



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

**ZONING BOARD OF APPEALS
Meeting Minutes**

7:00 P.M., September 26, 2019
Kyrouz Auditorium, City Hall

Board Members Present:

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

Alternate:

Catherine A. Schlichte, Esquire

Also in Attendance:

Greg Cefalo, Zoning Enforcement Officer, in attendance as the Building Commissioner is unable to attend tonight's meeting.
Alison Battle, Clerk

Minutes:

Ms. Harrison moves to accept the minutes of August 29, 2019 and September 12, 2019, as they are written.

Mr. Parisi seconds

All in favor, 5-0

Old Business: None

New Business:

81 Eastern Point Blvd.

Sal Frontiero, Esquire, of Frontiero Law Offices, 46 Middle St., Gloucester, MA, is representing Charles and Karen Peters, 81 Eastern Point Blvd., who are seeking an Extension of Variances and Special Permits. The date of the original decision is 9/27/2018.

Atty. Frontiero discusses the need for a 6 month extension to 3/27/2020, as it took more time than planned to resolve wetlands related issues.

Mr. Parisi moves to grant a 6 month extension to 3/27/2020 for the (2) Special Permits and (3) Variances granted at the September 27, 2018 Zoning Board meeting.

Mr. Nimon seconds

All in favor, 5-0

Continued Hearings:

232 Main St.

Sal Frontiero, Esquire, of Frontiero Law Offices, 46 Middle St., Gloucester, MA, is standing in for Patricia Johnstone, Esquire of Schlichte & Johnstone, 14 Pleasant St., Gloucester, MA 01930, who 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 from 6-13-2019.

Attorney Frontiero greets the Board and submits a letter from Atty. Johnstone stating that her client Sue Giglio wishes to withdraw her Special Permit Application without prejudice, as the process has proven to be too costly and lengthy.

The withdrawal without prejudice is allowed.

15 Highland St.

Meredith A. Fine, Esquire, 46 Middle St. Gloucester, MA 01930, is representing Christiano Amaral de Camargo seeking, a Special Permit to enlarge building and convert to a two family dwelling and a Variance for lot area to enable petitioner to convert a single family dwelling to a two family dwelling.

Attorney Fine and her client are present this evening and Atty. Fine states that the (2) week continuance was used to work out any issues with the applicants neighbors. They have agreed to move a deck and add a fence that will run parallel to the parking area. Parking plans were submitted to the ZBA Clerk on Monday 9/23/19.

The Chair asks if the applicant would be willing to allow the approval to be conditioned upon plans to grade and pave the driveway that gives access to the back parking area.

Atty. Fine confers with her client and answers that they would be okay with adding this condition.

Ms. Harrison notes that she appreciates how complete and comprehensive the application is.

The Chair reads a letter from the Swift's, who are abutters to 15 Highland St. and in favor of the application.

Speaking In Favor: None

Speaking in Opposition: None

Discussion: None

Ms. Harrison motions to grant a Special Permit to enlarge the building and convert it to a two family dwelling and Variance for lot area to enable petitioner to convert a single family dwelling to a two family dwelling with conditions to grade and pave the driveway entering from Highland.

Mr. Nimon seconds and adds the condition that a fence be added along the left side of the lot.

Ms. Harrison amends her motion to add that a fence be added along the left side of the parking area.

All in favor, 5-0

99A Essex Ave.

Deborah Eliason, Esq. of Eliason Law Office, LLC, 63 Middle St. Gloucester, MA is representing Dominick Holdings LLC seeking a Variance for front yard setback to enable petitioner to construct a boat storage building.

Atty. Eliason introduces Architect Robert Elfer and states that Engineer, John Judd was unable to attend this evenings meeting. Atty. Eliason gives the Board a brief summary of the requested

application. Stating that they are in-front of the Board to request a Variance for front yard setback and will be going to the City Council for the Special Permit for the height increase.

Atty. Eliason discusses the proposed project using a slide show of the property and projected plans.

Atty. Eliason discusses the applicants desire to add climate controlled indoor boat storage for large and small boats to enable people to protect their investments and keep their business in Gloucester. Currently boat owners are going elsewhere to store their boats, as this service is not available on Cape Ann. The Applicants held a meeting with the neighbors and has agreed to add the requested landscaping.

Robert Elfer, Troika, 15 Channel Center St., Boston, MA 02210, is the architect for this project and discusses the Applicants desire to change the feel of the site while showing current photos and a 3D scan of the site.

Mr. Elfer notes that there are no openings on the Jullian St. side of the building to illuminate the noise for the home owners, and they are also raising the mechanical devices to the Mezzanine level of the building for this reason as well. Discussed are their plans to move traffic away from Jullian St. and keep all activity on the Marina side of the building.

Soil conditions and marsh and tide lands are discussed.

Speaking In Favor:

Karen Tibits, 14 Wonson St.

Louis Linquata, 51 Riverside Ave.

Al Andre, 10 Riverside Ave. and former Planning Board Chairman

Nate Levie, 585 Essex Ave.

Kyle Grant, 239 East Main St.

Drew Dominick, 7 Westbrook Lane, read a letter from Larry Russo, Sr. that was submitted to the Board after the 9/23/19 submission deadline.

Tobin Dominick, 75 Essex Ave., read emails that were submitted to the Board after the 9/23/2019 submission deadline by;

John Boggia, 38 Pheasant Lane, Manchester, NH

Robert Bertagna, Jr., 11 & 13 King Philips Rd.

Larry Russo, Jr., 1 Skippers Way

Speaking in Opposition:

Peter Coleman, 105 R Essex Ave

Steve Aiello, Spoke on behalf of his sons Alex and Andrew Aiello, who own 4 Jullian Rd.

Reverend Richard Emanuel, 149-153 East Main St.

Dana Edwin Lane, 8 Prospect St.

Ann Aiello, Spoke on behalf of his sons Alex and Andrew Aiello, who own 4 Jullian Rd.

Doug Shatford, 22 Flume Rd.

Atty. Eliason rebuts the comments made by the opposition.

The Chair notes that even though the City Council will be deciding on the Special Permit height increase, they must still look at the entire project as a whole and feels that this is a very large building for this area.

Mr. Nimon states that it is not responsible to put the building on the coastal front of the river bed, and confirms with the Attorney that her clients are compliant with the right side setback along the Marina and Atty. Eliason confirms that their plans are.

Mr. Parisi discusses how the building will be accessed and the curb cut on Essex Ave, along with moving the building closer to their other property line. He is uncomfortable with the size and scope of this project.

Atty. Eliason discusses that making the building smaller doesn't allow the building to function as planned. The Boats that they plan to store are too big to travel over land, they need enough area to move the boats around both inside and outside the building.

Atty. Eliason discusses the option to postpone this hearing to another date with the Board and Ms. Harrison requests that if they do so, could they add stakes to the proposed building corners.

Mr. Nimon suggests shrinking the size of the building and pushing it back 20', as well as to consider moving it over and requesting a Variance on the right side of the building instead.

Mr. Parisi moves to continue the application to 10/24/19, and the members will re-visit the site on their own.

Mr. Nimon seconds

All in favor, 5-0

18 Stanwood Point

Wilhelmina Sheedy Esq., Law Office of Wilhelmina Sheedy PC. of Rockport, MA ., is representing Bruce J. Lipinski seeking, a Special Permit to alter/expand a non-conforming structure and Variances for side yard setback and lot width to enable petitioner to demolish existing house and rebuild in a different location.

Atty. Sheedy gives the Board a brief summary of the requested application.

The Board asks Atty. Sheedy questions and discusses the proposed project using a set of full size plans as a visual aid.

The property is in severe disrepair. They would like to move the house outside the flood zone and are positioning the house to access a new frontage easement. Both immediate abutters have encroachment issues. The 2 Variances have been approved by the Conservation Board.

Atty. Sheedy submits a petition signed by 10 residents of Stanwood Pt.

Joel Favazza, Esquire of Seaside Legal Solutions, 123 Main St., is present to represent Susannah Resnick of 16 Stanwood Pt. and Nathaniel Resnick, Trustee owner of 20 Stanwood Pt. Mr. Favazza's discusses the reasons why his clients are in favor of this application.

Speaking In Favor:

Marcia O'Brien, 19 Stanwood Pt. speaks on the character of Mr. Lopinski and the history of the property.

Speaking in Opposition:

Meredith Fine Esquire, 46 Middle St. Gloucester is present to represent Stanwood Pt. Development LLC, speaks in opposition of 20 Stanwood Pt. Atty. Fine feels that there is no hardship and that the encroachment is too small to see on the plan.

The Chair informs Atty. Fine that they are only discussing 18 Stanwood Pt. at this time.

Mr. Parisi moves to grant the Special Permit to alter/expand a non-conforming structure and Variances for side yard setback and lot width.

Mr. Nimon seconds

All in favor, 5-0

20 Stanwood Point

Wilhelmina Sheedy Esq., of Law Office of Wilhelmina Sheedy P.C. of Rockport, MA, is representing Nathaniel Relay Trust u/d/t 12/12/2000 seeking Variances for lot frontage and lot area to Enable the property owners to adjust his property lines through the Planning Board.

Atty. Sheedy gives the Board a brief summary of the requested application.

The Board asks Atty. Sheedy questions and discusses the proposed project using a set of full size plans as a visual aid. This will enable access through the common driveway for all 3 properties.

Joel Favazza, Esquire of Seaside Legal Solutions, 123 Main St., is present to represent Susannah Resnick of 16 Stanwood Pt. and Nathaniel Resnick, Trustee owner of 20 Stanwood Pt. Mr. Favazza's discusses the reasons why his clients are in favor of this application.

Speaking In Favor:

Marcia O'Brien, 19 Stanwood Pt. discusses the need for the residents of this house to park in the driveway and not on the street. She states that there has been 3 litigations and that the requested changes will end the long term issues that they have had. She also states that she is an equal owner of the Stanwood Pt. Development LLC and feels that the requested changes will have no effect on the LLC. She questions why Atty. Fine is opposing it.

Speaking in Opposition:

Meredith Fine Esquire, 46 Middle St. Gloucester restates the comments that she make previously and still feels that none of the issues discussed are legitimate hardships and that Stanwood Pt. Development still opposes this application.

Ms. Harrison moves to grant the Variances for lot frontage and lot area to enable the property owners to adjust his property lines through the Planning Board.

Mr. Nimon Seconds

All in favor, 5-0

Motion to adjourn was made at: 9:23 PM

Motion by: Mr. Parisi

Second by: Mr. Nimon