



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

ZONING BOARD OF APPEALS
Meeting Minutes
7:00 P.M., March 30, 2017
Kyrouz Auditorium, City Hall

Board Members Present: Francis S. Wright, Chairman
David B. Gardner, Vice Chairman
Michael C. Nimon
Joseph Parisi, III
Alternates: Sage Wolcott

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

Previous meeting minutes of March 9, 2017 submitted for review. Mr. Parisi made a motion to accept the minutes as written and Mr. Gardner seconded this motion.

Old Business:

Rules of Procedure meeting is on the schedule for April 13, 2017 board discussion. Clerk to send draft to all members.

Continued Hearings:

8 Coggeshall Road:

Christopher & Pamela McKay submitted a request to the board that the application be withdrawn without prejudice. Mr. Wright made a motion to approve the withdrawal and Mr. Gardner seconded it.

Vote of the board: Withdrawn without prejudice.

New Hearings:

15-A/B, 19 A/B, 21 A/B & 23 A/B Kennedy Road:

Magnolia Reach Capital LLC represented by Attorney Jack McElhinney. Larry Smith, Principal Manager of Magnolia Reach Capital LLC is present as well. Attorney McElhinney asked that he be able to discuss all four application in his presentation and the board agreed to this request. The project is now in Phase III, there are 44 units total in the project area, all but two of the units have sold and a number of units under agreement. The request for a height exception is due to the topography of the lots and lot limits. The four applications are for the last units in this project. The heights requests are as follows: Unit 15 A/B is seeking a four foot height exception, Unit 19 A/B is seeking a 2.7 foot height exception, Unit 21 A/B is seeking a .4 foot height exception and Unit 23 A/B is seeking an

exception of 3.5 feet. After this explanation, the Chair asked if this is the end of the Magnolia Reach project and Attorney McElhinney responded, "yes".

The Chairman asked if anyone wished to speak about this project.

Mr. Jay Morrow of 26 Long Hill Road stepped forward. Mr. Morrow indicated there has been 10 years of development with blasting and tree cutting; there is much noise and turmoil due to all this activity. This goes on six (6) days a week and starts at 7 a.m., he is very happy to be near completion. This recent construction is even closer to his neighborhood than the past phases and Mr. Morrow wanted to ask that the board include in this approval, if it is possible, to have the developer to increase the number of plantings around the previous construction, mostly #32 as it is visible from his neighborhood and very large. He suggests spruce trees as they are a dense tree and would afford more shielding for the abutters.

Mr. Smith indicated they would happily put in more trees, spruce and other. He did want to clarify that working hours are 5 days a week, no weekends. The units are several hundred yards away from Mr. Morrow however, they are more than happy to accommodate the request for more trees.

Speaking in opposition were:

Mr. Alan Morse of 7 Emily Lane. Mr. Morse has been in his home since October of 2015 and this project has been underway since he started his occupancy. He stated the hours of operation are earlier than indicated by the developer and more than 5 days a week as well. They start at 7:00 a.m. and do work on weekends; he respectfully disagrees with Mr. Smith. There is blasting on Saturdays, back up beepers from the work vehicles. Mr. Morse works from home; he has clients in his home office and has to interrupt his sessions when the blasting horn goes off. He can look out his bedroom window into the house next to him and vice versa. Mr. Morse read an email he received from the developer indicating five white pine trees would be planted to create a shield before anyone moves into the structure.

Leslie Beaulieu of 10 Emily Lane. Ms. Beaulieu is a 25-year resident in the neighborhood; it used to be quiet, now there is building all around them. She is grateful for the trees being planted and stated that the house at #32 is very large and imposing it seems to be built on a cliff. Ms. Beaulieu said she had been at a previous hearing for a different property and there were promises of plantings never kept. She would like to know how the board will enforce the plantings if, in fact, it is agreed to.

Mr. Wright asked how Magnolia Reach Capital LLC will comply and keep their word as to the promises made in the past and the promises being made at this time. He suggested continuing the hearing to a future date so that the principals involved in this project can speak with the concerned neighbors, come up with a plan, which all agree will makes the neighbors happy, and moves the project further along to completion.

Mr. Smith indicated the blasting is complete for now; the only blasting left is for Phase III, three of five buildings require blasting.

Mr. Parisi made a motion to continue the hearing to April 13, 2017 to allow petitioner and neighbors to have a conversation and then return with proposed conditions to accommodate these neighbors. Mr. Nimon seconded this motion.

Vote of the board: Continued to April 13, 2017.

47 Pleasant Street:

Donna Crocker presents before the board, as the buyer of the property of which the downstairs is an office, the owner Janet Ware is not present. Mr. Gardner suggested hearing the application and having Ms. Ware present to the Zoning Board of Appeals clerk on Monday or Tuesday to sign off on the application and decision. Donna is a financial advisor with two employees. She would like to use the downstairs office for her business and will reside on the second floor. There is a tenant there now but they will be moving out. She has been working with Mike Hale on parking, and the building is very close to the municipal parking lot.

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

Mr. Wright motioned to issue a special permit to use the office for financial planning and Mr. Gardner seconded the motion.

Vote of the board: Approved

10-R Tufts Lane:

The applicant, Jeremiah Nicastro and his sister, Lisa Lahey present this evening before the board to request an amendment to a previous decision to create a buildable pork chop lot. This lot was purchased in 2002, the home is located behind 10 Tufts Lane and has a 20 foot access and utility easement for 10-R. This would not be used for access to the new lot should the request be granted. Mr. Nicastro indicated to the board that due to financial hardship, and in order to remain in the home he and his sister built, he would like to divide this lot to create income.

Speaking in support:

Rosalee Nicastro - Mrs. Nicastro spoke to the fact that Jeremiah and Lisa have worked very hard to build their home and support their families. Both of them are employed in the City of Gloucester, they both are hardworking family oriented people. They do not want to have to give up their home, a home they worked very, very hard to create.

Speaking in opposition:

Judy Mitchell 8 Tufts Lane. Ms. Mitchell lives directly behind 10-R and understands that hardship happens, many people have had hardship, but an agreement was made and should be kept. She expressed concern, as she only heard about this a week ago. Jim Pepe, Ms. Mitchell's spouse spoke as well and indicated that this is the first time they are seeing plans. Where would access to the lot come from? He objects to the project, one reason being that they would lose their view.

Diane Lapine - 4 Tufts Lane –Ms. Lapine indicated she did not receive notification of the meeting, she had no idea there was a hearing coming up, and is rather disappointed that Jeremiah and Lisa did not notify the neighbors prior to this evening. She feels they should have spoken to the neighbors first, and if the project is sensitive to the neighbors perhaps it could work but it's a struggle for everyone, this request would change the neighborhood character and may set a precedent for other lot owners.

Richard Krangle - 30 Bennett St North – Has been a resident since 1986 and has seen the development of the area progress through the years, the terrain is so steep it precludes egress/access from the frontage and pork chop lots are troublesome.

Tom Mannle... 34 Bennett St North – His lot is directly adjacent to the lot in question here tonight. He is unsure as to how he feels. He and his wife are here this evening to get more information on the proposal for this lot division. He questions how access to the new lot will be obtained, as the terrain is very steep. Is the lot even buildable? He has concerns and that is why he is here tonight. Not opposed but certainly concerned.

Discussion of the board:

Mr. Gardner would like another look at the property and the proposed location where the house could be on the proposed lot and give Mr. Nicasastro an opportunity to discuss with the neighbors his plans for this lot. Mr. Gardner suggests a continuation for one month to allow all parties to talk and give the board a chance to revisit the site after Mr. Nicasastro marks out where the access to the lot would be off of Bennett Street, as well as where a house would be on the lot.

Mr. Nimon agreed that another look is a good idea. He also feels that the previous decision should be reviewed and the question should be posed “did it (the decision) impact where his house was built in the first place”. Mr. Parisi said in the past decision there was no opposition and a board member as a last amendment added the condition. The greater concern back then was that this plot did not become part of a bigger project planned for that area. He agrees the applicant should have discussed with his neighbors before appearing to answer any questions they may have had.

Mr. Gardner made a motion to the hearing for one month, to April 27, and have the applicant mark where the driveway and house would be on the lot so the board can review it again, and discuss the plans with the neighbors. This should happen by April 7. Mr. Nimon seconded the motion.

Vote of the board: Continued to April 27, 2017

125 Atlantic Road:

Attorney Joel Favazza of Seaside Legal Solutions presents for the applicant, Bonmal, Inc., Atlantis Hotel. The application is to replace an existing sign that is already oversized, and been weathered and worn over the years, it is now nearly illegible, they would use the originally installed sign pad and electrical already in place and the replacement sign would be nearly exact in all dimension as the present sign.

No one spoke in opposition or support.

Board discussion:

Mr. Nimon questions if they have ever issued a Special Permit for a sign like this type of thing, they have in the past for other types of structures. Mr. Nimon motions to approve variances from section 4.3 sign regulations. Mr. Walcott seconded this motion.

Vote of the board: Approved

Mr. Parisi made a motion to adjourn the meeting and Mr. Nimon second the motion at 8:23 p.m.