



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

ZONING BOARD OF APPEALS
Meeting Minutes
7:00 P.M., January 12, 2017
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 Walcott
Kris Howard

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

Previous meeting minutes of December 8, 2016 submitted for review, a motion to accept them was made by Mr. Parisi and Seconded by Mr. Walcott. Accepted as written.

Correspondence:

A letter was submitted to the board from an abutter of 208-210 Main Street, this letter was discussed by the board as well as the letter sent by this board to the State regarding the same site. Mr. Gyllenhaal indicates there has been no response from the State.

51 letters of support for 161, 165, 171 Atlantic Road were submitted to the board prior to the beginning of the meeting, most of them are not from abutters rather citizens of Gloucester. Mr. Gyllenhaal indicated that it is a form letter; all 51 have the same content with different signatures. Attorney Gardner suggested holding these until Attorney Eliason has made her presentation and address them at that time.

Continued Business: None

New Business:

4 Chester Square: Attorney John Cunningham presents with applicant J. Parker as well as architect Horace Turner. Mr. Cunningham outlined the project as presented in the application, a one story addition will be added to the kitchen with a footprint of 67 square feet plus a mudroom of 70 square feet. This would extent into the left side yard approximately 6 inches more than the existing home as the mudroom is located in a nonconforming area. To construct the addition and gain access through the yard part of a non-conforming shed would be reduced by 105 square feet which then increases the

lot coverage by approximately 33 to 33.6%. The plans were reviewed with the neighbors and no concerns were reported. As the left side yard of the house tapers at the rear a hardship would be in that the design could and would be more difficult, costly and less practical in use of the lot given the layout of Chester Square.

Mr. Gardner asked about the left side measurements and Mr. Cunningham clarified 17.6% is current and it would become 17.5% when completed, reducing the setback.

Mr. Wright noted a request for .5 to 1% increase in lot coverage but the existing house is already non-conforming. Discussion ensued regarding special permit versus variance and need for both and/or one or the other.

No one spoke in favor or against this project.

Mr. Nimon motioned to approve the application for variance and special permit which was seconded by Mr. Gardner.

Vote of the board: Granted

7 Mt. Locust Place: Attorney Mark Glovsky presents with Architect Ruth Bennett as well as Lee Dilliker of Windover Construction. Attorney Glovsky recalled the history of the lot and the home which was built in 1976 and then sold to the Davis's in 2015. The intention was to make this structure into a guest house for the benefit of the abutting property, believing it could be renovated. However, the foundation cannot support the structure and changes. Therefore, a request to raze the existing structure and reconstruct on the same footprint which would bring the lot closer to conformity with coverage of approximately 17% and reduce the footprint by approximately 20 feet. The new structure would not be increased in height and will not intensify the non-conformity but bring it closer. The neighbors have been contacted by Mr. Delliker about the plans.

No one spoke in favor or against this project.

Mr. Gardner made a motion to approve the application for a special permit and Mr. Parisi seconded it.

Vote of the board: Granted

161, 165, 171 Atlantic Road: Attorney Deborah Eliason presents this evening with partners from OVI, LLC as well as Mr. John Morin, Engineer. Several letters received by the board were discussed as well as the letters from the community submitted earlier. Mr. Wright suggested that these letters be returned to the attorney and re-collated into letters from Abutters and Non-Abutters. Attorney Eliason indicated that all the letters are from non-abutters. Mr. Gardner reminded the board of the sensitivity of the area and whether the letters are from abutters or non-abutters it shows that this area is greatly cared for by the citizens of this city.

Attorney Eliason said that compliance with city requests is being carried out; outdoor furniture is being removed and donated and buildings are being boarded up as well. Attention was then drawn to the plans presented as existing lots and buildings, new lots are numbered 1, 2, 3 & 4. Two historic buildings would remain on Lots 1 & 3 as single family homes and another single family home would be constructed on Lot 2; three multi-family buildings would be built on Lot 4 (3 buildings, housing 18 units each). Mr. Wright asked if there was placement of the buildings at this time as last time this project was before the board it had not been decided.

Attorney Eliason indicated that the property was purchased in 2013. In 2014 FEMA changed the flood maps which is out of the control of the applicant. If not for this change from FEMA this client could go directly to the planning board for their ANR as the rest of the property is in compliance. The applicant is seeking to make these lots more uniform and zoning compliant. The plans presented are conceptual in nature.

Mr. John Morin, Engineer of The Morin-Cameron Group provided a 2012 map on which the elevations look different from the map of 1998, FEMA changed their elevation data prior to the 2012 map release, hence the difference of 8/10ths of a foot. This map was compared with the FEMA map of 2014 and discussed.

This plan entails three multi-family buildings on Lot 4 and three single family dwellings on Lots 1, 2, & 3. Every effort will be made to maintain existing curb cuts, and emergency access would be from 2 Eagle Road only, which will be gated. Renderings submitted are preliminary. There are no garages proposed for the single family dwellings although there is potential for detached garages. The multi-family dwellings would be elevated therefore parking beneath the structure will be proposed.

Mr. Gardner asked for a step by step process if this is approved. Attorney Eliason answered that they would have to pass through the Conservation Committee, City Council relief and perhaps another Zoning Board of Appeals for height exception. Mr. Gardner inquired as to whether or not multi-family (18 unit homes) can be put on a lot that is in that type of FEMA flood plain? Single family homes are not as concerning but 18 units seems like a lot for that parcel. It will intensify the use of the neighborhood as full time residences are much different from hotel lodgers staying for a night or two. Attorney Eliason indicated that this issue would be addressed as they go through the permitting process but to get there the board must approve the division of the lot and that it is not this boards purview to address those issues.

Mr. Wright asked if a request for a redrawing for the FEMA line had been made, Attorney Eliason indicated this is in process yet has no idea how long it would take so this is a parallel path to continue the process. Mr. Wright stated he felt an answer from FEMA should be received prior to this request. Attorney Eliason said in an effort to continue going forward this is the proposal they have at this time, should FEMA come back with an answer there are other options but at this time an answer has not been received.

Mr. Nimon spoke to the intensification of the number of units in the area and asked if there are any controls for any board as to how many units will go on Lot 4 to which the answer was "Yes, City Council must approve it". Mr. Wright asked if assuming this got through the planning board are each lots being treated separately and who would have jurisdiction. Attorney Eliason replied once configuration is changed the "grandfathering" is lost. Mr. Wright asked if the buildings are compliant with single family setbacks in that zoning district, Mr. John Moran answered, "Yes, they are". Mr. Wright asked how much of this project is going to be sold off as land once approved. Partner Patrick Keohan responded that they are a development company and do not intend at this time to sell off any of the lots, however, if a buyer approached them it would be considered. At this time the full intention is to develop this parcel.

Speaking in favor of this project is Mark Poulin, High Popples Road, Mr. Poulin indicated his support of this step of the project, they may challenge it later but, at this time, at least it is going forward. He spoke of his appreciation that the developers are staying off High Popples Road and Eagle Road and stated that the boulders that come across the road in storms do not go as far as where these homes

would be situated. He also spoke of his concerns with the multi-family units as this seems very congested and dense for the neighborhood. However, at this time he is supportive of the project moving forward.

Speaking against the project is Joe Langden of 35 High Popples Road who asked “how can comment or decisions be made if there is nothing to look at?” He expressed his concern with the 18 unit dwellings and the continued changes of the FEMA maps.

Speaking against the project is Cathy Clancy of 78 High Popples Road and owner of 4 Eagle Road, she stated she is more against than for this project. The prospect of three single family homes being fixed up, built and sold is appealing, the developers have been very good about approaching and talking to the neighbors, however the density is a very large issue as there would be 40 or more vehicles going past Eagle Road all day, the increase of the traffic and prospect of three enormous buildings creating a disturbance to the character of the neighborhood is not appealing. She stated that while there are other mansions in the neighborhood they have much more land and space around them than what is proposed for this property. It all seems very out of character for the area and much too dense.

Attorney Eliason spoke to the long process of discussing plans with the neighbors, the initial proposal of 48 units is now off the table, this is a better use and design of the property and reminds the board this is not the time for them to be considering this issue, instead when they come back before the board for zoning variances or permits. She reminded the board that the project is compliant with density afforded by the city ordinance and are only in front of this board due to the FEMA issue. Mr. Gyllenhall asked if they are subject to the Affordable Housing Act to which the answer was, “yes, 15% of the units would be subject to that Act”.

Mr. Parisi indicated he has no issue with the project at this time, as it this is a dramatic improvement compared to past proposals. Mr. Nimon stated he felt similarly. Mr. Gyllenhaal suggested speaking with legal counsel before a vote takes place. Mr. Nimon motioned to continue the hearing, Mr. Gardner seconded the motion.

Vote of the board: Continued to January 26, 2017.

7 Albion Court: Mr. Kent Ellis, contractor presents for the petitioner, Alex Thomas. The existing garage on the property is collapsing and they would like to rebuild and expand this structure. There would be no change in the height.

No one spoke for or against this application.

Mr. Gyllenhaal motioned to approve and Mr. Nimon seconded this motion.

Vote of the board: Granted

12, 16, 22 Causeway Street: Bob Griffin, Griffin Engineering presents with Jay McNiff the applicant. Mr. Wright asked if there was a reason this request was not combined with the previous application that came before the board in September, 2016. Mr. Griffin answered that it was not included previously as they were considering building three house lots with individual drives. Since that time the grading of the lots and designs were reviewed and it appears impractical and that is why they present this evening with this request. There will be no changes with the land, there are now four lots being considered and they would like to take the existing drive and bring it up the hill to the building lots.

Mr. Parisi asked what is different now than when before the board in September when this was not a viable option, Mr. Griffin responded that this request is based on where the homes are being built as there is dramatic grade, slope and the length of the drive has increased.

Attorney Deborah Eliason asked if she could speak to this question as well, she indicated that originally these homes were going to have their own driveways off of Causeway Street, this has changed and the common driveway would reduce the number of driveways on Causeway Street. Mr. McNiff spoke to the construction and work to construct one common drive versus three individual driveways on this street, he also spoke to the parcel purchases and development decisions.

No one spoke for or against this application.

Mr. Parisi motioned to approve the application and Mr. Nimon seconded the motion.

Vote of the board: Granted

There being no more business before the board Mr. Parisi made a motion to adjourn and Mr. Nimon seconded this motion.

Meeting adjourned at 9:00 p.m.

Motion to adjourn was made at

Motion by:

Second by: