



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

**ZONING BOARD OF APPEALS
Meeting Minutes**

7:00 P.M., October 24, 2019
Kyrouz Auditorium, City Hall

Board Members Present:

David B. Gardner, Esquire, Chairman
Joseph Parisi III, Vice Chairman - Absent
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

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

Old Business:

New Business:

Mr. Nimon moves to accept the minutes of October 10, 2019 as it is written.
Ms. Harrison seconds
All in favor, 4-0

Ms. Schlichte moves to accept the 2020 Zoning Board of Appeals meeting schedule as it is written.
Mr. Nimon seconds
All in favor, 4-0

24 Kondelin Rd

Joel Favazza, Esquire of Seaside Legal Solutions, 123 Main St. Gloucester, MA who is representing, DLM Properties, LLC appealing the Building Commissioners decision that metal dumpsters are a structure and need to meet front yard setback requirements. If unsuccessful in the appeal the Applicant seeks Variances for front yard and side yard setbacks and Variances from Section 4.1.4 (A) (7, 8, 9) to allow a parking area within one foot of the external property line and Section 4.5.1 to allow an existing parking area and industrial uses to remain unscreened.

Lauren Weeks, Seaside Legal Solutions, 123 Main St. Gloucester, MA, is present and requests that the hearing be opened and immediately continued to the next regularly scheduled meeting as the applicant's counsel, Joel Favazza, is unable to attend this evening.

The Board discusses the request.

As the Agenda is full for the next scheduled meeting, the Chair entertains a motion to continue this application to the 12/12/2019 meeting.

Ms. Harrison moves to continue this application to the 12/12/2019 meeting.

Mr. Nimon seconds

All in favor, 4-0

10 Joseph's Way

Michael and Marnie Powers seeking an extension of Variance (August. 30, 2018) to allow the preservation of the Variance for potential new owner.

Dave Paredes, 24 Biscayne Dr., Chelmsford, MA 01824, is present to represent this application, as he is the new owner of this property. Mr. Paredes informs the Board that he is planning to do some work in the future, but not exactly what the Powers had planned.

The Board informs Mr. Paredes that they can only extend the decision 6 months.

Ms. Harrison moves to grant an extension of the Variance granted on August. 30, 2018, for a period of 6 month. The new owners may choose to use the Variance and the Board had extensive discussions on this matter.

Mr. Paredes asks if the Variance can be further extended once the 6 months us up. The Chair answers that a Variance can only be extended one time.

Mr. Nimon seconds, adding that the homeowner speak with the Building Inspector about a building permit, as some of the changes that he would like to make to the property may be allowed by right.

All in favor, 4-0

Continued Hearings:

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.

Atty. Visnick gives the Board a brief summary of the proposed work handing out (1) revised plans and (3) photos. These plans/photos were submitted to the Board on 10/2/2019, through the ZBA Clerk.

The owner of the property would like to add a garage bay to allow the current garage to hold 2 cars, a new entry way and raise the roof of the existing kitchen and laundry room to 10'.

Atty. Visnick confirms that they have shown the plans to the neighbors and have not had any complaints.

The Chair feels that this is a modest renovation and notes that there is only a minimal change in the footprint of the building.

The Chair questions the lot coverage, and Atty. Visnick confirms that the lot is already non-conforming, so it only needs a Special Permit.

Speaking in Favor: None

Speaking in Opposition: None

Ms. Harrison moves to grant Special Permit 1.9 to alter/expand a non-conforming structure to allow petitioner to extend existing garage to create space for a 2 cars, new entry portico, raise roof of existing kitchen and laundry to create additional room height.

Mr. Nimon seconds, noting that the increase in non-conformity is in the building and in the lot coverage.

All in favor, 4-0

New Hearings:

3 Colburn St.

Patrick Larkin of Larkin Real Estate Group, 19 Hospital Rd. Medfield, MA 02052 is representing, Jean O'Gorman seeking a Special Permit for height to enable petitioner to construct a two family dwelling.

Mr. Larkin is present and gives the Board a brief description of the project, stating that this is new construction of a 2 family dwelling, 3 stories, in a flood zone. He needs the relief in height to build a stairway to access the roof deck. 90% of the roof deck will be 27' in height. The Stairwell will be the only part of the building at 35' in height.

Ms. Schlichte confirms that he is referring to a "dog house" to put the stairs into.

The Chair asks Mr. Larkin to discuss the criteria that he has to meet for a Special Permit. Mr. Larkin states that the property is in the FEMA V flood zone and that the first floor must be brought up to 10' to build on due to the FEMA regulations.

The Board discusses the height of the abutter's house in-front of 3 Colburn St. and asks Mr. Larkin if this project will obstruct the view of any neighbors. Mr. Larkin answers that it will not and shows the Board a plan of the tree lined property in the rear. He states that Colburn St. is lower in elevation to the surrounding streets.

Mr. Nimon give the Applicant a list of Criteria that are required to receive a Special Permit and Mr. Larkin discusses what applies with the Board.

Speaking in Favor: None

Speaking in Opposition:

Ted Reed, 10 Quarry St. is an abutter to 3 Colburn St. Mr. Reed feels that this project will block his seasonal view of the ocean, but will it will not overshadow his home.

Mr. Reed is present this evening to discuss the duties of the ZBA and the larger issue of the City allowing people to build in a flood zone.

Mr. Nimon and the Chair ask Mr. Reed to stick to the criteria, as other areas are out of the ZBA's jurisdiction and not up for discussion this evening. The Board welcomes any information from Mr. Reed and the public that will aid them in making a decision on this particular application request.

The Chair asks if Mr. Reed has any more adverse impacts that this particular project will personally have and if He would have any objection to the Board doing a site visit to his property. Mr. Reed does not and would welcome a site visit by the Board.

Linda McCarriston, 16 Quarry St. reads from sections 121, 122 and 123 of the Zoning Ordinance to remind the Board of the purpose and objectives of the Ordinance.

The Chair and Mr. Nimon asks Ms. McCarriston to inform the Board of what her opposition is on this particular application, as this is the time to do so. The Board would like to know how this project adversely impacts Ms. McCarriston to aids the Board in making their decisions.

Ms. McCarriston continues to read from the Zoning Ordinance and voices her concern of this house being a flip house or an Air B & B Party house and states that it will block her seasonal view along with the flow of air and light. Ms. McCarriston also discusses the increase in cars/traffic in the neighborhood and of the blockage of a stream. She also welcomes a site visit by the Board.

Sheila Flynn, 7 Colburn St. discusses the previous 1 Colburn St. application and feels that they applied for the same Variance in which they were denied. She would like to see the reasons for that application being denied revisited and applied to this application. Mss. Flynn discusses the reasons that she moved to this area and her concern of construction trucks on the street.

Karen Cusick- Fasen, 927 Washington St. is opposed to the height Variance and states that construction has been a nightmare. She doesn't feel that it is fair to allow them to be a story higher just because they want to build in a flood zone. Ms. Cusick-Fasen also notes that the lot is very overgrown and has had fallen trees damage her home and property two times and has had no response from the owners of the property to correct the issues.

Patrick Larkin rebuts the comments made by the opposition.

Board Discussion:

Ms. Schlichte is in favor of a site visit, but informs the opposition that even if the board denies the relief that this Applicant is requesting, he can still build this house. It is only the structure on the roof for the interior stairs that won't be built.

The Chair and Ms. Schlichte would like to see the view and the area.

Ms. Schlichte moves to continue this application to the 12/12/2019 meeting, with a site visit on 12/7/2019 at 8am.

The Chair informs the audience that this will be a public hearing and all neighbors are invited, while also informing them to the rules of the visit.

Mr. Nimon seconds
All in favor, 4-0

Motion to adjourn was made at: 8:00 PM
Motion by: Mr. Nimon
Second by: Ms. Harrison