



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

**ZONING BOARD OF APPEALS  
Remote Participation Meeting Minutes  
June 24, 2021**

**Board Members Present:**

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

**Alternate Member**

James Gigliotti - Absent

**Also in Attendance:**

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

The Chair introduces the Members. We have 2 members absent this evening.

**Approval of Minutes:**

Ms. Schlichte moves to approve the minutes of 6/17/2021 as they are written.

Mr. Nimon seconds  
All in favor, 4-0

**New Business:**

**3 Windemere Rd. (formally 69 Atlantic Rd.)**

Petition of Paula Fallon seeking a Special Permit to alter/expand a non-conforming structure 2.4.5 and Variance for front yard setback 1.7.2 to allow petitioners to demolish existing structure and rebuild.

The Board received a letter requesting to continue this application to the 7/8/2021 meeting so that they are able to review the plans with the neighbors.

Ms. Schlichte moves to continue this applicator to the 7/8/2021 meeting.

Mr. Nimon seconds  
All in favor, 4-0

**89 Coles Island Rd.**

Deborah Eliason, Esq. of Eliason Law, 63 Middle St. is present to represent, Julia Barry & Christopher Crotty seeking a Variance from 3 .2.1 (c) for an accessory structure closer to the street

then the principal structure to allow the construction of a cottage and maintenance shed on vacant land.

The Petitioners own 97, 93, 83 and 89 Coles Island Rd. Their main house and garage are on # 97 and they are seeking relief to construct a cottage house and maintenance shed on the vacant land on # 89. The property is over twenty-two acres. All dimensional requirements will be met except that the maintenance shed will be closer to the street than the cottage.

The location of the buildings have been chosen to minimize the disturbance of the wetlands and buffer zones on the property.

Speaking in favor: None

Speaking in opposition: None

Discussion by the Board:

The members discuss the hardship and location of the buildings to the road.

Ms. Schlichte moves to approve a Variance from 3 .2.1 (c) for an accessory structure closer to the street then the principal structure to allow the construction of a cottage and maintenance shed on vacant land.

Mr. Nimon seconds  
All in favor, 4-0

#### **40 Fort Hill Ave.**

Sal Frontiero, Esq. 46 Middle St. is present to represent, William E. Herp & Carolyn E. Piourde seeking a Variance from 3.2.1 (c) accessory structure closer to street than principal structure to allow the construction of a garage.

This lot consists of 2 lots merged together. The lot is non-conforming as to lot size and width. The primary building is non-conforming as to rear and right side yard setbacks. There is also an existing accessory sleeping quarter's outbuilding that is non-conforming as to all setbacks. They were granted a Special Permit and Variance by the ZBA in 2008, allowing the alteration of the primary structure and the construction of fencing and pergolas.

The Petitioners are requesting to construct 24' x 37.5' two bay, two story garage between the principal dwelling and the street. The proposed structure will exceed 12' in height. The second floor will be used as an artist studio and will not have plumbing facilities. The construction of the garage will consist of removing 2 of the 6 large trees in the area.

The Petitioner sent a letter to all of the neighbors on the abutters list. He spoke to 3 of them and received positive feedback.

Atty. Frontiero informs the Board of the hardships siting size and shape of lot. There is an existing easement that prevents them from using a specific section of the lot, and there is an existing septic system and driveway that take up a large section of the lot, as well as, a 25' easement on the western side of the lot.

Questions by the Board:

The Chair questions the 25' right of way easement, however the plot plan indications 50'.

Atty. Frontiero informs the Board that the plot plan came from a mortgage survey co. and informs them of the research that he did using the title from their purchase to confirm that it is 25' due to the merge in the properties.

Mr. Sanborn questions the existing cottage on the property and requests information to show where it came from.

Atty. Frontiero reads from the 2008 Variance.

Speaking in favor: None

Speaking in opposition: None

Discussion by the Board:

The Members discuss that this the only place to put the garage is in the front yard and that the house is far back on the lot.

Ms. Schlichte moves to approve a Variance from 3.2.1 (c) accessory structure closer to street than principal structure to allow the construction of a garage with the conditions of; no kitchen or bathrooms in this garage and that it cannot be used as a sleeping facility.

Mr. Nimon seconds

All in favor, 4-0

### **27 Edgemoore Rd.**

Meredith Fine, Esq. 46 Middle St. is present to represent, Bruce & Claire Bean seeking a Special Permit to alter expand a non-conforming structure to allow petitioners to add a deck and second story addition.

The Petitioner seeks to add a partial second story addition, take out the rear porch and adding a rear deck onto the existing building. The current building encroaches into the right side setback and the front setback and has slightly less lot width than required. The proposed deck would also encroach into the right side setback but the encroachment will be no more than the current encroachment, thus not increasing the non-conformity. Due to natural screening the addition will not be visible form the road.

Atty. Fine states that the building doesn't require any relief, however, the Building Inspector asked her client to come before the Board to confirm this.

The Petitioner received an email in support from each of the abutters on each side, 1 in the packet and 1 as a late submission.

Speaking in favor: None

Speaking in opposition: None

The Chair informs the Members that this decision falls under the 2 part test where the Board must first make a determination as to if this is or is not an increase or expansion of a non-conforming structure.

The Board agrees that it is an addition to a non-conforming structure and in an abundance of caution they issue a Special Permit.

Ms. Schlichte moves to approve a Special Permit to alter expand a non-conforming structure to allow petitioners to add a deck and second story addition. That it is an intensity of the non-conformity, but not a detriment to the current non-conformity.

Mr. Nimon seconds

All in favor, 4-0

**Discussion by the Board:**

The Board discusses the upcoming site visit for 1 Babson Ct.

Mr. Sanborn states that he has looked into 40 A, and nothing has changed regarding solar panels. He also states that overshadowing is in the Gloucester Zoning Ordinance and can be considered on any relief granted.

Ms. Schlichte moves to adjourn at 7:36 PM

Seconds: Mr. Nimon

All in favor: 4-0