



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

ZONING BOARD OF APPEALS
Remote Meeting Minutes
7:00 P.M., April 30, 2020

Board Members Present:

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

Ms. Schlichte moves to accept the minutes of 2/27/20, 4/4/20, 4/9/9/20 and 4/9/2020 training meeting as they are written.

Mr. Nimon seconds

All in favor, 5-0

Old Business: None

New Business:

The Chair informs the Members that Mr. Cannavo was approved by City Council as a full member of the Board and he is congratulated.

New Hearings:

5 Cedar Lane

John L. & Carolyn L. Doyle Trustees, seeking Special Permit 1.9 to alter/expand non-conforming structure, Variance 3.2 front yard setback to allow construction of 8' x 14' covered porch/deck. John Doyle is present this evening and gives the Board a brief description of his proposed project of a covered deck off of his family room. He has not decided if the deck will be screened in yet. With his application, he submitted a signed petition in favor from his abutters.

Mr. Nimon confirms that no Variance is needed as he is continuing a non-conformity.

Mr. Sanborn agrees with this statement.

Speaking in favor: None

Speaking in opposition: None

Ms. Schlichte moves to grant a Special Permit 1.9 to alter/expand non-conforming structure, Variance 3.2 front yard setback to allow construction of 8' x 14' covered porch/deck.

Mr. Nimon seconds

All in favor, 5-0

10 Forest St.

Mike Pierce by tenant Kirk Mickels seeking Variance front yard setback, side yard setback, Variance 3.2.1 (c) accessory closer to street than principal building to allow a temporary car port to remain. Kirk Mickels is present this evening and is looking to keep a temporary car port that he has placed on the property he is renting to house 2 cars and to have a place to work on them in bad weather. Mr. Mickels parks his everyday car in the street and has permission to park it at 11 Forrest St. which is abandoned.

Mr. Sanborn informs the Board that a temporary structure always needs a Special Permit. If a setback is needed as well, it would also need a Variance.

Mr. Nimon discusses the duration of a temporary structure and that the Board could put restrictions of the temporary structure.

Speaking in favor: None

Speaking in opposition:

Mr. Sanborn reads a letter that he received from an abutter Arthur Monroe who is opposed to this application.

Rebuttal:

Mr. Mickels rebuts the opposition's letter.

Ms. Schlichte moves to grant a Variance front yard setback, side yard setback, Variance 3.2.1 (c) accessory closer to street than principal building to allow a temporary car port to remain that would not exceed 1 year in duration.

Mr. Nimon seconds for discussion.

Board Vote:

Ms. Pratt – Yes

Ms. Schlichte – No

Mr. Cannavo – Yes

Mr. Nimon – No

Mr. Parisi - Yes

Motion Denied.

70 Thurston Point Rd.

Horace C. Turner of Turner Design, 523 Essex Ave. Gloucester is present to represent, Sara Treanor seeking Special Permit 1.9 alteration or expansion of non-conforming structure, Variance 3.2 minimum distance from principal building to allow demolition of existing 1½ story structure to foundation to construct new 2 story structure with addition.

This home was recently purchased. It is a 1 ½ story dwelling with 2 bedrooms and no bathroom on the second floor. The new owner is looking to demolish the current dwelling to the foundation and re-build the home on the same footprint along with a 12' x 18' addition toward Thurston Point and an 8' x 12' addition on the right rear of the foundation.

Speaking in favor:

Francis and Rebecca Allberte, 55 Thurston Point Road, ask question regarding the areas being expanded from the original footprint. They are happy with the answers that they receive and have no issue with this application being approved.

Speaking in opposition:

Deb Callahan and Paula Parsons, 8 Thurston Lane, discuss the issues that they have with run off and are concerned that a larger house will add to the issue. They have been dealing with the DPW and the Conservation Department in the past and the issue has yet to be solved.

Rebuttal:

Mr. Turner is aware of this ongoing issue and has spoken with Mike Hale, Director of the DPW and was told that there is not a lot that the DPW can do as the grating of the road is the issue. Mr. Turner states that this property will need drainage counts for this property, but it will not alleviate the current issue.

Mr. Nimon states that while this is a relevant matter, it is not relevant to the application before the Board.

Mr. Sanborn notes that the drainage plan for this property will have to manage the water from this house.

Ms. Schlichte moves to grant Special Permit 1.9 alteration or expansion of non-conforming structure, Variance 3.2 minimum distance from principal building to allow demolition of existing 1½ story structure to foundation to construct new 2 story structure with addition.

Mr. Nimon seconds stating that the Variance requested is de minimus.

All in favor, 5-0

1 Main St.

Joel Favazza, Esquire, of Seaside Legal Solutions, 123 Main St. is present to represent, Raso Quail Run LLC , along with Hosman Hospitality Group, dba, The Drift Café, seeking Special Permit 1.8.3 restaurant with outdoor seating, Variance 3.2.2 (b) vegetative cover front yard to allow expansion seating capacity by creating 20 outdoor seats

Mr. Favazza shares his presentation and informs the Board of the letters submitted in support of the project from other local businesses.

The Drift Café is seeking a Special Permit for use to allow them to have outdoor seating at their restaurant to increase their economic activity and allow for their patrons to social distance. They are also requesting a Variance to reduce the vegetative coverage to 0. They have added a second bathroom in the building that is under the required 500'. The outdoor seating will be blocked off by planter boxes with chains running between them. They will be going before the Licensing Board for an extension of premise.

Mr. Cannavo loves the project, however is concerned with the sidewalk being brick in this area and questions who will be responsible for the upkeep of it in the future.

The Board discusses the need for safety and substantial protective barriers as this is one of the busiest intersections in the City and questions if these planter boxes are enough. The planters must be fastened to stop out of control vehicles as have been required in all requests for outdoor seating in the past.

Speaking in favor:

Rick Noonan, owner of Cape Ann Coffees, 86 Bass Ave. informs the Board that secure ballads were a condition when he added outdoor seating to his restaurant and feels that they would work well in this situation as well.

John Orlando, 112 Eastern Ave. states that he is very impressed with the work that they have done building this deck area. He feels that it is a great addition to the downtown area and that it will give this establishment an advantage once businesses are allowed to reopen with social distancing rules in place.

Melissa Prince, 467 Western Ave. is speaking on behalf of this application as a resident and not as the Chair of the Licensing Board. She has known the owners for 15-20 years and feels that they are making the area look nice. She feels that this is a great idea for them to serve the community.

Speaking in opposition: None

Rebuttal:

Atty. Favazza discusses the option of weighing the planters with bricks and informs the Board that they were purchase from a restaurant in Boston and were used as a barrier around their outdoor seating and that they complied with the City of Boston's regulations.

Mr. Sanborn suggest that they hire a traffic engineer as the barrier must be fastened to the ground. It is not a weight issue.

Atty. Favazza requests that the Board not make a Traffic Engineer a condition, as this business is currently trying to financially recover from current State of Emergency and cannot afford to do so.

The Board members like this project but share the Building Commissioners concern with protecting this area from traffic. Different solutions are discussed along with the City department that would monitor it. Mr. Sanborn offers to work with the owners to find a reasonable and cost efficient solution to allow them to open this year.

Ms. Schlichte moves to grant a Special Permit 1.8.3 restaurant with outdoor seating, Variance 3.2.2 (b) vegetative cover front yard to allow expansion seating capacity by creating outdoor seating.

Mr. Nimon seconds

Ms. Schlichte amends her motion and adds that it is conditioned upon the satisfaction of the Building Commissioner regarding the planters and the safety of their patrons.

Mr. Nimon seconds the amendment

All in favor, 5-0

18A Calder St.

Joel Favazza, Esquire, of Seaside Legal Solutions, 123 Main St. is present to represent, Marc A. Ginsberg & Christina E. Ursul Trustees of 18A Calder St. Realty Trust seeking Variance 3.2 Lot Width to allow Construction of single family structure. Variance relief will enable owner to submit ANR application to Planning Board to create lot.

Mr. Favazza shares his presentation.

The Owners have the property under agreement to sell to a buyer who would like to construct a single family home on this lot. Due to the shape of the lot and the presence of wetlands and buffer zones, the only practical place to build the house is in the narrow section of the lot that fronts on Calder St. In doing so will violate the lot width requirement.

Speaking in favor: None

Speaking in opposition: None

Ms. Schlichte moves to grant a Variance 3.2 Lot Width to allow Construction of single family structure. Variance relief will enable owner to submit ANR application to Planning Board to create lot.

Mr. Nimon seconds

All in favor, 5-0

17 Linden Rd.

Joel Favazza, Esquire, of Seaside Legal Solutions, 123 Main St. is present to represent, Jason R. Doyle & Caterina M. Doyle seeking Special Permit 1.9 alteration or expansion of non-conforming structure to allow adding single-story addition and covering existing front porch.

Mr. Favazza shares his presentation and requests that the application be re-advertised and the Public Hearing be left open as there was some confusion as to the required relief.

Mr. Sanborn confirms that this is an existing addition and the applicants are proposing to add to it which requires a Variance. There was no Variance advertised and in his opinion the application needs to be re-advertised correctly.

A decision is made by the Chair to hear the application this evening and leave the Public Hearing open until the next meeting on 5/28/2020.

Speaking in favor: None

Speaking in opposition: None

Ms. Schlichte moves to continue the Public Hearing until 5/28/20 and to re-advertise the application.

Mr. Nimon seconds

All in favor, 5-0

Motion to adjourn was made at: 8:41 PM

Motion by: Ms. Schlichte

Second by: Mr. Nimon