



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

ZONING BOARD OF APPEALS

Meeting Minutes

7:00 P.M, August 24, 2017

Kyrouz Auditorium, City Hall

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

Alternates: Kris Howard
Adria Reimer-Nicholosi

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

Previous meeting minutes of July 27, 2017, August 10, 2017 and August 12, 2017 submitted for review. Mr. Gardner motioned to approve them at the next meeting of the Zoning Board of Appeals. Mr. Parisi seconded the motion.

Continued Business:

12 Souther Road:

Attorney Favazza and client present, submitting an affidavit of signature with Mr. Morgan as trustee an authorized signatory. Three letters of support also submitted. Attorney Favazza also reminded the board that view is not part of the decision criteria when asking for a height exception.

Mr. Wright asked if a variance was still being requested, as new plans do not show the side staircase. Attorney Favazza indicated that the variance request is withdrawn.

Attorney Mark Nestor presents for abutters at 11 Tragabigzanda Road and 4 Souther Road, in opposition. Clients are year round residents; the applicant is seasonal and has been saying he would be year round after retirement, since 2004 and it still has not happened. He presented a letter of opposition from Dr. Stelluto who was not present at the previous meeting.

Martin Delvecchio asked to clarify for the board his position on the decision reached in 2004 – He indicates he did not oppose the compromise but instead, voiced his concern about the roof deck and asked that the board restrict it to the front half and not allow it on the back half of the building. The board agreed to this request and indicated it would be reflected in the decision.

Dr. Michael Stelluto, 21 Briar Road, was opposed to the original request in 2004; he also opposed the compromises made regarding the deck at that time.

Laura Flessel, 460 El Centro, Hillsboro, CA daughter of Dr. Stelluto spoke to the nature of the neighborhood in which she grew up and her hopes to keep her father's home in the family so she may continue to return to Gloucester. She urged the board to carefully consider all aspects of this request. Common sense asks how one would feel if a neighbor encroached on your property. There is something to being a good neighbor.

Michelle Delvecchio, 11 Tragabigzanda Rd, urged the board to deny this application as it will block light and the view from her home and more specifically her kitchen which she indicated is also her studio.

Attorney Favazza returns to the podium in rebuttal, some of the facts and comments made in opposition were incorrect. Compromise has been brought up, repeatedly, and his client is offering compromises. Does his client not count because he is not a year round resident? There have many offers to compromise, and none accepted.

Dennis Morgan, 12 Souther Rd, owned for 37 years and is not a new comer. He will not exceed the height limit, those around him and opposing him are well above the height limit. He does not complain that his neighbors block his ocean views. He is not increasing conformity or height.

Discussion of the board ensued, Mr. Nimon indicated it is important to remember the character of the neighborhood and what defines "neighborhood. Mr. Gardner spoke to the term being elastic in nature, that each case is different, in this case the immediate houses and golf course, perhaps some down the street. It is different in every case. The board must be sure that whatever decision made is based on law, statute, and not emotion. Mr. Parisi noted that in reviewing the standard to be applied, the existing non-conforming use vs. the proposed non-conforming use, will it or will it not be more detrimental to the neighborhood. Mr. Howard voiced his feeling as to what the neighborhood consists of, it reaches out a bit further, parking seems adequate and he does not feel it is detrimental to the neighborhood.

Vote of the board: Denied

In favor: Mr. Parisi, Mr. Howard, Mr. Wright

Against: Mr. Nimon, Mr. Gardner

7 Birch Grove Heights:

Mr. Wright noted he was not sure whether the application for a customary use request is correct or should it be a variance request for more than one principal dwelling on a lot. Mr. Sanborn indicated it does not become a principal dwelling because there is no kitchen. This is a garage with living quarters and a bathroom above it.

Board discussion began with Mr. Gardner stating in the past the board has allowed bathrooms in accessory buildings, perhaps not bathrooms and bedrooms, but bathrooms have been allowed. In reality, families are staying together longer, or kids move out and then back in. Many homes have

large garages with unutilized space above them. He would not be against this application as long as there are some restrictions placed upon it. Mr. Parisi stated the biggest concern should be having people building a 2-story garage and later applying to put in bedrooms on the second story. He would vote for the application if treated like a use variance and upon transfer of ownership of the property, this use variance goes away. Mr. Wright spoke of in-law apartment rules, setting precedent and how to assure that this particular space does not turn into a rental unit “down the road”. Mr. Howard asked if this is a finished space.

Joseph Orlando, 7 Birch Grove Heights, described the garage, it was built with the house 16 years ago. The garage was built to store his cars and hobby equipment. There is electricity going to the garage already.

Vote of the board: Denied

In favor: Mr. Parisi, Mr. Gardner, Mr. Wright

Against: Mr. Walcott, Mr. Nimon

New Business:

11 Pirates Lane:

Anne Demeter, President of the North Shore Arts Association of Gloucester presents this evening requesting a variance for a sign painted on the side of the “Paint Factory”. The font would be historic in nature and the sign would be approximately 104 square feet in size. There would be no lighting added to the sign.

Speaking in favor:

Carl Frank, Rocky Neck Art Colony in support of the organizations request, it is tasteful and will be in keeping with the look of the waterfront.

No one spoke in opposition.

Vote of the board: Granted

In favor: Mr. Gardner, Mr. Parisi, Mr. Walcott, Mr. Nimon, Mr. Wright.

17 St. Louis Avenue:

Owners Diann & Stephen Scuffidi present this evening as new owners of the property, this 100-year-old home was previously owned by Clarence Birdseye; they are looking to do some renovations outside with egress and stairways, to make it safer. Interior restoration has happened over the last 7-8 months and now they are turning their attention to the exterior and updating stairs and railings to bring them up to code as well as for exterior esthetics. They also contacted all abutters, invited them to come and view the designs, and received positive feedback from all.

Vote of the Board: Granted

Voting in favor: Mr. Nimon, Mr. Parisi, Mr. Gardner, Mr. Wright, Mr. Walcott

Board discussion and update regarding Zoning Administrator. This individual will be responsible for putting together and verifying all paperwork required when submitted and then send the application to the board for review, public hearing and vote. There will be full notice to neighbors, advertised in newspaper and the public will have the opportunity to speak at the hearing.

New alternate member, Adria Reimer-Nicholosi welcomed to the board.

Mr. Parisi made a motion to adjourn and Mr. Nimon seconded the motion.

Meeting adjourned at 9:00 p.m.