



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

ZONING BOARD OF APPEALS
Meeting Minutes
November 14, 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:

Bill Sanborn, Building Commissioner
Alison Battle, Clerk

The Chair opens the meeting and give the audience a brief overview of the procedures.

Minutes:

Mr. Parisi moves to accept the minutes of October 24, 2019 as they have been submitted.

Mr. Nimon seconds

All in favor, 5-0

Old Business:

New Business:

67 Commercial St.

Sal Frontiero Esq. of Frontiero Law Office, 46 middle St., Gloucester, MA is representing, is representing, H.B. Development Corp. seeking a Special Permit to alter/expand a non-conforming structure or use to allow tear down of existing 2 story non-conforming 2 family structure and replace with new 2 family 4 story structure.

Atty. Frontiero wrote a letter to the Board requesting a continuance to the 12/12/19 meeting, to enable him and his client to meet with the Building Commissioner to clear up some issues before it is presented to the Board.

Mr. Parisi moves to continue this application to 12/12/19.

Mr. Nimon seconds

All in favor, 5-0

41 School St.

Craig Hermann of Craig Hermann Design, Inc. 18 Sargent St. Suite G, Gloucester, MA 01930 is representing, William Rafter seeking a Special Permit 1.9 to alter/expand a non-conforming use to allow construction of 2 new code compliant egress stairways.

This application is called and neither the Applicant nor their Representative is present. The Chair decides to hold this application to the end of the meeting.

Continued Hearings:

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 is present along with Tobin and Drew Dominick, managers of Dominick Holdings, LLC are present this evening along with Christina Deloge of Studio Torka, architect. Engineer, John Judd is unable to attend this evening's meeting. Atty. Eliason gives the Board a brief summary of the new submitted plans. At the last meeting they were asked to rework the plan of the building, so that it complies with the setbacks. The Applicant has done so, and previously submitted the revised plans to the Clerk. They are no longer asking for a Variance for front yard setback, as they now meet the required setbacks. The only setback required is for the right side setback of 10' which abuts the other property owned by the Dominick's. The proposed building is now shortened by 20'.

Atty. Eliason informs the Board of a letter written by the Perdy family. They are now in favor of the project and are the abutter most affected. Atty. Eliason informs the Board of a letter from the Mass Marine Trade Assoc. that she submits for the record.

The Chair looks at the letter and questions if the opposition has seen this letter. No one responds.

Atty. Eliason shows the Board how the boats will now come from the boat ramp to the building using a slide show of photos. She also discusses a letter written to the Board from Peter Coleman which she feels stated many inconsistencies that she clears up for those who have read it.

Mr. Nimon questions the possibility of moving the lot line 10' and Atty. Eliason states that they are each owned by 2 different entities with 2 different mortgages.

The Chair discusses his reservations with the size of the building. 240' long by 143' wide.

Speaking in Favor:

Alvin Andrade, 10 Riverside Ave. is a long-time customer of the Marina. Former Chair of the Planning Board from 1980-1984 where he promoted marine related uses. He addresses the Chair's comments on the size of the proposed building related to the Cape Ann Forge Building.

Pat Hurd, General Manager of the Marina addresses the question of the building being moved across the property line. His answer is no, due to the curb stop of the State highway and easements in place.

Speaking in Opposition:

Peter Coleman, 105R Essex Ave. reads a letter handed out with photos. He feels that a similar facility of smaller size could be built on the property.

Stephen Aiello, 22 Lindon Rd. speaks on behalf of his sons who own 4 Jullian Rd. He discusses the other buildings in Gloucester that are of relative size, stating that they are residential building, built in a residential neighborhood, before the Building Code went into effect. Mr. Aiello informs the Board that the Perdy's are employees of the Marina. He is concerned with the property value of his son's property due to this project, to shadowing and increased flooding due to this building. He also discusses new jobs, traffic increases and lack of parking before the building is built and spaces taken away.

Rebuttal: Atty. Eliason rebuts comments made by the Opposition.

Board Discussion:

Mr. Parisi discusses what the Applicants are before the Board for today, which is a 10' right side Variance. The Board already asked them to make changes to their plans and they did as requested. He discusses questions brought up by other Board members and how there comes a point where the project is no longer viable.

He does like the idea of there not being boats on the front lawn.

He encourages the Board to just look at what is before them and let the City Council deal with the height issue.

Ms. Schlichte discusses that this is a business/Marine Industrial area not residential, and how that pertains to the Zoning Ordinance. She feels that this is a reasonable use for this area.

Ms. Harrison, Mr. Nimon and Ms. Pratt agree with Mr. Parisi and Ms. Schlichte. Mr. Nimon requests to condition that there be no boat storage in the (2) front yard areas.

Ms. Harrison moves to grant a Variance for right yard setback to enable petitioner to construct a boat storage building, with the condition that there be no boat storage in the (2) front yard setback.

The Chair adds that the Primary use of this building will be boat storage and all incidental uses will pertain to boats.

Mr. Parisi seconds

All in favor, 5-0

The Chair informs Atty. Elisason that the plans need to be corrected before being filed with the decision at the Registry of Deeds.

New Hearings:

41 School St.

Craig Herrmann of Craig Hermann Design, Inc. 18 Sargent St. Suite G, Gloucester, MA 01930 is representing, William Rafter seeking a Special Permit 1.9 to alter/expand a non-conforming use to allow construction of 2 new code compliant egress stairways.

The Chair informs Mr. Herrmann that per the Building Inspector, further relief needs to be requested and a new application must be submitted. Mr. Herrmann is aware of this issue.

The Chair states that they cannot hear this application until it is re-advertised. The petition is continued to the 12/12/2019 meeting.

Mr. Parisi moves to continue this application to the 12/12/2019 meeting.

Mr. Nimon seconds

All in favor, 5-0

24 St. Anthony's Lane

Deborah Eliason, Esq. of Eliason Law Office, LLC, 63 Middle St. Gloucester, MA is representing, Anthony & Lilly Gagliardi seeking a Variance for lot frontage to allow construction of new 2 family dwelling.

Atty. Eliason gives the Board a brief summary of the proposed project.

This is a vacant lot. The Gagliardi's are requesting a Variance for 80' of frontage on St. Anthony's Lane. The Lot currently has 187' of frontage on Hillside Lane, but it is an unimproved street. They are unable to build out the frontage on Hillside Lane because it is mostly wetlands. There is no way into the lot except for crossing over the wetlands. Lilly's parents purchased the lots in this area for their children to build their homes on. Atty. Eliason Shows photos of the lot and surrounding area using the projector.

Three of the immediate abutters of the lot are Lilly's siblings and they have written letters to the Board in favor of the project. They have had no negative responses from the other abutters after writing a letter describing the proposed work.

They spoke to the Planning Director and Building Inspector and were advised to seek a Variance.

Speaking in Favor: None

Speaking in Opposition:

Bob Weeks, 28 St. Anthony Lane states that he never received a letter from the Gagliardis. He is not opposed to the project but is concerned with how it will affect the water table. Now that he has seen the plans, he is no longer concerned.

The Chair notes for the record that he knows Mr. Weeks.

Board Discussion:

Mr. Parisi moves to grant a Variance for lot frontage to allow construction of new 2 family dwelling.

Mr. Nimon seconds

All in favor, 5-0

96 Magnolia Ave.

Robert L. Visnick, Esq. of Cape Ann Law, 45 Broadway, Rockport, MA 01966 is representing, David P. Mason Trustee seeking a Variance for front yard setback, side yard setback and lot area per dwelling unit to allow construction of new 2 family dwelling.

Adria Pratt recuses herself.

Atty. Visnick gives a brief summary of the project. This project was issued a Building Permit, however while applying for financing, it was found that relief was required.

Letters were received from 30 abutters that are in favor of this project.

Mr. Parisi confirms that the frontage is on Magnolia Avenue and questions if a Variance is needed to access the property other than its frontage.

Mr. Parisi also notes that they should be applying for lot area per dwelling unit, not lot area as stated on the application.

Ms. Harrison states that she received the proposed parking revisions when she received her packet.

The Board discusses this issue with Bill Sanborn and it is found that the revised plans that were submitted late in the application process were never received by the Board Member.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Parisi moves to grant a Variance for front yard setback, side yard setback and lot area per dwelling unit to allow construction of new 2 family dwelling.

Ms. Harrison noticed a lot of activity when she visited the site, and asks if they are working without a permit.

Mr. Sanborn answers that they had a permit before applying for financing. They were told that they could continue work at their own risk.

Mr. Nimon moves to grant a Variance for lot area per dwelling unit to allow construction of new 2 family dwelling.

Mr. Parisi seconds

All in favor, 5-0

8 Old Farm Lane.

Robert & Barbara Budak seeking a Special Permit 5.2.4 to allow accessory in-law apartment.

Mr. Budak is present to represent himself and gives a brief summary of the proposed work. He is looking to add an in-law apartment for his son and his family, by adding a kitchen and living room in an unfinished space behind the garage. There are already 2 small rooms and a bath on the first floor that will completed the apartment. They have met with all of their abutters except 2 that do not live in the area.

The Chair notes that when he visited the property he was showed around by the contractor and they are doing a nice job. He also confirms that someone has gone over the strict laws of an in-law apartment with him, and Mr. Budak answers that the Building Inspector discussed it with him.

The Chair confirms that there is adequate parking.

Ms. Harrison discusses the restrictions and Affidavit that is required with an in-law apartment.

Speaking in Favor: None

Speaking in Opposition: None

Mr. Parisi moves to grant a Special Permit 5.2.4 to allow accessory in-law apartment with the compliance with all regulations under 5.2.4.

Ms. Pratt seconds

All in favor, 5-0

Motion to adjourn was made at: 8:52 PM

Motion by: Mr. Nimon

Second by: Ms. Schlichte