



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

ZONING BOARD OF APPEALS

Meeting Minutes

7:00 P.M, January 11, 2018

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: Adria Reimer-Nicholosi

The Chairman called the meeting to order at 7:05 p.m.

**Continued Business:**

**952 Washington Street:**

Attorney Deborah Eliason presents before the board this evening with the applicant as well as Engineer, Dan Ottenheimer. This home was purchased in 1999 and they are looking to add a modest addition as well as a deck, largely over the footprint over the existing deck. The existing deck is 330 square feet, after rebuilding it will be 309 square feet. This addition is designed to minimize impact to the neighborhood with a single story addition only. There are letters of support on file. There is a hardship due to the topography of the property as well as flood plain.

Mr. Ottenheimer described to the board the existing structure and the addition to be added if application is approved. Mr. Sanborn asked about the flood elevations, where is the first floor in relation to the flood elevation which appears to be 20 feet. Mr. Ottenheimer reviewed the drawing with the board and the elevation was determined to be appropriate.

No one spoke in favor or in opposition.

Vote of the board: Approved

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

**8 Aileen Terrace:**

This hearing was closed at the previous meeting. It was continued to this date affording the board time to read all the materials submitted during the hearing process. Chairman Wright reiterated the requests in the application for the record and noted that plans dated December 14, 2017, submitted at the last

hearing will be the plans that the board is voting on. These plans differ by addressing several issues including privacy concerns for the resident at 7 Aileen Terrace, and placement of the structure including situating the garage further from the Alvarez property and closer to the owners home, as well as pulling 7 feet closer to Aileen Terrace and away from the ocean.

Mr. Gardner complimented the attorneys from both side for their presentations. He felt this was more complicated than it had to be. A two-car garage with a second floor to house an office or workout area for the owner. In his opinion this is request is consistent with the character of the neighborhood, the applicant is doing a major renovation of the main house which is going to be very attractive when completed. He noted that many of the homes in this area, this neighborhood, have garages with a second story, some with an apartment, others with workout or work areas. He does not agree with the argument of obstructed views. This garage is not detrimental to the neighborhood; the abutting property has a five to eight foot high wall that obstructs all view of the water, then you also have Eastern Point Yacht Club further down and then the Coast Guard Station with all the view anyone could want. Overshadowing or overcrowding is not an issue, this is an approximately 1.2 acres of land, that is 55,000 square feet, he just does not see overshadowing from this garage, there are already trees on the property between the homes, on the property line. Utilities are more than adequate in the area and there will be no negative impact. The topography of the lot is mostly made up of ledge, this limits placement of the garage as well. Regarding the request for a special permit for accessory use is not uncommon, this is triggered by the wishes to add a half bath to the second floor of this garage, he does not feel this would be any type of detriment to any neighbor nor would it have a negative impact on public health and safety.

Vote of the board: Approved

Voting in favor: Mr. Gardner, Mr. Parisi, Mr. Walcott, Ms. Reimer-Nicholosi, Mr. Wright

After the vote Chairman Wright reviewed the criteria the board uses when making a decision, he touched on each point and the requirements to meet such criteria.

Attorney Nathaniel Stevens came forward and thanked the board for their work. He noted an issue was raised by opposition regarding a need for special permit, as the garage constituted an expansion of a single-family non-conforming use. In a letter dated October 17, 2017 to the board, a ruling was requested stating a special permit was not needed. Chairman Wright stated that special permit is not required, had it been requested, it probably would have been granted but, it was not requested.

### **New Business:**

**47 Perkins Street:** Attorney Mark Nestor presents for the applicant seeking a special permit to convert from two family to three family dwelling. In 1985, a special permit to convert from single to two family dwelling was granted. It was discovered in 2007 when Mr. Aiken purchased the house from his mother that she never followed up on the permit. The conversion was done on the existing building, which has been there since 1900. The renovations inside happened around 1992 according to the Assessors card. It has been taxed since that time as a three family home. The footprint of this building has not changed since built in 1900. Parking is not an issue as there are four spaces for the dwelling and ordinance requires one space per apartment/dwelling space. Mr. Sanborn noted this is a problem he encounters frequently, many Zoning Board applications that were granted to convert from one to two, three to even four family and even states it is granted and the applicant can go to City

Council but there is no record that they ever went to City Council. He is not sure if in 1985 a petitioner was required to file a decision however, it does state in the decision itself that it must be filed.

A petition of support from abutting neighbors was provided to the board.

No one spoke in favor or in opposition of the application.

Vote of the board: Approved

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

### **53 Gloucester Avenue:**

Attorney Joel Favazza presents this evening with the applicants for a special permit to allow petitioner to expand a preexisting nonconforming use, in this instance it is the number of automatic amusement devices on the premise at one time. Prior to Attorney Favazza's presentation, Mr. Sanborn gave a background on this application; City ordinance states more than five automatic amusement devices require a special permit, five devices or less do not require special permit, once a facility goes over five machines, it becomes classified as an Arcade. This facility has over 20 machines, 22 in total at this time. The total number of machines would cap at 25 machines. This special permit gives the owners the ability to switch out machines as popularity and availability demands as well as giving them the required permits to operate in the capacity of Arcade.

Attorney Favazza recounted the history of Cape Ann Lanes; photos were submitted showing the bowling alley and the leagues that bowled there over the years. The prior owners were contacted; they provided additional background and photos as well dating back to 1975.

Mr. Wright asked Attorney Favazza if he knew whether the plethora of letters received regarding this application were from abutters or from people all around town, patrons of the bowling alley. Mr. Favazza indicated they were from patrons, abutters and neighbors of the bowling alley.

Speaking in favor:

Amanda Cook, 10 Knowlton Square, and her son, Sam; this is a great resource for children and parents a place to go and bowl, play games and have fun. Sam said it is fun to have the chance to play arcade games and get to bowl with his friends.

Jim Downey 108 Mt. Pleasant, the bowling is great for fundraisers, parties and other essential uses. It would be a shame to lose this establishment; he and his children learned to bowl there.

Angela Taormina, 42 Gloucester Ave, her children love the bowling alley and go there all the time.

Amber Gaumnitz, 8 Lincoln St, her 11 year old son enjoys the arcade and all the fun involved with it. This city is dealing with an opioid crisis and there aren't many places in the city for people trying to socialize while dealing with this. The bowling alley, while it does have a bar, provides such a space for these folks.

Joe Giacalone 16 Gould Ct, the owners are responsible and respectful neighbors, this is a valuable business to our city. There is no negative activity outside such as brawls and drunken behavior. There

is no issue with parking, using the parking across the street from the bowling alley is not detrimental, in fact, it is a benefit.

Steve LeBlanc 9 Carlisle St, a member of city council since 2011 and has had one complaint since joining in 2011 and that was last week. He spoke with the person that filed the complaint and decided to look into this himself. He stayed at the bowling alley for about half an hour, seeing many happy families enjoying the facility. He then went back on a league evening and everyone had good things to say about having the bowling alley in the city. On a Saturday afternoon one of the owners asked why he was there and he indicated there was a concern from one neighbor and he was checking it out. He supports this establishment as the asset it is to the city. He does not belong to a league there; he does not bowl. This is a safe place for children and families.

Mr. LeBlanc read a letter from Drew Tarr, 215 Washington St into the record supporting the application as well.

Attorney Mark Nestor, as Commander of the Captain Lester S. Wass American Legion Post 3, this facility provides a place for veterans to gather, decompress and socialize, the owners have reached out to the Veterans Clubs offering a safe environment for them to gather. They created a veterans bowling league. This is the only one Commander Nestor has seen do this for veterans in this city. This is an asset to our city and veterans.

Denette Bruni, 26 School St, a 52-year resident, her family loves it, it is an integral part of their life, without video games, the kids won't have anything, they won't bowl and they won't have any fun. This is a place for them to go, to stay off the streets.

Speaking in opposition:

Russell Enslow, 5 Springfield Street, adjacent abutter, he sees things going on there that other people don't see. No objection to the bowling alley, when it built that is what it was built for, bowling. No objection to someone making a living. Since purchasing his property 1.5 years ago, he has spent a lot of time cleaning it up, since that cleanup, he has found four hypodermic needles. The machines would be ok if they are quiet, but at 11:00 or 12:00 in the evening, it is echoing through the neighborhood especially due to the construction of the building. There should be a shut off time for the machines.

Susan Enslow, 5 Springfield Street, lives adjacent to the bowling alley, born and raised on Cape Ann, quoted MGL Chapter 140, Section 179 and Article 3 Section 30 Gloucester Ordinance. As well, Mrs. Enslow takes exception with the patrons of the bowling alley using the opposite side of Gloucester Avenue for parking when using the bowling alley, why should the owners of the bowling alley benefit from the use of a state road for parking.

In rebuttal, Attorney Favazza stated his clients deny any allegations of poor business practices, this is a bowling alley, there are sound proof tiles inside the building to dampen the noise, this establishment is a neighborhood standard, many neighbors support the business as well as many citizens of this city.

Mr. Parisi noted that he has lived here all his life and has seen the success of this establishment since it opened; there were hundreds of people going there to bowl in leagues. This alley was so important to the town that when it closed a local businessman purchased it and invested a significant amount of money to update it and put in soundproofing. To become successful in this day the video games and cosmic bowling are a necessity to stay open. It helps keep kids off the streets.

Vote of the board: Approved.

Voting in favor: Mr. Parisi, Mr. Walcott, Ms. Reimer-Nicholosi, Mr. Nimon, Mr. Wright

**10-1/2 Clarendon Street:**

Attorney Mark Nestor presents with the applicants this evening along with Michael Hargidon of Hargidon Design is also present. The applicants would like to renovate the first floor of their home and add to the home at the back. When this project is completed, the footprint will be reduced by four square feet. Mr. Hardigan stepped forward and reviewed the plans for the addition with the board. Copies of the presentation were included in the application.

No one spoke in opposition.

Attorney Nestor presented a signed petition from abutting neighbors in support of the project.

Vote of the board: Approved

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

**27 Fort Hill Avenue:**

Joe Ann Hart, 27 Fort Hill Avenue, presents before the board, they would like to install solar panels on the property which would be located on the ground as opposed to on top of a structure. Mr. Wright asked if the neighbor of the abutting property, where the solar array would be located had been advised of the plans and if they were in support of the project; the Audubon Society is in favor of the project, their contact there, Carol Decker is supportive and thinks it's a great idea. Mr. Gardner asked how many panels will be erected and she deferred to one of the members of the company that sold her the system. Mr. Nathan McCarthy of Solar on Earth, Ayer, Mass, answered that the 8.64-kilowatt system will have 24 panels. The length of the array will be 39 feet long; it will be 11.5 feet wide, at its highest point it would be approximately 9.5 feet high at the very back of the array.

No one spoke in favor or in opposition of the application.

Vote of the board: Approved

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

**48 Gee Avenue:**

Giuseppe Taormina, 42 Gloucester Ave, owner of the property presents before the board for a special permit to convert from one family to a two family dwelling and a special permit to enclose a deck and extend it to the backside of the house. Plans for the renovation were provided to and reviewed with the board. Mr. Wright asked when this project started and the answer was, May of 2017. The owner has not occupied the residence yet.

No one spoke in support or in opposition of the application.

Vote of the board: Approved

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

#### **4 Blueberry Lane:**

Mr. Wright recuses himself. The applicants present this evening requesting a special permit to convert from a single family to a two family dwelling. The home was built in 1960; the one bedroom apartment has existed and was there when they purchased the dwelling.

Mr. Gardner asked if there are any other two family homes in the area and the answer was yes, this home was converted prior to the purchase by applicant, they don't know when the apartment was added.

No one spoke in support of the application.

Speaking in opposition:

Bill Helmuth, 7 Juniper Rd, an abutter on the back of the property. He has a conditional objection, they are very good neighbors but he has invested much in his home and his secluded backyard, a shed and some greenery was taken down, this was part of the privacy he had and now his backyard is exposed to the driveway of his neighbor. He would like to ask for a stipulation that the owners of the property put up a privacy fence to help reestablish the privacy he had and to shield from the additional traffic generated by the second apartment.

Mr. Sanborn suggested adding a condition that screening be installed between the properties, there was discussion between all parties as to what type of screening would be adequate and at the end of the discussion it was agreed that a screening of some type, yet to be determined, will be put in.

Vote of the board: Approved

Voting in favor: Mr. Gardner, Mr. Nimon, Mr. Parisi, Mr. Walcott, Ms. Reimer-Nicholosi

Mr. Wright motioned to continue Executive Session to January 25, 2018 as well as election of officers. Mr. Nimon seconded.

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

Adjourned 9:02 p.m.