



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

ZONING BOARD OF APPEALS

Meeting Minutes

7:00 P.M., JULY 13, 2017

Kyrouz Auditorium, City Hall

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

Alternate: Kris Howard

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

Old Business:

Three sets of meeting minutes for approval as well as discussion regarding memo to P&D, motion to review the minutes and discuss the memo at end of the meeting by Mr. Gardner was seconded by Mr. Parisi.

Continued Business:

4 Parker Street:

Mr. Parisi recuses himself. Attorney Sal Frontiero presents to the board with new plans and schematics as requested by the board at the last hearing. The clock face has been reduced to 3 feet from the original request of 3.6 feet. Section 3.1.8 regarding building height states, cupola's under 4 feet high, wide and long are excluded. Mr. Gardner stated the renderings are excellent and compliment the building. The perspective gives a better idea of what is requested in the original application. Given the opportunity to review these plans and renderings provided, the original application looks very nice and the perspective given now is very helpful. Turning their attention to the signage request, the bank would like to go from signage size of 22 s/f on the Parker Street side, they would like to change to 33.25 s/f to add "Commercial Lending Center" to the sign. On the East Main Street side the signage is 30 s/f existing and proposed change is 34 s/f. After conversation with the Building inspector, there may not be a need for sign variances due to the square footage requirement and the signage requested is within the allowable size. The written decision will reflect the request for sign variances is withdrawn.

No one spoke in favor or opposition of the application.

Mr. Nimon motioned to approve the application and Mr. Gardner seconded the motion. Approved.

Assenting votes: Michael Nimon, Kris Howard, David Gardner, Sage Walcott and Francis Wright.

27 Taylor Street:

Mr. Howard recuses himself. Attorney Deborah Eliason returns before the board after the board requested a review and clarification by city council regarding this application. The question posed was “does the board have authority to grant a variance to lot area if the lot is undersized?” Attorney Eliason reads it as yes, the board may grant a variance even if the lot is undersized. The board must find and consider all three factors set forth in the zoning law. Two of these factors are clearly met; a strict enforcement of the zoning ordinance would result in the lot being unbuildable with very little financial value if any; it could be sold to an abutter but there is very little incentive to that unless an abutter is considering expanding. The public good would benefit significantly from approval of this application; it is now a vacant and neglected lot. It would house a single-family residence, consistent with the neighborhood uses. If the variances are not granted, the owner would be encouraged by council to fence the lot off so there is no unauthorized use. The requested variances are minor encroachments.

Mr. Nimon asked for a review of the variances requested, 4.5’ front yard, 5’ rear yard, lot area and special permit for height exception are the requests before the board.

Speaking in favor:

Ronald Strong, 122 Western Avenue, he owns an excavating business and has looked at the site, and in his opinion it can be developed without blasting. It should not be a problem at all to place a modular home there.

Speaking in opposition:

Anthony Marks, 350 Washington Street, he owns 30 Friend Street and feels this is too much for such a small lot, as well there are two sewer lines at 29-31 Taylor St that run through his property. If there is blasting, how can these lines not be disrupted and if damage occurs how would one know?

Discussion of the board.

Attorney Eliason requested the hearing be continued at which time Mr. Wright asked her to confer with her clients and return to podium after next hearing with their decision.

After conversation with her clients, Attorney Eliason requested to withdraw the application without prejudice.

Mr. Nimon motioned to approve the withdrawal and Mr. Gardner seconded the motion.

New Business:

740-740R Washington Street:

Mr. Wright recuses himself. Attorney Charles Clapp returns for an amendment to a decision received several months ago regarding lot line. There is a marina behind lot two and it makes more sense to have the driveway go through there as opposed through lot one. This site was originally one lot with two structures on it, built prior to 1960; this request is to move the driveway over a lot line. Lot 1 will be for sale and the owner will retain Lot 2, behind which the marina is located. Therefore, the request

to allow the driveway to go through Lot 2 and not Lot 1, which is for sale. Lot 1 would be able to use the driveway to access an off-street parking space.

No one spoke in favor or against the request to amend this the previous decision.

Mr. Nimon motioned to approve the amendment to the decision and Mr. Walcott seconded the motion.

Approved.

Assenting votes: Michael Nimon, Sage Walcott, Kris Howard, Joseph Parisi and David Gardner.

75 Atlantic Road:

Mr. Gardner recuses himself. Horace Turner, Architect presents before the board, seeking a variance and special permits to erect a nonconforming shed in the same footprint as the current structure and extend onto the property 17-18 feet, creating a cabana with bathroom and shower for the in ground pool..

Mr. Wright asked why the whole building could not be moved within the setbacks, and the response was this would block the owner's view of the golf course. They feel any structure where the pool is will depreciate their property value, as the view is unique looking at both the Atlantic Ocean and Bass Rocks Golf Club. Mr. Wright noted if the structure was repositioned approximately 20 degrees there would still be a very nice view of the golf course. Mr. Turner and the board went over clarification of what board members are saying when they ask if the structure can be swung around.

Mr. Sanborn suggested soundproofing for the pool equipment i.e.; pumps, etc.; Mr. Turner indicated the pumps are in the discussed structure and this should help with sound and will take further soundproofing under consideration.

Mr. Nimon made a motion to continue the hearing to July 27, 2017 and Mr. Parisi seconded the motion. In the meantime, Mr. Turner will stake out both orientations of the structure differentiating by the color of the stakes, so members can review this prior to the next meeting.

53 East Main Street:

Elizabeth McLindon presents before the board, requesting an amendment to a previous decision, this would be to allow another employee to work in her home business. Elizabeth is considering adding an apprentice to her business and is requesting the board amend the previous decision that allowed her a home business but limited it to one employee. There would be two practitioners in the office while the apprentice is being trained, there will be no additional rooms or space added. Once training is complete, only one practitioner would be in the office treating a patient. There would be no overlap of employee/owner or of patients. Ms. McLindon also owns a lot on Wall Street with four parking spaces that will be used for patient/employee parking.

No one spoke in favor of or against this application.

Mr. Walcott motioned to approve the application and amend the previous decision, Mr. Parisi seconded. Approved.

Assenting votes: Sage Walcott, Michael Nimon, David Gardner, Joseph Parisi, Francis Wright.

117 Leonard Street:

Mr. Antonio Demambro presents before the board, his wife and daughter are also present. The Demambro's are new residents of Gloucester, having purchased a home that has not been lived in for several years and sorely needs work. The permit request is to make improvements to, and modernize the kitchen.

No one spoke in favor of or against the application.

Mr. Parisi motioned to approve the application and Mr. Gardner seconded. Approved.

Assenting Votes: Kris Howard, Joseph Parisi, David Gardner, Sage Walcott and Francis Wright.

Previous meeting minutes submitted for review and accepted as follows:

April 27, 2017 motion to approve by Mr. Gardner and seconded by Mr. Parisi.

May 11, 2017 motion to approve with edit by Mr. Gardner and seconded by Mr. Parisi.

June 8, 2017 motion to approve with edit by Mr. Gardner and seconded by Mr. Howard.

Review of memo to Planning & Development prior to signature by Zoning Board of Appeals.

Mr. Nimon motioned to approve and sign the memo and Mr. Parisi seconded the motion.

A motion to adjourn was made at 8:42 p.m. by Mr. Nimon and seconded by Mr. Gardner.

Adjourned