



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

**ZONING BOARD OF APPEALS  
Meeting Minutes  
7:00 P.M., February 13, 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

**Alternate:**

Peter Cannavo

**Also in Attendance:**

Bill Sanborn, Building Commissioner  
Alison Battle, Clerk

The Chair gives the public an overview of the proceedings that pertain to all open hearings.

**Minutes:**

Mr. Nimon moves to accept the minutes for 11/14/2019, 12/12/2019 and 1/30/2020 as they are written.  
Ms. Schlichte seconds  
All in favor, 5-0

**Old Business:** None

**New Business:** None

**Continued Hearings:**

**84 Eastern Ave.**

Sal Frontiero, Esquire, of Frontiero Law, 46 Middle St is representing, Property Quest Solutions LLC seeking Special Permit 2.4.3 for the change, extension, reconstruction of non-conforming use, Special Permit to exceed the maximum building height, Special Permit to convert to three family use, Variance for front yard setback 1.7 to allow an addition to the existing structure, Variance 4.1.4 (2) to allow parking within the front yard setback area.

This is a 1920's home. Atty. Frontiero notes the late submission of plans that they Board received that show the elimination of the Eastern Avenue curb cut to make the area into a hammerhead turn around instead. The Drainage plan has been approved and there will be no issues with drainage and the nearby pond.

**Speaking in favor:** The Clerk received a letter earlier today from Theresa and Richard Rodgers, 82 Eastern Ave. who are abutters and in support of the proposed work.

**Speaking in opposition:** No

**Discussion by the Board:** None

Ms. Schlichte moves to grant the Special Permit 2.4.3 for the change, extension, reconstruction of non-conforming use, Special Permit to exceed the maximum building height, Special Permit to convert to three family use, Variance for front yard setback 1.7 to allow an addition to the existing structure, Variance 4.1.4 (2) to allow parking within the front yard setback area.

Ms. Schlichte questions the front yard setback and if a Variance is needed as the building was built before 1991.

Mr. Sanborn states that it is needed as this is a change of use and due to what is stated in the Ordinance.

Ms. Schlichte would like to see them keep the vegetation.

Mr. Nimon seconds and adds that this is a corner lot.

All in favor, 5-0

**New Hearings:**

**68 Thurston Point Rd.**

Stacia & Joe Marcelynas-Pacheco are present to represent themselves and are seeking Special Permit 1.9 to alter/expand a non-conforming structure to allow demolition of existing deck and construct new mud room.

The Applicants are looking to tear down the existing deck and replace it with an 18'x 12' mudroom that will connect to their existing kitchen. The structure will be 4' closer to the road than the current deck. The kitchen is currently over the garage and is used for storage.

Per Mr. Sanborn, a Special Permit was previously granted. As they are already in the setback, they are expanding on an existing non-conformity.

Speaking in favor: None

Speaking in opposition: None

Mr. Nimon moves to grant Special Permit 1.9 to alter/expand a non-conforming structure to allow demolition of existing deck and construct a new mud room.

Ms. Pratt seconds

All in favor, 5-0

**2 Windward Point.**

Matthew Moynahan is present to represent himself and is seeking Variance 3.2 rear yard setback to allow construct new second level enclosure on an existing structure within existing footprint.

Ms. Pratt recuses herself.

Mr. Moynahan is expanding the area for a more free flow of the home for when his parents who are wheel chair bound come to visit during the holidays.

Speaking in favor: No

Speaking in opposition: No

Ms. Schlichte questions why it wouldn't be a Special Permit and Mr. Sanborn states that a Variance was granted, so it can never be a previously existing non-conforming structure.

Ms. Schlichte moves to grant Variance 3.2 rear yard setback to allow construct new second level enclosure on an existing structure within existing footprint.

Mr. Nimon seconds

All in favor, 5-0

#### **4 Stewart Ave.**

Deborah Eliason, Esquire, 63 Middle St is representing, Vincent Dicesare seeking Variance 3.2.1 (c) and Special Permit 2.3.7 (21) customary accessory use to allow construct detached garage closer to the street than the principal building and add ½ bath to 2<sup>nd</sup> floor of new garage.

The Applicants are proposing to build a garage to add a gym and ½ bath where there is currently a shed. This house has 3 front yards. Eastern Point Rd., Farrington Ave. and Stewart St. and is surrounded by ledge.

This house was purchased last year and is being used as an extended family summer home. The house is positioned on a hill in the back of the property leaving no room for a garage behind it. The property is across the street from Niles Beach and having a ½ bath in the proposed garage will allow the Applicants to access a bathroom closer to the beach than if they had to walk to the house.

Speaking in favor:

William Holmes, 52 Eastern Point Rd. is the abutter on the back side of the property and has no objection to the proposed project.

Speaking in opposition: No

Ms. Pratt moves to grant a Variance 3.2.1 (c) and Special Permit 2.3.7 (21) customary accessory use to allow construct detached garage closer to the street than the principal building and add ½ bath to 2<sup>nd</sup> floor of new garage.

Mr. Nimon seconds

All in favor, 3-0

#### **4 Conant Ave.**

Willimina Sheedy, Esquire, 76 Main St. Rockport, MA is representing Michael Oliver seeking Special Permit 2.3 (6) 2 to 3 family and Special Permit 3.2 exceed building height.

The need for a Special Permit for building height is discussed and it is decided it is needed. The building is over 30' and due to the request of a change of use, they must make to the property comply.

The Applicant is proposing to connect the two current dormers to add a two bedroom apartment on the third floor and an exterior stairway. This house was built in 1855. It is currently has 2 apartment units and 4 parking spaces. 2 in the garage and 2 in the driveway.

The requested relief is again reviewed by the Board.

Speaking in favor: No

Speaking in opposition:

The Clerk submits a petition in opposition with 37 signatures that were received earlier this evening

**Kenneth Steiner, 37 Beacon St.** states that this is a beautiful house and hopes that the additional construction doesn't change it. He is concerned with more buildings being built on this lot. He feels that if this is approved it will be easier for the Applicants to get approval for the next phase of the project. Mr. Steiner feels that parking is already very crowded and an additional unit will add more traffic and more issues.

The Chair states that 2 dwellings are not allowed on 1 lot and is not something that is easily obtained in the City. It could be subdivided on Blynman Ave., but they would have to go through the Planning Department to do so.

Mr. Nimon states that they must deal only with what is before the Board this evening.

**Victoria Rolf, 40 Beacon** is a direct abutter and speaks to the petition that was submitted along with her concerns with this project. Her property runs along the 4 Conant Ave. property. She feels that the dormers will impact the views of 4-5 people in the area. She complains of the "cold calls" and letters from 187 East Main St. trying to purchase the properties in these neighborhoods and convert them to 3 family apartment buildings. She states that most of the homes in this area are 1-2 family homes and owner occupied, not 3 family homes as stated by the Applicant's attorney, and that the change to a 3 family will be significantly detrimental to the neighborhood. There are only 3 properties out of 40 that are currently 3 families and 1 of them was purchased by the Applicant in 2019, and changed from a 2 to a 3 family.

Ms. Rolf discusses the Applicants previously purchased property, stating that they have not kept up this property or fixed the stone wall that they were required to fix when they came to the ZBA last year. She discusses the renter's lack of care of the property; hanging sheets and towels as curtains in the windows of 53 Beacon St. The lack of sprinklers systems in 53 Beacon St. is discussed. She does not feel that the Applicant is producing the type of rentals that they City is trying to increase, stating that these apartments are not low to medium income housing and handicap accessible. The lack of parking in the area is discussed along with the long driveway of this property. Cars will need to be constantly shuffled to fit more than 2 in the driveway, which will cause the renters to park in the street. Ms. Rolf requests detail of where the renters will park. She is concerned that the integrity of the neighborhood will not be maintained and complains that the Applicants have started construction of this property prior to the vote taking place this evening.

The Chair informs the audience that they can only consider the property that is before them this evening which is 4 Conant St.

**John O'Leary, 34 Beacon St.** has a lot of questions about the petition. He notes that the Applicants are an investment group only interested in the revenue generated from the tenants of the property and not the community. He requests that the Board look at this group's history.

The Board informs Mr. O'Leary that they cannot condition decisions depending on who owns the property.

Mr. O'Leary states that the Applicant should have a responsibility toward the Socio-economic needs of the neighborhood. The neighbors in this area all respect one another. He feels that the petition is misleading as most homes in the area are 1-2 family owner occupied, not 3 family. He discusses the neighborhoods experience with the 3 family rental next door to him, stating that there were rodents and drug use, overdose issues, as well as, a 200 lb. hog living in one of the apartments. Mr. O'Leary feels that renters do not care for a property the same way that owners do, which is a big concern regarding their homes and their children's safety. He discusses the increase in tax revenue being off-set by the increase of demands put on the property due to the large increase in the number of people living in each of these apartments.

Mr. O'Leary also discusses the owners tearing up the street over this summer to update the sewer to accommodate their plans for the property and asks the Board to do the right thing.

**Rosalee O'leary 34 Beacon St.** is a 3<sup>rd</sup> generation, life-long resident of this neighborhood as are many other home owners in this 1880 historic area called Bellview Heights. They take pride in their homes and try to preserve the historical aesthetics of their properties. By adding a dormer to 4 Conant St., these builders are changing the style, craftsmanship and aesthetics of the home.

Ms. O'Leary discusses the issues she's seen with the narrow streets of these older neighborhoods, and at times the inability of emergency vehicles to get through the streets due to parking on both sides of the street. She discusses the over saturation of parking in the neighborhood and the lack of parking for all of the multifamily units being developed here. Ms. O'Leary states that the State Average in Massachusetts is 2 cars per household and that by making 4 Conant into a 3 family, a minimum of 6-8 additional cars will be added to this area. Ms. O'Leary is greatly concerned with safety as their children are no longer able to play on these streets/sidewalks as many Gloucester residents use Beacon as a cut through between Washington St. and Lexington Ave., speeding and driving dangerously. It has come to her attention that there are buildable lots on this property and that the owners of the property plan to build 6 more units. She feels that the neighbors are not seeing the true intentions of the owners for the development of this property. They are only seeing phase 1. If both planned projects are allowed, there will be approximately 22 more cars for this 1 parcel of land. She feels as abutters, they have the right to know the full scope of the plans for this project at one time and not in pieces.

**Catherine Costa, 35 Beacon St.** is opposed for all of the reasons previously stated by her neighbors. Her Historic single family home is surrounded by single family homes which are tourist attractions.

**Linda Hersey, 45 Beacon St.** is a 3<sup>rd</sup> generation, 60+ year occupant of her home. She is opposed to this project due to insignificant parking and the history of this owner's lack of care of the property that they own on 35 Beacon St., Ms. Hersey does not have confidence in them to make good decisions regarding the neighborhood. She states that Conant is already a narrow overpopulated road with parking issues.

**Aprans Olaf, 47 Centennial Ave.** discusses the law as it pertains to this property being substantially more detrimental to the neighborhood, and that changing this property from a 2 to 3 family is not all that is at stake before the Board this evening. He realized that this is not the Planning Board and that jurisdiction is limited, but the issues that these neighborhoods are having, such as hypodermic needles in bushes, noise complaints and violations, are not coming from the single family and owner occupied dwellings in the area, but from the renters. The Peace mail development of this property is discussed along with the LLC that is requesting the relief not being in attendance this evening, while the people who are vehemently against the project are in attendance. He requests that the application be denied due to the overwhelming opposition present this evening, as this Board does have the ability to determine what is substantially more detrimental to the neighborhood. He suggests that the Board request a statement on future plans of the property before they make a decision on this application and that if accepted, the Board condition the decision for no further subdivisions or buildings on this property.

**John Carvellis, 38 Beacon St.** is a 3<sup>rd</sup> generation resident and homeowner who feels that the connection of the dormers will block his views of the harbor. He is a boat captain whose children love to watch for his boat to come into the harbor and feels that the connection of the dormers will no longer allow them to do so. He is concerned about the parking, as his children play on the sidewalks in this area and his backyard is up against this property's back lot. Mr. Carvellis show's Ms. Schlichte where his house is on the map.

**Anthony Macchi, 42 Beacon St.** is an abutter and registered architect in Massachusetts. Mr. Macchi discusses the building code for sprinkler systems in Massachusetts.

Mr. Sanborn states that only new 3 family dwellings need to be compliant not conversions to a 3 family.

Mr. Nimon states that this is not within the Board's purview and requests that Mr. Macchi move on to pertinent matters.

Mr. Macchi discusses the beauty of the building on 4 Conant St. and compares it to the building also owned by the Applicants on 53 Beacon St., where the owners added an outdoor stairway constructed of pressure treated wood as they propose to do to the property on 4 Conant.

Mr. Macchi also discusses the value of this house going down and the targeting of the homes in this neighborhood by the Applicants, stating that they have been "cold calling" and sending letters of interest in purchasing their homes.

Mr. Macchi has been in the house on 4 Conant street several times and the attic is not currently a 2 bedroom as stated by Attorney Sheedy and is not insulated.

**Frances Biondo, 36 Beacon St.** has had this house in her family since 1954. Her property is directly behind 4 Conant St. and shares a driveway with this house, each having 2 spaces in the driveway. They are currently having a hard time sharing this driveway now and is concerned with adding another 2+ cars. She is concerned with the drastic changes being done in the neighborhood to allow people to live in the roof of this house. The difficulty that the neighborhood had to endure over the summer while they worked on the sewer to allow this house to add a 3 family is described. She discusses the views that have been taken away over the years and that will now be being taken away if this relief is requested.

Attorney Sheedy rebuts the Opposition's comments and discusses what is before the Board this evening and the speculations of more work to come. She states the owners of the LLC are local businessmen/blue collar workers who have been working to add more apartments in the City. She also discusses parking, views and availability of space on the property.

The Chair confirms that the parking requirement is 3 spaces and the property currently has 4 spaces.

Ms. Schlichte asks about the new sewer being connected. Atty. Sheedy doesn't know anything about this.

Board Discussion:

Mr. Nimon states that he is interested in continuing the application and viewing the obstructions that were brought up this evening.

Ms. Pratt and Ms. Schlichte agrees with Mr. Nimon in light of the testimony heard this evening.

The Chair closes the public hearing and will hear a motion to continue the application to March 26, 2020,

Ms. Pratt moves to continue the hearing to March 26, 2020

Mr. Nimon seconds

All in favor, 5-0

A Site Visit is scheduled for Saturday, March 21, 2020 at 9AM. The public is invited to this Site Visit.

#### **4 Ronna Rd.**

Joe Taorimina, 10 B Riverview Rd. is representing, John Farrell seeking Special Permit 2.3.7 (21) customary accessory use to allow construction of bathroom in detached accessory building.

The Applicant is planning to remove existing shed and build a new garage for his office and woodworking workplace and would like a full bathroom for convenience to clean up before going into his home.

Mr. Parisi states that the Board has never allowed a shower in a second dwelling.

Mr. Nimon suggests that they condition the bathroom without a shower as he does not see enough evidence to all a shower.

Speaking in favor: No

Speaking in opposition: No

Mr. Taorimina would like to continue the application to the next meeting so that he can discuss the matter with his client.

Mr. Nimon moves to grant a continuance to the 3/12/2020 meeting.

Ms. Pratt seconds

All in favor, 5-0

**Motion to adjourn was made at:** PM 9:15 PM

**Motion by:** Mr. Nimon

**Second by:** Ms. Schlichte