



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

**ZONING BOARD OF APPEALS
Remote Participation Meeting Minutes
July 9, 2020**

Board Members Present:

Joseph Parisi III, Chairman
Catherine A. Schlichte, Esquire, Vice Chair
Adria Pratt, Esquire, Secretary
Michael C. Nimon
Peter Cannavo

Also in Attendance:

Bill Sanborn, Building Commissioner
Alison Battle, Clerk

The Chair introduces the members, declares that there is a quorum and gives the public an overview of the proceedings that pertain to all open hearings.

Minutes:

Ms. Schlichte moves to approve the Minutes of 6/11/20 and 6/25/20 as they are written.
Mr. Nimon seconds
All in favor, 5-0

Old Business:

24 Kondelin Rd.

Joel Favazza, Esquire of Seaside Legal Solutions, 123 Main St. Gloucester is representing, DLM Properties, LLC appealing the Building Commissioners decision that metal dumpsters are a structure and need to meet front yard setback requirements. If unsuccessful in the appeal the Applicant seeks Variances for front yard and side yard setbacks and Variances from Section 4.1.4 (A) (7, 8, 9) to allow a parking area within one foot of the external property line and Section 4.5.1 to allow an existing parking area and industrial uses to remain unscreened.

Ms. Pratt states that she received a message from Attorney Favazza stating that he is held up at a Planning Board meeting and requesting to continue this application the next meeting.

Ms. Schlichte motions to continue this application to the 7/30/20 meeting.
Mr. Nimon seconds
All in favor, 5-0

7 Beacon St.

Petition of Dale Gillette seeking Special Permit 10 9 for the alteration or expansion of non-conforming structure to allow installation of a spiral staircase for second floor apartment seconds means of egress.

Mr. Nimon recuses himself.
Mr. Gillette gives the Board a brief description of why he is here this evening.

This house was listed as a two family when purchased, however when Mr. Gillette went to the Board of Health for occupancy, he was told that it is no longer compliant for a two family as it lacks a second means of egress. Mr. Gillette is requesting to put a spiral staircase in the bedroom as a second exit.

Mr. Nimon asks the Building Commissioner why this is not okay anymore.

Mr. Sanborn discusses the changes in the Health Code.

Speaking in Favor: None

Speaking in Opposition: None

The Chair calls for discussion by the Board or a motion.

Ms. Schlichte moves to approve a Special Permit 10 9 for the alteration or expansion of non-conforming structure to allow installation of a spiral staircase for second floor apartment seconds means of egress.

Mr. Cannavo Seconds

All in favor, 4-0

New Business:

8 Cove Way

Petition of Kevin Borselli seeking a Special Permit 2.3.7 # 21 customary accessory uses other than those listed in 2.3.7 to allow addition of dormer of existing detached garage roof, second floor of detached garage to have bedroom, full bath, washer/dryer and seating area.

Kevin and Stephanie Borselli are present to represent themselves. This house was purchased by The Borselli's in 2019. They are requesting to improve the arch on the garage by adding a dormer that will match the existing dormer. The loft area above the garage has a bedroom and full bathroom for guests. The septic has been upgraded and will support the additional bathroom and has been signed off by the Board of Health.

The Chair calls for questions by the Board.

The differences between the newly proposed and existing dormers are discussed

Mr. Sanborn adds that in 1986 the previous owners were allowed to add a full bathroom above the garage. Something that the Board does not currently allow in a detached garage.

The Applicant states that he has no plans to rent this space. It is only for guests.

Mr. Sanborn suggests adding restrictions to not allow Air B&B or long term rentals.

Speaking in Favor: None

Speaking in Opposition: None

The Chair calls for discussion by the Board.

The Board discusses how to regulate the no rental conditions and no addition of a kitchen above the garage.

Ms. Schlichte moves to approve a Special Permit 2.3.7 # 21 customary accessory uses other than those listed in 2.3.7 to allow addition of dormer of existing detached garage roof, second floor of detached garage to have bedroom, full bath, washer/dryer and seating area with conditions that no kitchen is added to the garage and no rental of the garage only.

Mr. Nimon Seconds

All in favor, 5-0

33 Emerson Ave.

Adam Costa, Esquire of Mead, Talerman and Costa, LLC, 30 Green St., Newburyport, MA is representing, Dunfudgin LLC seeking Special Permit/Use 2.3.4 # 13 to allow use of the property for marine storage to park up to 61 boats on trailers and associated marine storage in containers/trailers.

Atty. Costa gives the Board a brief description of the requested relief.

Marine related storage is allowed by Special Permit in this area. The Applicant is proposing to utilize this vacant parcel of land for the parking of boats and other watercraft on-trailers and marine storage in containers/trailers. The proposed project includes temporary, long term parking for 61 boats and other watercraft on trailers and 16 storage containers/trailers and (3) vehicle parking spaces. There will be no boat washing, repairs or maintenance done in this area except for emergencies. The area will be fenced in with lighting and security.

Speaking in Favor: None

Speaking in Opposition: None

The Chair calls for discussion by the Board.

Ms. Schlichte states that she would like to hear from the Harbor Master.

Atty. Costa informs the Board that the Applicant, Joe Borland, walked the site with the Harbor Master and that he saw it as beneficial as it will give the area traffic relief during the busy season.

Ms. Pratt asks Atty. Costa if they have spoken to Pathways, who is the neighbor of this site.

Mr. Borland and Atty. Costa answer that there is no impact to Pathways.

Mr. Cannavo requests that they define emergency repairs and Atty. Costa replies that it would be trailer mobility to get the boats out of the water.

Mr. Sanborn informs the members that this is the first step in the permit process. If approved they will need to go before City Council.

Mayor Sefatia Romeo Theken informs the Members that she is speaking to the Harbor Master on the phone and that he has no concerns with the proposed project.

Mayor Romeo Theken put Harbormaster Thomas Ciarametaro on speaker phone and he states that he has done (2) walk throughs and is in favor of the project.

Ms. Schlichte moves to approve the Special Permit/Use 2.3.4 # 13 to allow use of the property for marine storage to park up to 61 boats on trailers and associated marine storage in containers/trailers.

Mr. Nimon Seconds

All in favor, 5-0

27 Commonwealth Ave.

Russell & Josephine Dawes seeking a Special Permit 1.9 alter/expand non-conforming structure, Special Permit for percentage of lot coverage to allow construction of attached deck and stairs.

Russell Dawes is present this evening and gives the Board a brief description of the proposed project. He is requesting to add useable outdoor space for his family that can be accessed safely. The yard area is only accessible by a steep staircase on a busy street due to the topography of the land.

The Chair calls for questions by the Board. There are none.

Speaking in Favor: None

Speaking in Opposition: None

The Chair calls for discussion by the Board or a motion.

Mr. Nimon asks if Mr. Dawes has spoken to the neighbor on the Commonwealth side.

Mr. Dawes answers that he spoke to the owner's son and they are in favor, as are the other neighbors in the surrounding homes and area.

Mr. Schlichte moves to approve a Special Permit 1.9 alter/expand non-conforming structure, Special Permit for percentage of lot coverage to allow construction of attached deck and stairs.

Mr. Nimon seconds

All in favor, 5-0

23 Shore Drive

Mark Glovsky, Esquire, 8 Washington St. Beverly, MA is representing, Shannon & David Vanderhooft seeking

Atty. Glovsky gives the Board a brief description of the proposed work to raze and reconstruct an existing single family dwelling on a non-conforming lot with a detached two car garage which will be closer to Shore Road than the dwelling.

Speaking in Favor: None

Speaking in Opposition: None

The Chair calls for discussion by the Board.

The Board discusses if the proposed work is increasing the non-conformity and they agree that it is and that it qualifies for a Special Permit.

Ms. Schlichte moves to approve a Special Permit 1.9 alter/expand non-conforming structure, Variance 3.2.1 © accessory closer to street than principal building and Variance for accessory side yard setback to allow demolition and reconstruction of existing single family dwelling.

Mr. Nimon Seconds

All in favor, 5-0

65-73 Essex Ave.

Harley Racer, Esquire, One McKinley Sq, Boston, Ma 02109 is representing, 65-73 Essex Avenue, LLC seeking Special Permit 1.9 alter/expand non-conforming structure, Special Permit 4.1 lesser number of parking spaces, Variance rear yard, Variance definition of "lot" to allow demolition of (2) existing structures to allow construction of a new 2 story building.

Attorney Racer goes over the relief requested for this marijuana dispensary.

Mr. Sanborn informs the Board that they are before the Board to combine the lots that are already there to enable them to meet the ordinance for sufficient sq. ft. of the lot size. They will be going to Con Com and the City Council as well.

Atty. Racer discusses the parking requirement of 29 spaces. Once the lots are combined, they will have 27 spaces, as they are not counting the 8 spaces at the gas pumps. They have also leased 10 spaces from the Theater down and across the street for overflow and employee parking. They are removing the auto garage business.

The Chair and Mr. Sanborn discuss the expansion of the retail use to allow Dunkin Donuts as part of the original retail space.

The Chair calls for questions by the Board.

Mr. Cannavo questions the extra parking spaces across the street as this is a high traffic state highway where cars drive 40-50 miles per hour and the possible need for improved pedestrian crosswalks with lighting

Mr. Racer answers that they will need to complete a security plan before going to City Council where they will be addressing all of these concerns.

The Chair suggests that they concentrate on the Special Permits and Variances before this Board and lists them.

Speaking in Favor: None

Speaking in Opposition:

Joe Mackanarny, 25 Long Hill Rd. Magnolia, MA is concerned with traffic increasing as there is already so much traffic due to the Cut Bridge going up.

Rebuttal:

Atty. Racer states that a traffic plan will be addressed when they go to City Council and Mass DOT. He also notes that with more retail shops opening they are not seeing the traffic issues that the first stores saw when they opened.

Mr. Nimon questions on how the traffic study helps the City Council make a determination.

Atty. Racer and Mr. Sanborn answer this question.

Ms. Schlichte moves to approve Special Permit 1.9 alter/expand non-conforming structure, Special Permit 4.1 lesser number of parking spaces, Variance rear yard, Variance definition of "lot" to allow demolition of (2) existing structures to allow construction of a new 2 story building.

Mr. Nimon Seconds
All in favor, 5-0

Motion to adjourn was made at: 8:56 PM

Motion by: Ms. Schlichte

Second by: Mr. Nimon