



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

ZONING BOARD OF APPEALS

Meeting Minutes

7:00 P.M., May 9, 2019
Kyrouz Auditorium, City Hall

Board Members Present: David B. Gardner, Chairman
Joseph Parisi, III, Vice Chairman
Michael C. Nimon
Adria Pratt
Michele Harrison

Alternate: Catherine A. Schlichte - 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.

Minutes: None

New Business: None

26 Way Road

Tobin Shulman of S.V. Designs, 126 Dodge Street, Beverly, MA 01915, is representing owner John W. Gillis Jr. who is seeking a Special Permit 2.4.3 to alter/expand a non-conforming structure and a Variance 3.2.1 for a front yard setback, to enable petitioner to construct a garage addition to the principal structure. Mr. Shulman and Mr. Gillis discuss the proposed project to construct a 1 car garage in front of the property and separate from the main house and submit a letter from neighbor Marcy Pregel of 28 Way Road who is in favor of the project.

Speaking in Favor: None

Speaking in Opposition: None

Ms. Harrison moves to grant the Special Permit and Variance.

Mr. Nimon Seconds

All in favor: 5-0

88 Bass Ave

Attorney Deborah Eliason of Eliason Law Office LLC, 63 Middle St. is representing KTBGM LLC, 88 Bass Avenue seeking Variances for rear yard setback, lot width, lot area to enable petitioner to

operate a marijuana retail facility. Atty. Eliason submits a corrected version of the plans that were originally submitted, as the building was not in the correct place in the first set of plans.

Atty. Eliason introduces the owner and Manager of Hooligans Enterprises, LLC, Mark Guinane, who is a life-long resident of Gloucester. Atty. Eliason informs the Board that they are only before this Board to receive zoning relief so that they can go before the City Council.

Atty. Eliason presents her case to the Board explaining Mr. Guinane's hardship for needing the zoning relief as both financial, he lives in Gloucester and would like his business to be in the same city, and 88 Bass Avenue's inability to meet the City's Zoning Ordinance for the required lot size needed for a retail marijuana business. Mr. Guinane feels that he will not need the required lot size as he will run his business as an appointment only facility.

Mr. Nimon states that he is concerned with the traffic in the area and if they decide in the future to change to being open to the public, there will not be enough parking.

The Chair explains to the Applicant that the ZBA deals with the property itself and not the area around it and also discusses the traffic issues that the City already has in this area due to the beaches. Mr. Parisi states that he does not feel that being unable to operate in Gloucester is a financial hardship. The board discusses that there are a total of 49 properties approved by City Council that Mr. Guinane could run his business out of where he would not need any relief. Atty. Eliason explains that many of these sites are not available.

Speaking in Favor: None

Speaking in Opposition:

The Clerk informs the board that she has received 3 letters in opposition of the application and submits them to the Board.

Cheryl Marks, 77 Bass Avenue, address the remarks brought up by the applicant's attorney and discusses the amount of families with young children in the area, as well as, the financial hardship of the homeowners on Bass Ave. as she feels that a retail marijuana shop will decrease the property value of their homes.

Sue Agusti, 40 Fort Hill Avenue, agrees with Ms. Marks and feels that requesting relief for over 25% less parking is too much.

George Elanjian, 107 Bass Avenue, also agrees with Ms. Marks and remarks that Bass Avenue is a residential street and not a good place for this type of establishment.

Jessica Bean, 19 Corliss Avenue, reads a letter discussing why she is in opposition and submits it to the Board.

John O'Hara, 55 Lexington Avenue, and owner of a rental home on Briar Neck Road, discusses his experience of growing up in Gloucester and going through the Gloucester School System and how large a drug problem there was during this time. He feels that allowing any marijuana facilities to open in Gloucester is appalling. The Chair informs Mr. O'Hara that this is not an issue that the ZBA deals with and that he should bring his concerns to the City Council.

The Chair takes a count of 30-35 people in the audience in opposition.

Rick Noonan, 1 Wheeler St. and owner of Cape Ann Coffee's which is a direct abutter to the property on 88 Bass Avenue speaks in opposition.

Margaret Jarnett, 20 Whiskey Head Point informs the Board that retail marijuana shops are cash only businesses, as the sale of Marijuana cannot go through the U.S. banking system.

Atty. Eliason rebuts the comments made in opposition, stating that the traffic issues discussed already exist and that many of the topics that were brought up by the opposition are off topic and not the reason that Mr. Guinane is before the ZBA this evening.

Discussion:

The Board members are all in agreement that they do not see a proper hardship and that they would need a comprehensive traffic study to derogate from the intent of the Zoning Ordinance. They also feel that in the area of financial hardship, the impact on the residential dwellings is far worse than that of Mr. Guinane.

Mr. Parisi moves to approve the variances for rear yard setback, lot width, lot area to enable petitioner to operate a marijuana retail facility at 88 Bass Ave.

Ms. Pratt seconds

The Board feels the requested relief does directly derogate from the Zoning Ordinance and votes to deny the application with a 5-0 vote.

588R Essex Avenue

Drew Hale is representing Nathaniel and Amanda Levie seeking a Special Permit 3.1.6 for height exception to enable petitioner to construct a new house.

Mr. Sanborn informs Mr. Hale and Mr. Levie that several abutters did not receive proper notice and that the address advertised was incorrect. This means that their application will have to be continued to the next meeting.

Mr. Nimon moves to continue this application to May 30, 2019

Mr. Parisi seconds

All in favor, 5-0

720 Washington St.

Caroline M. Fenollosa 720 Washington St. is present and seeking Variances 3.2.1 side yard setback and 3.2.1 (c) to allow an accessory building closer to the street than the principal structure to enable petitioner to construct a garden shed. Ms. Fenollosa explains her desired project to the board.

Speaking in Favor:

The Clerk informs the board that she has received 2 letters in favor of the application and submits them to the Board.

Lindsey and Chad Cowan, 722 Washington St. are neighbors of Ms. Fenollosa and are in favor of the garden shed.

Speaking in Opposition: None

Mr. Nimon moves to grant the requested variances.

Ms. Harrison seconds.

All in favor, 5-0

722 Washington Street

Chad and Lindsey Cowan seeking a Special Permit to alter/expand a conforming structure on a non-conforming lot 2.4.4 and Variances for 3.2 lot width and frontage width to principal structure to enable petitioner to demolish existing structure and rebuild.

Mathew Cummings of Cummings Realty 57 S. Main St. Ipswich, MA is representing the Cowan's and discusses the plans for their application.

The Cowan's are also present and discuss need to rebuild the existing structure that was built in the 1920's and in her family for now 5 generations.

David Pearce, Lindsey Cowan's father also speaks of the family home and the need for the re-build and to keep the home in the family for generations to come.

Speaking in Favor:

Carolyn Lynn Fenollosa, 720 Washington St. is in favor of the proposed project.

The Clerk informs the board that she has received 2 letters in favor of the application and submits them to the Board.

Speaking in Opposition: None

Mr. Parisi moves to grant the Special Permit and Variances as they meet all the criteria and that this is a complete teardown. He also motes the time limit for this project.

Michael Nimon seconds.
All in favor 5-0

Motion to adjourn was made at: 8:29 PM

Motion by: Mr. Gardner

Second by: Ms. Harrison