



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

**ZONING BOARD OF APPEALS
Remote Participation Meeting Minutes
June 11, 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.

Approval of Minutes:

Ms. Schlichte moves to approve the minutes for 5/14/2020 and 5/28/2020.
Mr. Nimon seconds
All in favor, 5-0

Old Business:

24 Kondelin Rd.

Joel Favazza, Esquire, 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.

Atty. Favazza is present and requests a continuance to the 6/25/2020 meeting.
Ms. Schlichte moves to continue this application to the 6/25/2020 meeting.
Mr. Nimon seconds
All in favor, 5-0

New Business:

115 Prospect St.

Wilhelmina Sheedy, P.C, 76 Mail St., Rockport, MA is representing, Michael Oliver seeking Special Permit 2.3.1 (6) use table conversion or new multi-family (3) dwelling units to allow conversion from 2 to 3 dwelling units.

This is a building that was built in the 1900's. It is currently 2 units, however is large enough to be 3 units. There is enough parking with 4 parking spaces in the back of the building.

The Chair calls for questions by the Board and there are none.

Mr. Sanborn informs the Board that he has received amended plans before this evenings meeting that removes the overflow parking area, as parking is not allowed in the front yard.

Ms. Pratt asks why a Variance was advertised for, only a Special Permit.

Mr. Sanborn states that this is correct, the Variance needed was not advertised and it is up to the Board to decide if they want to continue and re-advertise the application or move forward this evening.

The Chair states that they Variance is only needed to make the building compliant and would like to move forward with this application this evening. All Board members agree.

Speaking in favor- None

Speaking in opposition- None

The Chair calls for discussion by the Board. There is no discussion, the members are ready to vote.

Ms. Schlichte moves to approve the Special Permit 2.3.1 (6) use table conversion or new multi-family (3) dwelling units to allow conversion from 2 to 3 dwelling units and a Variance for side yard setback.

Mr. Nimon seconds

All in favor, 5-0

19 Old Salem Rd.

Wilhelmina Sheedy, P.C, 76 Mail St., Rockport, MA is representing, 19 Salem Road Realty Trusty seeking Special Permit 3.1.6 (a) for building heights in excess of sec. 3.2 limits building heights up to 35' ft. to allow construction of a new single family residence.

The property is currently a 13 acre vacant lot where the Applicant is proposing to build a single family home. All dimensional requirements are being met except the 30' height exception. The Applicant is proposing an allowance of 33' in the height of the structure due to the design of the house.

The Chair calls for questions by the Board and there are none.

Speaking in favor: None

Speaking in opposition:

Carole Sharoff, 27 Old Salem Rd. has seen plans for the site but not for the house and is concerned with the placement of the house on the lot and if she will be losing any of her view.

Mr. Sanborn shares the plans for this project with the viewers and her questions are addressed.

The Chair and Atty. Sheedy discuss the property as the Chair viewed the wrong property.

William Panvielle, 27 Old Salem Rd. discusses discussions from another meeting regarding the option to sell land to be used for a cell tower.

The Chair calls for discussion by the Board. There is no discussion, the members are ready to vote.

Ms. Schlichte moves to approve the Special Permit 3.1.6 (a) for building heights in excess of sec. 3.2 limits building heights up to 35' ft. to allow construction of a new single family residence.

Mr. Nimon seconds
All in favor, 5-0

133 Washington St.

Architect Robert Gulla, 593 Essex Ave. Gloucester is representing, Braga Ventures, LLC seeking Special Permit 1.9 alter/expand non-conforming structure and Variance for front yard setback to allow construction of new trellis over existing patio.

Mr. Braga is requesting to add a trellis over his existing patio.

Mr. Sanborn shares the plans for this project with the viewers and they are discussed.

The Chair calls for questions by the Board and Mr. Nimon questions why a Variance is needed if they are extending the non-conformity.

Mr. Sanborn answers that this is not a 1 or 2 family so those rules do not apply.

Speaking in favor: None

Speaking in opposition: None

The Chair calls for discussion by the Board.

The members discuss the application.

Ms. Schlichte moves to approve the Special Permit 1.9 alter/expand non-conforming structure and Variance for front yard setback to allow construction of new trellis over existing patio.

Mr. Nimon seconds

All in favor, 5-0

7 Pebble Path.

Mark Glovsky, Esquire, 8 Washington St. Beverly, MA is representing, Timothy & Deborah Moore Trustees seeking Special Permit 1.9 alter/expand a non-conforming structure to allow demolition of existing single family dwelling and construction on 6'-0" concrete piers.

Mr. Sanborn shares the plans for this project with the viewers and they are discussed.

The Applicant is proposing to raze and reconstruct the existing single family dwelling. The new structure will be supported by concrete piers approximately 6' above ground, due to being in a flood zone area and the fear of storm damage. They are not creating a new non-conformity or increasing a non-conformity, but will maintain the existing non-conforming front yard and rear yard setbacks. They will be moving the structure 4' closed to Wingersheek Rd.

The Chair calls for questions by the Board. There are none at this time.

Speaking in favor:

Tom Mannie, Jr., 79 Wingersheek states that he is not in favor or in opposition, but has some questions regarding the project as he is a direct abutter.

Mr. Mannie questions if the project is being razed or raised as the notice stated they would be demolishing the existing house and rebuilding it but are also intending to move and modify the structure. Mr. Mannie is also concerned with his loss of privacy as they house is being moved back. He is also concerned with the time of year that construction will take place.

Atty. Glovsky answers Mr. Mannie's questions.

The Chair informs Mr. Mannie and Mr. Glovsky that the back and forth dialogue is not acceptable during a meeting and requests that they stop this behavior.

Mr. Sanborn describes how the increase in height is determined regarding average grade.

Tom Moore, 7 Pebble Path discusses the project start date. It will not begin until fall 2021.

Speaking in opposition:

Missy Salah and Jared Downey, 4 Pebble Path are also not in favor or opposition but are looking for clarity regarding the house staying on the same foot print vs. being brought back 4' and how it will affect Pebble Path.

Atty. Glovsky answers their questions stating that it will not be closer to the rear or Pebble Path.

Rebuttal: Already done

The Chair calls for discussion of the Board.

The Board discusses the need for this to be before the Board, whether a Special Permit is needed and the timelines of a building permit.

Mr. Sanborn answers the Boards questions.

Ms. Schlichte moves to approve a Special Permit 1.9 alter/expand a non-conforming structure to allow demolition of existing single family dwelling and construction on 6'-0" concrete piers.

Mr. Nimon seconds adding that the construction not begin until after Labor Day and completion before December.

Ms. Schlichte amends her motion to include that construction not begin until September.

All in favor, 5-0

36 St. Anthony Ln.

Petition of Andrew & Pamela Orlando seeking rear yard setback to allow installation of 18' x 33' above ground pool.

Mr. and Mrs. Orlando are present to represent their application.

Mr. Sanborn informs the Board that this is a long lot that shares a common driveway with the other homes on this street and that most of the surrounding area is wetlands.

Speaking in favor: None

Speaking in opposition:

Mr. Sanborn shares the plans for this project with the viewers and they are discussed.

Iuliana Dincutoiu, 2 Gilbert Lane is a direct abutter in the rear and feels that she will lose her privacy as the Orlando's house is already too close to her deck and yard. She feels that the addition of the pool will decrease her property value and she is also concerned with the increase in noise level. She asks if the pool can be put in a different area in the yard, however there is already a 20 x 20, 15' gazebo in this area. She feels that this is too large of a request going from 30' to 8'

Rebuttal:

Mr. Orlando discusses the possibility of moving the pool closer to his house with the Board. This will bring the pool 15' away from the property line instead of 8'.

The Chair calls for discussion by the Board.

Mr. Nimon doesn't see the hardship and doesn't feel that he can support this application if the neighbors are not in favor.

The Board asks Ms. Dincutoiu her opinion of the changes and she is still not in support and wants it smaller and closer to the conservation area.

Mr. Nimon suggests that this application be continued in order to give the Applicants time to work the issues out with their neighbors and the Board have a site visit.

The Chair offers this option and the Applicant is willing to do this.

Ms. Schlichte moves to continue this application to 6/25/2020 and for a site visit on 6/17/2020 at 5:00 PM.

Mr. Nimon seconds

All in favor, 5-0

108 Dennison St.

Robert Visnick, Esquire, 45 Broadway, Rockport, MA is representing, Nicholas Pratt seeking Special Permit 1.9.2.4.3/2.4.4 alter/expand non-conforming structure to allow construction of (3) dormers (2) on southern side, (1) on Northern side.

Ms. Pratt recuses herself.

Atty. Visnick gives the Board a brief summary of the proposed work.

The Applicant is requesting to add a second story addition through the addition of 3 dormers. They will be staying within the same current footprint of the structure. The lot and structure are non-conforming.

The Chair calls for questions by the Board. There are none at this time.

Speaking in favor: None

Speaking in Opposition: None

The Chair calls for the first vote to determine if there is an increase in non-conformity.

The Board discusses if zoning relief is needed.

Ms. Schlichte skips to the second vote and moves to approve Special Permit 1.9.2.4.3/2.4.4 alter/expand non-conforming structure to allow construction of (3) dormers (2) on southern side, (1) on Northern side.

Mr. Nimon seconds

All in favor, 4-0

The Board discusses the recent ruling by the City Solicitor stating that the City Clerk cannot issue a Certificate of No Appeal due to the Governor's ruling that a Zoning decision can be appealed up to 45 days after the State of Emergency is over and the issues that this ruling may cause.

Motion to adjourn was made at: 8:56 PM

Motion by: Ms. Schlichte

Second by: Mr. Nimon