



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

ZONING BOARD OF APPEALS  
Meeting Minutes  
7:00 P.M., September 27, 2018  
Kyrouz Auditorium, City Hall

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

Alternates Present: Michele Harrison

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

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

**Continued Business:**

**10 Old Bray St.** Gabriel P. Rossi III seeking special permit to alter/expand a non-conforming structure and variance for front yard setback to enable petitioner to construct a deck onto the existing building. Mr. Rossi was not in attendance for this meeting.

**Discussion:** Mr. Gardner motions to continue the application to the next meeting on October 11, 2018, and asks the Clerk Alison Battle to call Mr. Rossi and let him know that he needs to return.

Motion: Mr. Howard  
Second: Mr. Walcott  
Vote: All in favor

**988 Washington St.** Richard Bernstein, seeking a special permit to alter/expand a non-conforming structure to enable petitioner to construct an addition.

Mr. Gardner reads a letter from Mr. Bernstein that was submitted to the ZBA Clerk before the meeting requesting that he be allowed to withdraw his application without prejudice.

Motion: Mr. Walcott  
Second: Mr. Howard  
Vote: All in favor

**16-18 Cliff Rd.** No Change LLC seeking special permits to alter/expand a non-conforming structural and to exceed the maximum building height of an accessory building and variance for side yard setback to enable petitioner to demolish existing garage and rebuild.

Attorney Favazza, 123 Main St., Gloucester, representing No Change LLC requests to withdraw their application without prejudice as the client needs more time to solve the long term issues on this site and return with a more comprehensive plan.

Motion: Mr. Parisi

Second: Mr. Howard

Vote: All in favor.

### **New Business:**

**6 Langsford St.** Atty. Meredith Fine, 46 Middle St. Gloucester, representing Holly Chiancola of Ipswich Bay Realty Trust, is seeking a special permit to convert from a two family dwelling to a 3 family dwelling.

Atty. Fine is concerned that the ad and agenda do not state the variance for parking. The board discusses this and Mr. Sanborn informs the board and attorney that the variance for parking is stated in the application and the property was advertised, giving residents plenty of time to come into 3 Pond Rd. and view the application.

Atty. Fine discusses the submitted project and states that Ms. Chiancola would like to create a small studio apt. and is not changing the outside of the building in any way. Atty. Fine shows the board some diagrams of the proposed project.

Mr. Sanborn brings up that there was a previous building permit issue where an inspector had to go out to the property and stop the work and this is discussed.

Mr. Gardner asks if the applicant is going to put in parking as there are no site plans in the application for parking. The board discusses the rules on changing the use vs. the number of parking spaces.

Atty. Fine asks if a variance is actually necessary as the building is not going to be changed.

The Board doesn't understand why she wouldn't as they are changing the use from a 2-3 family and the lot area required is not being met as the project doesn't meet lot area per dwelling.

Atty. Fine continues to explain how the Applicants request for a special permit to convert the home from a 2-3 family meets the ZBA's requirements as the majority of these homes are already multi families and it is located in an already dense neighborhood. Mr. Sanborn confirms that the applicant does not meet the lot area per dwelling.

Atty. Fine asks for a continuance to bring back more specific plans and information on the request for a variance for parking and would like the board to re-advertise the ad for clarification.

The board would like to hear from the residents attending the meeting and wishing to speak before making a ruling for a continuance.

**Speaking in favor:** None

**Speaking in opposition:**

**Deborah Kang, 8 Langsford St.** Ms. Kang has resided at this address for 27 years, and comments on Atty. Fine's information presented and apposes her request for a continuation. She also reads her submitted letter for the record which includes a petition of 26 residents.

**Dave Millhouser, 7 Langsford St.** has lived at this address since 1986. He discusses the issues with the amount of traffic in the area and the traffic driving too fast. He discusses the current tenants parking on the front lawn and the hazards of them getting on and off of this area.

**Lawrence Hawkings, 4 Langsford St.** discusses his love living in this area, however, feels that this lot is too small and traffic in the area is an issue.

**Edward Kang, 8 Langsford St.** would like to expand on points that Debbie Kang made previously. He discusses the previous construction on the shed/garage at in question and his concern with parking. He states that parking will need to be at an angle on the step tank which will create a drainage issue and requests a drainage plan be submitted. He discusses the grass and sea stone driveway and how this will be the primary egress for the residents. He is also concerned with the rodents living under the buildings porch and that more tenants will bring more trash and more rodents.

**Horace Turner, 523 Essex Ave.** asks if there is a site plan with the application and states that if there is not one than it is incomplete and would answer many of these questions.

**Rebuttal:** Atty. Fine addresses some of the concerns addressed in opposition and points out that many of these concerns do not fall under this board's jurisdiction. She feels that they are Conservation issues and states that this property does not require Conservation review. Atty. Fine requests a continuance.

**Comments:**

Mr. Parisi clarifies to the abutter's that what is going on inside the building is not this boards concern. The structure is what the board must consider and that is not being changed per this application. He states the only issue that the Zoning Board of Appeals can take into consideration is the parking. Mr. Howard asks if the site plan can be marked up to show where the driveway will be. The board needs to be able to understand where the cars in the proposed driveway will be turning around.

Motion: Ms. Harrison motions to continue to next meeting on 10.11.18, so that a site plan can be provided.

Seconded: Mr. Parisi who also states for the record that the parking is a special permit not a variance.

Vote: All in Favor.

**17 Stanwood Point** Atty. Joel Favazza, 123 Main St. Gloucester speaks on behalf of Anthony F. Favalaro Trustee seeking a special permit to alter/expand a non-conforming structure to enable petitioner to construct an addition to front of house for a third bedroom and enclose part of a deck on the rear of the house to make it a 3 season sunroom.

Atty. Favazza states that the existing structure is non-conforming regarding the rear and right side yard, as well as the lot itself as far as lot area and frontage. The setback for the addition will be no further back than the rest of the house and the footprint of the proposed sunroom is just enclosing the deck that already exists. No increase to non-conformity and no detriment to the neighborhood.

Mr. Sanborn asks if the Atty. looked at the lot width. This is an R-20 area and Mr. Sanborn questions if the Applicant needs a variance as they are not sufficient in lot width. Atty. Favazza argues that they are not creating a new non-conformity but increasing the existing non-conformity. After observing the plans, Mr. Sanborn agrees and states that only a special permit is needed.

**Speaking in favor: None**

**Speaking in opposition: None**

**Discussion:** Mr. Parisi moves to approve the project based on that this is an increase in non-conformity in lot width but it is not more substantially detrimental to the neighborhood.

Motion: Mr. Parisi

Second: Mr. Howard

Vote: All in favor

\*Ms. Harrison adds that this project is definitely an improvement and that they have the best house in the neighborhood.

**399 Western Ave.** Ronald and Joyce Sheedy are seeking a special permit to alter/expand a non-conforming structure and a variance for a side yard setback to enable the petitioner to erect a sunroom on an existing deck.

Jesse DeBenedictis, 10 Lynwood Ave, Gloucester is representing the Sheedy's and describes the project in more detail. He states that the proposed enclosed sunroom will have a small deck off of it that will serve as access to the new sunroom. He also states that this project will not be any further to the property line than the existing deck already is. Mr. Parisi questions if only a special permit will be needed in this case, but the board finds that variance is in fact needed, as the plans show that they will be 2'3" closer to the property line than they currently are.

Ms. Harrison asks if the 2 sheds that are on the property will remain and questions the distance between them and the new construction, which should be 20'. Mr. Gardner and Mr. Sanborn state that they have over the 20' and that this is not an issue.

**Speaking in favor:**

**Mr. Potter, 7 Herd's Hill** informs the board that he is in favor of the proposed plans.

**Speaking in opposition:** None

**Discussion:** Mr. Howard motions to approve the application for a special permit and variance as the changes that they are making are minor. He feels the variance requested for the setback is only 2' from where the building already is located. He also states that though this is an increase in non-conformity, it is only a slight increase and will not be more detrimental to the neighborhood, but an improvement.

Mr. Howard goes on to discuss that the hardship arises from the shape of the lot and will not be detriments to the public good. The current deck is falling apart and rotting and something needs to be done.

Motion: Mr. Howard

Second: Ms. Harrison

Vote: All in favor

**148 Concord St.** Patrick Marshall is seeking a special permit to enlarge existing single family home and convert it to a two family home. Mr. Horace Turner, 523 Essex Ave. is representing Mr. Marshall. Mr. Turner discusses the proposed plan of a 26' x 30' garage with a living area above and a sun and mudroom attached to both the garage and existing structure for their daughter to live in. The property is a 10 acre property with plenty of room to build this garage while meeting all the necessary setbacks. The land that abuts the home is the family's farm stand and nursery.

Ms. Harrison asks where the new tenants will be parking. Mr. Turner states that the new garage will be parking for the above tenants and that the original building already has adequate parking.

Mr. Gardner asks for clarification on the submitted plans drawn up by John Judd, as some errors were found and Mr. Turner is able to answer all of the Boards questions.

**Speaking in favor:** None

**Speaking in opposition:** None

**Discussion:** Ms. Harrison motions to approve the request for a special permit as it is consistent with the character of the neighborhood and will not adversely affect the neighborhood.

Motion: Ms. Harrison

Second: Mr. Howard

Vote: All in favor

**Motion to adjourn was made at:** Mr. Gardner calls for a motion to adjourn at 10:04 p.m.

**Motion by:** Mr. Walcott

**Second by:** Mr. Howard