



CITY OF NORTH ADAMS, MASSACHUSETTS

Zoning Board of Appeals

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**REGULAR MEETING**

**MINUTES**

**March 15, 2021**

**Members present virtually** Chairman Ross Jacobs, Paul DiLego, Jr., Shannon Santelli, and Christopher Thomas

**Members absent** Peter Milanesi and Gregory Roach

**Others present virtually** Bill Bonnet, Castella, Tammy Daniels, Goodson, Michael Goodson, Vince Guntlow, Bill Meranti – Building Inspector, Jason Moran, and Garabed Setrakian

**Call to order** Chairman Jacobs called the meeting to order at 7:01 p.m.

Chairman Jacobs read the following statement regarding virtual meetings:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the North Adams Zoning Board of Appeals is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can listen to this meeting while in progress by via teleconference at zoom.us. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by teleconference.

Chairman Jacobs read the Zoning Board Chairman's statement:

Any application for a variance or a special permit may be withdrawn by the petitioner without prejudice by requesting this Board's permission to do so. This request by the petitioner must be made prior to any vote or final action by the North Adams Zoning Board of Appeals. Any variance or special permit request so withdrawn may be re-submitted at a future time by repeating the application process. Any variance or special permit request which is unfavorably and finally acted upon may not be re-submitted for a period of two years from this date unless this Board agrees by vote that the new request is substantially different than the first one.

Chairman Jacobs announced new member Shannon Santelli to the Zoning Board of Appeals.

**Approval of minutes** Chairman Jacobs requested a motion to approve the minutes from September 21, 2020. Member Thomas made a motion to approve the minutes. Member DiLego seconded the motion. All in favor. Motion passes.

**New business**

- **Case No: Z2021-01** Application of Garabed Setrakian for property located at 246 Houghton Street. Special permit requested in an R-5 zone for alteration, construction, or extension of non-conforming use (Section 5) to demolish existing building and replace with a new 6-unit dwelling.

Chairman Jacobs opened the meeting to Garabed Setrakian to explain the project. Mr. Setrakian explained his history and attraction to North Adams.

Chairman Jacobs inquired about the parking for the project, noting that twelve parking spaces are generally required and there are only six proposed and there is no street parking available. Mr. Bonnet explained that the previous use allowed for six spaces. He showed the layout of where the parking spaces would be and that they are

larger than average parking spaces. Chairman Jacobs explained the he would like to see some effort of where they are trying to conform to the ordinance.

Mr. Setrakian stated that the units have a two-bedroom, one-bathroom design. They were hoping to attract a couple or single professionals that are interested in short term rentals. Mr. Bonnet explained that people are looking to get jobs closer to home and traveling with bicycles and less cars.

Member DiLego inquired about whether the decision could be written so that one parking space is designated to each apartment. Chairman Jacobs stated that he did not feel that was supported by ordinance.

Mr. Guntlow offered a statement that Mr. Setrakian can offer a restriction on his leases that there is only one parking space available per unit. Chairman Jacobs stated that this board has no enforcement over that, only that they need to support the ordinance. Mr. Setrakian explained that he has been trying to meet the nearby neighbors and feels this will be a big improvement to the neighborhood.

Chairman Jacobs requested questions from the attendees. Michael Goodson stated that the plan looks really nice. His concern is about the parking. He thought that Mr. Setrakian could make a parking arrangement with the property owner across the street. Chairman Jacobs inquired about whether Mr. Goodson was in favor or against the project. Mr. Goodson inquired about whether this would be used as an Airbnb. Mr. Setrakian confirmed that he would be using it in combination seasonally as an Airbnb and will also be using it as homes for the locals and he is working with the bank on the logistics. Mr. Goodson reiterated that it is a nice design, his concern is the parking in the neighborhood.

Jason Moran of 273 Houghton Street and chairman of the Conservation Commission explained that he reached out to the representative of the applicant regarding the need to go before the Conservation Commission should this project move forward. Mr. Moran explained that he is in favor of the project. Off street parking is limited in the winter but when parking is allowed on the street, having multiple cars on the road slows down the speeders.

Chairman Jacobs inquired about Inspector Meranti's input on the project. Mr. Meranti explained that he also is in favor of the project. Six spaces would be more than it has ever had historically. His concern was regarding the short-term housing. At this time there is no ordinance supporting an Airbnb. If it were an Airbnb, someone would need to live there. The ordinance is in process but there is no guidance at this time. If this is for transient people for less than thirty days it would have to be built as an R-1 hotel/motel. It is a construction concern as well as a zoning concern as it would not be allowed in that zone. Chairman Jacobs requested clarification that if the board approves this project in the R-1 zone for the six-unit dwelling, it would not allow short-term leasing until the city has an ordinance allowing it. The units would have to be long term rentals as allowed by the current ordinance.

Mr. Bonnet requested clarification from Mr. Meranti on the R-5 versus R-1 zone. Mr. Meranti explained that they are in an R-5 zone but the construction of the building would have to be an R-1 if it was transient. Building code versus zoning code.

Chairman Jacobs requested questions or comments from the board. Member DiLego spoke in favor of the project. Member Thomas inquired about snow removal at the project site. Mr. Bonnet explained the locations of the landscape area that is for piling up snow.

Mr. Setrakian requested clarification on the restrictions for temporary housing versus permanent housing. Mr. Meranti explained that the proposed site is located in a zoning R-5 zone which would allow for residential homes, single family and multi-family. The building was a pre-existing non-conforming six family. If the board were to allow that to continue, the six family would have to act as rentals that are not transient in nature according to the building code. The building code would require the building to be built differently to act as an R-1, meaning hotel/motel/transient people than it would for a single family or six family long term home. The city does not have an ordinance yet that allows Airbnb's under these circumstances in different neighborhoods so this should not be for short-term rentals, transient in nature, less than thirty days. Chairman Jacobs explained that if the board approved this and they continue with the short-term rentals they may run in to some code issues.

Mr. Setrakian inquired about how current owners are running their Airbnb's because there is currently a shortage for Airbnb's. Chairman Jacobs stated that that is not a question for this board to answer.

Chairman Jacobs requested a motion from the board. Member Thomas made a motion to approve the special permit requested in an R-5 zone for alteration, construction, or extension of non-conforming use (Section 5) to demolish existing building and replace with a new 6-unit dwelling subject to the following conditions:

1. This special permit goes with the applicant Garabed Setrakian for property located at 246 Houghton Street.
2. The special permit is for an alteration, reconstruction, or extension of a non-conforming use (Section 5).

3. The site will be reviewed in six (6) months to be sure the conditions are being complied with.
4. Any revisions to the plans submitted and accepted by the Zoning Board at the meeting held March 15, 2021 would require review and approval of the Board.
5. This special permit shall lapse on March 19, 2023 if it has not been exercised by that date, except for good cause.
6. This special permit must be filed at the Registry of Deeds (Registry of Deeds Document) within thirty (30) days after being certified by the City Clerk's Office.

Member Thomas seconded the motion. All in favor. Motion passes.

**Adjournment** Meeting adjourned 7:51 p.m.

Respectfully submitted,



Michelle Ells  
Zoning Board of Appeals Secretary