



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

**ZONING BOARD OF APPEALS
Remote Participation Meeting Minutes
May 28, 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 introduces the members and gives the public an overview of the proceedings that pertain to all open hearings.

Approval of Minutes:

Ms. Schlichte moves to approve the 4/30/2020 minutes as they were written.
Mr. Nimon seconds
All in favor, 5-0

Old Business:

New Business:

17 Linden Rd.

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

Atty. Favazza introduces himself, shares his screen and gives the Board a brief summary of the proposed application as discussed on 4/30/2020.

This application was originally heard on 4/30/20, when it was decided by the Board that a Variance is required and was not advertised for. A decision was made by the Chair to hear the application on 4/30/20 and leave the Public Hearing open for this evenings meeting.

Speaking in favor:

Craig Herrmann, 10 Highland St. Gloucester, feels that this project is a great asset and will contribute nicely to the neighborhood.

Speaking in Opposition: None

Discussion by the Board: None

Ms. Schlichte moves to approve a Special Permit 1.9 alteration or expansion of non-conforming structure and Variance for rear yard setback to allow adding single-story addition and covering existing front porch.

Mr. Nimon seconds
All in favor, 5-0

1 Maplewood Ave.

Bing Xue Gao & Li Qin Chen seeking Special Permit 2.3.1.5 (b) to expand the use by adding a second dwelling unit to the existing building which contains one business and one residence to allow petitioner to increase the dwelling units to (2).

Bing Xue Gao who is the owner of this building is showing as present at the meeting, however he does not have any audio.

The Chair asks Greg Cefalo of the Building Department to call Mr. Gao and during their conversation Mr. Gao allows Mr. Cefalo to act on his behalf.

This building has a takeout restaurant and a small store on the first floor and an apartment on the second floor. Mr. Gao would like to also make the small store area on the first floor an apartment. There will be no exterior changes. There are driveways for tenant parking on both Prospect St. and Maplewood Ave.

Speaking in favor: None

Speaking in opposition: None

Board Discussion: None

Ms. Schlichte moves to approve a Special Permit 2.3.1.5 (b) to expand the use by adding a second dwelling unit to the existing building which contains one business and one residence to allow petitioner to increase the dwelling units to (2).

Mr. Nimon seconds
All in favor, 5-0

20 Brace Cove

David Hurd, 707 Washington St. is representing Robert and Sandra Koslowsky, seeking Variance 3.2.1 minimum distance from principal building to allow construction of 24 x 24 detached garage (one story). Mr. Hurd is the contractor for this project.

Due to electrical damage to cars caused by rodents, the Applicants are proposing to build a detached garage on their property. The proposed project meets all sets backs except that the accessory structure does not meet the minimum distance from principle dwelling due to the sloped topography of the property.

The Applicants were before the Conservation Committee on 3/4/2020 where their application was approved.

Speaking in favor: None

Speaking in opposition: None

Board Discussion:

The Chair and Mr. Sanborn discuss the requested relief.

Ms. Schlichte moves to grant a Variance 3.2.1 minimum distance from principal building to allow construction of 24 x 24 detached garage (one story).

Mr. Nimon Seconds
All in favor, 5-0

52 Shore Rd.

Craig Herrmann, of Craig Herrmann Design, 18 Sargent St. Gloucester is representing, Clair Locher seeking Special Permit 1.9 alter/expand non-conforming structure and Variance 3.2.1 front yard setback to allow construction of building access structure connecting the existing garage to house.

Mr. Herrmann shares his screen and gives the Board a brief summary of the proposed work.

The Applicant proposes to construct a building access structure connecting the existing garage to the house. The Applicant has received approval from the State Building Code of Appeals Board to create the building access structure and has provided a copy of the letter they received from the State. They are also planning to do additional renovations to the interior of the existing house and would like to rebuild a covered deck that was destroyed by a storm in 2018.

Speaking in favor: None

Speaking in opposition: None

Board Discussion:

Mr. Sanborn confirms that connecting the garage to the main house requires a Variance as they are filling in space between the house and the garage.

Ms. Schlichte moves to approve a Special Permit 1.9 alter/expand non-conforming structure and Variance 3.2.1 front yard setback to allow construction of building access structure connecting the existing garage to house.

Mr. Nimon seconds
All in favor, 5-0

18 Calder St.

Joel Favazza Esq. of Seaside Legal Solutions, 123 Main St. is representing Milton M. Sears Jr. and Cynthia Jane Sears Trs., Seeking to modify existing Variance 8.14.1986 and Variance for left side yard to allow construction of (2) additions to existing single family home.

Atty. Favazza request that they Board continue this application to the 5/25/2020 meeting and re-advertise it.

Ms. Schlichte moves to continue this application to the 5/25/2020 meeting in order to re-advertise it.

Mr. Nimon seconds
All in favor, 5-0

37 Rocky Neck Ave.

Joel Favazza Esq. of Seaside Legal Solutions, 123 Main St. is representing, Mark Goetemann P.R. seeking a Special permit granted pursuant to GZO 3.1.8 (now GZO 3.1.5) to allow construction of one dormer and adding skylights to pre-existing non-conforming structure.

Atty. Favazza shares his screen, gives the Board a brief summary of the proposed work, informing the Board of 2 letters of support received by the Clerk prior to the meeting.

Mr. Goetemann is requesting to add a skylight and dormer to his condo which is in a building of (3) condo units in a mixed use area. The Applicant will be going before the City Council in hopes of turning this building into a (4) unit condo building. Mr. Goetemann is proposing to dividing his unit into (2) separate units. This will enable him to live in the second floor unit and allow the first floor unit to be used as an art gallery in honor of his parents. This art gallery will be used by the Rocky Neck Art Colony.

Speaking in favor:

Brenda Malloy, 43 Rocky Neck Ave. is in support of changes and discusses the Chapter 91 access and signage.

Karen Ristuben, 210 East Main St. was president of the Rocky Neck Art Colony for 10 years and discusses the loss of property available to artists and the risk of the colony disappearing as artists cannot afford to be on Rocky Neck any longer.

Speaking in opposition: None

Rebuttal:

Atty. Favazza discusses the comments on Chapter 91. The ZBA doesn't play a role in the Chapter 91 access.

Mr. Goetemann raises his hand and the Chair allows him to speak.

Mr. Goetemann, 20 Boyce Farm Rd., Lincoln, MA responds that he understands Ms. Molloy's concern for signage and will replace the current sign with one in a more noticeable place.

Board Discussion:

Mr. Nimon states that it is not within the ZBA's purview to set Chapter 91 Conditions.

Ms. Schlichte moves to approve a Special permit granted pursuant to GZO 3.1.8 (now GZO 3.1.5) to allow construction of one dormer and adding skylights to pre-existing non-conforming structure.

Mr. Nimon seconds
All in favor, 5-0

35 Massasoit Rd.

Joel Favazza Esq. of Seaside Legal Solutions, 123 Main St. is representing, Daniel Fonzi seeking Variance 3.1.8 section III "definition of lot frontage" to allow construction of new single family home.

Atty. Favazza shares his screen, gives the Board a brief summary of the proposed work.

Mr. Fonzi is proposing to build a single family home with an attached garage that is fully conforming to all dimensional requirements, however, is looking to the ZBA to approve one of the (3) options to access the dwelling through its frontage.

Atty. Favazza goes through the (3) options discussed with the City of Gloucester's, Engineering, Planning and Conservation Agents and the Building Commissioner prior to this evenings meeting.

Mr. Sanborn asks the following questions;

1. If granted, would his Client be opposed to adding the condition of no further sub-dividing the property? Atty. Favazza is happy to take this condition.
2. Could his Client pave and maintain 20' of Uncas Road? Atty. Favazza feels that this is a Planning Board issue would need a road improvement plan and is not enforceable by the ZBA.
3. Could his Client ensure that there will be enough turn around for the fire department and ambulances on the property? Atty. Favazza states that the ladder truck cannot get close to the property, however there will be a space for the pump truck and ambulances to turn around.

Speaking in favor: None

Speaking in opposition: None

Board Discussion:

The Board discussed the access over improved frontage and that if they allow access through the front, it must be improved access.

Ms. Schlichte moves to approve a Variance 3.1.8 section III "definition of lot frontage" to allow construction of new single family home with the following conditions;

- No further subdivision of the lot.
- Addition of turn around area for pump truck and ambulance.
- Keeping Uncus Road as it approaches the house in the same or better condition that it is currently in now.

Motion to adjourn was made at: 8:29 PM

Motion by: Ms. Schlichte

Second by: Mr. Nimon