



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

**ZONING BOARD OF APPEALS
7:00 P.M., April 9, 2020
Remote Meeting Minutes**

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 calls for a roll call.

Mr. Sanborn take the roll call.

Minutes:

Ms. Schlichte moves to accept the minutes of 1/9/2020 and 3/12/2020 as they are written.

Mr. Nimon seconds

All in favor, 5-0

Continued Hearings:

80 Commercial St.

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

Ms. Pratt recuses herself and turns her video and microphone off.

The Chair has received a letter from Atty. Nestor requesting to continue this application until the Governor has lifted the State of Emergency due to COVID-19.

Mr. Sanborn has no problem with granting this request.

Ms. Schlichte moves to continue this application until the Governor has lifted the State of Emergency due to COVID-19.

Mr. Nimon seconds

All in favor, 5-0

24 Kondelin Rd.

Joel Favazza, Esquire, Seaside Legal Solutions, 123 Main St. 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.

Atty. Favazza is present this evening and he and Mr. Sanborn inform the Board that they have been in contact with one another and that Atty. Favazza's Client is in the process of developing a site plan. He asks that the Board continue this application to the next scheduled meeting.

Mr. Sanborn states that he has no objection to this application being continued to the May 28, 2020 Meeting.

Ms. Schlichte moves to continue this application to the 5/28/2020 meeting.

Mr. Nimon seconds

All in favor, 5-0

86-86 R Rocky Neck Ave.

Sal Frontiero, Esquire of Frontiero Law is representing, Regina Attaya seeking Special Permit to alter/Expand non-conforming structure 2.4.3 (6), Variances for side yard setbacks, lot width, distance from accessory building to street, allow parking in front yard setback, accessory closer to street than principal building to allow addition to existing structure, conversion of property to 3 family with parking in front yard setback.

Ms. Pratt recuses herself and turns her video and microphone off.

Atty. Frontiero is present this evening and requests a continuance to the next scheduled meeting, as his client is currently working with the neighbors and making changes.

The Chair would like this application withdrawn without prejudice and a new application filed as there have been so many changes.

Ms. Schlichte moves to withdraw this application without prejudice.

Mr. Nimon seconds

All in favor, 5-0

6 Warwick Rd.

Marshall & Wynne Nevins seeking Variance 3.2 left side setback for accessory uses to allow demolition of an existing shed and construction of a new 10'x14' shed.

Wynne Nevins, 6 Warwick Rd. is present this evening to represent her application.

The Board members question why this application was not re-submitted and re-advertised.

Mr. Sanborn states that he was not in attendance at the last meeting and that due to the COVID-19 restrictions and public offices being closed to the public, the Applicant was not able to submit a new application in time for it to be advertised. As the application was already on the agenda, he advised the Nevins to submit the new application, plans and letters from the Abutters in time for this evenings meeting and let the Board decide if they were able to hear it. The Nevins have letters from both abutters who are in support of this project.

Mr. Nimon notes that the letter in support from the rear abutter states 5' and the Applicants are requesting 8'. Ms. Nevins states that she is happy to reduce the plans to the 5' that the rear abutter has agreed to.

The Board discusses this matter and comes to the decision that the change is a result of compromise with the neighbors and that it is okay to hear the application this evening.

The Nevins' are looking to add a 10' X 14' shed in the rear left corner of their lot as their shed fell over in a winter storm. Due to a compromise with the neighbors they are now requesting a 5' side yard Variance and an 8' rear yard Variance.

Speaking in favor: The Chair notes that there are no hands raised.

Speaking in Opposition: The Chair notes that there are no hands raised.

Ms. Schlichte moves to approve the 5' side yard Variance and an 8' rear yard Variance for accessory use to allow demolition of an existing shed and construction of a new 10'x14' shed.

Mr. Nimon seconds

All in favor, 5-0

14 Sunset Point Rd.

Joel Favazza, Esquire, Seaside Legal Solutions, 123 Main St. is representing Sean & Janet Sullivan seeking Special Permit 2.4.5 demolition and replacement of pre-existing non-conforming single or two family residence to allow demolition of existing structure and construction of new structure.

Atty. Favazza is present and requests a continuance as he and his Client are working with the Building Inspector to figure out what the frontage truly is. He states that his Client is also currently working with the neighbors to resolve the issues, which he feels are not in the Boards purview, which they brought up at the last meeting.

The Board states that they are happy to hear that they neighbors are speaking and working together.

Ms. Schlichte moves to continue this application to the 5/14/2020 meeting.

Mr. Nimon seconds

All in favor, 5-0

4 Conant Ave.

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

The Chair states that the Public Hearing was closed at the last meeting.

The Chair states that the 4/4/2020 Site Visit was held with safe distancing rules in place. Abutters where asked before the visit to submit photos of their obstructed views as the members would not be going into any of the houses. While all members were unable to attend the Site Visit, they have all seen the photos that were submitted.

Discussion of the Board:

Mr. Cannavo states that he previously lived in this area and he is concerned with the extra traffic and parking that another 3 family will bring to an already high volume area. He realizes that this is what the area is zoned for, however feels that it needs to be taken into considerations due to the large amount of opposition that they have received. He is concerned that they will be making the area more unsafe and that it would be detrimental to the neighborhood. He has no issue with the height of the building.

The other 4 members of the Board state that they feel that this is an R-5, high density neighborhood and that this house going from a 2 to a 3 family is not that big of a jump. They state that all of the community needs are being met in terms of utilities, fire and neighborhood character and that the City is interested in adding more 3 families. They agree that parking is an issue, but that this is what is commonly found in other R-5 areas.

Ms. Schlichte states that she understands the neighborhoods concerns, but most of them are enforcement issues. She sees no issues with a loss of view from the photos that were submitted, but would discuss some conditions that she would like to see added.

Ms. Schlichte moves to grant a Special Permit 2.3 (6) 2 to 3 family and Special Permit 3.2 exceed building height with the conditions that;

1. They remove the section of retaining wall that blocks the section of parking, so that both parking bays are accessible.
2. Trims the trees that are in the way.

Mr. Nimon seconds
All in favor, 5-0

New Hearings: There are not new hearings this evening.

Motion to adjourn was made at: 7:50 PM

Motion by: Ms. Schlichte

Second by: Mr. Nimon