



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

ZONING BOARD OF APPEALS

Meeting Minutes

7:00 P.M., April 12, 2018

Kyrouz Auditorium, City Hall

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

Alternates: Kris Howard  
Adria Reimer-Nicholosi

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

Previous meeting minutes of March 29, 2018 submitted for review, Mr. Wright motioned and Mr. Parisi seconded to accept as written.

**Continued Business:**

**87-R Wingaersheek Rd:** Attorney Mark Glosky returns before the board, at the prior meeting the board had requested a revision to the plan. Plans submitted to the board for review 2 days prior to the commencement of the hearing. He then asked Lee Dellicker, CEO of Windhover Construction to review the newest submission for the board. Mr. Dellicker stated he has been involved with the project since day one, they have worked very hard on a very tough site, it is very narrow and they are trying to squeeze a lot into a tough site. Not only for enjoyment of the owner, but for the neighbors as well. They feel that the modification to the covered front porch was not well received therefore, they removed the roof. As to the side porch, since the last meeting they looked at the suggestion to pull a piece of it back which they looked at it both covered and uncovered, without a porch at all as well. They came back to the original plan because they decided pulling the roof off would leave the house looking pretty much as it does today. They felt this was a better spot to create an outdoor deck space. As well, they did hear the Conservation Committee loud and clear, they want people to come up the front entrance and stay off the dunes, they agreed to keep the structure high enough, put in plantings and signage not to walk on the dunes. Mr. Dellicker indicated he felt the deck in this spot was what Conservation wanted, by having the deck there to prohibit people walking back and forth on the dunes. Architecturally this seems the best solution. He stated that many options were considered, however, they came back to this one even though it is not what the board suggested.

Mr. Sanborn asked if anyone else could access the beach via this property other than the owners. The answer was to the best of Mr. Dellicker's knowledge there is no legal right of way there.

Mr. Parisi stated he does not understand where the hardship is if it is just because the porch is where the applicant would like to have it. The hardship argument originally stated was access was needed to get from front to back porch without going through the house and that was why the suggestion to pull the porch back was made. Leaving this porch the way it is, not pulling back as requested, does not make a hardship. Mr. Dellicker stated the hardship is the size of the lot.

Mr. Wright asked when the home was purchased; it was purchased 6 months ago; Mr. Wright indicates this is a self-inflicted hardship. She purchased this property with the knowledge of the size of the lot. Mark Glovsky indicated soil issues are the hardship. Mr. Gardner asked what happened to the deck being pulled back as requested at last meeting. Mr. Glovsky stated the covered porch was to be pulled back. Now the cover is off the porch, making it an elevated wooden walkway.

Dellicker re: want vs. need

Speaking in favor: No one.

Speaking in opposition:

J. Barry, 89 Wingaersheek Rd, spouse Carol Martini also here. Can't keep up with continued changes, there is 1,000 square feet of dune being destabilized as well a new deck on the second floor of the east side. If this is allow the area will turn into something like Salisbury Beach.

Mike Gallasso, 8 Pebble Path, also against project. Shrinking back the deck is apparently not going to happen, it is too close to property line, and the deck extension allows view directly into his bedroom. As well, given the fire that recently occurred nearby and destroyed the home, this is too much, too close and too dangerous.

Attorney Glovsky requested to withdraw the variance portion of the application without prejudice and leave the special permit portion before the board. Mr. Wright asked how he would vote on a plan that is not before the board. Mr. Glovsky indicated use the plan before them subject to the elimination of the deck on the east side of the house. Mr. Sanborn asked for clarification of that, elimination of the whole east side deck. Mr. Gardner stated he would rather have something in front of him to approve.

Should the application be approved Mr. Sanborn stated, the house should have a sprinkler system installed. He referred to the disastrous fire that occurred close by recently, and how close the homes are to each other this would be prudent. The board discussed whether they have the authority to put that condition in the decision, new construction vs. renovations.

Mr. Glovsky stepped forward and requested to withdraw the complete application without prejudice.

Mr. Wright motioned to approve the withdrawal and Mr. Parisi seconded the motion.

### **New Business:**

**5 Cleveland St:** Attorney Mark Nestor has submitted a written request to continue the hearing to May 10, 2018. Mr. Parisi motioned to continue the meeting to May 10, 2018 and Mr. Wright seconded the motion.

**5 Clarendon St:** Attorney Sal Frontiero presents this evening he outlined the lot and structure and the request in the application for special permit and variance. Recently purchased to renovate, upon beginning the project it was found that the structure was not fit for renovation and it would be better to tear down the existing structure and rebuild with additional square footage. Same footprint of existing house with add on.

Hardship it lot size and topography; the lot is long and narrow. There would be no public harm, open spaces would be maintained, parking available on the lot and there would be no overshadowing.

Speaking favor:

Ruth Mordecai, 4 Terrace Lane, next door neighbor, she has seen the plans, walked the lot and it is a fine project, she has no objections.

Speaking in opposition: No one.

Vote of the board: Approved.

Voting in favor: Mr. Parisi, Mr. Walcott, Mr. Howard, Mr. Gardner, and Mr. Wright.

**7-9 Ships Bell Rd:** Mr. Wright recused himself from this hearing as well as the following as they are for the same applicant. Attorney Joel Favazza presents this evening with the applicants, he submits modified plans showing a garage with no second floor this evening to the board. These are plans that the board has not seen prior to this meeting. Variances requested are only about moving the lot line. This could actually improve existing lot lines.

Mr. Gardner asked Attorney Favazza to clarify on the plans provided, the land being combined to add the garage; Attorney Favazza reviewed the land plans and pointed out the areas in question to the boards satisfaction.

Mr. Sanborn questioned if lot line moved, creating two new lots, does he lose the benefit of the side yard setbacks.

No one spoke in favor or opposition.

Vote of the board: Approved

Voting in favor: Mr. Parisi, Mr. Walcott, Ms. Reimer, Mr. Howard, Mr. Gardner

**9 Ships Bell Rd:** Attorney Favazza requested the withdrawal of the application. Mr. Parisi motioned to approve withdrawal of the application, Mr. Howard seconded. Withdrawn.

**27-B Decatur St:** Attorney Sal Frontiero presents on behalf of applicants requesting special permit and variances to allow the owners to build a two-car garage and breezeway. Variance hardship, shape of lot and location of home on the lot. No public harm, elimination of two cars parking on the road, Mr. Wright asked what the existing non-conformity is; it is the height of the existing building.

Mr. Gardner asked if the owner signed the application, a discussion ensued regarding condominium owners and associations and the record should reflect that the association authorized the application before the board.

Speaking in favor: No one.

June Roberts, owner of adjoining condominium at 27A Decatur Street, stepped forward and indicated each unit maintained separately, each side makes their own decisions and they will sign a document stating they are informed and agree to the submission of this application.

Speaking in opposition:

Jeffrey Papows, 5 Greystone, he owns the vacant lot across the street as well as a house across from the condos and he is adamantly opposed, condominiums already oversized on an odd shaped lot and on a hill. Overly congested now, no need to do more.

Mr. Sanborn and attorney Frontiero discussed the non-conforming height issue. The structure was erected in 2003, finishing construction in 2004.

Mr. Howard asked why garage placed where it is instead of being tighter to the building; Attorney Frontiero replied determined by the angle of a glass doorway, facing the driveway.

Vote of the board: Approved

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

**537 Washington St:** The petitioner presents this evening representing herself. She purchased the property last year; it is a small house on an oddly shaped lot, on the corner of two streets. It is a non-conforming house as well as a non-conforming lot; she would like to add a small addition on the east side of the home, to construct a better entry to the home. The existing entrance is located as such that it grants access through a living area. The addition would follow the current roofline. She would also like to change the roofline by an increase of two feet. This will open up the interior space on the second floor to make it more usable and functional.

Vote of the board: Approved

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

**900 Washington St:** Mr. Wright recuses himself. The applicants present a request for a special permit to convert their home from a single family home to a two family house. This request is due to the fact the home is a non-conforming structure built many, many years ago. The original intent was to have family occupying the two sides of the one family home, however this has changed and this change would create a rental space generating additional income for the owners. Letters of support from eight abutters/neighbors submitted to the board. There is off street parking for six cars on the property.

No one spoke in favor or against.

Vote of the board: Approved

Voting in favor: Mr. Parisi, Mr. Walcott, Ms. Reimer, Mr. Howard, Mr. Gardner

Mr. Parisi motioned to adjourn at 8:55 p.m. and Mr. Wright seconded.

Adjourned