



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

**ZONING BOARD OF APPEALS
Meeting Minutes
7:00 P.M., January 30, 2020
Kyrouz Auditorium, City Hall**

Board Members Present:

Joseph Parisi III, Chairman
Catherine A. Schlichte, Esquire, Vice Chair
Adria Pratt, Esquire, Secretary
Michael C. Nimon
David B. Gardner, Esquire

Alternate:

Peter Cannavo

Also in Attendance:

Bill Sanborn, Building Commissioner
Alison Battle, Clerk

The Chair introduces the Board members and give a brief description of the proceedings.

Approval of Minutes:

The Minutes for 1/7/2019, for a Site Visit for 3 Colburn and the minutes for 1/9/2020.

Ms. Schlichte moves to accept the minutes listed above as written.

Mr. Nimon seconds

All in favor, 5-0

Old Business:

New Business:

Continued Hearings:

80 Commercial St.

Mark Nestor, 45 Middle St. is representing, Grace Curcuru Family Trust seeking Notice of Appeal to sec. 1.6 GZO; appeal from a decision of the Inspector of Buildings for insufficient notice, failure to provide documents, failure to substantiate building unsafe and dangerous.

Mr. Nestor is present to request a continuance to the 2/13/2020 meeting, as he is working with the Building Inspector on this matter.

The Chair asks Mr. Nestor if he is able to continue to the 2/27/2020 meeting, due to the heavy agenda on 2/13/2020. Atty. Nestor is fine with the date.

Mr. Nimon moves to continue this application to the 2/27/2020 meeting.

Ms. Schlichte seconds.

All in favor, 5-0

24 Kondelin Rd.

Petition of 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.

Atty, Joel Favazza is representing this application. He sent a letter to the Clerk earlier in the day requesting a continuance, as he is currently working with the Building Commissioner to resolve the issues.

Mr. Nimon moves to continue this petition to the 2/27/2020 meeting.

Ms. Schlichte seconds

Mr. Sanborn states for the record that he and Atty. Favazza have been working together and making great strides to resolve the issues.

All in favor, 5-0

New Hearings:

84 Eastern Ave.

Petition of Property Quest Solutions LLC seeking a Special Permit 2.4.3 for the change, extension, reconstruction or non-conforming use and a Variance for front yard setback 1.7 to allow an addition to the existing structure to allow conversion to a 3 family.

The Chair states that the ad for this applications was not as specific as it needed to be. The Application has been republished in the Gloucester Daily Times and will be heard at the next ZBA meeting, dated 2/13/2020.

The Chair asks the audience if there is anyone present to hear this application and there is not.

The Chair requests a motion to continue the application.

Ms. Pratt moves to continue the application to the 2/13/2020 meeting.

Mr. Nimon seconds

All in favor, 5-0

14 Sayward St.

Mark Nestor Esquire, 46 Middle St. Gloucester is representing, Giacomo Romeo & Marissa Virgilio Romeo seeking Variances for left side yard and rear yard setbacks to allow existing above ground swimming pool and deck to remain in existing location.

Ms. Schlichte recuses herself.

The Chair notes that there are 4 members hearing this petition.

Atty. Nestor notes his error on the application in requesting 2 Variances and a Special Permit. He is only requesting 2 Variances for this application.

On April 28, 2016, the prior owner of this property received a side and rear yard Variance for an above ground pool. It has now been found that the installer placed the pool 1' closer to the setback than the granted 5'. During the course of the purchase of the property, the new owners discovered that the pool was actually installed within 4' of the left side boundary line and that they pool deck constructed had also been installed adjacent to the pool which ended approximately 1' from the rear boundary line and that no Variance had been sought by the prior owner.

The Petitioners seek to amend the prior allowed Variance by seeking a 6' left side yard setback Variance and a 9' rear yard setback back Variance.

Atty. Nestor references a letter written and submitted to the Board by Attorney Sal Frontiero. Atty. Frontiero represented the prior owner Rosalie Curcuru when she sold this property to the Romeos. The letter states that it was during the sale of the property that Ms. Curcuru discovered the violations on the pool and deck.

Speaking in favor: None

Speaking in opposition: None

Board Discussion:

Mr. Nimon asks if the Applicant has had any conversations with the neighbors behind them. He also states that he is not a fan of granting Variances for pools, as they tend to draw people to congregate. He feels that with the drop off in the back of the property and the distance between this pool and the house in the back there isn't an issue.

Mr. Nimon moves to grant Variances for left side yard and rear yard setbacks to allow existing above ground swimming pool and deck to remain in existing location.

Ms. Pratt seconds

All in favor, 4-0

840 Washington St.

Deborah Eliason, Esquire of Eliason Law Offices, 63 Middle St. is representing, Julia Barry & Christopher Crotty seeking a Special Permit 2.3.1 # 3 half bath in accessory structure, side yard setback for existing accessory structure (shed), Variance for side yard setback to allow addition of half bath to existing accessory structure and an existing shed to remain in existing location.

Atty. Eliason gives the Board a brief summary of the requested relief using visual aids of the property and their plans. This is a house built in the 1700's on the edge of Washington St. They are looking to add a ½ bath (toilet and Sink only) to an accessory structure and to allow the existing shed to remain in the existing location. There will be no change in the footprint of the accessory structure.

The Shed in question is 90 sf and too close to the property line. It is used to store trash barrels and fire wood.

The Clerk received a letter in support of the shed being kept where it is by David Erwin the abutter at 846 Washington St. Mr. Erwin states in the letter that his property is closest to the shed and does not wish to have it re-located, as it allows him privacy from the Applicants property.

Speaking in favor: None

Speaking in opposition:

Cynthia Borghesani, 152 Leonard St. is an abutter to the Applicant. Ms. Borghesani states that she feels that the Applicants should know and conform to the required setbacks. She has no issue with ½ bath addition.

Rebuttal:

Atty. Eliason states that the only property that is effected by the sheds placement is in support of keeping it where it is and that the neighbor who spoke in opposition has no view of the shed.

Board Discussion:

The Chair asks when the shed was placed in this area, and Atty. Eliason states that it was placed there recently in error.

Mr. Nimon states that this shed fits with the neighbor's placement of their shed and that it creates privacy for them. He feels that there is no other good place for this shed due to the size and shape of the lot.

The Chair state that this shed has a utility purpose and that it makes sense to keep it where they are working.

Ms. Schlichte moves to grant both Special Permit 2.3.1 # 3 half bath in accessory structure, side yard setback for existing accessory structure (shed), Variance for side yard setback to allow addition of half bath to existing accessory structure and an existing shed to remain in existing location.

Mr. Nimon seconds

Mr. Nimon asks the other members if conditions for future use are needed, and the Board feels that they are not.

Ms. Schlichte states that they would have to come before the Board, as adding a shower and kitchen and making it a rental property would cause a Zoning Violation.

All in favor, 5-0

Discussion of the Board:

The Chair discusses the low number of members currently on the Board and asks the members to inform the Clerk as soon as they know that they will be recusing themselves from an application or will not be able to attend an upcoming meeting. This way applications can be continued if necessary with an advanced notice.

Motion to adjourn was made at: 7:33 PM

Motion by: Mr. Nimon

Second by: Ms. Schlichte