



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

**ZONING BOARD OF APPEALS**  
**Meeting Minutes**

7:00 P.M., October 10, 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 - Absent

**Alternate:**

Catherine A. Schlichte, Esquire - Absent

**Also in Attendance:**

Bill Sanborn, Building Commissioner  
Alison Battle, Clerk

The Chair gives the audience a brief overview of the procedures.

**Minutes:**

Mr. Parisi moves to accept the minutes of September 26, 2019  
Mr. Nimon seconds  
All in favor, 4-0

**Old Business:**

**New Business:**

**Continued Hearings:**

**99A Essex Ave.**

Petition of Dominick Holdings LLC seeking a Variance for front yard setback to enable petitioner to construct a boat storage building.

Attorney Eliason is not present this evening as she was told it was not necessary to attend. The members discuss the continuance.

Mr. Nimon informs the Board that he received a letter just before the meeting began from the Clerk stating that this property has been staked for the Board to view.

The Chair suggests that they continue this hearing to the first meeting in November.

Mr. Nimon moves to continue 99 A Essex Ave. to the November 14, 2019 meeting.

Mr. Parisi seconds

All in favor, 4-0

**New Hearings:**

### **29 Church St.**

Wilhelmina Sheedy, Esquire, 76 Main St. Rockport, MA. 01930 is representing, 187 East Main St. LLC, seeking a Special Permit 2.3.1 #6 to allow the conversion of a 2 family dwelling to a 3 family dwelling.

Atty. Sheedy gives the Board a brief summary of the proposed work and history of the property. This is a large building with 3892 sq. ft. of gross living area and 6240 sq. ft. lot area with a one car garage and 4 open parking spaces. There are no exterior alterations proposed.

The building is currently a 2 family with units on the first and second floor. The Applicants are proposing to change this to a first floor apartment with and the second and third floor as townhouse units.

### **Discussion of the Board:**

The Chair feels that the driveway is narrow for 4 cars and reads a letter in opposition submitted to the Zoning Board Clerk on 10/7/2019, by John O'Malley and Elisa Marshall owners of 27 Church St.

Ms. Pratt gives Attorney Sheedy a copy of the letter submitted in opposition, as she did not receive it before the meeting.

Atty. Sheedy rebuts the points made in this letter, stating that if the Board feels that there are too many spaces in the back, she would council her client to lessen the number. The Chair asks if the backyard is finished and has marked spaces. Atty. Sheedy states that they would be willing to accept marking the parking spaces in the rear of the building as a condition upon approval of the Board.

### **Speaking in Favor:**

Jason Favaloro, 16 Columbia St., a 3 unit, discusses the need for rental space and parking in this area and feels that they have it and should be able to utilize it.

### **Speaking in Opposition:**

Philip Parisi, third generation home owner of 25 Church St. and current landlord of this building, discusses traffic and parking issues the street have had over this time.

Margery Frontierro, 25 Prospect St. on the corner or Church St. and Prospect St. discusses parking and traffic in the area.

Attorney Sheedy rebuts the comment of the opposition

### **Board Discussion:**

Mr. Nimon feels that there is ample parking and that they should condition the building permit or the site plan for 4 spaces and 1 in the garage. The Board cannot require more than 3 spaces.

The Chair informs the Opposition that the plans supplied by the Applicant show ample parking for the tenants. Mr. Parisi states that this is an R5 district and is zoned for 3 families.

Mr. Parisi moves to grant a Special Permit 2.3.1 # 6 to allow the conversion of a 2 family dwelling to a 3 family dwelling. The Permit will be conditioned of the delineation of 4 paved and marked spaces.

Mr. Nimon seconds after asking for a clarification of the condition. He does not feel that the Applicants should be told to re-pave the entire driveway. Mr. Nimon suggests that the Board add to the condition that the parking area be designed in accordance of the plans that have been provided and any area that is needed for the 4 spaces must be paved, along with the driveway going into the property.

All in favor, 4-0

**21 River Rd.**

Robert L. Visnick, Esquire of Cape Ann Law, 45 Broadway, Rockport, MA 01966 is representing, Robert Henriques and Jane Singer seeking a Special Permit 1.9 to alter/expand a non-conforming structure to allow petitioner to extend existing garage to create space for 2 cars, add new entry portico, raise roof of existing kitchen and laundry to create additional room height.

The Board does not have enough members present to vote on this application, as Adria Pratt will need to recuse herself.

Mr. Nimon moves to continue this application to the 10/24/19 meeting.

Mr. Paris seconds

All in favor, 4-0

**17 Harriet Rd.**

Horace C. Turner, 523 Essex Ave. Gloucester, Ma 01930 is representing Deborah Sheedy seeking a Special Permit 1.9 alteration or expansion of non-conforming uses and structures and a Variance for rear yard setback to allow new one story addition over existing deck, new covered entry, new deck off second floor (rear), new detached 2 car garage 3.2.1 (C). Mr. Turner is also the architect for the project.

Mr. Turner gives the Board a brief summary of the proposed work that will include a major renovation and addition to the left side of the house on this property. This house is already on a non-conforming lot.

**Board Discussion:**

The Chair confirms that the property meets all other requirements except that it needs a Variance for a structure closer to the road than the accessory structure, which is the 2 car garage and that the rear yard is already non-conforming.

The Board discusses whether Variances and/or Special Permits are needed and if it was advertised correctly. Mr. Turner answers that he is also extending an existing non-conformity.

**Speaking in Favor:**

The Chair reads a letter submitted to the Clerk from Hannah Goodale who lives across the street at 22 Harriet Rd.

**Speaking in Opposition: None**

Mr. Nimon moves to grant the Special Permit 1.9 alteration or expansion of non-conforming structures and a Variance for new detached 2 car garage 3.2.1 (C).

Ms. Pratt seconds

All in favor, 4-0

**14 Beachcroft Rd.**

Ronald Passa Tempo seeking a Special Permit 1.9 to alter/expand a non-conforming structure. To allow the extension of second floor over existing first floor, extend roof deck on third floor over the new second floor extension. No change of footprint.

Mr. Passa Tempo, 14 Beachcroft Rd., Gloucester, MA, is present along with his builder and gives the Board a brief summary of the proposed work. This property was before the Board recently for his third/attic floor, however, Mr. Passa Tempo did not realize that he would need relief for his second floor as well. The second floor will be the same as the current first floor and not be visible to neighbors.

**Speaking in Favor:** None

**Speaking in Opposition:** None

**Board Discussion:**

Mr. Nimon thinks that the request makes sense.

Ms. Pratt moves to grant a Special Permit 1.9 to alter/expand a non-conforming structure. To allow the extension of a second floor over existing first floor, extend roof deck on third floor over the new second floor extension.

Mr. Nimon seconds

All in favor, 4-0

**9 Perrywinkle Ln.**

Philip Curcuru seeking a Variance 3.2.1 (C) accessory building closer to street than principal building. To allow new 14' x 16' storage shed.

Mr. Curcuru, 9 Perrywinkle Lane, Gloucester, MA, is present to represent the application.

The Chair notes that the shed has already been built and placed on the property.

Mr. Curcuru informs the Board that he had the shed delivered before he knew that he had to have the approval of the Board. He also did not obtain a building permit and is now here to legitimize the shed.

**Board Discussion:**

Mr. Parisi feels that the shed fits into the spot that it is in and that it does not interfere with anyone in the neighborhood, though the Board likes to have the home owners permit everything up front. If they were looking at this application before the shed was built, he would have supported it.

The Chair informs Mr. Curcuru of how the Board looks at application such as this and that due to his mistake he is now paying 3 times the cost of the original building permit.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Parisi moves to grant a Variance 3.2.1 (C) accessory building closer to street than principal building. To allow new 14' x 16' storage shed.

Mr. Nimon seconds

All in favor, 4-0

The Chair discusses the decisions written regarding the property owned by Sam Park, 1 Gloucester Common, Building B1/B2.

The decision did not have the Land court Parcel on the decision itself.

Mr. Sanborn has given the Board new decisions to sign with the only change being the reference of the parcel that is in the land court plans.

The Chair calls for a confirmatory vote.

Mr. Nimon moves to confirm the previous decisions by adding to the new decision the reference of the parcel.

**Motion to adjourn was made at: 7:50 PM**

**Motion by:** Mr. Nimon

**Second by:** Ms. Pratt

All in favor, 4-0