



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

ZONING BOARD OF APPEALS

Meeting Minutes

7:00 P.M., June 13, 2019

Kyrouz Auditorium, City Hall

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

Alternate: Catherine A. Schlichte

Also in Attendance: Greg Cefalo, Building Inspector 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:

The minutes for 5/30/19 are submitted for approval.

Mr. Parisi moves to accept the minutes of 5/30/19.

Mr. Nimon second

All in favor, 4-0

Old Business:

Continued Business:

26 High Rock Terrace

Ms. Lippe's new council, Atty. Daniel Pasquarello of Fink Law, LLC, 185 Devonshire St., Boston, MA 02110 is representing, 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.

Atty. Pasquarello is present this evening and requests a continuance to the 6/27/19 meeting, as the documents that he submitted to the Board were within 72 hours before this evening's meeting and the Board was unable to view them.

Mr. Nimon moves to grant a continuance to 7/11/19

Ms. Schlichte seconds

All in favor, 5-0

31 King Philip Rd & 4 Cononicus Rd.

Atty. Joel Favazza of Seaside Legal Solutions, 123 Main St. Gloucester, MA is representing Thomas H. Baker, seeking a Special Permit 1.9 alteration or expansion of Non-Conforming uses/structures and Variance 3.2.1 front yard, side yard, lot width, lot area, lot area per dwelling unit distance between buildings distance from accessory building to street.

Atty. Favazza nor the applicant is this evening. The Clerk informs the Chair that Atty. Favazza submitted a letter to the Board requesting a continuance to the 6/27/19 meeting to submit revised plans.

Mr. Parisi moves to continue this application to the 7/11/19 meeting.

Mr. Nimon seconds

All in favor, 5-0

588 Essex Avenue

Drew Hale, 17 Abbott St., Gloucester, MA, is representing Nathaniel and Amanda Levie, seeking a Special permit 3.1.6 for height exception to enable petitioner to construct a new house.

Chairman David Gardner recuses himself.

Mr. Hale gives the Board a brief description of the proposed project.

Speaking in Favor: None

Speaking in Opposition: None

Ms. Harrison asks if all of the neighbors are in favor of the project. Mr. Hale explains the issue with notification the first time this application was on the agenda and that they were all notified and have had no complaints.

Mr. Nimon moves to grant the Special Permit.

Ms. Schlichte seconds

Mr. Parisi apologizes for the previous continuances and explains why the height exception is being allowed in this case.

All in favor, 4-0

1-3 Essex Ave.

Jeffrey H. Ahlin D.D.S., seeking a Special Permit 5.3 GZO to allow a Home Occupation Variance to lot area, percentage of vegetative cover, front yard, rear yard and left and right setbacks. To allow the construction of an attached addition to the existing structure with 2 new dwelling units and to allow the home occupation for dental office in the existing structure.

Chairman David Gardner recuses himself.

Dr. Ahlin is present and representing himself this evening. Dr. Ahlin discusses the changes that he has made to the original plans that were presented to the Board on 4/25/19, and answers questions from the Board. Dr. Ahlin states that he agrees with the concerns that his neighbors brought up at the last meeting. He also adds that he is building above the flood zone.

Mr. Paris confirms that Mr. Ahlin is requesting to build a separate building that is not connected. His architect Brian Stein, 100 School St. Andover, MA is present and answers questions as to why they have decided to make this change. He states that the purpose for appearing before the Board this evening, is to get feedback from the board and neighbors as to the changes they would like to see.

Mr. Nimon confirms that they are being asked to allow 2 dwellings on one lot. It is discussed that this property was originally 2 lots with a home on each one before a fire took one of the homes. Zoning issues are discussed. Mr. Ahlin would ultimately like to see the property be turned back into 2 lots.

The Board discusses that they would have to approve the Variances first before the Planning Board will make a ruling on it being 2 multi-family homes on 1 lot.

Speaking in Favor:

Allen McMillen, 100 School St., Rockport, MA and a member of Rockport's Conservation Board. Mr. McMillen discusses that Dr. Ahlin is keeping and expanding the green space on his lots and has planted 18 trees on his property vs. the neighbors who have paved their front yard. He states that there is no reason not to grant this project from a conservation standpoint as he is building above the flood zone.

Speaking in Opposition:

Liam O'Connell, Farrell, Smith O'Connell, LLP, 46 Middle St. Gloucester, MA, is representing the neighbors at 7-9 Essex Ave. and doesn't know what is being requested. Due to this at this point his clients are still in opposition.

Mr. Parisi explains that this will stay an open meeting, no decisions or rulings will be made on this application this even and it will not be closed.

Sarah Nardone 7-9 Essex Ave., Unit #6, Gloucester, MA, is also concerned with what relief they are requesting and is still concerned with the height and would like to see more plans.

During Mr. Stein's rebuttal, he re-states that they are present this evening to gain insight as to what the Board would like them to do. They are looking to reduce the mass of the building.

Dr. Ahlin reassures his neighbors that he has lived in this home for many years and has always keep it up and will remain to do so.

Ms. Harrison would like them to submit a new application and suggest that they meet with the neighbors outside of this meeting to gain some insight into what they would be willing to agree to.

Mr. Parisi states that he expected them to come back with a reduced plan and suggests that he come back with the reattached downsize or if he chooses to try for separate lots then a new application would be needed.

Mr. Nimon moves to continue this application to 7/11/19

Ms. Schlichte seconds

All in favor, 4-0

New Business:

53 Winthrop Ave.

Nathan & Laury Budrow seeking a Special Permit 1.9 alteration or expansion of non-conforming uses and structures to allow demolition of existing dwelling and construction of new dwelling. Nathan Budrow is the owner and builder of this property. He is present and gives the board a brief summary of the project. This is a foreclosure and rebuild of a new home on an odd shaped lot.

The Board discusses the property and if it was deemed condemned.

Speaking in Favor: None

Speaking in Opposition:

Bruce Buchanan, 11 Stanwood Ave. is an abutter on the westerly side. He is concerned with the retaining wall that is on 11 Stanwood Ave. Mr. Buchanan feels that this wall must be fixed before a house is built on it. If it isn't conditioned to be fixed, then he is in opposition of the application. He feels that the retaining wall holds up the property at 53 Winthrop Ave.

Mr. Nimon questions if the Board has a right to make a ruling on the wall, as the applicants request is for a Special Permit and the proposed project is definitely not more detrimental to the neighborhood. The Board discusses this.

The Chair suggests that Mr. Budrow and Mr. Buchanan step to the back of the room and try to work the issue out together while the Board moves on to the next application.

Once the Board finished with the 1178 Washington St. application, they called both gentlemen up to the podium. Mr. Budrow and Mr. Buchanan have agreed to work together to repair the retaining wall and Mr. Buchanan is no longer in opposition to the application.

Mr. Parisi moves to grant the Special Permit

Mr. Nimon seconds

All in favor, 5-0

1178 Washington St.

Carol A. Kelly seeking Special Permit 2.3.7 customary accessory use to allow construction of a half bath in accessory structure. Ms. Kelly gives a brief summary of her project. She has spoken to her neighbors and they are in favor of the project. It will not be used for sleeping quarters or a rental property, but will be a studio for her to work on her hobbies.

Speaking in Favor: None

Speaking in Opposition: None

The Board discusses the application.

Ms. Harrison moves to grant the Special Permit with the following 3 conditions;

1. No over-night sleeping
2. Half bath is limited to toilet and a sink
3. The building cannot be separately rented
4. No Kitchen

Mr. Nimon seconds

All in favor, 5-0

53 East Main St.

Elizabeth A. McLindon, seeking a Special Permit 2.3.1 # 6 conversion to 3 dwelling units and a Special Permit 4.1.3 location of parking facilities to allow conversion from 2 to 3 dwellings with off-site parking. Ms. McLindon gives a summary of her proposed project. She is looking to downsize her living space and move into the ground floor unit which will be 660 sq. ft.

The Board asks questions about the home occupation. They voice their concern that this would be a home occupation and a 3 family dwelling with no street parking in a dangerous area.

Ms. Harrison asks questions on the parking and how many spaces will be needed for the 3 family unit.

Speaking in Favor: None

Speaking in Opposition: None

The Chair suggests continuing the application so that the Building Commissioner can answer their questions. Ms. Harrison asks the Applicant to submit a photo with 4 cars parked in the driveway.

Mr. Nimon moves to continue the application to the June 27, 2019 meeting.

Mr. Parisi seconds

All in favor, 5-0

337 Concord St.

Atty. Jim Ward of Nutter,, McClennen & Fish, LLP is representing, Jeffrey Roberts Trustee VQ Realty Trust seeking a Special Permit 2.3.7 customary accessory use, pool house, determination that reconstruction of single family dwelling does not pursuant to 2.4.4 (A1) and Special Permit to exceed maximum Building Height to allow demolition of existing dwelling, storage shed and garage to reconstruct new single family dwelling and pool house.

Atty. Ward gives the Board a brief summary of the proposed project and reads the Zoning Ordinance 2.4.4 (A1). The Board discusses if it is necessary to come before the Board and it is noted that Mr. Sanborn made the determination to come before the Board due to this Ordinance. The Zoning Ordinance is discussed in detail.

Mr. Parisi recuses himself.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Nimon moves to grant both Special Permits for the single family home and pool house as a customary accessory structure.

Ms. Schlichte seconds

Ms. Harrison questions the height and the customary use. She would like to condition no overnight guests and no kitchen in the pool house. And that it be used as an accessory building, not as an additional dwelling.

All in favor, 4-0

19 Brooks Rd.

Atty. Patricia S. Johnstone of Schlichte & Johnstone, PC is representing, Merrimack River Properties LLC, seeking a Special Permit (section 1.9) to alter/expand a non-conforming structure to enable petitioner to demolish the existing structure and rebuild.

Catherine Schlichte recuses herself.

Atty. Johnstone gives the Board a brief description of the proposed project. She is seeking a determination on whether or not she needs a Special Permit, as they are not increasing a non-conformity. If the Board decides that a Special Permit is needed, then she is seeking a Special Permit as stated in the application. This house was on the vacant building list for many years and the Applicants are looking to tear it down and re-build it.

Mr. Nimon questions why they wouldn't need a Variance. The Chair responds because she is not increasing a non-conformity.

Speaking in Favor: None

Speaking in Opposition:

Sander Schultz, 15 Brooks Rd.

James Rice, 17 Brooks Rd.

Both Opposition speak of their concern of the septic, surface water runoff and lack of space in the neighborhood. Both feel that the Applicant's design is not congruent to the neighborhood and that it will change the character of it.

Mr. Schultz also discusses the neighbor's agreement with the City to pave the private road and his fear that the new construction will damage it.

Atty. Johnstone rebuts the comments made by the opposition and answers questions from the Board.

Mr. Parisi feels that this home will be a great improvement to the neighborhood compared to what is currently there. He informs the opposition as to what the Board can and cannot take into consideration when making their determination.

Ms. Harrison moves to grant a Special Permit.

Mr. Nimon seconds

All in favor, 4-0

232 Main St.

Atty. Patricia S. Johnstone of Schlichte & Johnstone, PC is representing, Susan Giglio seeking a Special Permit for a lesser number of required parking spaces to enable petitioner to add a 3rd apartment under section 2.3.1 residential uses, (line 6).

Catherine Schlichte recuses herself.

Atty. Johnstone gives the Board a brief description of the proposed project. Atty. Schlichte asks the Board for clarification as to why she would need a Special Permit for a lesser number of required parking spaces in an R-5 district. This is discussed and it is determined that the applicant needs to have 1 parking space per unit and they are proposing 3 units.

The project is discussed including the logistics of the 2 egresses and the studio apartment. This would be a 3rd unit and the condo owners have approved this additional unit as they are siblings.

The Board feels that they need to view the building with the Building Commissioner and asks Atty. Schlichte to submit plans that are clearer due to the height differential.

Mr. Paris states that Main St. was set up to have commercial units on the first floor and residential units on the second floor. He feels that they shouldn't have residential dwellings where they are proposing.

Speaking in Favor: None

Speaking in Opposition: None

Ms Harrison moves to continue to 7/11/19

Mr. Nimon seconds

All in favor, 4-0

Motion to adjourn was made at: 9:28 PM

Motion by: Mr. Parisi

Second by: Mr. Nimon