



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

**ZONING BOARD OF APPEALS
Remote Participation Meeting Minutes
October 8, 2020**

Board Members Present:

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

Also in Attendance:

Bill Sanborn, Building Commissioner
Alison Battle, Clerk

The Chair recognizes the Mayor.

Mayor Sefatia Romeo Theken addresses the Board and the Public.

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 accept the minutes from the 9/3/2020 meeting as they are written.
Mr. Nimon seconds
All in favor, 4-0

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.

There is no one in attendance to represent this application.

The Chair informs the Members that the Applicant's requested a continuance to the next meeting and were instructed to attend this evening to make that request.

Mr. Sanborn informs the Board that he spoke to the Architect today and that they are currently looking at new plans. He also instructed him that someone must attend this evenings meeting.

Ms. Schlichte moves to continue this Application to the 11/12/2020 meeting.

Mr. Nimon seconds
All in favor, 4-0

The Applicants joined the meeting later in the evening and were informed of the Board's decision to continue to 11/12/2020.

2 Breezy Pt. Rd.

Meredith Fine, Esq. 46 Middle St. is present to represent, Terri & Edward Lafferty seeking Variance 3.2 front yard setback, side yard setback to allow installation of new 8' x 10' shed.

Atty. Fine shares her screen and discusses the proposed plans. This property is a corner lot with (3) easements that effect the placement of the shed. The Applicants have reduced the size of the shed to 6 'x 8' to better fit the property.

Atty. Fine notes that they have their neighbors support and that the Clerk has received letters from them.

Mr. Sanborn suggests that the Board require that the Applicant receive permission by the DPW to use the easement.

The Board discusses the option of conditioning the approval of the application with the approval of the DPW.

Atty. Fine requests a continuance so that her client may contact the DPW and discuss the matter with them.

Ms. Schlichte moves to continue this application to 10/29/2020 for the purpose of getting input from the DPW about the easement and for use of the easement for the Shed.

Mr. Sanborn suggests that this be a written document from the DPW director for the record.

New Business:

17 Marina Drive

Atty. Joel Favazza, Esq. of Seaside Legal Solutions, 123 Main St. is present to represent, Jared Harvey seeking Special Permit 1.9 to alter/expand non-conforming structure to allow petitioner to construct a new second floor to existing structure.

Atty. Favazza shares his screen and gives to Members a brief summary of the proposed project. Mr. Harvey is adding a second story addition to a single family home to add more room for his expanding family. The house was originally place 5' off the property line when build by the original owners. They are not increasing the side yard penetration but they are continuing it.

The Chair questions if this would be an instance of a (2) part test.

Atty. Favazza answers yes, because they are not increasing the non-conformity by going up.

The Chair asks the members to give their opinion on the matter.

Ms. Schlichte states that she does feels that they are increasing the non-conforming nature because they are putting more bulk in the set back. Mr. Nimon agrees.

The Chair decides to move on to alter/expand a non-conforming structure and calls for questions by the Board. There are none at this time.

Speaking in favor – None

Atty. Favazza informs the Board of a letter in support that was sent to the Clerk from the neighbor across the street. The members state that they have reviewed this letter.

Speaking in opposition – None

The Chair closes the public hearing.

Mr. Sanborn informs the Chair that he received a letter in support from Gail Muise and Bob Roland.

Ms. Schlichte moves to approve Special Permit 1.9 to alter/expand non-conforming structure to allow petitioner to construct a new second floor to existing structure.

Mr. Nimon seconds
All in favor, 4-0

18 Blynman Avenue

Atty. Joel Favazza, Esq. of Seaside Legal Solutions, 123 Main St. is present to represent, Frank Ciaramitaro seeking Special Permit 1.9 to alter/expand non-conforming structure and Variances for front yard setback; side yard setback and off street parking to allow petitioner to construct deck/stairs and convert from a two-family to a three-family dwelling.

Atty. Favazza shares his screen.

The Applicant is looking to restore a 3 family use that has been used as a 2 family since his client purchased the property. In 1995, the previous owner received approval from the ZBA and City Council to restore this property as a three family. The Ciaramitaro family has been using the house as a two family since they purchased it in 1996. They are also adding a deck.

Opposition filed by the Aprans family is discussed. The Board has not received this opposition packet as it was submitted the day before the meeting and did not meet the submission deadline. Atty. Favazza discusses the agreement that his client and Mr. Aprans have come to regarding parking. Mr. Aprans has resided his opposition as long as the Applicant complies with the private agreement they have agreed upon and it is made part of the decisions record.

Mr. Sanborn suggests that the Board review this packet before making a decision and informs the Members of his concerns.

Atty. Favazza continues with his presentation and discusses the relief requested and the parking agreed upon, 7 off street parking spaces, by the neighbor Atty. Aprans.

Speaking in favor - None

Speaking in opposition:

Ellyn Baltz, 34 Exchange St. is concerned with adding more traffic in a busy area.

The Building Commissioner shares his concerns about going against the GZO as being requested. He would like to see a better design to relieve the parking issues.

The Board discusses the private agreement with Atty. Favazza.

Atty. Favazza asks the Board for some direction as to what they would prefer to see happen so that he can direct his client.

The Members would like to go out to the site and take another look in regards to parking and would like to see a parking plan before the next meeting.

Ms. Schlichte moves to continue this application to the 10/29/2020 meeting.

Mr. Nimon seconds

All in favor, 4-0

34 Exchange Street

Petition of Ellyn Baltz seeking a Variance to exceed fence six feet in height to allow petitioner to construct a fence ten feet in height.

Ms. Baltz purchase her house in 2018. She needs a fence for privacy from the next door neighbor. Currently there is a low stone wall dividing their property. Her property is lower than her neighbors. She would like the option to put up a 6' fence on the stone wall that she owns or a 9' fence on the ground depending on what will work the best. The fence will be a chained link fence.

Mr. Sanborn informs the Applicant that the fence must be designed by a structural engineer if it is above 8'.

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

Speaking in favor – None

Speaking in opposition – None

The Mayor asks the Board Members questions to educate herself on the GZO.

Ms. Schlichte moves to approve a Variance to exceed fence six feet in height to allow petitioner to construct a fence ten feet in height. Fence must be in the ground and not on the Stone wall.

Mr. Nimon seconds

All in favor, 4-0

12 Old Salem Road

Meredith Fine, Esq., 46 Middle St. Gloucester, is representing, Karen P. Otto seeking a Special Permit 3.2 to exceed accessory structure height and Variances 3.2 for side yard setback and rear yard setback to allow petitioner to construct a one car garage.

Atty. Fine shares her screen and addresses the Board. Her client is proposing to build a one car garage with an above storage area onto her existing home. The property has a great deal of ledge and boulders with a steep drop off. A letter in support was dropped off to the Clerk.

Speaking in favor – None

Speaking in opposition – None

The Chair calls for questions by the Board and the Board agrees that this is a great project.

Ms. Schlichte moves to approve a Special Permit 3.2 to exceed accessory structure height and Variances 3.2 for side yard setback and rear yard setback to allow petitioner to construct a one car garage.

Mr. Nimon seconds
All in favor, 4-0

Discussion by the Board:

- The Chair discusses 86/86R Rocky Neck Ave. application that was continued until the Governor removes the State of Emergency due to Covid- 19 and the letter he received from the Applicant Ginga Attaya. Ms. Attaya is requesting that her application be heard as soon as possible.

Mr. Sanborn advises that the application be re-advertised and abutters notices be sent out again.

The members give their opinion and agree to add the application to the 11/12/2020 agenda.

- The Chair discusses process and procedures for the 40 B application for the YMCA, 71 Middle Street that will be heard on 10/22/2020.
- The Chair updates the Members of the outcome of the appeal to the ZBA decision on Western Ave.
- Mr. Sanborn asks the Board permission to add the 72 hour submission deadline to the ZBA Rules and Procedures. The members discuss the process and agree to have them added.

Joseph Parisi, III, Chairman

Motion to adjourn was made at: 8:48 PM

Motion by: Ms. Schlichte

Second by: Mr. Nimon