



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

ZONING BOARD OF APPEALS

Meeting Minutes

7:00 P.M., September 13, 2018

Kyrouz Auditorium, City Hall

Board Members Present: David B. Gardner, Chairman
Joseph Parisi, III, Vice Chairman
Michael C. Nimon
Sage Walcott
Kris Howard

Alternate: Adria Reimer-Nicholosi
Michele Harrison

Also in Attendance: Bill Sanborn, City of Gloucester Building Commissioner
Alison Battle, Clerk of the Zoning Board of Appeals

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

Previous meeting minutes of submitted for review, motioned and seconded to accept as written.

Continued Business:

988 Washington St.

Richard Bernstein has returned to the board after altering his original plans. He is now seeking a special permit to alter/expand a non-conforming structure to enable petitioner to construct an addition without the deck. Mr. Bernstien discusses his new plan to construct the addition without the deck.

Speaking in favor: None

Speaking in opposition:

John Maney, 3 Compass Way

Informs the board that the revised plans submitted on August 31, 2018 for this meeting are not correct. They deck has not been removed just reduced in size and do not show the setback requirements. He feels the plans are unclear of intended work. He is concerned that Mr. Bernstein's survey points are not correct and asks the board to have Mr. Bernstein survey the lot before any work is done and ensure that the neighbors rights be respected.

Maryann McFhea, 6 Mnt. Locust Place

Discusses that Mr. Bernstein does not use his home at 988 Washington St. as his main residence and reiterates that her property was flooded by Mr. Bernstein.

George Sparacichino, 23 Flint Rock Rd., Lexington MA.

Owner of 4 Compass Way, as well as, the common way with the Maney's and does not want Mr. Bernstein to encroach on any of his property. Feels that he has plenty of land to do what he wants to do without the Special Permit or Variance.

Mary Marsetta, 8 Mnt. Locust Place

States that she does not support the new submitted proposal and feels that this is a precursor to Mr. Bernstein developing his home beyond a single family which would not be compatible with this neighborhood.

Rebuttal: Mr. Bernstein does not wish to speak

Discussion:

Mr. Parisi requests clarification on the amended plans submitted on 9.30.18, as they still show a deck on grade, however, Mr. Bernstein stated that the deck is gone.

Mr. Bernstien is ask to come forward and states that the non-conforming deck was removed and that what Mr. Parisi is seeing is a deck that conforms to the zoning ordinance.

The board informs the applicant that he cannot put an application before the board and leave out information. What has been presented in the application is false information and cannot be approved.

Mr. Bernstein requests a continuance to insure that his drawing are accurate.

Mr. Howard states that he would be okay with granting a continuance one more time to work with the building inspector but that this would be the last time. Mr. Gardner also states that he would support one more continuance, but the applicant must be sure to include everything with no questions.

Mr. Howard motions to continue this to the next scheduled hearing on 9.30.18.

Mr. Walcott seconds

All in favor: 4-0

*Mr. Nimon and Ms. Reimer-Nicholosi do not vote as they were not in attendance at the original meeting on 8.30.18

New Business:

677 Western Ave.

Anthony M. Capachietti of Hayes Engineering, Inc. submitted forms with the ZBA Clerk requesting for a continuance for 2 weeks due to an unforeseen scheduling conflict, the applicant is unable to have representation at tonight's hearing and would like to reschedule to the next meeting dated 10.11.18

Mr. Parisi asks Applicant to better mark the site and remove a sign that states "do not trespass unless you want to die" or he will not visit the site.

Motion by Mr. Parisi to grant continuance until 10.11.18

Seconded by Mr. Howard.

All in favor.

16-18 Cliff Rd.

Attorney Joel Favazza of Seaside Legal Solutions, 123 Main St. Gloucester is representing No Change LLC, seeking special permits to alter/expand a non-conforming structure and to exceed the maximum building height of an accessory building and a variance for side yard setback to enable petitioner to demolish existing garage and rebuild.

The garage is currently in disrepair and in need of replacement. The applicant will be reconstructing the garage on the same footprint and with the same height as the current structure, however it is

currently 2' more than is allowed. The hardship is that the current structure sits on the traveled portion of the way as Cliff Rd. is only 10' wide due to ledge in the area.

They are asking for the stress relief because the property was recently divided which created a new lot lines (a new lot). This wipes out any pre-existing non-conforming status that this lot previously had and requires the applicant to apply for the stress relief as if the structure didn't currently reside on the property.

Mr. Parisi asks for the zoning decision for relief for the house. Mr. Parisi answers that it is still in the design phase as the house sits in the middle of the new lot line and that they applicant does not think that the garage will last another winter, so they would like to replace it before it falls down.

Mr. Sanborn informs the board that if there is no variance to allow the house to be on 2 lots, than it is a zoning violation, which means that no permits can be issued until the zoning violation has been corrected. And states that it is the property that has the zoning violation, not just the house.

Mr. Gardner ask Mr. Favazza if he can provide a case that would give them permission to grant this.

Shawn Coakley, 18 Rd. Owner of 16-18 Cliff Rd.

Discusses the subdivision done in land court and his plans and timeline.

Atty. Favazza requests a continuance.

Mr. Nimon makes a motion to continue this matter to September 27, 2018

Mr. Walcott Seconds

All in Favor.

7 Squam Rock Rd.

Attorney Meredith Fine, 46 Middle Street representing Eliza T, Colby, Trustee Eliza T. Colby 2018 Revocable Trust seeking a variance for rear yard setback to enable petitioner to add a 2 car garage addition with storage and study above to their home at 7 Squam Rock Rd.

Atty. Fine discusses that the applicants are requesting relief for 13.9' to build this structure because this is the only place on the property that if could be built and discusses the topography of the land and it's large outcropping of granite on both sides of the house.

Mr. Josh Fenollosa, 197 Broadway, Arlington MA.

Discusses the plans of the garage.

Ms. Harrison asks if there is a bathroom being put in. Mr. Fenollosa answers that there will not be one.

Speaking in favor: None

Speaking in opposition: None

Discussion:

Mr. Parisi finds that there is a hardship due to the topography (ledge) of the land and that this addition of a 2 car garage only affects the applicants land as it will not be seen by the neighbors and motions to grant the variance.

Motion by: Mr. Parisi
Seconded by: Mr. Howard
All in favor.

Motion to adjourn was made at: 9:34pm
Motion by: Mr. Howard

All in favor.