



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

**ZONING BOARD OF APPEALS
Remote Participation Meeting Minutes
November 12, 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 Chairs calls the meeting to order, introduces the members of the Board and reads the Open Meeting Laws.

Old Business:

16 Gibbs Hill Rd.

Deborah Eliason, Esquire of Eliason Law Office, 63 Middle St, Gloucester, MA is present to represent, Beth & Anthony Costanzo seeking Variance (side yard) to allow construction of attached garage with room above.

This application was heard at the last meeting, however, due to Ms. Pratt losing internet connection, the application was postponed in order for her to listen to the recording of the meeting. Ms. Pratt has listened to the recording and is prepared to vote on the matter.

Mr. Nimon recused himself.

Ms. Schlichte moves to approve a Variance (side yard) to allow construction of attached garage with room above.

Mr. Cannavo seconds
All in favor, 4-0

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.

Carole Bailey and James Tiernan, 79 Leonard St. shares his screen. At the last meeting he was asked to come back after exploring different locations for the garage on his property to define their hardship better. Mr. Tiernan goes through the 3 different design options that he

explored for the placement of his garage. Each will cost the Applicant 80k to 110k more to make these changes due to curb cuts, having to move a drainage pipe, and landscape issues. There is a 10' wide easement 57' from the road that takes drainage from the 3 abutters house on the left that takes drainage across the front of their house to the wetlands on the other side. There is also a pumping station in the area.

They have spoken to the neighbors but they haven't seen the new plans.

The Chair calls for questions by the Board.

Ms. Schlichte confirms that if they went with the 16 x 24' addition, they would no longer need the rear yard Variance.

Speaking in favor: None

Speaking in opposition:

Ruth Carmichael, 99 Leonard St.

Does not feel that there is a hardship because they want a garage and storage. She also feels that this is not just a garage but a 2 story addition. The garage will be 2' from their property line. They feel that they have other alternatives to choose from and that even though they are reducing the size of the project, they are still against it.

The Chair informs Ms. Carmichael that it will be 12' from the boundary not the 2' that she stated.

The Chair closes the public hearing and calls for discussion by the Board.

The Members gives their opinions of if there is a true hardship many feeling that they exhausted all of their efforts to mitigate the issue brought forth by the neighbors.

The Chair informs the opposition that the existing ledge, easement, step system, and wetlands are the ultimate definition of a hardship. He feels that the alternate plans that they looked into create more substantial issues.

The complete plans were not submitted to the Board before the meeting.

Mr. Sanborn suggests that the Applicant submit the plans before the next meeting for the Members to review.

Ms. Schlichte moves to continue this application to 12/10/2020.

Mr. Nimon seconded

All in favor, 5-0

86-86R Rocky Neck Ave.

Atty. Sal Frontiero, 25 Middle St, Gloucester, MA, is present to represent, Regina Attaya seeking Special Permit 2.4.3 (b) alter/expand a non-conforming single or two family structure. Special Permit 2.3.1 #3 conversion to two-family modification of existing Variance sec. 1.7.4

to allow petitioner to partially teardown and replace the existing structure and to add an addition to the building for the purpose of converting to a 2 family dwelling.

Due to recent developments regarding neighbor concerns, Atty. Frontiero requests a continuance in order for his client to revise her plans and reduce the size of her project.

Mr. Sanborn confirms that anything in the rear setback will be a Special Permit.

Ms. Schlichte moves to continue this application to 12/10/2020.

Mr. Nimon seconds

All in favor, 5-0

New Business:

24 Wolf Hill Rd.

Petition of Zahara Farrar seeking Variance 3.2.1 right side yard to allow construction of 10' x 16' shed.

Ms. Farrar is proposing to put a 10' x 16' pre-fab shed on an existing platform on the right hand side of the lot line. The required setback in this area is 15' she needs a Variance of 7' of relief to be at an 8' setback.

Speaking in favor: Letter are in the packet from several neighbors.

Mr. Sanborn brings a letter from Judith Frasier to the Boards attention.

Speaking in opposition: None

The Chair closes the public hearing.

Ms. Schlichte moves to approve a Variance 3.2.1 right side yard to allow construction of 10' x 16' shed.

Mr. Nimon seconds

All in favor, 5-0

8 Reynard St.

Petition of Meredith Lockwood seeking a Special Permit 1.9 alter/expand non-conforming structure to allow addition of a 2nd story and rebuild front porch and stairs.

Meredith Lockwood and Corey Curcuro, 7 H Williams Ct. are present this evening to represent their project for their investment property.

This is a small non-conforming lot that doesn't meet front yard setbacks. They would like to put a larger two story addition off the back of the house where there is currently a one story shed addition that has a poor foundation. They will also be eliminating a bump out area of the house in the back with a poor foundation.

The front porch is currently falling off of the house. They would like to rebuild it while building the stairs to go in both directions to the parking areas on each side of the porch.

She has received a text letter of support today from the Ricards at 6 Reynard St. who are direct abutters. She sent letters to the neighbors with no response.

The Chair informs the members that this is a 2 step process and that they must first rule if there is an increase in non-conformity.

After discussion the Board agrees that this is not an increase in non-conformity. Mr. Sanborn agrees.

Ms. Schlichte move to rule that this proposal does not increase the non-conforming nature of the property.

Mr. Nimon agrees and states that it is actually reducing it.
All in favor, 5-0

6 Pirates Lane.

Joel Favazza, Esquire, of Seaside Legal Solutions, 123 Main St. is representing, Reeds Wharf Marina, Inc. seeking Special Permit 1.9 alter/expand non-conforming use to allow demolition of existing 1 bedroom structure and replace with a new 3 bedroom structure.

Atty. Favazza shares his screen.

The Applicant is proposing to demolish the existing single family house and construct a new single family house in approximately the same location. The residential use of this property - predates the rezoning of this area to a Marine Industrial zone. This makes the use a pre-existing non-conformity. There is also a non-conformity relating to the lot which was created in 1984 and is still the configuration that was allowed by the ZBA then.

The relief they are requesting is a determination of no increase to the non-conformities. If the Board finds that there is an increase than they are requesting the Board grant them a Special Permit 1.9 alter/expand based on the fact that there will be no substantial increase to any detriment to the neighborhood.

Atty. Favazza shows the Members an aerial shot of the neighborhood and the elevations that were in the packet.

Atty. Favazza informs the members that this is a 2 step process and that they must first rule if there is an increase in non-conformity.

The Board discusses whether it is an increase in non-conformity.

Mr. Sanborn informs the Board that he visited this property with the owner and his office determined that this is an increase in non-conformity because the non-conforming use is that it is a 1 or 2 family as they are not allowed in a marine industrial zone. Increasing the size of the house increases the use.

Atty. Favazza respects the opinion of the Commissioner and his office but would prefer a vote of no increase of non-conformity.

Ms. Schlichte moves that the proposed plans do increase the intensity of the non-conforming use.

Mr. Nimon seconds
All in favor, 5-0

The Board will move to the second step.

Atty. Favazza discusses the residential and the marine industrial use in the area and shows the Board a map of the moving of the easement and sewer pipes.

Speaking in favor: None

Speaking in opposition:

Jessica Flynn, 12 Dowane Rd. is the owner of 4 Pirates Lane and an abutter of the property being discussed. She is concerned with the height of the proposed project blocking her view and sunlight.

Rebuttal:

Atty. Favazza shares an aerial shot of the area and informs the members that when his client sold Ms. Flynn's property to her mother, 35 years ago, he added terms in the deed stating that they have no claims of view across 6 Pirate's Lane. Her property is higher than 6 Pirate's Lane and his client did preserve the southwest view when designing their house to insure that they will still be able to see part of the harbor and East Gloucester. The sun rises in the south so the sun light shouldn't be an issue.

The Chair calls for discussion by the Board.

Ms. Schlichte moves to approve a Special Permit 1.9 alter/expand non-conforming use to allow demolition of existing 1 bedroom structure and replace with a new 3 bedroom structure.

Mr. Nimon seconds
All in favor, 5-0

Mt. Vernon St.

Joseph and Maria Frontiero appealing the decision of the Building Inspector to issue a stop work order for constructing a roof deck without a Building Permit. The Chair has announced that this appeal has been withdrawn and will not be heard.

Discussion by the Board:

The Board discusses the next Special Meeting regarding the 40B for Middle St.

Motion to adjourn was made at: 8:36 PM

Motion by: Ms. Schlichte
Second by: Mr. Nimon