



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

**ZONING BOARD OF APPEALS**

**Meeting Minutes**

7:00 P.M., April 11, 2019  
Kyrouz Auditorium, City Hall

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

**Alternate:** Michele Harrison

**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:**

**1A Bittersweet Rd.**

Attorney Sal Frontiero of Frontiero Law P.C., 46 Middle St. is requesting an Extension of Time for Variance for 1A Bittersweet Rd. Atty. Frontiero explains to the board that the house is under agreement and an extension is needed to give time for the completion of the sale.

Mr. Parisi moves to approve the extension

Mr. Nimon seconds

All in favor, 4-0

**Continued Hearings:**

**13 Sleepy Hollow Rd.**

Atty. Donald Borenstein, of Johnson & Borenstein, LLC, 12 Chestnut St. Andover, MA 01810, is representing Ozone Realty Trust, seeking to appeal the decision of the Building Commissioner concerning the lots buildable status.

Atty. Deborah Eliason of Eliason Law Office, LLC 63 Middle St. Gloucester, MA 01930, is representing the appellant Joseph & Gloria Distefano. They are the current owners of 13 Sleepy Hollow Rd. and planning to build a home on this lot.

The Chair informed both attorneys by email and during the meeting that there are not enough members

present for a quorum to hear the application at tonight's meeting. The application will be continued to the next meeting on April 25, 2019.

### **26 High Rock Terrace**

Robert Gulla, Architect for Wendy Lippe who is seeking a Special Permit 3.2.1 GZO for lot width and exceeding building height to allow the demolition and reconstruction of the dwelling is present and requests for a 2 month continuance to June 13, 2019. Ms. Lippe is in the process of retaining new counsel and he or she will require time to work with the Coastal Engineer and the Architectural team to develop their presentation.

Ms. Pratt moves to continue this application to June 13, 2019

Ms. Harrison seconds

All in favor, 4-0

### **New Hearings:**

#### **26 Emerson Ave.**

Attorney Sal Frontiero, Frontiero Law P.C. 46 Middle St. is representing the applicant LKB Realty LLC seeking a Special Permit 4.1 parking, to allow lesser number of off street parking spaces. A Variance 3.2 rear yard setback for percentage of lot coverage, to enable the construction of an addition connecting to the existing building at 28 Emerson Ave. next to 26 Emerson Ave. the subject property, allowing both properties to operate as one property.

Atty. Frontiero presents the application with the aid of the project plans and explains that the additional area will not be used to house more visitors, but for the storage of kitchen and other supplies.

Speaking in Favor:

The Clerk informs the Board that she has received 5 letter in support of this project.

Speaking in Opposition: None

Ms. Harrison states that The Open Door is a well run organization that serves the City and does a lot of good. She moves to grant the Special Permit and Variance subject to the condition that they combine the two parcels of land at 26 & 28 Emerson Ave. into one parcel through recording of the perimeter deed.

Mr. Parisi seconds

All in favor, 4-0

#### **1 Lexington Ave.**

Magnolia Library & Community Center seeking a Variance 4.3 sign, to allow the construction of a new internally illuminated sign at 1 Lexington Ave.

Attorney Gardner informs the applicant that he is an abutter to the property and gives the applicant the option of a continuance as there are only 4 members present at this evenings' meeting. If he were to recuse himself, there would not be enough members for a quorum. Bobby Lemay, 4 Flume Rd. is the Treasurer of the Magnolia Library and representing the applicant as she was unable to attend this evenings' meeting. Ms. Lemay chooses to proceed.

The Magnolia Library is a vital part of the community hosting many programs such as after school, summer camp, weekly senior bridge nights and exercise classes. The library is also a voting area for the district and a Red Cross staging location for disasters. They are requesting to install an internally illuminated sign to communicate local events, snow bans and emergency situations to the public. The sign they are purchasing will only be illuminated between 7 AM and 9 PM except during emergency situations. It will not flash or blink, and has brightness control, with only 30' of illumination.

Speaking In Favor:

Mark Nestor Esq. 15 Long Hill Rd. speaks of the library as the heart of Magnolia, detailing the role that the library played in aiding the community during and after the Ocean Ave. fire a few years back.

James O'Hara 55 Lexington Ave. is a member of the board of the library who also grew up in Magnolia. Mr. O'Hara speaks about the important part the library had in his youth and that the library is used by all of Gloucester not just Magnolia.

Chris Bouchie, 17 Mondale Circle is on the board of the library and feels that the sign will aid the library in letting people know exactly what the library does, as he feels that many do not currently know.

In Opposition: None

Mr. Parisi moves to approve the application with the condition that the sign only be illuminated during the hours of 7:00 AM and 9:00 PM, except during emergency situations.

Ms. Pratt seconds

All in favor 4-0

### **68 High Popples Rd.**

Atty. Sal Frontiero, of Frontiero Law P.C. 46 Middle St. is representing BTE Development LLC Seeking Special Permit 2.3, # 3 to convert from a one to a two family with changes to the exterior dimensions of the building to allow an addition of a dormer and a second floor addition and add garages on either side of the structure

Ms. Harrison states for the record that she was a resident of Links Rd. 17 years ago, but does not feel that this will impact her vote on the application.

Atty. Frontiero informs the board that he mistakenly added a Variance for a side yard setback, to the application, however it is not needed. The applicant is present and has recently divided the property into 2 lots. He is planning to build a 2 family house on lot number 1 and turn the current single family structure on lot number 2 into 2 separate units. Atty. Frontiero states that the proposed project will bring more jobs to the residents of Gloucester and add more affordable housing in Gloucester to a high priced area of the city and will not have any effect on the character of the neighborhood, wetlands, utilities or drainage in the area.

Speaking In Favor: None

In Opposition:

Attyl. Mark Nestor of the Law Office of Mark L. Nestor, 45 Middle St. is representing Stephen and Jean Muniz of 2 Links Rd. Mrs. Muniz is present this evening. Atty. Nestor discusses the size of the

proposed project and states that when the Conservation Commission reviewed the wetland percentage the property was one lot not 2. Atty. Nestor questions if the results would be the same now that the property has been divided. He feels that this project does not qualify as affordable housing as the price of these units will be sold for more than most residents can afford. Atty. Nestor also discusses the size of the road, stating that it is a one lane road and cannot handle the amount of traffic that these units will bring. The current issues with utilities, sewer and traffic are discussed along with the physical impact that the units will have on the neighborhood.

Mark Poulin, 84 High Popples Rd. informs the board that the Conservation Commission did in fact look at the effects of the wetlands when the property was only 1 lot. He asks the board to view the video that he submitted to the board today of a 4' geyser that shot up out of the road when his son was riding his bike in the street.

Kathy Clancy, 78 High Popples Rd. has lived in her home for over 20 years. She feels that changing this property from a 1 family to a 4 family is a mistake on such a tight corner. She informs the Board that while the Conservation Commission voted in favor for this change they also commented that the property was a sponge and has drainage issues. She discusses the evening of the vote by the planning board where the Chair was not present and there were only enough members present for a quorum. Ms. Clancy reads a letter from a former Planning Board member Zoey McManis 20 Links Rd., previously going by the name of Charles McManis who was on the Planning Board when Ordinance 3.1.8 was drafted. Ms. McManis was unable to attend this evening's meeting.

Paul Cunningham, 78 High Popples Rd. is a summer resident who built his home in 2009/2010. Though he is not against development, he feels that this project is overwhelming and that the sewer would not be able to handle the added capacity. He agrees with his neighbors other concerns.

William Muniz, 8 links Rd. has lived in the neighborhood for 20 years and asks the board to review the driveways and tight corner of Linx Rd. and High Popples Rd., along with the sewer issue, stating that 2 of the homes on the street have septic systems as the sewer cannot handle more.

Mr. Muniz feels that it is not right that people from out of town are being allowed to come in and change neighborhoods, not to live in them, but to sell the property at a higher price. He wanted the Board to know that this project is not bringing more jobs to the residents of Gloucester, as not one person or company hired to work on this project is from Gloucester, including the dumpster service that is currently being used.

Doug Smith, 2 Mayflower Lane lives directly across the street. Mr. Smith states that the existing house is already the largest in the neighborhood, not including the homes on Atlantic Ave. He discusses the already present dangers of driving in the neighborhood and that years ago someone was killed at the intersection of High Popples and Links Rds.

Rebuttal:

Attorney Frontiero addresses the points raised by the opposition and informs the Board that his client has decided that he will withdraw his application without prejudice and complete the project without the exterior changes. His client will look into parking for the 2 family on the second lot on High Popples Rd. instead.

Ms. Harrison asks the applicant, as a good neighbor, to still consider the sewer issues and be sure to not exceed the 25% of the wetlands. She also states that this is an area with 3 dead ends and that traffic still remains an issue.

### **19 Dennison St.**

Timothy Thurman, President of Treehouse Designs, Inc. 31 Pool's Lane, Rockport, MA 01966, is representing the applicant Luke Wright who is seeking a Special Permit 1.9 to alter/expand a non-conforming structure and a Variance 3.2 left side setback, to allow the construction of a new front entry porch, enclosed utility room and enclosure for propane tanks.

Mr. Thurman explains that this is a small property in Goose Cove that currently does not meet the Zoning Ordinance in many ways. With the increase of the flood zone, the applicant has had his basement flood many times. This project will elevate the structure 13' to enable the applicant to move the mechanical systems to the house out of the flood zone.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Parisi moves to approve both the Special Permit and Variance as it nicely solves the mechanical problems.

Mr. Nimon seconds

All in favor, 4-0

### **12 Centennial Ave.**

John E. Stevens, seeking a Special Permit 1.9 to alter/expand a non-conforming structure. A Variance 3.2 rear yard setback to allow construction of a new 3 story exterior deck and stairs.

Mr. Stevens is present to explain his project to the Board. He is removing the existing deck to replacing it with a new deck and landing area for everyone in the house to use. The stairs are in great need of repair.

The Chair positively remarks on the changes that have already been made to the house.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Nimon moves to approve the Special Permit as it improves the safety and appearance of the rear of the building and the Variance as it makes it a more secure structure.

Mr. Parisi seconds

All in favor, 4-0

### **2 Cole's Island Rd.**

Atty. Mark Glovsky 8 Washington St. Beverly MA., is representing Jose Carlos, Gutierrez-Ramos & Sandra Schieferl seeking a temporary Variance 2.3.1 (3) GZO to allow (2) dwellings on one lot and a Variance 3.2.1 (c) GZO to allow an accessory structure closer to street than principal building.

The Chair informs Atty. Glovsky and his client that Ms. Harrison has listened to the recording of the last hearing and is now able to vote on the application.

Atty. Glovsky gives the Board a brief summary of the project. The Applicant is building a home and a barn on his 18 acre property and would like to add an accessory dwelling above the barn to live in while the construction of his home is being done. Once the home is completed he will be housing rescued farm animals on his land and the living space above the barn will be for their farm manager to live in.

The Board discusses the issues of allowing 2 dwellings on one lot.

Remko Breuker of Breuker & Dixon Design, 13 Elm St. Manchester, MA 01944 answers questions by the Board as does the Applicant.

The Board and Atty. Glovsky agree upon the following conditions.

The Board will grant a Variance to allow a 1 bedroom dwelling unit in the barn during the construction of the main dwelling, occupied by the owner for no more than 9 months.

Once the barn unit is vacated by the owner, it must be occupied by an employee of the owner involved in animal husbandry and an affidavit must be submitted yearly to the Building Commissioner confirming the occupancy of the employee. The Building Commissioner shall have the right to go upon the property to insure that the conditions are being met at their discretion.

Mr. Nimon moves to grant the temporary Variance and Variance subject to the conditions listed above.

Ms. Pratt seconds

All in favor, 4-0

Motion to adjourn was made at: 9:51 p.m.

Motion by: Michele Harrison

Second by: Joe Parisi

All in favor