

TRANSCRIPT OF PUBLIC RECORD
ZONING BOARD OF APPEALS MEETING
May 25, 2023

This Regular Meeting of the Zoning Board of Appeals was held at *The Great Hall*, 41 Pleasant St, Methuen, MA. The meeting was called to order at: 7:09 PM.

Chairman Matthew D'Agostino asked for a moment of silence in memory for all those who have died for our country, as well as an additional moment for the mother of member Philip Cultrera, who passed away today. Chairman D'Agostino Led the Pledge of Allegiance

MEMBERS IN ATTENDANCE:

Mr. Matthew D'Agostino, Chairman
Mr. Vincenzo Pesce, Board Clerk
Mr. David DiNatale, Member
Mr. Nick Boucher, Alternate Member

MEMBERS ABSENT:

Ms. Laura Walta, Vice Chairman
Mr. Philip Cultrera, Member

OTHERS IN ATTENDANCE:

Lori Moriarty City Clerk III HHSI
Petitioners and Representatives of Petitioners

Chairman D'Agostino welcomed newest Board Secretary, Lori Moriarty, then asked Board Clerk, Vincenzo Pesce to introduce the members in attendance which included: Member David DiNatale, Member Nick Boucher, himself (Vincenzo Pesce), Secretary Lori Moriarty and Chairman Matt D'Agostino

ACCEPTANCE OF MINUTES:

- January 26, 2022
- February 23, 2022
- June 22, 2022

Chairman D'Agostino entertained a motion to accept the minutes.

Motion: David DiNatale so moved
Second: Nicholas Boucher
Discussion: None
Vote: Unanimous 4-0-0

CITY OF METHUEN, MA
2023 JUN 30 AM 8:45

OLD BUSINESS:

None

NEW BUSINESS:

2023-12: Christos Parkiotis

A Special Permit is required under Section V-D of the City of Methuen Comprehensive Zoning Ordinance, in a BH (business highway) for a Commercial Animal Kennel with a Training Facility and an Apartment (for 24-hour Kennel personal supervision) at 4 Ayers Village Rd., Methuen, MA. (Parcel ID: 702-72A-1)

Chairman D'Agostino asked that Member Pesce call the roll of petitioners. Member Pesce called Christos Parkiotis, who was not in attendance as of 7:11 PM. Chairman D'Agostino stated they are skipping over this application and will come back to him, giving petitioner additional time to arrive.

2023-13: David Pierce

A Variance is required under Section VI-D of the Methuen Comprehensive Zoning Ordinance, in a RR (Rural Residential) Zone for a 30' x 30'-4" addition to the right side of the existing home, that will be too close to the Right-Side Setback at 38 North St. unit lot B, Methuen, MA. (Parcel ID: 804-74-11C)

Chairman D'Agostino called Mr. Pierce forward, who they believed would be asking for a continuance. The petitioner said they consulted with Attorney Arthur Broadhurst and will be looking to amend their application and request a continuance.

Chairman D'Agostino advised that Attorney Broadhurst arrived prior to the meeting and informed the board that Mr. Pierce would be seeking a continuance. Chairman D'Agostino also advised the applicant that they do not need to start the process over, and they can make amendments to their application.

Nicholas Boucher requested new detailed plans from the applicant, showing the layout/floor plan inside and the exterior. He also asked them to make sure the plot plans are consistent with the application and legal notice advising there was a discrepancy in the plans they provided. The plot plan they provided listed 25' x 30', but the legal notice and application lists 30' x 30'. The petitioner stated that it was an error, and they would correct it. The size will be 30' x 30'.

Chairman D'Agostino requested the applicant apply for a special permit along with the variance if they are seeking approval for an accessory apartment. He advised the petitioner to work with Attorney Broadhurst to make sure their application is complete.

David DiNatale asked Chairman D'Agostino if the, David Pierce, would be submitting new plans or if they should keep the plans they have for next month. Chairman D'Agostino stated that they will be modifying the plan and then presenting. He asked Attorney Broadhurst to modify prior to the meeting, so the building inspector can review it in advance. He also advised Member DiNatale

to hang onto the old petition, in case they want to compare it with the amended version. The Chairman stated he prefers to get the new plan ahead of time rather than at the meeting.

Chairman D'Agostino entertained a motion for a continuance

Motion: Nicholas Boucher so moved
Second: David Dinatale
Discussion: none
Vote: Unanimous 4-0-0

2023-12: Christos Parkiotis

A Special Permit is required under Section V-D Of the City of Methuen Comprehensive Zoning Ordinance, in a BH (business highway) for a Commercial Animal Kennel with a Training Facility and an Apartment (for 24-hour Kennel personal supervision) at 4 Ayers Village Rd., Methuen, MA. (Parcel ID: 702-72A-1)

Chairman D'Agostino circled back to Petitioner Christos Parkiotis, who was still not in attendance. Discussion was had with the members about how long they should wait for him to arrive. The board decided not to wait any longer and discussed a vote to end the meeting. Member Pesce stated they need to vote on the pending legal matter at hand, and they have the option to deny with prejudice or deny without prejudice. Chairman D'Agostino asked if the applicant had called or come into the office or sent any emails stating he was unable to make it. He also asked if the office was open today. Clerk, Lori Moriarty stated that he had not contacted the office in the past week, and she confirmed that the office was open today. A request was made for the clerk to attempt to reach the petitioner by phone in case there was an issue.

A member of the public arrived in the Great Hall, and Chairman D'Agostino addressed her asking if she was the applicant. She stated she was the neighbor. Chairman D'Agostino informed her we were waiting on the applicant to arrive for the dog kennel, and that she was welcome to take a seat.

Clerk, Lori Moriarty, stated a call was made to the petitioner, which was answered by voice mail. Chairman D'Agostino then asked what the pleasure of the board was for this petition. A discussion took place between the board members as to how they were going to proceed with this application, namely, to dismiss with prejudice, or to dismiss without prejudice. Member Pesce advised that a denial with prejudice means it is "done," it is "a no." Without prejudice means they can come back.

Member David Dinatale voted to dismiss with prejudice. This was seconded by Vincenzo Pesce. Chairman D'Agostino advised that they have a motion before them to vote with prejudice which would deem the petition null and void. The applicant would have to come back with a new plan should they want to continue. Member Pesce stated that he believes that they would not be able to present a new plan for two years, as if the petition was denied. Another option is denying without prejudice, giving them the opportunity to come back. Member DiNatale stated he did not see the harm in allowing the petitioner to come back next month. Member Boucher discussed voting on the plan giving feedback and asking them to come back. Chairman D'Agostino stated if they take a vote tonight his understanding is that it would be with or without prejudice. "With prejudice" kills the petition for two years and "without prejudice" means they can come back. He stated they

have given others a chance to come back in the past, although it has not happened often when a petitioner does not appear. David DiNatale agreed. He voted to deny without prejudice, meaning that they can come back. He advised the clerk that the applicant would need to be contacted to fill out paperwork asking for the continuance since he was not in attendance. The applicant would need to file for the continuance, in the required time between this meeting and next and the solicitor needs to be contacted regarding the signature that is needed. They also discussed if they did not vote within 40 days, the petition would be an automatic approval, so the petitioner would need to come forward next month. They would be voting on the petition next month.

Member Pesce reiterated under these circumstances the board can do what it pleases. Chairman D'Agostino stated he would prefer if they voted on a continuation, and advised it would take all 4 members to vote. He also stated the petitioner would have to appear with the plan they currently have, and would not be able to amend it, if they request the continuance and appeared next month. Members would have the opportunity next meeting, if the plan changes, to refer back to the original plan.

Questions then arose as to whether the members can discuss the plan if the petitioner is not here. Chairman D'Agostino stated they were just discussing the procedure of the petition, and not the particulars of the petition, so that was fine.

Chairman D'Agostino called for someone to make a motion to continue until next meeting

Motion: David Dinatale
Second: Vincenzo Pesce
Discussion: none
Vote: unanimous 4-0-0

ADJOURNMENT:

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

Motion: Vincenzo Pesce
Second: David Dinatale
Discussion: None
Vote: Unanimous 4-0-0

Chairman D'Agostino adjourned the meeting at 7:26 PM.

Respectfully Submitted,

Lori Moriarty
City Clerk III HHSI