



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

ZONING BOARD OF APPEALS
Meeting Minutes
7:00 P.M SEPTEMBER 29, 2016
Kyrouz Auditorium, City Hall

Board Members Present: Francis S. Wright, Chairman
David B. Gardner, Vice Chairman
Leonard A. Gyllenhaal, Secretary
Michael C. Nimon
Joseph Parisi, III
Alternates: Sage Wolcott
Kris Howard

Meeting was called to order by the Chairman at 7:00 p.m.

Previous meeting minutes submitted for review; motioned, seconded and accepted as written.

Old Business: None

Continued Business:

25 River Road: (Mr. Wright and Mr. Gardner recuse themselves) Mr. Gyllenhaal took over as Chair for this petition. Attorney Joel Favazza representing the applicants provided a photograph that showed the height of the fence more clearly; it shows the fence and trellis at a height of 10 feet. Mr. Favazza indicated to the board that while this fence is extremely close to the garage it will be built with removable panels to allow the abutters to access their building if needed.

No one spoke in favor and no one spoke opposition.

Vote of the Board: Unanimously Approved

New Business:

61 Grapevine Road: Attorney Meredith Fine representing the applicant/petitioner spoke to the board as to the fundamental issue of this case being about the height of the residence. The Petitioner has been issued Cease Occupancy notification due to the height of the residence (over 30 feet) yet continues to occupy the premises.

Mr. Wright indicated to Ms. Fine that the reason for the present hearing is not, in fact, to mediate the disagreement between the Building Inspector and the homeowners but, instead to discuss the lack of a

proper appeal or application for zoning relief. Because there has been no legitimate appeal or request for height exception the board can take no position as to the merits of the homeowner's arguments.

Ms. Fine indicates that "paper and a check can be provided" if that is what Mr. Wright wants. Mr. Wright indicated that what is required is a proper application, providing all the information called for by the board's application form and a filing fee, none of which has been submitted. Mr. Gardner brought up the point that the records and this issue go back at least ten years and there have been many back and forth between the Building Inspector and the homeowner.

Attorney Fine agreed to sign a Waiver of Time Limits to the extent that any of her previous communications might be deemed to constitute a valid filing, and begin the proper application process, as set forth in Section 1.5.4 of the Zoning Ordinance.

Continued until October 27, 2016 to give all parties time to complete application process.

47 Beacon Street: (Mr. Nimon recuses himself) Attorney Kevin Kiely representing the applicant as well as designer and builder Steve Goodick appeared in front of the board to give a brief background to this request as well as answer any questions with the design. Attorney Kiely indicates that two winters ago the flat roof on the garage at 47 Beacon Street collapsed under the weight of snow. The applicant wishes to rebuild the garage on the same footprint but with a slightly pitched roof where the flat roof was. At the time of the collapse the garage was 11' 8" and this rebuild would add 36" to this height.

Speaking in favor of this project:

Anthony Machie of 14 Beacon Street. Mr. Machie lives directly across the street and is pleased to see this garage being repaired.

Matt Gillis of 42 Beacon Street indicated that if there was an increase in height on the left side of the garage there will be no interference with his view however he has concerns as to the neglect of the property which, he feels, led to the collapse of this roof.

Speaking in opposition:

Julie O'Dea of 12 Bellevue Avenue, who has a seasonal view of the harbor down the driveway, does not want the height to increase if this will block her view.

Fred O'Dea, 12 Bellevue Avenue, expressed concern about digging and indicated that there are sewer lines (marked and unmarked) on the property lines and does not want them compromised or broken during the construction of the new garage.

Discussion by the board regarding the property owner and builder contacting Dig Safe ensued. Mr. Walcott questioned the whole height of the garage. Mr. Goodick was called back up to answer questions about the final height of the structure, specifically if any portion of the roof would be higher than what was originally there. Clarification indicates will be 11' 8" at the ridge line however, there is no record of the original ridge line. Mr. Goodick indicated it would be higher as the original roof was flat and not pitched but not so much higher that it would obstruct the neighbors view.

Vote of the Board: Unanimously Approved

45 Beacon Street: Applicants Linda Hersey & Paula Foster presented to the board with a request to rebuild a garage damaged by heavy snow load, on the same footprint as the existing structure with no change to the height of 11' 9".

Speaking in favor, Anthony Machie of 14 Beacon Street & Julie O'Dea

Speaking in opposition: No one

Vote of the Board: Unanimously Approved

3 Tidal Cove Way: (Mr. Parisi recuses himself) Attorney Mike Faherty representing the client presented to the board a request to build a storage shed on the property and shared facts related to health issues of the residents after having floors repaired and refinished. Due to respiratory issues secondary to these repairs the storage area currently being used (under the back porch) for snow blowers, lawnmowers and fuel storage for the machines would normally be sufficient. However, the vapors and fumes, smells of the equipment and other items of that nature exacerbate the medical condition and now must be moved and stored elsewhere; as far away from the occupied building as possible. As this is a corner lot Ordinance requires it be treated as frontage on both streets and that is why they are here tonight.

No one spoke in favor and no one spoke in opposition.

Vote of the Board: Unanimously Approved

96 Woodward Avenue: Applicant Bill Wheat and builder Rick Haworth present to the board requesting a special permit to expand the garage on the property which would extend the width and encroach on street frontage. Mr. Nimon questioned whether a variance was also needed. Mr. Gardner indicated that the porch is already very close to the street and this is a tight area to start.

No one spoke in favor.

Speaking in opposition were Gary & Kim Wildes of 26 Stanwood Avenue who indicate it is already difficult to enter and exit their driveway and if the garage extends another foot closer to the street would they be able to access their driveway safely or at all. This is their full time residence and already with the site work at this address they are having difficulty with access and wonder if when the snow comes will it be even more difficult.

Discussion of the board included Mr. Gardner and Mr. Gyllenhaal indicating they are aware this is a sensitive area and this request must be carefully considered. Mr. Wright requested the two front corners of the garage be staked to indicate how far it will extend when finished so that board members can visualize the request as well as the concerns of all parties. Mr. Wright also requested that Mr. Wheat obtain a telephone number from Mr. & Mrs. Wilde and speak with them about their concerns before the next meeting.

Continued to October 13, 2016 so another site review can be conducted after areas marked by builder as requested by the board.

12, 16 & 22 Causeway Street: Attorney Deborah Eliason, Mr. Bob Griffin of Griffin Engineering and Mr. Jay McNiff present before the board to request a variance to create a common driveway off Concord Street to provide access to the property Mr. McNiff is developing. Due to the topography of

the lots an entrance off of Causeway Street would be 150 feet longer and much steeper than a driveway off of Concord Street where the topography is not as steep. As well it is believed that the line of vision would be safer using an entrance and exit off of Concord Street versus Causeway Street. Members of the board questioned the use of Concord Street due to the curve in the road and the increase in activity on the street during the summer months. As well the question was posed as to whether or not a left turn could be safely made out of this driveway given the limited length of view down the street. The question as to the width of the driveway was posed and Mr. McNiff indicated that at this time it has not been decided. There has been much conversation with the neighbors on both sides of this proposed driveway and this has included the idea of closing off one of the abutting driveways from Concord Street and routing it through the newly proposed common driveway which answered Mr. Wright's question of whether Mr. McNiff has been in contact with the abutters about his plans.

Speaking in favor:

Ann Frontiero of 97 Concord Street has had conversations with Mr. McNiff and is pleased that the drive would be tree lined to limit noise and that the developer would pave the front of the entrance first to limit excess noise from construction vehicles when the lots are being developed.

Cathy Hurlburt of 6 Causeway Street who indicates she has no issue with this application.

Christine Sherman of 95 Concord Street stated the concerns of a left turn out of the drive were unfounded as she actually turns toward the proposed driveway when exiting her property to obtain a better view of the street before pulling out.

Attorney Eliason spoke to the fact that Mr. Samoos who owns the house on the opposite side of the driveway from Mrs. Frontiero is also in support of this proposal and will provide a signed letter from his to that fact.

Mr. Nimon has requested that the driveway be marked more visibly so that members may go by and take another look at the proposed layout.

Continued to October 13, 2016 for site review after driveway entrance marked.

35 Beach Road: Mark Salwasser presents before the board for a special permit to build a storage shed on his property to store lawn and yard care equipment. Due to the topography of his land this shed must be in the front yard as the backyard slopes dramatically and would create issues trying to move equipment such as a lawnmower or snow blower in or out of this storage shed safely. When questioned as to how large the shed would be Mr. Salwasser indicated 9' 4" at its peak and 6' at the eave.

No one spoke in favor or opposition.

Vote of the Board: Unanimously Approved.

Motion to adjourn was made and seconded at 9:00 p.m.