



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

**ZONING BOARD OF APPEALS  
Remote Participation Meeting Minutes  
September 24, 2020**

**Board Members Present:**

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

9/3/2020

**Old Business:**

**97 Leonard St.**

Petition of Carole Bailey and James Tiernan seeking Special Permit, Variance left side yard, rear yard to allow addition of single bay attached garage with storage and addition to existing house right side.

Only four member were present to hear this application on 9/3/2020, Michael Nimon being one of them. Mr. Nimon was called away last minute for work and is not in attendance this evening. The Chair informs the Applicant and Members that this application will be continued to 10/8/2020.

Ms. Schlichte moves to continue this application to 10/8/2020

Mr. Cannavo seconds

All in favor, 4-0

The Chair informs the Applicants that he revisited the site and feels that it will be difficult to approve their request due to how close their addition will be to the neighbors dwelling. He suggests that they reconsider their application/presentation and possibly consider withdrawing it.

## **New Business:**

### **16 Gibbs Hill Rd.**

Anthony Costanzo is present to represent Beth & Anthony Costanzo seeking Variance (side yard) to allow construction of attached garage with room above.

Mr. Costanzo gives the Board a brief summary of the proposed work that was originally started approximately 15 years ago. Due to the setbacks not being correct the owners had previously appeared before the ZBA and received a Variance, however, due to the cost they delayed the project. Now that they are in better financial condition, they would like to complete to project with the idea of possibly making the house a (2) family in the future.

The Chair confirms that they are only looking for a Variance at this time. They are not looking for the Special Permit to convert to a two at this time.

The Chair confirms that the foundation has been laid and Mr. Costanzo answers yes.

Speaking in favor: None

Speaking in opposition: None

Mr. Sanborn confirms that the Board received a letter from James and Louise Frontierro, 178 Essex Ave. and reads it to the Board. They are in opposition of this application and ask the Board to put in place the conditions from the original zoning decision.

The Chair requests a copy of the original zoning decision.

Mr. Sanborn states that was submitted with the original application but may have not been in the member's packets.

Ms. Pratt asks the applicant when the concrete foundation was built.

Mr. Costanzo answers Ms. Pratt's questions regarding the past agreements with the neighbors and the past permits and decisions.

Mr. Sanborn confirms that the Variance in the packet is for the authorization of the use of their home as a group daycare. There is nothing in the application folder regarding the garage area.

Ms. Schlichte moves to continue this application to the 10/29/2020 with the goal of gathering more information.

Ms. Pratt seconds

All in favor, 4-0

### **1 Skipper Way.**

Deborah Eliason, Esq. of Eliason Law Office, 63 Middle St. is present to represent, Lawrence & Lisa Russo seeking Special Permit 1.9 alter/expand non-conforming structure, 2.4.5 demolition and replacement of a pre-existing, non-conforming structure or two family residence, 3.1.6 (a) building height in excess of sec. 3.2 limits. Variance 3.2 exceed percent of lot coverage to allow demolition of existing three season cottage and construction of a new two story year round residence.

Attorney Ellison asks the Board to elevate Architect Jason Gove to a presenter this evening and the Chair agrees. Atty. Eliason shares her screen and discusses the proposed plans to demolish a 1960's three season cottage and replace it with a 2 story home. They will be adding (2) new non-conformities due to the high water table, lot coverage and lot height as they need to install a septic system. Many of these homes were subject to zoning changes in the late 1990's that require them to now seek zoning relief.

Atty. Eliason discusses the setbacks and lot coverage required vs. what is being requested as relief. This project has 2 front yards and meets all setback requirements.

Jason Gove, 5 Autumn Lane, Gloucester, discusses the need to raise the septic system 3-4' due to the water table. Due to the inability for this home to have a basement. The utilities will need to be put on the first floor which is causing them to raise the height of the house and in addition, causing them to go over the height restriction.

Atty. Elisason discusses letters in support that the Board received from the most effected abutters.

The Chair calls for questions by the Board.

Ms. Schlichte and Mr. Cannavo review the size of the house with Mr. Gove.

Ms. Schlichte is concerned with the percent of lot coverage and Atty. Eliason discusses the issue of utilities on the first floor being an issue.

Speaking in favor: None

Speaking in opposition: None

The Chair discusses his visit to the site and the neighbor's sites. He Spoke with Mr. Murphy who is in support of the project and worked with Conservation to plant trees when working on his own property.

Ms. Elisason explains that the trees that were taken down were by the abutters.

Ms. Schlichte compares this project to the other large homes in the neighborhood.

Ms. Schlichte moves to approve a Special Permit 1.9 alter/expand non-conforming structure.

Mr. Cannavo seconds

All in favor, 4-0

Ms. Schlichte moves to approve Special Permit 2.4.5 demolition and replacement of a pre-existing, non-conforming structure or two family residence.

Mr. Cannavo seconds

All in favor, 4-0

Ms. Schlichte moves to approve Special Permit 3.1.6 (a) building height in excess of sec. 3.2 limits.

Ms. Pratt seconds  
All in favor, 4-0

Ms. Schlichte moves to approve a Variance 3.2 exceed percent of lot coverage to allow demolition of existing three season cottage and construction of a new two story year round residence.

Ms. Schlichte moves to amend her last motion to include some plantings for shielding as described by the Chair.

Ms. Pratt seconds  
All in favor, 4-0

**2 Breezy Pt. Rd.**

Petition of Terri & Edward Lafferty seeking Variance 3.2 front yard setback, side yard setback to allow installation of new 8' x 10' shed.

The Chair received a written request for a continuance due to a medical issue.

Ms. Schlichte moves to continue this application to the 10/08/2020.  
Mr. Cannavo seconds  
All in favor, 4-0

**11 Salt Island Rd.**

Joel Favazza, Esq. of Seaside Legal Solutions, 123 Main St. Gloucester is present to represent, Rosemarc Partners LTD seeking Special Permit 1.9 alter/expand non-conforming structure, Variance 3.2 front yard setback, side yard setback to allow enclosure of existing side deck to expand existing kitchen.

Atty. Favazza shares his screen and discusses the proposed project to enclose a deck to extend the kitchen in a one story addition and the requested relief. The kitchen will go back 2' more than the deck that is currently there.

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

Speaking in favor: None

Speaking in opposition: None

The Chair closes the public hearing.

Ms. Schlichte moves to approve a Special Permit 1.9 alter/expand non-conforming structure, Variance 3.2 front yard setback, side yard setback to allow enclosure of existing side deck to expand existing kitchen.

Mr. Sanborn doesn't see that the structure is not non-conforming and discusses this with the Board.

Atty. Favazza agrees with Mr. Sanborn and states the reason they applied for the relief is because they are dealing with a non-conforming lot, so they wanted to cover everything but leaves it to the Board's discretion.

The Chair decides to continue on with the motion that was made.

Mr. Cannavo seconds  
All in favor, 4-0

**154 Wheeler St.**

Joel Favazza, Esq. of Seaside Legal Solutions, 123 Main St. Gloucester is present to represent, Lee Evangelista, Trustee seeking Special Permit 1.9 alter/expand non-conforming structure and Variances for side yard setback and lot width to allow construction of an addition of a garage and seconds story master bath and laundry room.

The (2) story addition will be added to the left side of the house. The lot lacks frontage and the lot width needed. The existing structure is completely conforming. They are looking for a permanent solution to storing their summer outdoor furniture as they have been renting a storage unit that they place in the driveway from fall to spring. They last received relief from the ZBA in 2006 for the main house.

Atty. Favazza goes over the site plan in detail along with showing an aerial view of the homes in the neighborhood, pointing out other homes with garages.

Atty. Favazza reads letters of support that were submitted after the submission deadline from the following neighbors.

Joeseph Caruso, 6 Riverside Rd.  
Michael Caggiano, 137 Wheeler St.  
Steven and Lynda Evangelista, 122 Wheeler St.  
Douglas and Betty Baraw, 128 A Wheeler St.

Atty. Favazza request a continuance and a site visit as he has learned that some of the neighbors have concerns with the project and he believes that it would be helpful before a decision is made.

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

Speaking in favor:

Joseph Caruso, 6 Riverside Rd. speaks to the care the Applicant has taken with their properties and the projects that they have done.

Michael Caggiano, 137 Wheeler St. speak of the character of the Applicants and of the care they take of their property.

Speaking in opposition:

**Meredith Fine, Esq., 46 Middle St.** is present to represent Ted and Mary Lafferty, 2 Breezy Point Rd. The Lafferty's are opposed to this application. Atty. Fine discusses the requirements required to receive relief and that the Evangelista's proposal does not qualify as a substantial hardship. She also states that the DEP has issued a ruling on this property requiring the land owner to build on the upland and also does not believe that this creates a hardship either. She feels that there is nothing unusual of the topography and shape of the lot compared to the neighboring properties and does not agree with Atty. Favazza's definition of the property.

Atty. Fine discusses the parking issue and references the letter in opposition written by Matt Babson and Donna Sheppard who feel that this project does not help parking but takes away parking in the area.

Atty. Fine describes the project as a wall and notes that the Conservation Commission has recently demanded for the Evangelista's to replant the trees and bushes that they removed. She discusses recent requests by the Applicant to build on the property. She feels that they should not be allowed to keep pushing closer and closer to the property lines and reminds the Board of the many requests to the Board in this area.

**Don Dexter, 162 Wheeler St.** They were the main abutters to the Evangelista's last addition. They are in a cottage next door and do not want to ruin the point just for amenities. She discusses that the Applicants are not full time residents and feels that there is no need to increase their home to take away the view from the rest of the neighborhood. She feels that all of the letters written in favor of the project are friends of the Evangelista's.

**Steve Dexter, 162 Wheeler St.** grew up on Wheeler St. and agrees with Matt Babson's letter written to the Board. He questions them adding a garage, bathroom and laundry room and would state that they already have 3 ½ bathrooms and want to know where the hardship is.

**Ginny Dillon, 156 Wheeler Pt.** is the abutter most affected by this project. She is concerned with the effect of her property value. She discusses the history of the 5 daughter of the Wheeler. Her family has lived in this area for (4) generations. She discusses the previous fire on the property and how that due to the direction of the wind they were spared. She is afraid that if this is allowed and a fire occurs they may not be so lucky.

**Mayor Sefatia Romeo-Theken** speaks to the Board Members and requests that the Board have a site visit where the Board is only (4) members.

**Donna Sheppard, 150 Wheeler St.** abutter to 154 Wheeler St. wrote a letter in opposition that others have referenced and discusses why she is not in favor of the application. She discusses that the area has been used for parking for the past several years and that the property is not big enough for what they are proposing to do. She feels that the property has been used to capacity and that this addition will only harm the neighbors. She believes that this addition is going to be a wall around the neighborhood and ruin the neighborhood for everyone but the Evangelista's.

**Peter Jones, 145 Wheeler St.** does not feel that they are demonstrating a hardship. He states that the Applicants do not park in the street, they park on their property next to their

house. He feels that they already have 3.5 bathrooms and a place to do their laundry. He feels that there are no hardships.

**Christine Jones, 145 Wheeler St.** discusses the changes they have seen in the neighborhood over the past. They have never been opposed to the changes before, but they cannot agree with this request.

The Chair requests to close the public testimony and hold the rebuttal until after the site visit.

Atty. Favazza requests that he not do a full rebuttal, but would like to address some of the comments.

The Chair closes the public hearing and allows him to do so.

Rebuttal:

Atty. Favazza shares his screen and rebuts some of the opposition's remarks.

The Chair request that Atty. Favazza not compare this project to the others that have come before the Board and other house in the neighborhood and this is discussed.

Atty. Favazza withholds the rest of his rebuttal until after the site visit.

The Chair reminds the public that the purpose of the site visit is to work out issue and to point things out to the Members.

Ms. Schlichte moves to continue this application to the 10/29/2020 meeting, with a site visit scheduled for 10/10/2020 at 9:00 AM at 154 Wheeler St.

Mr. Sanborn informs the public that social distancing and masks will be required at the site visit.

#### **Discussion by the Board:**

The Board discusses the letters that were not received prior to the meeting. The Mayor suggests that the members request City email addresses from the I.T. Department.

**Joseph Parisi, III, Chairman**

**Motion to adjourn was made at: 9:09 PM**

**Motion by:** Ms. Schlichte

**Second by:** Mr. Cannavo