



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

ZONING BOARD OF APPEALS

Meeting Minutes

7:00 P.M., July 11, 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

Also in Attendance: Greg Cefalo, Building Department
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 6/27/19 are submitted for approval.

Mr. Parisi moves to accept the minutes of 6/27/19 as written.

Ms. Harrison seconds

All in favor, 5-0

Continued Hearings:

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 is present this evening and requests the Board grant his clients request to withdraw the application without prejudice.

Mr. Nimon moves to permit the applicants request to withdraw without prejudice.

Ms. Pratt Seconds

All in favor, 5-0

26 High Rock Terrace

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. Daniel Pasquarello is present this evening and requests the Board grant his clients request to withdraw the application without prejudice.

Mr. Nimon moves to permit the applicants request to withdraw without prejudice.

Ms. Harrison Seconds

All in favor, 5-0

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.

Mr. Ahlin is present this evening and requests the Board grant his request to withdraw without prejudice, as he is still trying to work with the neighbors to agree to his plans.

Mr. Parisi moves to permit the applicants request to withdraw without prejudice.

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 is not present this evening. The Clerk presents an email that was received from Atty. Schlichte requesting a continuance, as the Board members have not been to visit the property or speak to the Building Inspector as they requested to do at the last meeting. Mr. Sanborn has been on vacation and the time period was over the Independence Day Holiday.

Ms. Harrison moves to continue this application to the 8/8/19 meeting.

Mr. Parisi Seconds

All in favor, 5-0

53 East Main St.

Petition of 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. Pratt recuses herself

Ms. McLindon gives an overview of the requested submitted documents. The square footage is discussed in length. Mr. Nimon informs the applicant that she did not include the stairs in her number. Allowing a Home Occupancy in a 2 unit house is discussed.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Parisi moves to grant both Special Permits

Ms. Harrison seconds

Mr. Nimon questions the standards that they are voting on and this is discussed.

The Chair has genuine concerns in allowing a Home Occupancy in the third unit, but feels that it is up to Inspectional Services Department to decide if the Home Occupancy can stay.

All in favor, 5-0

11 Woodbury St.

Nicola Bach, 29 Woodbury St. is present and speaking on behalf of Henry and Vincenza Pascale who is seeking a Special Permit 1.9 to alter/expand a non-conforming structure, right side, left side, lot width 2.3.1 # 3 convert one family to two family with changes to the exterior dimensions of the building. To allow construction of an attached second dwelling, pergola and car port.

Ms. Nicola gives a summary of the proposed project using a slideshow as a visual aide.

The Board discusses the lot being R-20 until the Zoning Ordinance Changes in 1999 that changed it to an R-80 and how they are grandfathered in for Lot area and Lot area per dwelling unit, but will need a Special Permit lot width.

Ms. Harrison asks why a parking plan was not submitted in the packet. Ms. Harrison asks Ms. Bach to submit a modified plan to show that the Pergola is enclosed, as it is not on the originally submitted plans.

Speaking in Favor: None

Speaking in Opposition:

Marion Fibs, 9 Woodbury St.

David Archibald, 9 Woodbury St.

Claudia Tibits, 21 Woodbury St.

Jim Sholl, 13 Woodbury St.

Rebuttal:

Ms. Bach addresses her neighbors concerns, informing the Board that the Pergola was enclosed and the carport added with the neighbors in mind, but they are happy to remove the carport from the plans.

The Chair states that he would like to view the property again and read the letters that the opposition submitted to the Clerk. He and Mr. Nimon suggest that the Applicant discuss the plans with the neighbors.

Ms. Bach states that she has tried multiple times to speak with them going door to door and putting letters in their mailboxes. She has not received a response, but is willing to try again.

Ms. Harrison suggest that Ms. Bach pay close attention to the right side elevation, as she feels it is very intimidating.

Mr. Nimon moves to continue this application to the 8/8/19 meeting.

New Business:

11 Tolman Ave.

Atty. Joel Favazza of Seaside Legal Solutions, 123 Main St. Gloucester, MA is representing, Antonio Covello seeking a Variance 3.2 front yard, side yard, lot area, lot areas per dwelling unit to alter/expand a pre-existing non-conforming structure from a single family dwelling to a two- family dwelling.

Mr. Parisi recuses himself.

Atty. Favazza gives the Board a brief summary of the proposed project using a slideshow as a visual aide.

The Boards past experience with Ms. Covello not respecting the City's Laws and Zoning Ordinances is discussed.

Atty. Favazza informs the Board that the property has been handed down to Ms. Covello's daughter Maria, who is committed to doing the right thing with this property. The property is not a legal 2 family and need of an upgrade. This includes the Septic System as it does not have the capacity for a 2 family unit.

Ms. Pratt questions if both units are occupied by 2 families that are not related to the owner.
Atty. Favazza answers that neither occupant is not related to the owner.

Speaking in Favor: None

Speaking in Opposition:

Rosalie and Anthony Sanfillippo, 9 Tolman Ave.
Scott Barraclough, 7 Tolman Ave.
Cynthia Carter, 10 Tolman Ave.
Maria and Antonio Maniaci, 8 Georgia Way

Atty. Favazza rebuts the Opposition's comments.

The Chair reads letters that were submitted to the Building Department prior to the meeting by Christina and Brian Braincalone and of Greg LoPicalo, a Board of Health inspector, dated 6/24/2019. The Board discusses the application/Applicant.

Ms. Harrison moves to grant the Variance
Ms. Schlichte seconds
The application is denied, 3-2

4 Pierce Ave.

James McKenna, 29 Turtleback Rd. Essex, MA 01929 is representing Robert Chadbourne, seeking a Special Permit 1.9 to alter/expand a non-conforming structure or use to allow demolition of an existing single-family dwelling and replace it with new single-family dwelling.

Mr. McKenna gives a brief summary of the proposed application.

Rob Beck, 2 Pierce Ave. and Architect David Mehlin, 29 North Main St., Ipswich, MA 01938 answer questions asked by the Board.

Speaking in Favor: None

Speaking in Opposition: None

The Board discusses if the property is in the FEMA flood zone and if a Special Permit is needed. The Chair decides that a Special Permit is needed because it is a demolition and re-build, so the Board must adhere to the conditions of a Special Permit.
Mr. Parisi reads the conditions of a Special Permit out loud.

Mr. Nilmon moves to grant a Special Permit under 2.4.5, not 1.9.
Mr. Parisi seconds and adds that it is not substantially more detrimental to the neighborhood.
All in favor, 5-0

Motion to adjourn was made at: 9:27PM
Motion by: Mr. Parisi
Second by: Mr. Gardner
All in favor, 5-0