



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

**ZONING BOARD OF APPEALS
Remote Participation Meeting Minutes
February 25, 2021**

Board Members Present:

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

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.

Approval of Minutes:

Mr. Nimon moves to approve the minutes of 12/10/2021, 1/14/2021, 1/28/2021 and 2/11/2021 as they are written.

Ms. Pratt seconds
All in favor, 5-0

Old Business:

6 Mt. Vernon St.

Petition of Kimberly Mackey and John Rogers appealing the decision of the Building Commissioner concerning a zoning violation involving a deck located.

Ms. Pratt recuses herself.

Kimberly Mackey, 139 Bray St. is present to represent this application as the owner of 8 Mt. Vernon St. This application was continued from 1/14/2021 meeting in order for the Building Dept. to work with the owners of 6 Mt. Vernon St. to return the deck back to what was previously permitted.

Ms. Mackey reports that progress has been made, however, the stairs to the deck were only moved 2' back and not back to where they originally were.

Atty. Joel Favazza, Seaside Legal Solutions, 123 Main St. is present to represent the owners of 6 Mt. Vernon St. His client have done more work to the area this week to return it to its

original form. It has been inspected by the Inspectional Services Dept. and they are waiting to hear back from them.

Mr. Sanborn informs that Board that the owners were instructed to cut back the deck and it was done. His dept. called Ms. Mackey and asked her to view the site and let them know if the changes meet her approval, however, she has not returned their call.

Mr. Sanborn states that his dept. has exhausted their resources and that if Ms. Mackey feels that if the deck has not been cut back enough, to submit any evidence that she has that it is not in the original place to them to review.

Ms. Mackey agrees to do so.

Mr. Nimon moves to continue this application to the 3/25/2021 meeting.

Ms. Pratt seconds

All in favor, 4-0

498 Washington St.

Joel Favazza, Esq. of Seaside Legal Solutions, 123 Main St. is representing, Amanda Marino seeking to amend existing Variances for side yard, rear yard and lot frontage to allow rebuilding single family home destroyed by fire and to incorporate existing sheds and carports into attached garages.

Atty. Favazza shares his screen and discusses the new plans that he submitted to the Board earlier in the week. This is an oversized non-conforming lot that lacks adequate frontage. There are 3 previous ZBA decisions on file .The owner is looking to rebuild their house after a fire demolished it in 2020. The original plans were to rebuild the house in approximately the same location with it extending further in the rear. Due to neighbors' concerns, the newly submitted plans eliminate the existing left and side yard setback and pushes the proposed house closer to 496 Washington St. than the last set of plans. They have eliminated the roof deck.

Atty. Favazza is asking the Board for a finding that there is no relief necessary per GZO 2.4.8 B which would require the Board to override the Building Inspectors finding that they are not covered under this Ordinance. If the Board sides with the Building Inspector, they will be requesting a Variance for frontage to allow this lot to remain a buildable lot.

GZO 2.4.8 B is discussed by the Board, Mr. Sanborn and Atty. Favazza.

Mr. Sanborn explains why he believes that they will need to amend the original Variance to alter what was originally built.

The Chair calls for questions by the Board.

The Members feel that if it has been created by a Variance they should need to amend the Variance.

Speaking in favor: None

Speaking in opposition:

Atty. Peter Ross, 20 Market St. Ipswich, MA is present to represent the owners of 492 and 494 Washington St. They feel that the garage part of the house is too long and too close to the lot line of 494 Washington St. They feel that the Applicants shouldn't expand a non-conforming structure over 110% more than the original structure. They feel that it is more detrimental to the neighborhood than the original structure.

Rebuttal:

Atty. Favazza rebuts the opposition comments.

Mr. Nimon moves to amending the existing frontage Variance for lot frontage to rebuild a single family home destroyed by fire and to incorporate existing sheds and carports into attached garages.

Ms. Pratt seconds

All in favor, 4-0

30 Sleepy Hollow Rd.

Joel Favazza, Esq. of Seaside Legal Solutions, 123 Main St. is representing, George & Lisa Surabian seeking a Special Permit 1.9 alter/expand non-conforming structure to allow 2 story addition and decks (waterside), new front entry deck, new bump out at front.

Atty. Favazza shares his screen and discusses the proposed plans of a pre-existing non-conforming structure. They are proposing to close the existing rear deck to create more living space and rebuild the deck in an area more towards the water. They will also be adding 2 bump outs of the first floor. There will be no changes to the structure on the neighbors side. They have gone before the Conservation Commission and received the required relief.

Speaking in favor: None

Speaking in opposition: None

Mr. Nimon moves to approve a Special Permit 1.9 alter/expand non-conforming structure to allow 2 story addition and decks (waterside), new front entry deck, new bump out at front.

Ms. Pratt seconds

All in favor, 5-0

14 Hutchins Ct.

Joel Favazza, Esq. of Seaside Legal Solutions, 123 Main St. is representing, Sean & Sheila Desmond seeking Special Permit 1.9 alter/expand non-conforming structure and Variance to amend 1999 Variance to allow construction of new accessible staircase for disabled family member.

Atty. Favazza shares his screen and discusses the plans and photos.

They are building an ADA compliant staircase for a disabled family member. The front yard setback needs 38.7' relief and will be 1.3' off of the property line and 7.8' side yard relief. There are no changes being done to the side yard. They are requesting an amendment to a 1999 Variance.

Speaking in favor: None

Speaking in opposition: None

Mr. Nimon moves to approve a Special Permit 1.9 alter/expand non-conforming structure and Variance to amend 1999 Variance to allow construction of new accessible staircase for disabled family member.

Ms. Pratt seconds

All in favor, 5-0

New Business:

6 Dudley St.

Petition of David Higgins seeking Special Permit 1.9 alter/expand a non-conforming structure to allow renovation of existing structure.

This application was advertised as 6 Dudley St. instead of 6 Duley St. The Board feels that this application should be re-advertised due to GZO 40A Section 11 which was read by the Chair.

Mr. Nimon moves to continue this application to the 3/25/2021 meeting.

Ms. Pratt seconds
All in favor, 5-0

31 Magnolia Ave.

Petition of Michael Ciaramitaro seeking Special Permit 1.9 alter/expand a non-conforming structure to allow the construction of addition 26' by 32' with deck to allow conversion of one family to two family.

The relief for this application was not correctly requested for this application and must be re-advertised.

Mr. Nimon moves to continue this application to the 3/25/2021 meeting.

Ms. Pratt seconds
All in favor, 5-0

47 Beach Rd.

Timothy & Joanna Bushfield, 47 Beach Rd. are present seeking Variances 3.2 for rear yard, left side yard, right side yard to allow installation of 16' 0" x 48" above ground pool.

Ms. Pratt has recused herself.

Due to the social restrictions in place due to Covid-19, the Bushfields have purchased a temporary above ground pool to put in their back yard for their children. The Main electrical line to their house goes through the middle of their back yard and they are require to have a 15' setback from the electrical wires. This requires them to request relief from other dimensional setbacks. The proposal is to tuck the pool into the right back yard corner to meet the electrical requirements which will require a 3' Variance on the rear and right side. They have spoken to both abutting neighbors and they are in full support of this project.

Speaking in favor: None

Speaking in opposition: None

Discussion by the Board:

The new plumbing code is discusses.

Mr. Nimon moves to approve a Variances 3.2 for rear yard, left side yard, right side yard to allow installation of 16' 0" x 48" above ground pool.

Mr. Cannavo seconds
All in favor, 5-0

5 Reservoir Rd.

Oliver Thompson, 5 Roberts Ct. is present to represent, Anthony Filetto seeking Variance 3.2 right side yard setback to allow construction of a deck on the front of house wrapping around the right side.

Mr. Filetto would like to build a deck on the right side of his house to create a social outdoor space for his family. He cannot build it on the left side of the house because it would block the access to the back yard and the land slopes on the left side which would increase to ease and cost of the project. Mr. Filetto has letters of support from his immediate abutters George Carr, Larry Delisi, Frank Toco and Joe Parisi.

Speaking in favor: None

Speaking in opposition: None

Discussion by the Board: None

Mr. Nimon moves to approve a Variance 3.2 right side yard setback to allow construction of a deck on the front of house wrapping around the right side.

Ms. Pratt seconds
All in favor, 5-0

66 Eastern Point Rd.

Deborah Eliason, Esq. of Eliason Law Offices, 64 Middle St is present to represent, JCG Investments LLC seeking a Special Permit 1.9 alter/expand non-conforming structure to allow demolition of the existing 3 family home and replace with new 2 family.

Ms. Eliason shares her screen and discusses the proposed plans. They are proposing to demolish and reconstruct a 3 family house that is currently being used as a two family house into a two family home. The property currently has non-compliant dimensions that are grandfathered under the Ordinance and they request that they not lose the grandfathered rights because they are replacing the structure which will be more compliant than the existing structure. The old building is non-compliant as to height, front yard and rear yard. The new building will only be non-compliant as to rear yard but it will be improved by 3' so the encroachment will be less. The buildings on the abutting properties are 3' away from the property line.

Matthew Carlson of MR. Carlson Design, 11 Palmer Ave. Danvers, MA goes through the plans and photos of the property. 80% of the footprint is the remaining structure and the driveway is not changing. He discusses the features that will remain from the former building and the changes as well.

Speaking in favor:

Maryanne Boucher, 9.3 Mt. Pleasant Ave. is the owner of 75 Eastern Point Rd. She asks questions regarding the changes in the view from her home and Mr. Carlson answers her questions.

Speaking in opposition:

Meredith Fine, Esq. 46 Middle St. is present to represent the Trustees of the Seacroft Condominium, 64 Eastern Point Rd. and informs the Board of an error on the letter that she previously submitted to

the Board. She questions how they calculated the height, discusses the increase in the mass of the building, the increase in the traffic as she feels it is a dangerous road to be backing out onto, the encroachment on the rear yard and its need for a Variance and the need for a Variance for a change in use. Atty. Fine also discusses the history of the property.

Caleb Clapp, 1 Island Rock Lane, reads into the record a letter that he submitted today as he missed the submission deadline.

Roy 1 Eastern Point Rd. feels that the building is too large for the site. He feels that the front of the building looks like the back of the building and isn't in keeping with the neighborhood.

Michael Faherty, Esq. 45 Rocky Neck Ave. is present on behalf of the Bordinaro family who own the property adjacent to this property. His client is concerned with the lack of the Applicant applying for a Variance for the easterly side of the building. He takes exception to this application being filed under GZO 2.4.5 as this is a 3 family dwelling not a 2 family. Specifically Section D of GZO 2.4.5.

Rebuttal:

Atty. Eliason puts the plans on the screen and rebuts the opposition's comments.

Discussion by the Board:

The Board discusses the GZO for 1-2 families and the changes in the GZO regarding dimensional requirements for 3 families and decides that if they are going to request a Variance, the application should be re-advertised. Mr. Sanborn states that he would like to research the property to determine what the legal use of the building is.

Mr. Nimon moves to continue this application to the 3/25/2021 meeting to re-advertise to include a rear yard Variance.

Ms. Pratt seconds
All in favor, 5-0

7 Gloucester Crossing Rd.

Petition of Fuller Schoolhouse Rd. Inc. seeking Variance 4.3 sign ordinance relief from total signage to allow signage to be added to new YMCA.

Mr. Sanborn needs to research if this application should go before the City Council or the ZBA.

Mr. Nimon moves to continue this application to the 3/25/2021 meeting.

Ms. Pratt seconds
All in favor, 5-0

Motion to adjourn was made at: 9:39 PM

Motion by: Mr. Nimon
Second by: Ms. Pratt
All in favor, 5-0