



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

ZONING BOARD OF APPEALS  
Meeting Minutes  
7:00 P.M., February 23, 2017  
Kyrouz Auditorium, City Hall

Board Members Present: Francis S. Wright, Chairman  
Michael C. Nimon  
Joseph Parisi, III  
Alternates: Sage Wolcott  
Kris Howard

The Chairman called the meeting to order at 7:00 p.m.

Meeting minutes of January 26, 2017 were submitted for review. Mr. Parisi motioned to accept them as written and Mr. Walcott seconded this motion.

**Old Business:**

Member Kris Howard discussed his meeting with the Building Inspector on February 2, 2017 regarding updating the number of application copies submitted to the Board, how to better identify properties for member site visits and the use of Map Geo to locate these properties. As well, the clerk will advertise continued hearings in the “second” advertisement.

**Continued Business:** None

**New Business:**

Ben Legare of Down East Investments - **re: 260 Main Street** – Mr. Legare introduced himself to the board and spoke to them regarding a previous decision by the Planning Board. He questioned whether he would need to reapply for zoning relief by the board and or for a modification to the decision. The property is under agreement now and he is working out all the details. He will discuss this project with the Building Inspector and then present to the ZBA for relief.

**740-740R Washington St/River dock Cottage, LLC** by Attorney Charles Clapp. Mr. Wright recuses himself from this hearing and Mr. Parisi will chair. The applicant would like to subdivide the current lot into two lots under Section 3.1.5A the lot is 9,612 square feet and zoned as R20, nonconforming as it does not have the 20,000 sf requirement. It has two structures on the property.

740 Washington Street is the closest to the road; it is a 1,027 sf dwelling. This structure was built in 1920. 740R Washington Street is further from the road. It has a 1,350 sf footprint, with a living area of 1,256, built in 1936. Both structures have separate water and electric. They would like to subdivide into two lots. Lot 1 is 2,712 sf with one on road parking space and one on the “backside” (740 Washington Street). The access to 740R Washington Street will be via paved driveway off the road.

Lot 2 would also have one on road parking space and one parking space on the backside of the house. Lot 2 (740 R Washington Street) consists of 6,900 sf and will require a recorded easement for driveway and utilities (740R Washington Street). They are not doing any work on the existing structures; the request is strictly to subdivide.

Speaking in favor: No one.

Speaking in opposition: No one.

Board discussion: Mr. Howard had no issue as there is no construction and the division of the lots will not be detrimental to public good or safety. Mr. Parisi asked if Lot 2 would continue to own the sea wall and Marina. The answer was, yes. He then asked if the paved road would be used for the Marina and parking, the answer was no, it is too small for that.

Mr. Nimon made a motion to approve the special permit. Mr. Howard seconded this motion.

**Decision:** Granted, 4/0

Mr. Wright returns to Chair.

**6 Davis St Ext** by Horace Turner, Architect, for Seth Mione. Mr. Mione and family are present as well. The request is to demolish an existing shed and build a garage with a second story, roughly 24 x 17.8. The biggest impact would be on the Division Street side, which is a “paper street” at this time. The relief requested at this time is for side setbacks and lot coverage at this time.

Mr. Nimon, asked, if they need a variance on the right side (Division Street), do they need a variance on the left side as well? Mr. Turner discussed the topography of the land and noted this prohibits placing the structure in a different area on the property. Mrs. Kaylee Elizabeth Mione read a letter into the record regarding the history of her family and this home.

Speaking in favor: No one.

Speaking in Opposition: No one.

Board Discussion regarding the setbacks was held and as well, a conversation regarding the amount of room available that is not so close to the lot line.

Mr. Howard motioned to approve the special permit and variance - Mr. Parisi seconded this motion.

**Decision:** Granted. 5/0

**75 Atlantic Ave** by Horace Turner for Rhodri & Patricia Harries who are not present this evening. Mr. Turner mentioned that in 2014. This property was before the board and received setbacks for the front and side yards when replacing a porch and second floor. Prior to that hearing, they had been in front of the board for a height exception this also was granted but the plans did not go through. The plan now is to build an 18 x 42 two-car garage with a walk way and in ground pool of 20 x 42. This is not an accessory building; it will be part of the main building via use of the walkway; the plan was reviewed with the Building Inspector prior to this meeting. The property is in a flood zone so there is an application for relief with the Conservation Commission and DPW at this time.

Mr. Wright and Mr. Nimon questioned why so close to the property line of abutter and have concerns for that. Mr. Howard agreed this is a very tight fit, trying to squeeze a lot into that area. From a hardship prospective, there could be more creativity and less infringement on the right hand set back.

Mr. Wright suggested to Mr. Turner a redesign or he can have a decision made now, if denied he cannot make this request again for 2 years, a continuance would allow to reconfigure and present again.

Mr. Turner requested a continuation, as the homeowners are not present.

Mr. Parisi indicated they have not even addressed the second floor of the garage, which makes it look like this is becoming a two family with a full bathroom and a full kitchen with a refrigerator, and noted a change of use is not part of the application. The board feels that this is potentially a two family home. Mr. Turner asked about in-law apartments versus two family homes as he feels the use will be for guests.

**Decision:** Continued to March 30, 2017

**Main Deck Properties** by Attorney Meredith Fine. The owner, Ralph Hobbs is also present. Attorney Fine clarified that the request is for two variances not the single one that is on tonight's agenda. Mr. Hobbs is seeking to change a temporary office trailer to a permanent office. In 2004, a six unit industrial building was erected against the side lot line. The second building was built in 2015 for which they appeared before the board again as it was built very close to the rear lot line. The lot is mostly swampy wetlands and severely sloping topography. Mr. Hobbs will be selling his industrial units as condominiums this year and would like to retain the trailer for his own office, and would like to put it on permanent pilings as at this time it is on blocks. Variances requested as it is up against the main building and on the lot line.

Discussion of the board, none.

Speaking in favor: No one.

Speaking in opposition: No one.

Mr. Nimon made a motion to approve two variances for setbacks and Mr. Parisi seconded the motion.

**Decision:** Granted. 5/0

**59 Wheeler St:** Diane & David Souza are present. Diane Souza relates that her family has four motorcycles and two vehicles as well as various bicycles and large items that need to be stored in the wintertime. These items are stored in different parts of the state as well as in her yard. The shed on the property is not big enough to accommodate storage of all these vehicles and their lawn care equipment therefore, the request to build a garage. Mr. Nimon asked if the neighbors were notified and if any questions the neighbors may have had were answered. The answer was yes and in particular, Mrs. Souza noted they spoke with the neighbor on their left side. He indicated that he has no issue with this proposal.

Mr. Wright asked why the garage is located where it is and not behind the house and Mrs. Souza answered that the yard is small and they do have a dog, which they would like to be able to let out in the yard. As well, there is already a curb cut in off Wheeler Street but not on Ronna Rd.

Speaking in favor: No one.

Speaking in opposition: No one.

Discussion of the board: This structure is close to the lot line but the curb cut dictates coming off Wheeler Street. Mr. Wright spoke of need for access to emergency vehicles to the back of the house and garage, close to street, hydrant nearby as well.

Mr. Parisi made a motion to approve the special permit and variances. Mr. Wright seconded this motion.

**Decision:** Granted. 5/0

**8 Sleepy Hollow Rd:** Thomas & Lorna Mattuchio are present. Mr. Mattuchio is requesting a variance for side yard and rear yard setbacks to build a shed for storage of yard maintenance equipment, outdoor furniture, etc.

Mr. Nimon noted that it appeared the shed was already being built and questioned why Mr. Mattuchio is before the board now. Mr. Mattuchio indicated he did not realize he needed a permit when he began building this shed because it was not on a foundation. He became aware of this when he was notified by the Building Department who received an anonymous telephone call about this structure. Mr. Wright asked if there actually was a foundation for this shed and the answer was “No it is on bricks only”.

Speaking in favor: No one.

Speaking in Opposition: No one.

Mr. Howard made a motion to approve the variance request and Mr. Parisi seconded the motion.

**Decision:** Granted. 4/1

Mr. Howard made a motion to adjourn the meeting at 8:22 pm and Mr. Nimon seconded it.