

**Town of Wilbraham
Zoning Board of Appeals
240 Springfield Street
Wilbraham, Massachusetts 01095**



Edward Kivari Jr., Chairman
Mark Albano
Charles Pelouze
Betsy Johnsen, Associate
Jamil Eyvazzadeh, Associate

John Pearsall, Planning Director
Heidi Burnham, Admin. Assistant

PH: (413) 596-2800 Ext. 203
FAX: (413) 596-9256

**WILBRAHAM ZONING BOARD OF APPEALS MEETING MINUTES
THURSDAY, JANUARY 21, 2021**

In Attendance: Edward Kivari Jr. – Chairman
Mark Albano
Charles Pelouze
Betsy Johnsen, Associate
Jamil Eyvazzadeh, Associate

Staff: John Pearsall, Planning Director
John Walsh, Building Inspector
Heidi Burnham, Administrative Assistant

Chairman Edward Kivari called the meeting to order at 5:30 PM pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Wilbraham Zoning Board of Appeals was conducted exclusively via remote participation.

This meeting was recorded in its entirety in digital video format.

1. **Public Hearing (continued from 12/17/20)**
Frontage Variance Request

Land of Dearden – 4 Melkian Drive (lot # 7) & 6V Melikian Drive (Lot #6)

Chairman Kivari opened the public hearing at 5:45 PM and read the legal notice.

Jeffrey Dearden was present on behalf of his father, George Dearden, to request a variance from the frontage requirement in order to have two frontage lots approved at their property located at 4 & 6V Melikian Drive. Mr. Dearden stated that enforcement of this by-law would create a substantial financial hardship for his parents if they were unable to build a home on the vacant lot for their daughter and her family to live in to care for them. Mr. Dearden also stated that his parents have been faced with the financial hardship of paying a higher buildable lot tax rate on the vacant property for over 50 years. Mr. Dearden indicated that he needed the GIS layout map of the neighborhood to show proof that each of the lots are comparable in dimensions and in conformance with current zoning.

Chairman Kivari asked Mr. Dearden if he provided copies of his parent's tax bills and a copy of the GIS layout map to the Board prior to the public hearing to back up his claims for this request of the variance. Mr. Dearden requested a continuation of the public hearing for purpose of obtaining further documents. The Board denied his request stating that he had sufficient time to adequately prepare for his case and additional time is not warranted.

Numerous abutters in the audience voiced their opposition to the proposal based on the condition of the property, potential diminished property values, detriment to the character of the neighborhood, amount of time the property has been vacant and possible water/drainage issues when clearing the vacant lot. No one appeared in favor of the variance request.

Mr. Dearden stated that the variance is the landowners 2nd to last option and they may have to consider the last option which will be Chapter 40B affordable housing.

Board member Mark Albano moved to approve the Petitioner's variance request to allow the two adjacent lots to be used separately as residential building lots for zoning purposes but when called by the Chairman the motion was not seconded. Determining that the motion to approve failed to pass by virtue of not being seconded, Chairman Kivari declared the variance request is denied.

2. **Draft Special Permit Decision – Bryan & Heather Murphy**
Home Occupation Use – Murphy Residence, 964 Tinkham Road

The Zoning Board of Appeals reviewed and approved the draft decision for Special Permit (964 Tinkham Road) to allow a commercial pickup truck and two commercial flatbed trailers to be parked on property owned by Heather Murphy located at 964 Tinkham Road with one modification: Condition #4 by revised to, "No storage of commercial freight or cargo of any kind shall be allowed on the property except that occasionally, due to unusual circumstances, non-hazardous commercial freight or cargo may remain temporarily stored overnight on a trailer provided such trailer is parked in the designated area on the property for a period of time not to exceed twenty-four (24) consecutive hours".

MOTION (ALBANO, PELOUZE): I move that the Board grant Special Permit (964 Tinkham Road) as amended subject to conditions of approval contained in the draft Notice of Decision dated January 21, 2021. Approved by roll call vote (3-0).


3. **Annual Town Report for 2020**

The Zoning Board of Appeals reviewed and approved the above informational item.

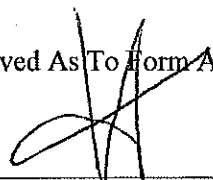
MOTION (KIVARI, JOHNSEN): I move that the Board approve the Annual Town Report for 2020 as drafted. Approved by roll call vote (5-0).

Having no further business, the meeting was adjourned at approximately 7:14 PM.

Submitted:


Heidi Burnham, Admin. Assistant
Date: 1/29/2021

Approved As To Form And Content:


Edward Kivari Jr., Chairman
Date: 4/22/2021