



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

**ZONING BOARD OF APPEALS**  
Remote Participation Meeting Minutes  
July 30, 2020

**Board Members Present:**

Joseph Parisi III, Chairman  
Catherine A. Schlichte, Esquire, Vice Chair  
Adria Pratt, Esquire, Secretary  
Michael C. Nimon  
Peter Cannavo - absent

**Also in Attendance:**

Bill Sanborn, Building Commissioner – Absent  
Greg Cefalo  
Alison Battle, Clerk

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

**Minutes:**

Ms. Schlichte moves to approve the minutes of 7/9/2020 as they are written.  
Mr. Nimon seconds  
All in favor, 4-0

**Old Business:**

**24 Kondelin Rd.**

Joel Favazza, Esquire, of Seaside Legal Solutions, 123 Main St., Gloucester 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 informs the Board of Mr. Sanborn's request for EDIC's input on this issue and they are waiting on this information.

Mr. Parisi informs Atty. Favazza that this will need to be decided at the next meeting, as it has been continued for 8 months and in viewing the property this week, found that the dumpsters have not been moved and they Applicant has done nothing to address the concerns before the Board.

Ms. Schlichte moves to continue this application to 8/27/2020.

Mr. Nimon Seconds

All in favor, 4-0

**New Business:**

**246 Concord St.**

John Raitt, 246 Concord St. is present to represent, Karen Salah Herrman seeking Special Permit 2.3.7 # 21 Customary Accessory Use to allow addition of toilet and sink in existing detached garage.

Mr. Raitt is requesting to fix up a 20+ year old barn for use as a man cave for himself and Ms. Herrman's son to work on cars and woodworking projects. He would like to add a toilet and sink for convenience.

Mr. Parisi asks if the barn already has water and Mr. Raitt answers yes.

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

Speaking in Favor: None

Speaking in Opposition: None

The Chair calls for discussion by the Board.

Mr. Nimon and Ms. Pratt discuss adding conditions that there be no kitchen added or the space be used as a separate rental.

Ms. Schlichte moves to approve a Special Permit 2.3.7 # 21 Customary Accessory Use to allow addition of toilet and sink in existing detached garage with the conditions that there be no kitchen added and it not be used as a dwelling.

Mr. Nimon Seconds

All in favor, 4-0

**14 Scott St.**

Joel Favazza, Esquire, of Seaside Legal Solutions, 123 Main St., Gloucester is representing, Corey & Gabriela DeBenedictis seeking Special Permit 2.3.1 # 6 conversion to or new multi-family or apartment dwelling, 3 dwelling units, Variance 4.1.4 (a) (2 & 7) design and layout of required parking facilities to allow conversion of single family to 3 family with dimensionally compliant parking spaces within the front yard.

Atty. Favazza shares his screen and discusses the reasons for the requested relief.

They are requesting to add additional parking and 2 dwelling units to a current single family home in a multi-family home area, R-5 district

Atty. Favazza informs the Board of the letters of support and a screen shot of a text conversation with abutters that he will submit to the Clerk for the record.

The Board discusses creating the new parking area.

The Chair calls for questions by the Board.

Mr. Parisi questions the narrative in the application stating that they are not expanding the footprint, while the drawings show an addition on the side.

Atty. Favazza answers Mr. Parisi's questions.

Speaking in Favor: None

Speaking in Opposition:

Paul Kawai, 53 Friend St., Unit 3 is a condo owner in the area. He feels that the proposed changes are not consistent with the neighborhood character and that it will block air, light and his views of the harbor. He discusses that their hardship is not special or different from the rest of the district as there is ledge throughout the neighborhood. Also discussed is his concern with the utility and sewer easement that the proposed additional parking space will be on. Mr. Kawai has written 2 letters to the Board that were not received before the submission cutoff date.

Deb Sawin, 53 Friend St. Unit 2, feels that the site plan was not part of the public record and available for view prior to the meeting. She feels that this project will affect the 2 easements that run under all (3) parking spaces. She feels that this is not the right use for this site and that parking in the front yard deters from the neighborhood character.

Steve Moccia, 8 Silver Ct., discusses the loss of views of the harbor from his living room, the reason he purchased his home, due to this project. He is concerned with his property value decreasing.

Joe Branclioni, 88 Concord St. is speaking for his aunt and uncle, Richard and Lilly McCormack who are abutters. They are attending the meeting but are having an issue speaking when they have been called on. This house has been in their family for 102 years and they are concerned that they will lose their view of the harbor.

The Clerk informs the Chair that she has Richard and Lilly McCormack on her phone and asks if they can be placed on speaker phone to speak on their own behalf.

The Clerks computer speaker is not working and the McCormack's are instructed to call Greg Cefalo's cell phone instead.

Lilly McCormack, 7 Silva Ct, discusses the effect that this project will have on her home stating that she will lose her view of the harbor, air and light.

The Chair closes the public hearing.

Atty. Favazza rebuts the opposition's comments, stating that there is no protection for view in the Zoning Ordinance, however, his client has agreed to cut down the trees and bushes on his property to open up the view for the opposition's properties. Atty. Favazza shows a photo of the harbor that he received from Joe Branclioni. The photo was taken from the McCormack's back yard and shows how the removal of the trees will open up more of the view than the addition in height will take.

Atty. Favazza discusses the elevations of the driveway and the easements in the ground.

The Chair calls for discussion by the Board.

Parking and the potential for future severe development on a very steep road is discussed as there are 4 buildable lots in the area are discussed along with view protection and required lot coverage.

Ms. Schlichte moves to approve a Special Permit 2.3.1 # 6 conversion to or new multi-family or apartment dwelling, 3 dwelling units, Variance 4.1.4 (a) (2 & 7) design and layout of required parking facilities to allow conversion of single family to 3 family with dimensionally compliant parking spaces within the front yard.

Mr. Nimon Seconds

All in favor, 4-0

**Board Discussion:**

The Chair discusses the need to expand the Board as they are currently short 2 alternates and asks the members to help find some new candidates.

**Motion to adjourn was made at:** 8:13PM

**Motion by:** Ms. Schlichte

**Second by:** Mr. Nimon