



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

**ZONING BOARD OF APPEALS
Remote Participation Meeting Minutes
May 14, 2020 7:00 PM**

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 introduces the members and gives the public an overview of the proceedings that pertain to all open hearings.

Old Business: None

New Business:

26 Emerson Ave.

Sal Frontiero, Esq. of Frontiero Law Offices, 46 Middle St. is representing, Open Door/Cape Ann Food Pantry, Inc. who was approved for an extension of Variance/Special Permit for GZA Decision date 4/11/2019. Special Permit lesser than required number of parking spaces. Variance RY-RY percent lot coverage to allow construction of addition to connect building.

This application was before the ZBA on 4/11/2019 and the decision was recorded at the Registry of Deeds on 5/24/2019 and Atty. Frontiero is requesting an extension for the Variance only as a Special Permit is good for 2 years.

Speaking in favor: None

Speaking in opposition: None

Ms. Schlichte moves to approve the request for an extension for the Variance Ms. Pratt seconds
All in favor, 5-0

Continued Hearings:

14 Sunset Point Rd.

Joel Favazza, Esq. of 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 shares his screen and gives a history of this application that was first on the agenda on 3/12/2020. The Sullivan's have worked with the neighbors who were in opposition at past meetings and completely re-designed their plans for this project. Atty. Favazza shows the difference between the old and new plans to the Board.

The existing house is in disrepair and almost the entirety of the locus is either a wetland resource area or a buffer zone to a wetland resource area. It is zoned R-20 with superseding setbacks. The Sullivan's are looking to retire to Gloucester and have presented their design to the Conservation Commission. Due to neighbors' concerns they have reduced the original footprint and the overall size of the house while altering the roof to improve views across the rear of the house. The Applicants need to keep the house as far from the resource area as possible. They were originally planning to renovate the existing structure, but due to a FEMA code Regarding percentage of house cost, they must demolish the existing structure and build a new structure. This application has been continued from the March 12, 2020 meeting held in Kyrouz Auditorium, but was continued due to the Chair's concern of the public not being able to attend due to the COVID -19 virus. The Sullivan's learned after the meeting on 3/12/20 that the front yard was shown incorrectly and that the frontage is on the north side not the South side as they were originally told. Due to this new information the placement of the structure had to be moved. The existing house is nonconforming, however the proposed house is now 100% conforming. The lot has been proven to be conforming and there are no proposed changes to the lot. Per the Assessor, Land Court and the surveyor, the lot coverage is compliant. Atty. Favazza feels that there is no increase to the nonconformity and that the Building Dept. can issue a permit.

Speaking in favor:

Julie Sablone, 12 Sunset Point Lane, states that the Sullivan's really listened to the neighbor's concerns and changed the plans 3 times to accommodate them. She wishes them good luck and welcomes them to the neighborhood.

Speaking in opposition:

Ellyn Robertson, 12 Sunset Point Lane, is troubled by the lack of response from emails that were requested by the Sullivan's regarding the height of their home blocking the views of the neighbors on the street behind them.

Rebuttal:

Atty. Favazza states that the comments from the neighbors from the street behind Sunset Point Lane were to shift the structure to the side which was not an option.

Ms. Schlichte moves that there is no increase in non-conformity and that a Special Permit is not necessary.

Ms. Pratt seconds

All in favor, 5-0

24 Kondelin Rd.

Joel Favazza, Esq. of 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.

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

Mr. Sanborn recuses himself and turns off his video and audio.

The Chair informs the Board that DLM Properties, LLC and the Building Department are making good progress working together to resolve this matter and that they are waiting for more documents to be submitted.

The Chair moves to continue this application to the 6/11/2020 meeting.

Mr. Cannavo seconds

All in favor, 4-0

Mr. Nimon nods yes in agreement into the camera as he is having difficulty with his audio.

New Hearings:

86-86R Rocky Neck Ave.

Sal Frontiero, Esq. of Frontiero Law Offices, 46 Middle St. is representing, Regina Attaya seeking Special Permit 2.4.3 (b) alter/expand a non-conforming single or two-family structure. Special Permit 2.3.1 #3 conversion to two-family modification of existing Variance sec. 1.7.4 to allow petitioner to partially teardown and replace the existing structure and to add an addition to the building for the purpose of converting to a 2 family dwelling.

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

Atty. Frontiero give the history of the property listing the Special Permits and Variances granted in the past and reminds the members of the submitted petition of 21 residents in favor of the proposed plans.

Ms. Attaya originally submitted an application for this property for the 2/27/20 ZBA meeting, however, withdrew the application without prejudice to revise the plans. The Chair states that the submitted petition that Atty. Frontiero referenced was for the plans submitted for the 2/27/20 meeting and does not apply to the plans that are being discussed this evening. Therefore he will not be taking them into consideration.

Atty. Frontiero request if this decision can be subject to each member individually.

The question is brought to the Board and all members agree that the petition submitted in February does not apply to the application before the Board this evening.

This is a mixed use area with commercial, residential and industrial properties.

Atty. Frontiero addresses the letter in opposition received by the Clerk speculating that the proposed 4 bedroom and 4 bathrooms will be used as a rental property and states that his Client is willing to accept a condition that they cannot be used as a rental units. Ms. Attaya plans to reside in one of the units while her niece and her family will occupy the other unit.

Speaking in favor: None

Speaking in opposition: None

30 Summer St.

Fredrick Geisel, PE15 Steep Hill Drive is representing, John Lefavor seeking a Special Permit 2.3.1 #6 two to a three family. Variances 3.2.1 for front yard and rear yard. Special Permit 3.1.6 (a) Building heights up to 35' to allow conversion of 2 family to a 3 family.

Mr. Geisel give the Board a brief summary of the project and the relief that they are requesting to bring in additional income to the homeowner.

Ms. Pratt confirms that the 3rd unit, which is a studio apartment, already exists and is occupied and that they are here this evening to make it legal.

Mr. Geisel confirms that this is correct.

Speaking in favor: None

Speaking in opposition: None

Ms. Schlichte moves to grant a Special Permit 2.3.1 #6, two to a three family. Variances 3.2.1 for front yard and rear yard. Special Permit 3.1.6 (a) Building heights up to 35' to allow conversion of 2 family to a 3 family.

Ms. Pratt seconds

All in favor, 5-0

37 Concord St.

Frank Diodati seeking Special Permit 5.2.4 accessory in-law apartment to allow construction of addition to existing dwelling for accessory in-law apartment.

Mr. Diodati is representing himself and confirms that he meets all setback requirements as well as in-law apartment requirements.

Mr. Sanborn reminds Mr. Diodati that he must file the name of the occupant yearly with Inspectional Services and that he must discontinue the use if a relative is not occupying the space.

Speaking in favor: None

Speaking in opposition: None

Ms. Schlichte moves to grant a Special Permit 5.2.4 accessory in-law apartment to allow construction of addition to existing dwelling for accessory in-law apartment.

Ms. Pratt seconds

All in favor, 5-0

4 Flume Rd.

Craig Herrmann of Craig Herrmann Design, 10 Highland St is representing, Robert & Roberta Lemay seeking Special Permit 1.9 alter/expand a non-conforming structure and Variance 3.2, percent of lot coverage to allow demolition of non-conforming garage to construct a new attached 2 car garage with master suite above.

The Applicants are proposing to demolish their garage and rebuild it attached to their home while adding a second floor above the garage for a master bedroom with a bathroom. It will be the same sq. ft. as the current garage. They are also reconfiguring the roof in a gambrel style to update the home.

The percentage of lot coverage is discussed by the Board along with questioning the additional need for a Variance for front yard setback for the bump out shown on the plans. It is decided that a Variance for front yard setback is not needed.

Speaking in favor:

Sue McDermott, 49 Lexington Ave. has lived in Magnolia for 25 years and feels that this will be a great improvement to the neighborhood.

Donnaa Kecyk 145 Magnolia Ave. agrees that these changes will be an improvement to the neighborhood.

Doug Shatford, 22 Rear Flume Rd. feels that the improvements will fit well in the neighborhood.

Speaking in opposition:

Lynn Khambaty, 6 Flume Rd. is the immediate neighbor to the south of the property at 4 Flume Rd. Ms. Khambaty feels that this is a large addition to an already too large house and that it will be detrimental to her property value.

Murrium Khambaty, 6 Flume Rd. agrees with her mother Lynn and questions the bump out shown on page 6 of the application plans. She is concerned that the existing garage setback is further than the proposed structure and that this will make the house look and feel too large for the lot.

Rebuttal:

Mr. Herrmann rebuts the opposition's remarks stating that the changes will make the property more conforming and that there will be no changes to the foot print of the house.

Ms. Schlichte moves that there is no increase in non-conformity and that the Special Permit is not necessary as they are not changing the foot print to increase the non-conformity. A Special Permit is not required.

Adria seconds

All in favor, 5-0

Ms. Schlichte moves to grant Variance 3.2, percent of lot coverage to allow demolition of non-conforming garage to construct a new attached 2 car garage with master suite above as there is a fair amount of open space.

Ms. Pratt seconds

All in favor, 5-0

Motion to adjourn was made at: 9:47PM

Motion by: Mr. Nimon

Second by: Ms. Schlichte