – no*

**VOTE:            0-5-0 DENIED**

**2022-03:            Daher Group Inc. and Kenneth E Daher**

Special Permit is required under Section IX-C to extend a non conforming nature of a single family structure relative to minimum area in an RD (Residential D) zone at 21 Myona Street (Parcel 1012-108-149A).

The Applicant appeared before the Board on this Petition. According o Mr. Daher, there is currently a small bungalow located on the premises. He indicated that the structure is non-conforming as the parcel is comprised of 9,539 sq. ft. when 10,000 is require in the RD Zone. He described the structure as being family owned since 1940 containing 546 sq. ft. having1 bedroom and 1 bath with electric heat. He further stated that the structure was a seasonal home that was converted to year round in 1981. He informed the Board that they are looking to construct a new, single-family dwelling on the lot that will conform to all zoning setbacks, height requirements and percentage of lot coverage for the RD Zone. He also indicated that the new dwelling would be more aesthetically pleasing and would generate more tax revenue for the City. Additionally he stated that the current structure sits very close to the left hand side of the lot and that the location of the proposed dwelling would be more beneficial to the abutter on that side. He indicated that the neighborhood is made up of single family homes mostly ranch style, splits and capes. He stated that the proposed dwelling would be a ranch with 2-car garage under and would be consistent with the neighborhood.

At this time Chairman D'Agostino opened the hearing to Public Participation with no one speaking in favor or opposition. However the abutters to each side of the location were concerned with the current condition of the property citing overgrown trees, hedges and fencing in disrepair. At this time Chairman D'Agostino closed Public

Participation and Mr. Daher returned to the podium to discuss the issues raised. According to Mr. Daher it would be to his benefit as well as the neighborhood to address the requested improvements. He indicated that he had no problem with this as long as the items mentioned were found to actually be on his property.

Chairman D'Agostino called for the vote:

**ROLL CALL:**

*Mr. David DiNatale – yes*

*Ms. Laura Walta - yes*

*Mr. Philip Cultrera – yes*

*Mr. Vincenzo Pesce - yes*

*Mr. Matthew D'Agostino – yes*

**VOTE:            5-0-0 UNANIMOUSLY GRANTED**

**2022-02:            KamalKant M. Patel and Julio Romero  
C/O Anthony Copani, (Copani, Tarlow & Cranney)**

Variance under Section V-D in an RR (Rural Residential) Zone to construct a single-family dwelling without the required area. Lot contains 70,624 sq. ft. and Appendix B requires 80,000 sq. ft. at Parcel 41-125-23D (Hampshire Rd. and Cross St.).

Appearing before the Board on behalf of the Applicant was Atty. Anthony Copani. According to Atty. Copani they were before the Board at the last meeting but withdrew that petition after hearing the concerns from the Board and the abutters. He stated that they are back before the Board with a new plan that they believe those issues. He described the parcel as not being a corner lot but having frontage of 2 streets with a 25ft. X 40ft. non-conforming structure located on the lot. He indicated that the new plan eliminates any access to and from the Hampshire Road frontage as a way to address safety concerns mentioned at the previous hearing. He informed the Board that they are amenable to erecting a fence to block access or, as the abutters (Coutures) suggested, placing some boulders and/or natural vegetation to block access.

Atty. Copani informed the Board that a variance was granted in 1979 that created a 3 lot sub-division and that the Couture's now reside in a home on one of the lots. He presented the Board with plan # 8065 which was recorded in the Registry of Deeds on April 3, 1979 depicting said sub-division. He indicated that the locus of this Application is comprised of lots 2 & 3 shown on this plan.

At this time Chairman D.Agostino opened the hearing to Public Participation with no one speaking in favor or opposition. Chairman D'Agostino closed Public Participation and Atty. Copani returned to the podium. At this time the following Motion was made:

**MOTION:**            Laura Walta moved to block and access to/from Hampshire Road that the existing structure is to be torn down and that there can be no further sub-division of the parcel

**SECOND:**            Philip Cultrera

**DISCUSSION:** None

**VOTE:** Unanimous

Chairman D'Agostino called for the vote:

**ROLL CALL:**

*Mr. Vincenzo Pesce – yes per plan w/conditions*

*Mr. Philip Cultrera – yes per plan w/conditions*

*Ms. Laura Walta - yes per plan w/conditions*

*Mr. David DiNatale – yes per plan w/conditions*

*Mr. Matthew D'Agostino – yes*

**VOTE:** 5-0-0 UNANIMOUSLY GRANTED

**2022-04:** **Maribel Vasquez**

A waiver is requested from the City of Methuen Municipal Code Fence Ordinance Chapter 9, Section 9-98, Paragraph B-1 and D for a 6-foot privacy fence along Merrimack Street and Randolph Street at 331 Merrimack Street.

The Applicant was not present on this petition. Felix Zemel, Director of Inspectional Services informed the Board that there has been a several miscommunications with the Applicant relative to this Petition. Mr. Zemel informed the Board that the fence was originally constructed without a permit and in violation of the fence ordinance. Building Inspector Gene Walsh found the violation and told Ms. Vasquez that she was in violation and that a waiver and permit was required as well as approval from the Police Department. The fence waiver checklist was completed and Sgt. Fleming went to inspect the fence. He informed the Applicant that there was a site line violation that must be corrected. Ms. Vasquez made the necessary corrections but misunderstood that she still needed the waiver and permit and must appear before the Board. Mr. Zemel indicated that both the police department and the Building Department has signed off the checklist and that this is just the follow through to receiving the actual permit. Vice Chairman Walta questioned if they were able to vote on this without the applicant present. Mr. Zemel stated that under these unfortunate circumstances it would be okay to go forward this evening. At this time the hearing was opened to public participation with no one speaking in favor or in opposition to the waiver request. Chairman D'Agostino closed Public Participation and called for the vote:

**ROLL CALL:**

*Mr. David DiNatale – present*

*Ms. Laura Walta - yes*

*Mr. Vincenzo Pesce – yes*  
*Mr. Philip Cultrera – yes*  
*Mr. Matthew D'Agostino – yes*

**VOTE:            4-0-1 GRANTED**

**ADJOURNMENT:**

There being no further business before the Board, Chairman D'Agostino called for a motion to adjourn:

**MOTION:**        Philip Cultrera so moved

**SECOND:**        Laura Walta

**VOTE:**            Unanimous

Chairman D'Agostino adjourned the meeting at 9:27 PM.

Respectfully Submitted,

Gwen Martone  
Public Recorder