



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

Meeting Minutes
7:00 P.M., August 8, 2019
Kyrouz Auditorium, City Hall, 9 Dale Ave.

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: 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:

The Minutes from the July 11, 2019 meeting are submitted for approval.
Mr. Parisi moves to accept the minutes as written
Mr. Nimon seconds
All in favor, 5-0

Continued Hearings:

232 Main St.

Atty. Patricia Johnstone of Schlichte & Johnstone, 14 Pleasant St. is representing Susan Giglio, 232 Main St. who is seeking a Special Permit for lesser number of required parking space to enable petitioner to add a 3rd apartment under section 2.3.1 residential uses.

This application was first heard on June 13, 2019, and continued to enable the Board Members to re-visit the site and discuss the plans with the Building Commissioner, who was absent at the first meeting.

Catherine Schlichte recuses herself.

Atty. Johnstone is present to answer any questions the Board may have after they were able to re-visit the premise.

The Board discusses the residential use on Main St. asking the Building Commissioner questions.

Mr. Parisi is concerned with the second egress.

The Chair would like to run this by the City Solicitor.

Mr. Sanborn feels that what is before the Board is only a lesser number of parking spaces.

Ms. Harrison moves to continue this application to 8/29/19, to allow the City Solicitor time to answer questions by the Board. The Board will prepare question for the City Solicitor to answer.

Mr. Nimon seconds.

All in favor, 5-0

35 Fuller St.

Atty. Mark Nestor, Mark Nestor Law, 45 Middle St., is representing Beauport Shores LLC, 35 Fuller St., who is seeking a Special Permit to alter/expand a non-conforming structure/use, lesser number of off street parking spaces, increase residential units from 2 to 6, reduced commercial units from 3 to 1. Section 2.3.4 (9) takeout restaurant more than 20%. Variances for front yard, side yard, lot width, lot area, lot frontage, lot coverage and percent of vegetative cover to allow to rebuild building destroyed by fire on 10/26/14.

This application was continued on 6/27/2019, when the Board requested that Mr. Nestor meet with the neighbors and apposing council and try to come to an agreement, as both parties would like to see something re-built on this property.

Atty. Nestor goes over the changes that his clients have made after the requested conversations with the neighbors using a slide show.

The Board requests that Atty. Nestor review the dimensional relief again.

Speaking in Favor:

Michael Fallman, 14 Cliff Avenue, Gloucester
Noreen Gillis, 28 Lake Rd., Gloucester

Speaking in Opposition:

Atty. Meredith Fine, Meredith Fine Law, 46 Middle Street is representing Jerry McCarthy, 31 & 33 Fuller St. who is a direct abutter of the proposed project.

Atty. Fine submits a list of names in opposition to add to the previously submitted signatures brought in at the last meeting.

Mr. Nimon states that what is being discussed this evening are the revised plans, and the signatures submitted at the last meeting pertained to the original plans, so the signature count cannot be added together.

John Ronan, 5 Magnolia Ave., reads an excerpt of a column that he wrote for the Gloucester Daily Times that ran on 8/2/19. Mr. Ronan also submits the article in its entirety.

Abram Kielsmeier-Jones, 3 Chateau Heights, Magnolia and Minister of Union Congregational Church at 3 Norman Ave, Magnolia, MA

Ed Kepler, 213 Hesperus Ave. hands out and discusses an aerial photo from Google Maps.

The Chair take a count of the audience members in oppositions by having them raising their hands.

Hands raised in opposition of the project: 25-30

Hands raised in favor of the project: 17

Atty. Nestor rebuts the comments made by the Opposition.

Mr. Parisi notes for the record that the Applicants brought down the height of the structure as he requested which was his biggest issue.

Mr. Nimon, Ms. Harrison, and the Chair give their opinion on the newly proposed plans.

Mr. Parisi moves to approve the Special Permits and Variances requested in the revised application. And to accept the offer from the Applicant to have a 1 bedroom unit to be deeded as an affordable unit overseen by the City of Gloucester's Community Development Department. He also adds that the Applicants will keep the planting plan, from the original set of plans, along the property line on the right side of the structure that added privacy for Mr. McCarthy. He also adds that the applicant not put the air conditioning units on Mr. McCarthy's side of the building or facing toward any resident units.

Ms. Harrison seconds, adding that Atty. Nestor assure the Board that the condensers, air conditioning units, discussed by Mr. Parisi in his motion, can be located away from Mr. McCarthy's property, as well as, facing away from any resident units.

Mr. Nestor and the Applicants agree to these terms.

All in favor, 5-0

11 Woodbury St.

Nichola Bach, 29 Woodbury St. is representing Henry and Vincenza Pascale, 11 Woodbury St., who are seeking a Special Permit 1.9 to alter/expand a non-conforming structure and 2.3.1 # 3 right side, left side lot width and Variance for lot area, lot area per dwelling unit .To allow construction of an attached second dwelling with pergola and carport to convert one-family to a two-family dwelling.

This application was continued from 6/27/19, when the Board requested that Ms. Bach and the Applicant meet with neighbors and try to come to an agreement.

Ms. Bach states that she met with the neighbors and removed the car port as requested and made other requested changes. Ms. Bach gives the Board a brief description of the changes that have been made

The Chair discusses the Variance for Lot area that is being requested with Ms. Bach.

Ms. Bach discusses the reasons for the need for lot area along with the reasons as to why they have designed the building as they have.

Speaking in Favor:

Faye Cantone, Owner of 11 Woodbury St., reads a letter that was previously submitted to the Board.

Speaking in Opposition:

Marion Fibbs and David Archibald, 9 Woodbury St.

Michael and Amber Tells, 14 Woodbury St.

Nicole and Jim Sholl, 13 Woodbury St.

Claudia Tibits, 21 Woodbury St.

Jeffrey Richon, 15 Woodbury St.

Donna Perzeno, 10 Woodbury St.

Ms. Bach rebuts the comments made by the opposition.

The Board discusses the details of the application.

Ms. Harrison moves to grant a Special Permit 1.9 to alter/expand a non-conforming structure and a Variance for lot area, lot area per dwelling unit and lot width. As Mr. Sanborn stated that the property was originally an R-10 before it became an R-20. After that the Zoning Ordinance was changed to R-80.

Mr. Parisi seconds

Ms. Harrison adds the condition to her motion that the Applicant plant vegetation between their property and 9 Woodbury St. To give Ms. Fibbs and Mr. Archibald more privacy.

Motion Passed, 4-1

New Business:

1 Gloucester Crossing

Timothy Power, Professional Engineer for Land Strategies LLC, 333 School St. Mansfield, MA, is representing GX-PH3, LLC, is seeking a Special Permit 2.3.4 for outside seating to enable petitioner to provide outside seating to the coffee shop restaurant proposed for Building C.

The Chair decides to hear both applications for the coffee shop and the restaurant together (buildings C1 and C2)

Gloucester Crossing

Timothy Power, Professional Engineer for Land Strategies LLC, 333 School St. Mansfield, MA MAGX-PH3, LLC GX-PH3, LLC is seeking a Special Permit for outside seating to enable petitioner to provide outdoor seating to the full-service restaurant proposed for Building C2.

Ms. Harrison recuses herself.

The Board decides to vote of both C1 and C2 together, for 1 Gloucester, Crossing.

Mr. Powers addresses questions about safety from the Board and the Building Commissioner. The Chair discusses a security plan put on record for outdoor seating that matches those done in other businesses with outdoor seating in the City.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Nimon moves to grant Special Permits for both the coffee shop and full service restaurant in Buildings C1 and C2, adding a safety plan for both facilities approved by Mr. Sanborn.

Mr. Parisi seconds

All in favor, 5-0

8 Hammond St.

Christopher Jon Rich, 8 Hammond St., is seeking a Special Permit to alter/expand a non-conforming structure and a Special Permit Sections: SP 1.9, SP 2.3 # 3 to convert to a two family dwelling to enable petitioner to add an addition and convert to a two family dwelling.

Mr. Rich is representing himself and gives the Board a brief description of the proposed project.

Mr. Rich discusses the details of the plan with the Board.

Speaking in Favor: None

Speaking in Opposition: None

Ms. Pratt moves to grant both Special Permits to alter/expand a non-conforming structure and to convert to a one family dwelling to a two family dwelling.

Mr. Nimon seconds

All in favor, 5-0

42 Salt Island Rd.

Michael Hollis is representing himself and his wife Carolyn Hollis of 42 Salt Island Rd., seeking Variances for front yard setback and to allow an accessory building closer to the street than to principal structure to enable petitioner to build a 5 x 8 shed on their property.

Ms. Pratt recuses herself

Mr. Hollis gives the Board a brief summary of the proposed project and why he is requesting a Variance.

The Chair questions the desired location of the shed.

Speaking in Favor: None

Speaking in Opposition:

Robert L. Visnick, Esq. of Cape Ann Law, 45 Broadway, Rockport, MA 01966, is present to represent neighbor Christine Morey, 3 Warwick Rd., Gloucester, MA.

Mr. Hollis rebuts the Opposition and asks the Boards opinion on the spot of the shed.
Mr. Nimon states that he doesn't want to deny this application, but would rather continue the application and have Mr. Hollis and Ms. Warwick work out the best place for the shed.

Mr. Nimon moves to continue this application to 8/29/2019
Mr. Parisi seconds

8 Wells St.

Joe Taorimina, 10B Riverview Way, Gloucester, MA, is the architect for this project and representing the Applicant Cynthia Schimanski, 8 Wells St., who is seeking a Special Permit to alter/expand a non-conforming structure to enable petitioners to add an addition to her home.

Mr. Nimon recuses himself

Mr. Taorimina and Ms. Schimanski give a brief summary of the proposed project. Ms. Schimanski submits photographs of her home to the Board, describing what the Board is seeing off of the microphone.

Speaking in Favor: None

Speaking in Opposition:

Peggy Dillion, 10 Wells St.
Bernice Holmberg, 14 Commonwealth Ave.
Beverly Palmacci, 8 Commonwealth Ave & 11 Wells St.

Ms. Schimanski rebuts the Opposition's comments.
Mr. Frank Biscardi, Jr. adds to the rebuttal of the neighbors comments.

The Board discusses the proposed project.

Mr. Parisi moves to grant the Special Permit to alter/expand a non-conforming structure to enable petitioners to add an addition to her home.

Ms. Schlichte seconds

Special Permit denied
3-2

Mr. Parisi moves to extend the meeting to 11:05 PM
Ms. Schlichte seconds
All in favor, 5-0

Old Business:

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.

Mr. Sanborn was not in attendance during the meeting where this application was voted on and brought forward a question concerning the property. The Board felt that it was up to the Building Commissioner to resolve.

Motion to adjourn was made at: 11:12 PM

Motion by: Mr. Nimon

Second by: Ms. Pratt