



CITY OF GLOUCESTER
ZONING BOARD OF APPEALS
3 POND ROAD, GLOUCESTER MA 01930

ZONING BOARD OF APPEALS
Meeting Minutes
7:00 P.M., March 28, 2019
Kyrouz Auditorium, City Hall

Board Members Present: David B. Gardner, Chairman
Joseph Parisi, III, Vice Chairman
Michael C. Nimon
Sage Walcott - absent
Adria Pratt

Alternate: Michele Harrison - absent

Also in Attendance: Bill Sanborn, Building Commissioner for the City of Gloucester
Alison Battle, Clerk of the Zoning Board of Appeals

The Chairman called the meeting to order at 7:00 p.m.

New Business:

14 Laurel St

Attorney Sal Frontiero of Frontiero Law Office, 46 Middle St. Gloucester, MA, is representing the applicants who are purchasing the lot at 12 Laurel St. This is a non-conforming lot in an R-10 Zoning District. They would like to make this lot zoning compliant as it currently has no frontage, by also purchasing a portion of 14 Laurel St., a conforming lot in an R-30 Zoning District. This would add frontage to 12 Laurel St. and ensure that both lots are conforming. The Variance is being requested because of the structure not because of the lot. It would be a hardship for the applicants to otherwise make the property at 12 Laurel St. compliant while keeping 14 Laurel St. compliant without moving the existing garage.

The board discusses the boundary lines of these properties with the Building Commissioner Bill Sanborn.

Speaking in Favor: None
Speaking in Opposition: None

Mr. Parisi moves to continue this application to 4-25-19
Mr. Nimon seconds

All in favor, 4-0

163 Hesperus Ave.

The applicant is present this evening to modify her plans that were approved last year as she and her architect have found a better way to deal with the second egress for the upstairs unit. Ms. Tanquay reads and submits a letter in support from the abutter that will be most affected by these changes and a site plan for a play space and swing set for her granddaughter.

She explains that the area behind her porch, which is where the approved plans had placed the second egress for the upstairs is the only usable portion of her yard that the swing set can be staked to the ground due to land conditions. They are asking to change the direction of the stairs which will change the encroachment on that setback.

The Board discusses the changes with the Building Commissioner.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Parisi moves to accept the modified plans

Mr. Nimon seconds

All in Favor, 4-0

95 Riverview Rd.

Atty. Deborah Eliason of Eliason Law Office, 63 Middle St. Gloucester, MA is present, along with Architect Jonathan Poore of Poore & Co., 315 Washington St. Gloucester, MA. Atty. Eliason speaks of the property and of the plans submitted, which will add 2 bedrooms and a media room to the second floor, and a master suite and office to the third floor. They will also be moving the pool and add a front porch bringing the house and property up to code and make it more structurally sound. The applicants will be removing the existing cupola, which will make the height of the structure more conforming, however, they will be extending the roof line, which will extend the reduced non-conformity. Atty. Eliason discusses that the dimensions that will be non-conforming are already non-conforming except for the front yard which will be increasing in non-conformity due to the front porch being added. She adds that the lot line is on the right of way, but the paved portion of the road is further over.

The Chair confirms that this structure is a previous carriage house of the larger house.

The Conservation Commission has approved the submitted plans.

Speaking in Favor: none

Speaking in Opposition:

Kenneth Harris, 72 & 74 Riverview Rd. submits a copy of his prepared remarks. He and his wife Kathy have lived at 72 Riverview Rd. for over 25 years and are frustrated with the continual purchase of this property, requested relief to make it the owners dream home, only to see it flipped a few years later for more money.

Mr. Harris asks the board to review the section of the application pertaining to the impact on the view of the abutters which he feels is not correct. The extension of the roof line will block his only view of the marsh and the river. Photos are submitted showing the current view of his home from his backyard. He is also concerned with having construction on this road during the summer months as the population doubles in this neighborhood during this time and the road is one way and narrow. He asks the board to restrict all construction to between October and May.

The Chair asks if Mr. Harris would allow the board to conduct a site visit from his property and Mr. Harris will allow them to do so.

Seth Goldfine, 60 Riverview Rd. has lived in his home for 26 years and is concerned with the accuracy in the application, the representations comments and the letters of the abutters. He has been in this building multiple times and feels that there have been many updates to this home that have been grandfathered and are not up to the current code, but feels that the statements of bringing the height more to code by removing the cupola is misleading because they are also increasing the existing roofline and that of the addition. He feels that the front yard setback is very substantial and that the stone walls for the basement is already beyond the property line.

Leslie Nickelson, 67 Riverview Rd. informs the board that in the 10 years that she's lived in her home the increase in building and expansion on Riverview Rd. has increased greatly to the point that it has changed the character of the neighborhood. The view of the water was a piece of the neighborhood and you can no longer see the water from the street.

Rebuttal: Atty. Eliason and Mr. Poore address the points raised by the opposition using the plans for the project.

Mr. Parisi moves to continue this application to April 25, 2019, with a site visit scheduled for 9 AM on April 20, 2019.

Mr. Nimon seconds

All in favor, 4-0

255 Magnolia Ave.

James and Suzanne Nadeau, seeking a Variance 3.2 (c) accessory building may not be closer to the street than the principal building and a Variance for a left side setback to allow placement of a shed in the front yard. Mr. Nadeau is present and gives a brief summary of his project and answers questions by the Board about the leaching field.

Speaking in Favor: None

Speaking in Opposition; None

Mr. Nimon moves to allow Variances to allow the shed due to the shape and topography of the land.

Mr. Parisi seconds

All in favor, 4-0

3 Old Bray St.

Suzanne Fulton and William Muise, seeking a Special Permit 1.9 to alter/expand a non-conforming structure to allow the construction of an attached garage with family room above, on an existing poured foundation. Drew Hale, 52 Philips Ave. Rockport MA. is representing the applicants. Mr. Hale gives a brief summary of the project, explaining that the Muises' family is expanding and thus they need to expand their home to accommodate the growing family.

The board discusses the shared driveway and the registered easement.

Speaking in Favor: None

Speaking in Opposition; None

Ms. Pratt moves to grant the Special Permit as it will improve the home and neighborhood.

Mr. Parisi seconds

All in favor, 4-0

33 Two Penny Lane

Matt Genaze and Stephanie Horowitz of Zero Energy Design, 156 Milk St. Boston, MA are representing Steve DiFillippo, seeking a special permit 3.2 to exceed maximum allowable building height to allow construction of new residence to replace the residence destroyed by fire.

Mr. Genaze explains the proposed project and informs the Board that the Conservation Commission unanimously approved it. They were advised that they may not need a Special Permit for a height increase because the original house was 3' taller than the proposed house.

The Board discusses whether the Special Permit for height is needed with the Building Commissioner.

Speaking in Favor: None

Speaking in Opposition; None

Mr. Parisi moves that the Board make a determination that this is not an increase in the non-conforming nature and the Applicant does not require a Special Permit.

Mr. Nimon seconds

All in favor, 4-0

6 Cedar Lane

Serena & Patrick Low, seeking a special permit 1.9 to alter/expand a non-conforming structure and a variance 3.2 front yard setback to allow construction of 2 story addition. Mr. Low is present and gives the Board a brief summary of his project to update and expand his house that was originally built in 1953. He informs the Board that he spoke to his neighbors and they are all in favor of the proposed plans.

The Board discusses if the Special Permit is needed.

Speaking in Favor: None

Speaking in Opposition; None

Mr. Parisi moves that the Board make a determination that this is a de minimis increase in non-conformity and a Special Permit is not required.

Mr. Nimon seconds

All in favor, 4-0

Motion to adjourn was made at: 9:07 PM

Motion by: Ms. Pratt

Second by: Mr. Nimon