



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

**ZONING BOARD OF APPEALS
Remote Participation Meeting Minutes
April 15, 2021**

Board Members Present:

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

Alternate Member

James Gigliotti

Also in Attendance:

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

Approval of Minutes:

Mr. Nimon moves to approve the minutes of 3/25/2021 as they are written.
Ms. Pratt seconds
All in favor, 5-0

Old Business:

43 Farrington Ave.

Deborah Eliason, Esq. of Eliason Law 63 Middle St. is present to represent, Phyllis A. Sudbay Estate seeking Variance 3.2 front yard setback to allow the Applicant to sell the property, a conforming vacant lot, as a buildable lot. Lot has plan for single family home that requires Variance to be constructed.

Atty. Eliason sent the Board a letter requesting a continuance to 4/29/2021.

Mr. Nimon moves to continue this application to the 4/29/2021 meeting.

Ms. Pratt seconds
All in favor, 5-0

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 has recused herself from this application.

No one is present to represent this application.

Mr. Nimon moves to continue this application to the 4/29/2021 meeting.

Mr. Cannavo seconds

All in favor, 5-0

10 Harriet Rd.

Deborah Eliason, Esq. of Eliason Law 63 Middle St. is present to represent, Felicia Mohan and Patricia Ciaramitaro seeking Special Permit 1.9 alter expand non-conforming structure, Special Permit 5.24 accessory in-law apartment to allow construction of attached addition with living space to convert to accessory in-law apartment.

Atty. Eliason discusses the changes that have been made to the plans since the last meeting. They have removed the stairs and deck near the pool to comply with the lot coverage. The project is now entirely compliant with the exception of the front yard which will not change from the existing house. They are also compliant with the in-law percentage at 33%.

Architect Jason Gove, 5 Autumn Lane, Gloucester, MA is present to go over the plans with the Members. The addition was placed in the back of the house in order to stay within the setbacks and away from the front yard. This also allows the in-law apartment to remain on the ground floor. The Conservation Committee and the City Engineer have signed off on this project.

Atty. Eliason rebuts some of the issues brought up by the neighbors, stating that there were no illegal additions done to this property and that the concerns regarding water runoff and the wetlands were looked into by Con Com and the City Engineer who have approved these plans. She discusses a 2006 order of conditions that the Mohan's did not comply with and states that this is true because the Mohan's did not tear down and rebuild the structure.

Speaking in favor: None

Speaking in opposition:

Sue and Tim Rose, 12 Harriet Rd. feel that the large homes in the area are on lots of 50,000 sq. foot not the 11,000 sq. feet that this property is on. They discuss the Order of Conditions and feel that the buffer zone planting and the hot topped driveway was never done. They feel that this structure is increasing to 3 times its original size and that the completed project was never sent to Con Com and believes that the entire project is in the buffer zone. .

Hannah Goodale, 22 Harriet Rd. discusses the wooded feel to the neighborhood that she feels is being taken away.

John Budrow, 14 Harriet Rd. states that he paid a great deal of money for the natural beauty of the neighborhood and would like to keep it intact. He is concerned with the wetland and where the displaced water will go once the property is developed. His driveway is already eroding due to runoff.

Rebuttal:

Atty. Eliason rebuts the opposition's comments pointing out that there are no massing percentage in the ordinance.

Atty. Eliason shows photos of the larger homes in the neighborhood along with a photo from 30 years ago to show that the encroachment that the neighbors have complained about does not exist. The Mohan's have plans that have been stamped by an Engineer.

The public hearing is closed by the Chair.

Ms Pratt moves to approve a Special Permit 1.9 alter expand non-conforming structure, Special Permit 5.24 accessory in-law apartment to allow construction of attached addition with living space to convert to accessory in-law apartment with the criteria that they every year they get reapproved for that accessory in-law apartment.

Mr. Nimon seconds
All in favor, 5-0

New Business:

8 Riggs Point Rd.

Brian Milisci, 510 Machanic St. Leominster, MA is present to represent, Mary K. Villare seeking Variances for lot width, lot frontage, lot area to allow a buildable lot by Variance.

The Applicant is seeking relief to demolish an existing run down dwelling and construct a single family dwelling. This is an undersized lot, however, the new dwelling will meet all setback requirements and the wrap around deck has been removed from the original plans due to abutters concerns.

The same relief being requested was granted to the parents of the current owners in 2011. At that time a dilapidated dwelling on this property was taken down, however, due to illness, nothing else was done. The permit has since relapsed and they are back before the Board requesting the same relief. They also will need to go back to Con Com. There is a gas easement that runs across the property which affected the placement of the house.

Speaking in favor: None

Speaking in opposition:

Mark Nestor, Esq. 45 Middle St., is present to represent John McDoogle, 12 Rigg's Point Rd.

Atty. Nestor states that the original decision states that the abutters withdrew their opposition in 2011, however, he currently has 9 abutters in opposition do that not remember doing so.

The original dwelling that was demolished was a single story 644 sq. ft. building. They now are proposing to build a 1344 sq. ft. building including the enclosed roof deck on the second smallest lot in the area. He is concerned that that the elevations are incorrect as the plans submitted in 2012 are very rough. Due to erosion, he feels that 9 years is too long to rely on plans without updating them.

Rebuttal:

Mr. Milisci rebuts Atty. Nestor's comments, referencing the Land Court plans. He feels that what is proposed is in tune with today's standards regarding size and is smaller than all of the abutter's properties.

Mr. Nimon confirms that they are voting on the lot to be buildable not on the house on the lot.

The Chair confirms that they are only interested in the footprint and states that this has always been registered certified land with a home on it.

Mr. Nimon moves to approve a Variances for lot width, lot frontage, lot area to allow a buildable lot by Variance.

Ms. Pratt seconds
All in favor, 5-0

11 Atlantic St.

Horace Turner, 523 Essex Ave. is present to represent, Nathaniel & Samantha Dennen seeking Special Permit 1.9 alter/expand a non-conforming structure to allow construction of an attached 2 story garage with dormered storage/game room on second floor level and extend porch to the ends of the existing structure. The lot is not being subdivided.

The proposed project meets all setback requirements except for front yard and is no more non-conforming than the existing structure. This will give the Applicants 20 more feet of parking area off of the busy street.

Speaking in favor: None

Speaking in opposition: None

Mr. Nimon moves to approve a Special Permit 1.9 alter/expand a non-conforming structure to allow construction of an attached 2 story garage with dormered storage/game room on second floor level and extend porch to the ends of the existing structure.

Ms. Pratt seconds
All in favor, 5-0

11 Traverse St.

Megan Breaker of Kline, Gardner & O'Connor, P.C., 96 Middle St .is present to represent, Dale Shepard Rosen seeking Special Permit 1.9 to alter/expand a non-conforming structure, Variances for front yard setback, side yard setback to allow construction of addition to include a bedroom and full bath on first floor.

The Applicant is requesting to construct an addition with a bedroom and full bathroom on the first floor for her husband who is unable to climb the stairs and cannot access the second floor due to the narrow spiral staircase. They have received positive feedback from one of the immediate abutters and has not heard from the others.

Speaking in favor: None

Speaking in opposition: None

Mr. Nimon moves to approve a Special Permit 1.9 to alter/expand a non-conforming structure, Variances for front yard setback, side yard setback to allow construction of addition to include a bedroom and full bath on first floor.

Ms. Pratt seconds
All in favor, 5-0

1 Washington St.

Patricia Johnstone, Esq. of Schlichte & Johnstone, 14 Pleasant St. is present to represent, Blackburn LLC seeking Special Permit 1.8.3 use table and Special Permit 2.3.4 # 9 to allow 7 tables on permanent patio for 28-30 seat.

Last year the restaurant received a temporary Extension of Premise for a tent in the parking area due to Covid. They are before the Board this evening to make the tent a permanent structure and extension of their restaurant. The tent will be 890 sq. ft. and in the same spot as last year. They will have an iron rod fence around the tent and concrete curb cutting along the sides.

The Members discuss public safety and a permanent barrier where the cars pull up.

Speaking in favor: None

Speaking in opposition: None

Mr. Nimon moves to approve a Special Permit 1.8.3 use table and Special Permit 2.3.4 # 9 to allow 7 tables on permanent patio for 28-30 seat. With the conditions that they have concrete curbing and a rod iron fence.

Ms. Pratt seconds

All in favor, 5-0

6 Parker Ct.

Sal Frontiero, Esq. of Frontiero Law Office, 46 Middle St. is present to represent, Patricia Cavanaugh seeking Special Permit 1.9 alter/expand a non-conforming structure to allow the addition of two gable style dormers, second story decks front and back and stairway on right side and front for the purpose of converting property from a 1 family to a 2 family.

The Board discusses the error in the advertisement of this application, as it was advertised as 6 Parker St. and not 6 Parker Ct. Atty. Frontiero and the Chair decide that the Map and Lot were correct and they are in agreement to proceed.

The lot is non-conforming as to lot size and the house is non-conforming on the left side yard, right side yard and rear setbacks. There are currently 5 parking spaces on the site and this will not change. They will be converting the house into a living space on the first floor and one on the second floor. There will be no increase in the footprint as to living space. The Petitioner sent a letter to all abutters and have had no negative responses.

Speaking in favor: None

Speaking in opposition: None

Mr. Nimon moves to approve a Special Permit 1.9 alter/expand a non-conforming structure to allow the addition of two gable style dormers, second story decks front and back and stairway on right side and front for the purpose of converting property from a 1 family to a 2 family.

Ms. Pratt seconds

All in favor, 5-0

72 Mt. Pleasant Ave.

Joe Taormina, 10 B Riverview Way is present to represent, Thomas & Megan Hanlon seeking a Special Permit 1.9 to alter /expand a non-conforming structure, Variances for left side yard, rear yard and lot coverage to allow demolition of a one story kitchen & Deck and reconstruction of new 2 story addition footprint to remain the same.

The Applicants purchased this home 4 months ago to be closer to work and to retire in Gloucester. They would like to remove a 1 story kitchen and deck and replace it with a two story addition that will align with the existing roof line. The footprint will remain the same, however they will be increasing the existing non-conformity. They have submitted 4 letters in support by the neighbors.

Speaking in favor: None

Speaking in opposition: None

Mr. Nimon moves to approve a Special Permit 1.9 to alter /expand a non-conforming structure, Variances for left side yard, rear yard and lot coverage to allow demolition of a one story kitchen & Deck and reconstruction of new 2 story addition footprint to remain the same.

Ms. Pratt seconds

All in favor, 5-0

Discussion by the Board:

The Chair informs the Members that up to 3 people can visit a site together, however, they cannot deliberate on what their vote is. He feels this could be good for the new members.

Ms. Pratt moves to adjourn at 9:11 PM

Seconds: Mr. Nimon

All in favor: 5-0