



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

**ZONING BOARD OF APPEALS
Meeting Minutes**

7:00 P.M., August 29, 2019
Kyrouz Auditorium, City Hall
Gloucester, MA 01930

Board Members Present:

David B. Gardner, Esquire, Chairman
Joseph Parisi III, Vice Chairman
Adria Pratt, Esquire, Secretary - Absent
Michael C. Nimon
Michele Holovak Harrison

Alternate:

Catherine A. Schlichte, Esquire

Also in Attendance:

Bill Sanborn, Building Commissioner
Alison Battle, Clerk

Minutes:

Mr. Parisi moves to accept the minutes of August 8, 2019, as they are written
Mr. Nimon seconds
All in favor, 5-0

Old Business:

Barry Garvin, 5 Reef Knot Way

Mr. Sanborn informs the Board that they are voting to correct a typing error on a decision from 11/13/2009, in which the relief granted for the Variance was for a front yard setback but was written in the Category section as a rear yard setback.

Mr. Nimon moves to approve the correction on the decision for 5 Reef Knot Way to read front yard setback.

Ms. Harrison seconds

All in favor, 5-0

Continued Hearings:

232 Main St.

Patricia Johnstone, Esquire of Schlichte & Johnstone, 14 Pleasant St., Gloucester, MA 01930 is representing Susan Giglio, 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, (line 6). This application has been continued several times since 6/13/2019.

Atty. Schlichte recuses herself.

Attorney Johnstone informs the Board that this application was continued multiple times to enable the Board to speak with the City Solicitor, Chip Payson to receive guidance on this issue and asks what Atty. Payson has recommended.

The Chair states that he spoke to Atty. Payson on Tuesday and has not received any information back from him yet.

Atty. Gardner states that he has serious concerns in granting this unless the unit is a separate unit.

The Board discusses the reason for allowing residential housing in the downtown area, and what they are being asked to vote on, which is lesser number of parking spaces. If by granting this request, they are creating a 4th unit in this condominium and double egresses are also discussed.

Atty. Johnstone discusses that this is the 4th time that they are before the Board on this issue and feels that the Board is asking the same questions. Atty. Johnstone is given the choice to withdraw without prejudice, have the Board vote, or wait for an opinion from the City Solicitor.

Atty. Johnstone has chosen to continue the application to the September 26, 2019 meeting to wait for an opinion from the City Solicitor.

Ms. Harrison requests revised plans.

42 Salt Island Rd.

Michael and Carolyn Hollis 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. This application has been continued from 8/8/2019.

Mr. Hollis informs the Board that he has sent 2 letters with new plans to his neighbor Christine Morin by certified mail and that Ms. Morin is in agreement to location A. which is on the property line, behind her shed. Mr. Hollis also states that he has consulted his other abutters and they are all happy with either set of plans.

Mr. Hollis submits the new plans to the Board with the agreed upon location of the shed.

The Chair and members state that they should have received the plans prior to the meeting, however Mr. Hollis did not realize that he needed to do so.

Speaking In Favor:

Christine Morin is present and states that location A is perfect. This placement of the shed is next to her shed.

Speaking in Opposition: None

Ms. Harrison moves to grant a zero setback on the side yard instead of a Variance for front side yard setback, as this is what the owner of this abutting property prefers. She also notes that a Variances to allow an accessory building closer to the street than the principal building is no longer required because access to the building is not on the street that they access through the frontage.

Mr. Parisi seconds

All in favor, 5-0

New Hearings:

12-12R Cole Ave.

Sal Frontiero, Esquire, of Frontiero Law Offices, 46 Middle St. Gloucester, MA 01930 is representing Carleen J. Melanson, seeking a Variance for lot frontage to enable petitioner to create a buildable lot.

Atty. Frontiero gives the Board a brief summary of the proposed plans.

The Board questions Atty. Frontiero and Ms. Melanson comes to the podium to answer questions by the Board on access to the properties and other roads.

Hs. Harrison voices her concern about this property being changed into more than a 2 family.

Speaking In Favor: None

Speaking in Opposition: None

Mr. Parisi moves to grant a Variance for lot frontage to enable petitioner to create a buildable lot.

Mr. Nimon seconds

All in favor, 5-0

21 Castle View Dr.

Robert and Kim Andersen seeking a Special Permit to alter/expand a non-conforming structure and a Variance for side yard setback to enable petitioner to construct an addition to the side of the structure.

Mr. and Mrs. Andersen gives the Board a brief summary of the proposed plans. They are looking to add the addition to change his home from a 1 family to a 2 family to enable his wife's mother, who is recently widowed, to live with them.

Mr. Andersen submits a letter from his left side abutter, which is the side that he is looking for relief on, along with signatures and letters from all other abutters, abutters of the abutters and other neighbors in his neighborhood to the Board.

Mr. Sanborn informs the Board that all of the houses in this development are non-conforming because the zoning changes took place after the subdivision plans were filed with the Planning Board.

Mr. Parisi notes that they do not have superseding rights.

The Board discusses the amount of relief being requested and compares it to a recent decision that came before the Board at 11 Woodbury Rd.

Speaking In Favor: None

Speaking in Opposition: None

Ms. Harrison moves to grant a Special Permit to alter/expand a non-conforming structure and to go from a 1 family to a 2 family with exterior changes and Variances for left side yard setback, lot area and lot area per dwelling unit to enable petitioner to construct an addition to the side of the structure.

Mr. Parisi seconds

All in favor, 5-0

23 Nashua Ave.

Drew Hale, 183 Main St. is representing Richard Brown and Janet Boudreau seeking a Special Permit to exceed the maximum building height on an accessory building and customary accessory structure and Variances for front yard setback and an accessory building closer to street than the principle structure to enable petitioner to demolish existing garage and rebuild on new footprint.

Mr. Hale gives the Board a brief summary of the proposed plans using visual aids. He submits photos to the Board to show the ledge that is causing the garage to be placed in the area requested.

Mr. Hale asks the Board for clarification on the requested relief of the accessory building being closer to the street than the main building.

The Board discusses Mr. Hales question and discusses the requested relief.

Ms. Harrison questions the height of the building.

Speaking In Favor: None

Speaking in Opposition: None

Mr. Nimon moves to grant a Special Permit to exceed the maximum building height on an accessory building and customary accessory structure and Variance for front yard setback to enable petitioner to demolish existing garage and rebuild on new footprint with conditions as listed below.

1. Garage with a ½ bath only
2. No kitchen
3. No residential or sleeping quarters

Mr. Parisi seconds

All in favor, 5-0

1 Arlington St.

Robert T. & Margaret K. Hall seeking a Special Permit to alter/expand a non-conforming structure to enable petitioner to construct an addition and deck.

Mr. Hall and his contractor are present and Mr. Hall gives the Board a brief summary of the proposed plans.

Speaking In Favor:

Doug Johnston, 2 Arlington St.

Gonzalo Verdugo, 17 Leonard St.

Benjamin Smith III, 20 Leonard St.

Speaking in Opposition: None

Mr. Parisi moves to grant a Special Permit to alter/expand a non-conforming structure to enable petitioner to construct an addition and deck.

Mr. Nimon seconds

All in favor, 5-0

33 Links Rd.

Joshua G. and Gennine A. Tillotson seeking a Special Permits to alter/expand a non-conforming structure and Special Permit for height exception to enable petitioner to demolish and rebuild a pool house on same foundation.

Ms. Tillotson gives the Board a brief summary of the proposed plans. There is already a kitchen area and a 3/4 bath that they will be revitalizing. There will not any sleeping quarters in this cabana.

The Board discusses the requested relief, the property and that there is already a ¾ bath and kitchen in the structure, which is not normally allowed.

Speaking In Favor: Zoe McMannis, 20 links Rd.and drew up these plans for her neighbor.

Speaking in Opposition: None

Ms. Harrison moves to grant a Special Permits to alter/expand a non-conforming structure and Special Permit for height exception to enable petitioner to demolish and rebuild a pool house on same foundation subject to the following conditions;

1. The structure will not have a sleeping area.
2. The structure will not be a rental unit.

Mr. Nimon seconds

All in favor, 5-0

Motion to adjourn was made at: 9:06 PM

Motion by: Ms. Schlichte

Second by: Ms. Harrison