

CITY CLERK
GLOUCESTER, MA
2020 OCT 16 AM 8:00



GLOUCESTER CITY COUNCIL
Planning & Development Committee
Wednesday, October 21, 2020 – 5:30 p.m.
REMOTE MEETING
AGENDA

(Items may be taken out of order at the discretion of the Committee)

Consistent with the Governor's orders suspending certain provisions of the Open Meeting Law and banning gatherings of more than 25 people, this meeting will be conducted by remote participation to the greatest extent possible. The public may not physically attend this meeting but every effort will be made to allow the public to view and listen to the meeting in real-time. Persons who wish to do so are invited to view the meeting at:

Join from Computer, Smart Device: <https://gloucester-ma-gov.zoom.us/j/82616033039>

Join via Phone: 1-312-626-6799 or 1-929-205-6099

Meeting ID: 826 1603 3039

Please visit <http://gloucester-ma.gov/remote-public-meetings> for instructions and guidance on how to join a remote meeting.

1. RZ2020-001: Proposed creation of a Commuter Residential Overlay District (CROD) to all lots currently zoned EB in and around Maplewood Avenue and Whistlestop Way (Cont. from 8/19/20, **TBC 12/2/20**)
2. SCP2020-005: Rocky Neck Avenue #37, Map 130, Lot 4A, GZO Secs. 2.3.1.7 "Conversion to or new multi-family or apartment dwelling, four to six dwelling units," and 3.2 "Dimensional Tables," reduction in minimum lot area and open space per dwelling unit to create a fourth unit, in the NB zone (Cont. from 10/7/2020)

COMMITTEE
Chair, Councilor Valerie Gilman
Vice Chair, Councilor Jen Holmgren
Councilor Barry Pett

CC: Mayor Theken; Joanne M. Senos; Vanessa Krawczyk; Gregg Cademartori

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

April 22, 2020

via in-hand delivery to:

City of Gloucester City Council
c/o Joanne Senos, City Clerk
Nine Dale Avenue
Gloucester, MA 01930

and via email to:

jsenos@gloucester-ma.gov

CITY CLERK
GLOUCESTER, MA
2020 APR 22 PM 3:40

RE: REQUEST TO AMEND ZONING ORDINANCE
PROPOSED ADDITION OF COMMUTER RESIDENTIAL OVERLAY DISTRICT

Dear Councilors:

This office represents William Wheat and Bigelow Real Estate, LLC, owners of 50R and 50 Maplewood Avenue, respectively. Pursuant to the City of Gloucester Zoning Ordinance ("GZO") § 1.11.2(b), I am hereby submitting a proposed amendment to the GZO, namely, the addition of an overlay district to be known as the Commuter Residential Overlay District ("CROD"), and a check for \$350.00.

The CROD is proposed to apply to all lots currently zoned EB (Extensive Business) in and around the Maplewood Avenue and Whistlestop Way area. As you may be aware, the EB District prohibits residential uses but does provide for a vast array of allowed commercial and industrial uses. The CROD is specifically designed to promote the construction of compact residential units on these EB properties while promoting existing and future commercial and industrial uses within the CROD and in neighboring properties consistent with the goals of the City.

If the proposed amendment is adopted by the Council, my clients will be seeking to immediately utilize it in order to construct 36 units of affordable commuter-oriented housing on what is currently a vacant lot known as 50R Maplewood Avenue. It is our hope that other property owners benefited by the CROD will follow suit and continue to add much needed commuter-oriented housing on their properties as well.

I look forward to discussing this proposal in detail with you all once you resume holding public hearings. In the meantime, I ask that this please be referred out to the Planning Board pursuant to GZO § 1.11.4(a) so that we can continue the process of vetting this proposal with city staff (Mr. Wheat and I met with the Planning Director and Community Director to discuss the general concept of this proposal in late January and the detailed draft being submitted today was submitted for initial review on April 1) as well as begin incorporating valuable feedback from the Planning Board. Thank you for your consideration.

Sincerely,


Joel Favazza

5. SPECIAL REGULATIONS

5.32. COMMUTER RESIDENTIAL OVERLAY DISTRICT

5.32.1. PURPOSE

It is the purpose of the Commuter Residential Overlay District (“CROD”) to encourage the introduction of residential uses into the properties within the boundaries of the CROD to create Mixed Use Properties. The CROD is specifically designed to promote the construction of compact residential units while promoting existing and future commercial and industrial uses within the CROD and in neighboring properties consistent with the goals of the City of Gloucester (the “City”).

5.32.2. OVERLAY DISTRICT

5.32.2.1. DEFINITIONS

For the purposes of the CROD, the definitions set forth in this Ordinance shall apply except as follows:

Grandfathered Lot: A lot within the CROD in existence at the time of enactment of this Section 5.32 as laid out on the map dated [Month ##, 2020,] and referenced in Section 5.32.2.2. Grandfathered Lots shall be considered conforming to all dimensional requirements of the GZO for a Lot. The alteration or adjustment of any property line of a Grandfathered Lot, except as part of a combination of two or more entire Grandfathered Lots into a single new lot, shall terminate the status of the resultant lot(s) as Grandfathered Lot(s) and shall terminate the status of any structures thereon as Grandfathered Structures.

Grandfathered Structure: A structure existing on a Grandfathered Lot at the time of enactment of this Section 5.32 in the location in which it existed at the time of enactment of this Section 5.32. A Grandfathered Structure shall be considered conforming to all dimensional requirements of the GZO for such a structure of its nature. The applicable dimensional requirements for all future alterations and additions (but not wholesale replacement) of Grandfathered Structures shall be those set forth in this Section 5.32 except for the elements of such structure that would be considered nonconforming thereunder in which case the applicable dimensional requirement for such element shall be the same value as exists at the time of enactment of this Section 5.32 (for example: the applicable dimensional requirements for a 42’ high Grandfathered Structure built three feet from the right side property line would be a superseding maximum building height of 42’ and superseding right side yard setback of three feet; all other dimensional requirements would remain as set forth in this Section 5.32).

Lot Area: horizontal area of a lot, exclusive of any area in a street or way open to public use. In calculating lot area for all residential, non-residential, and Mixed Use Properties, not more than fifty percent (50%) of the lot area required by Section 3.2 shall be a "resource area" as defined at Section 12-11 of the City of Gloucester Code of Ordinances. Notwithstanding the provisions of this section, any area denoted as FEMA "Special Flood Hazard Zone" or "Flood Zone X" shall be included in the lot area calculation without limitation.

Mixed Use Property: A building, structure, land, or combination thereof located on the same Lot to be used for more than one principal use, whether the uses are in separate buildings or in the same building either vertically or horizontally connected, all of which uses are allowed or permitted in the underlying zoning district or the CROD, none of which is accessory to one another, and one use of which being residential. The ratio of square footage of the portion of the building(s) and structure(s) on site used exclusively for residential purposes shall not exceed 300% of the square footage of the portion of the building(s) and structure(s) on site used for commercial purposes (the square footage of the portion of the building(s) and structure(s) used for both residential and commercial uses shall be considered "used for commercial purposes" for calculating this ratio). A Mixed Use Property shall have at least ten dwelling units or guest units.

5.32.2.2. MAP

The CROD is an overlay district that encompasses land shown on the City of Gloucester's Assessors' Map 24, Lots 1, 2, 3, 6, 51, 52, 62, and 65. Such land is also shown on the map entitled, "[map title]," dated [Month ##], 2020, which hereby incorporated by reference and made a part of the City's official zoning map.

5.32.2.3. ESTABLISHMENT

The CROD is an overlay district superimposed on the underlying zoning districts. All underlying zoning shall remain in full force and effect. To the extent that any provision in this Section 5.32 is in contradiction or conflicts with any other provision of this ordinance, the provisions of this Section 5.32 shall control.

5.32.2.4. APPLICABILITY

The City of Gloucester Planning Board shall be the special permit granting authority (the "SPGA") for any required special permits granted pursuant to this Section 5.32, and the issuance of such special permits shall satisfy the procedural criteria set forth in this Section 5.32 and other relevant sections of this Ordinance.

5.32.2.5. STANDARD TO BE APPLIED

Except as otherwise set forth herein, use special permits under this Section 5.32 shall be granted under the standards of Section 1.8 (Special Permits) and Section 5.7 (Major Projects) as applicable.

Except as otherwise set forth herein, all other special permits under this Section 5.32 shall be granted only upon making a finding that such relief will not endanger public health and safety or be substantially detrimental to the neighborhood.

5.32.3. USES

5.32.3.1. USES ALLOWED BY RIGHT

The following uses are allowed by right in the CROD:

- (a) Uses allowed by right in the underlying zoning districts.
- (b) Any continuation of the primary or accessory use of a Grandfathered Structure whether as-is or through an alteration, expansion, or replacement of such Grandfathered Structure provided that it complies with the dimensional regulations of the CROD.
- (c) New or conversion to a Mixed Use Property. A new or conversion to a Mixed Use Property shall not be deemed a Major Project under Section 5.7 of this Ordinance unless 80 or more residential units are proposed on a single lot.

5.32.3.2. USES ALLOWED BY SPECIAL PERMIT

The following uses are allowed by Special Permit granted pursuant to this Section 5.32:

- (a) All uses allowed by any type of special permit in the underlying zoning districts.

5.32.4. DIMENSIONAL REQUIREMENTS

Except as stated otherwise in this Section 5.32, all buildings and structures allowed or permitted pursuant to the CROD shall conform the following dimensional requirements:

For Principal Uses

Minimum lot area (sf)	15,000
Minimum lot area per dwelling unit (sf)	1,000
Minimum open space per dwelling unit (sf)	350
Minimum lot area per guest unit (sf)	1,250
Minimum open space per guest unit (sf)	500
Minimum lot width (ft)	65

Minimum frontage (ft)	50
Minimum front yard (ft)	10
Minimum side yards (ft each)	10
Minimum rear yard (ft)	0
Maximum building height (ft)	40

For Accessory Uses (other than signs)

Minimum distance from street (ft)	5
Minimum distance from side lot lines (ft)	5
Minimum distance from principal building (ft)	5
Maximum building height (ft)	20

In the CROD, maximum building height shall not include mechanicals and other non-habitable rooftop structures (including but not limited to elevator shafts and access doorways). The SPGA may authorize an increase in building height above the maximum stated herein only upon making a finding that such increase will not be substantially detrimental to the neighborhood because of obstruction of views, overshadowing of other properties, impairment of utilities, or other adverse impacts.

5.32.5. GENERAL REGULATIONS

Sections 4.1, 4.2, 4.3, 4.4, and 4.5 of this Ordinance shall apply except that:

For Mixed Use Properties, at least one off-street parking space shall be provided per every two dwelling or guest units in the residential portion thereof; for the commercial (all uses that are not residential shall be considered “commercial”) portions of Mixed Use Properties, at least one off-street parking space per every 3 employees on the largest shift (if multiple business are co-located on one lot, the “largest shift” shall be the largest number of employees across all businesses that are expected to be on site at the same time for at least two hours), at least one off-street parking space for every vehicle owned by the business(es) on site, and at least one off-street per every 4 persons serviced by the commercial portions of the Mixed Use Property.

A special permit for relief from the requirements of Sections 4.1, 4.2, 4.3, 4.4, or 4.5 shall be granted only upon the SPGA making a finding that such relief will not endanger public health and safety.

5.32.6. SUBMISSIONS

Any application for a special permit required within the CROD shall be submitted in accordance with Sections 1.5.1(c) and 1.5.2 of this Ordinance and shall, unless modified by this Section 5.32, include the application and information required by Sections 1.5.3, 1.5.4, or 1.5.5 dependent upon the type of special permit otherwise required in the underlying zoning districts (CC, CCS, Major Project, PB, SP, SPS, etc.). Any application for a special permit required within the CROD shall require submission of: one original and one full-size hard copy of the application and all required plans and accompanying

documentation along with a digital submission via compact disc, USB flash drive, or email to planning@gloucester-ma.gov.

The notice requirements pursuant to Section 1.5.6 of this Ordinance shall apply for all special permits applied for within the CROD.

5.32.7. RELIEF BY SPECIAL PERMIT

In any instance where a lot or structure does not comply with any provision of this Section 5.32 or any other provision of this ordinance, the SPGA is authorized to issue zoning relief for such noncompliance by special permit(s) and not variance(s) pursuant to the standards set forth in this Section 5.32.



City of Gloucester Abutters Report

Abutters to Parcel: Map-Lot-Unit **24-51-C**

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
24-58-1 DARISSE CARMENE C/O LEMAY SOPHY M	33 RAILROAD AV 1	24-58	DARISSE CARMENE C/O LEMAY SOPHY M 33 RAILROAD AV UNIT 201 GLOUCESTER, MA 01930
27-86-17 CUTTER RICHARD A & BRIAN D C/O LAWSON PAUL & SANDRA	33 MAPLEWOOD AV 17	27-86	CUTTER RICHARD A & BRIAN D C/O LAWSON PAUL & SANDRA 33 MAPLEWOOD AV UNIT 17 GLOUCESTER, MA 01930
25-12 JES RAILROAD LLC C/O JIMS BAGEL AND BAKE SHOPPE	28 RAILROAD AV	25-12	JES RAILROAD LLC C/O JIMS BAGEL AND BAKE SHOPPE 34 RAILROAD AV GLOUCESTER, MA 01930-3547
24-3 PSALIDAS CHARLES N ET AL TRS C/O HARDING & CARBONE	50R MAPLEWOOD AV	24-3	PSALIDAS CHARLES N ET AL TRS C/O HARDING & CARBONE 1235 NORTH LOOP WEST STE 205 HOUSTON, TX 77008
25-7 LAMSON KATHERINE ET AL TRS C/O HARDING & CARBONE	7 RAILROAD AV	25-7	LAMSON KATHERINE ET AL TRS C/O HARDING & CARBONE 1235 NORTH LOOP WEST STE 205 HOUSTON, TX 77008
25-24 GOULART CELESTINO & FILOMENA M C/O GAO BIN XUE	37 PEARL ST	25-24	GOULART CELESTINO & FILOMENA M C/O GAO BIN XUE 52 PROSPECT ST GLOUCESTER, MA 01930
27-86-415 FINLAY DAVID P C/O GALVIN PAULA & SUGRUE DANIEL	33 MAPLEWOOD AV 415	27-86	FINLAY DAVID P C/O GALVIN PAULA & SUGRUE DANIEL 33 MAPLEWOOD AV UNIT 415 GLOUCESTER, MA 01930
27-86-408 DUGAN PATRICIA P C/O FIRST NATL BK OF IPS	33 MAPLEWOOD AV 408	27-86	DUGAN PATRICIA P C/O FIRST NATL BK OF IPS P O BOX 31 IPSWICH, MA 01939-9985
25-8 AKERLEY COMMUNICATIONS C/O CLEAR CHANNEL OUTDOOR / TAX DEPT	20A RAILROAD AV	25-8	AKERLEY COMMUNICATIONS C/O CLEAR CHANNEL OUTDOOR / TAX DEPT 20880 STONE OAK PKWY SAN ANTONIO, TX 78258
24-2 WORKS CHEVROLET-OLDS C/O CHARLES LIETZ	46 MAPLEWOOD AV	24-2	WORKS CHEVROLET-OLDS C/O CHARLES LIETZ P O BOX 907 ANDOVER, MA 01810



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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
17-127 132 WASHINGTON ST LLC C/O BRAGA DEODATA	134 WASHINGTON ST	17-127	132 WASHINGTON ST LLC C/O BRAGA DEODATA 132 WASHINGTON ST GLOUCESTER, MA 01930
27-86-401 BELL BRADLEY H & BELL SELMA R C/O BELL JOANNE	33 MAPLEWOOD AV 401	27-86	BELL BRADLEY H & BELL SELMA R C/O BELL JOANNE 23 WONSON ST GLOUCESTER, MA 01930
24-17-2 ASADORIAN DEAN A TR 12 MYRTLE SQUARE REALTY TRUST	12 MYRTLE SQ 2	24-17	ASADORIAN DEAN A TR 12 MYRTLE SQUARE REALTY TRUST 14 DUNE LN GLOUCESTER, MA 01930
27-86-403 LOIACANO JOSEPH L	33 MAPLEWOOD AV 403	27-86	LOIACANO JOSEPH L 33 MAPLEWOOD AVE UNIT 403 GLOUCESTER, MA 01930 0000
23-1 BRAGA DEODATO & PAULA MARIA	1 EXCHANGE ST	23-1	BRAGA DEODATO & PAULA MARIA 132 WASHINGTON ST GLOUCESTER, MA 01930
23-73 MBTA	142 WASHINGTON ST	23-73	MBTA P O BOX 845142 BOSTON, MA 02284
24-1 RJH HOLDINGS LLC	32 MAPLEWOOD AV	24-1	RJH HOLDINGS LLC 531 BROADWAY HAVERHILL, MA 01832
24-6 BIGELOW REAL ESTATE LLC	50 MAPLEWOOD AV	24-6	BIGELOW REAL ESTATE LLC 4 SEAGULL ST ROCKPORT, MA 01966
24-9 HARVEY JOHN	68 MAPLEWOOD AV	24-9	HARVEY JOHN 4 GRANITE ST GLOUCESTER, MA 01930
24-10 MILITELLO FRANK M JR & SYBIL A	33 MYRTLE SQ	24-10	MILITELLO FRANK M JR & SYBIL A 33 MYRTLE SQ GLOUCESTER, MA 01930



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24-13 BUDDROW NATHAN P	29 MYRTLE SQ	24-13	BUDDROW NATHAN P 47 MYSTIC ST UNIT 1 CHARLESTOWN, MA 02129
24-15 FOWLER MONICA & SNIZEK NICOLE	8H MYRTLE SQ	24-15	FOWLER MONICA & SNIZEK NICOLE 8H MYRTLE SQ GLOUCESTER, MA 01930
24-16 COGNATO PHYLLIS	10 MYRTLE SQ	24-16	COGNATO PHYLLIS 10 MYRTLE SQ GLOUCESTER, MA 01930
24-18 AMARAL PATRICIA & HOWARD	14 MYRTLE SQ	24-18	AMARAL PATRICIA & HOWARD 14 MYRTLE SQ GLOUCESTER, MA 01930
24-19 ELLIS KENNETH L	16H MYRTLE SQ	24-19	ELLIS KENNETH L 16H MYRTLE SQ GLOUCESTER, MA 01930
24-21 NIMON MICHAEL C & BRENDA C	20 MYRTLE SQ	24-21	NIMON MICHAEL C & BRENDA C 20 MYRTLE SQ GLOUCESTER, MA 01930
24-22 MOODY PAULA	24 MYRTLE SQ	24-22	MOODY PAULA 24 MYRTLE SQ GLOUCESTER, MA 01930
24-23 GRIFFIN THOMAS E SMITH JEANNE	70 MAPLEWOOD AV	24-23	GRIFFIN THOMAS E SMITH JEANNE 70 MAPLEWOOD AV GLOUCESTER, MA 01930 0000
24-36 TOWNSEND C E JR TOWNSEND D TE	8 MYRTLE SQ	24-36	TOWNSEND C E JR TOWNSEND D TE 8 MYRTLE SQ GLOUCESTER, MA 01930
24-38 THOMAS KAREN J	15 MYRTLE SQ	24-38	THOMAS KAREN J 15 MYRTLE SQ GLOUCESTER, MA 01930



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24-39 WILSON KATHY L	11 MYRTLE SQ	24-39	WILSON KATHY L PO BOX 577 GLOUCESTER, MA 01931
24-41 MAYER JAMIE S & HOLLY ANN	7 MYRTLE SQ	24-41	MAYER JAMIE S & HOLLY ANN 7 MYRTLE SQ GLOUCESTER, MA 01930
24-42 MICHEL PHILIP J & ANNELIESE	5 MYRTLE SQ	24-42	MICHEL PHILIP J & ANNELIESE 5 MYRTLE SQ GLOUCESTER, MA 01930-3536
24-45 RUSSO GIUSEPPINA A	7 DERBY ST	24-45	RUSSO GIUSEPPINA A 128 BRAY ST GLOUCESTER, MA 01930
24-48 FOOTE JOHN A & JOELLE K	155 WASHINGTON ST	24-48	FOOTE JOHN A & JOELLE K 155 WASHINGTON ST GLOUCESTER, MA 01930
24-52 MBTA	5 WHISTLESTOP WY	24-52	MBTA P O BOX 845142 BOSTON, MA 02284
24-54 BRAGA MANAGEMENT TEAM LLC	133 WASHINGTON ST	24-54	BRAGA MANAGEMENT TEAM LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
24-62 RJH HOLDINGS LLC	38A MAPLEWOOD AV	24-62	RJH HOLDINGS LLC 531 BROADWAY HAVERHILL, MA 01832
24-63 RICH CINDY J	13 MYRTLE SQ	24-63	RICH CINDY J 13 MYRTLE SQ GLOUCESTER, MA 01930
25-5 SPITTLE THOMAS J TR R&T RE TR	20 MAPLEWOOD AV	25-5	SPITTLE THOMAS J TR R&T RE TR 108 THATCHER RD ROCKPORT, MA 01966



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25-10 LAGAS GEORGE & LAGAS DINA	24 RAILROAD AV	25-10	LAGAS GEORGE & LAGAS DINA 7 WOLF HILL RD GLOUCESTER, MA 01930 0000
27-17 BUCCHERI CORRADO	57 MAPLEWOOD AV	27-17	BUCCHERI CORRADO 53-55 MAPLEWOOD AV GLOUCESTER, MA 01930
27-18 BUCCHERI CORRADO	53 MAPLEWOOD AV	27-18	BUCCHERI CORRADO 53 MAPLEWOOD AV GLOUCESTER, MA 01930
27-19 GLOUCESTER HOUSING AUTHORITY	43 MAPLEWOOD AV	27-19	GLOUCESTER HOUSING AUTHORITY 259 WASHINGTON ST GLOUCESTER, MA 01930 0000
27-84 FAY HOLDINGS LLC	27 MAPLEWOOD AV	27-84	FAY HOLDINGS LLC 209 ESSEX AV GLOUCESTER, MA 01930
27-86-10 RANDAZZA PAULA	33 MAPLEWOOD AV 10	27-86	RANDAZZA PAULA 33 MAPLEWOOD AV UNIT 10 GLOUCESTER, MA 01930
27-86-11 NAPOLI SALVATORE & GRACE	33 MAPLEWOOD AV 11	27-86	NAPOLI SALVATORE & GRACE 33 MAPLEWOOD AV UNIT 11 GLOUCESTER, MA 01930-2795
27-86-12 PERRUZZI ANDREW JOSEPH	33 MAPLEWOOD AV 12	27-86	PERRUZZI ANDREW JOSEPH 33 MAPLEWOOD AV UNIT 12 GLOUCESTER, MA 01930
27-86-13 SMITH LINDA J & BRETT	33 MAPLEWOOD AV 13	27-86	SMITH LINDA J & BRETT 33 MAPLEWOOD AV UNIT 13 GLOUCESTER, MA 01930
27-86-14 FERRIERO SERAPHINO & BETTE A TRS	33 MAPLEWOOD AV 14	27-86	FERRIERO SERAPHINO & BETTE A TRS 33 MAPLEWOOD AV UNIT 14 GLOUCESTER, MA 01930-6200



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27-86-15 HILLIER MELISSA ET AL	33 MAPLEWOOD AV 15	27-86	HILLIER MELISSA ET AL 33 MAPLEWOOD AV UNIT 15 GLOUCESTER, MA 01930
27-86-16 ROBERTS TOLER PRINTICE & VALERIE	33 MAPLEWOOD AV 16	27-86	ROBERTS TOLER PRINTICE & VALERIE 33 MAPLEWOOD AV UNIT 16 GLOUCESTER, MA 01930
27-86-18 RIVERA AURELIO JR	33 MAPLEWOOD AV 18	27-86	RIVERA AURELIO JR 33 MAPLEWOOD AV #18 GLOUCESTER, MA 01930
27-86-19 FREEDMAN FRANCIS F & WISELOGLE MARGARET	33 MAPLEWOOD AV 19	27-86	FREEDMAN FRANCIS F & WISELOGLE MARGARET 33 MAPLEWOOD AV UNIT 19 GLOUCESTER, MA 01930
27-86-20 WOUNDY DAVID & CONSTANCE	33 MAPLEWOOD AV 20	27-86	WOUNDY DAVID & CONSTANCE 33 MAPLEWOOD AV UNIT 20 GLOUCESTER, MA 01930
27-86-21 MOREL DEBORAH L	33 MAPLEWOOD AV 21	27-86	MOREL DEBORAH L 33 MAPLEWOOD AV UNIT 21 GLOUCESTER, MA 01930
27-86-101 WIGGINS RONALD	33 MAPLEWOOD AV 101	27-86	WIGGINS RONALD 33 MAPLEWOOD AV UNIT 101 GLOUCESTER, MA 01930
27-86-102 LENTINI DANIEL C	33 MAPLEWOOD AV 102	27-86	LENTINI DANIEL C 33 MAPLEWOOD AV UNIT 102 GLOUCESTER, MA 01930
27-86-103 MATCZAK-KOSCISZEWSKI LILIANA & SLAWONIR	33 MAPLEWOOD AV 103	27-86	MATCZAK-KOSCISZEWSKI LILIANA & SLAWONIR 31 SYMONDS ST APT 7 SALEM, MA 01970
27-86-105 WARRINGTON JUDY & ROY	33 MAPLEWOOD AV 105	27-86	WARRINGTON JUDY & ROY 33 MAPLEWOOD AV UNIT 105 GLOUCESTER, MA 01930



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Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **24-51-C**

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
27-86-106 MILITELLO SHARON L	33 MAPLEWOOD AV 106	27-86	MILITELLO SHARON L 33 MAPLEWOOD AV #106 GLOUCESTER, MA 01930
27-86-107 CILLUFFO PAIGE & CILLUFFO-DEEB LAUREN S	33 MAPLEWOOD AV 107	27-86	CILLUFFO PAIGE & CILLUFFO-DEEB LAUREN S 33 MAPLEWOOD AV UNIT 107 GLOUCESTER, MA 01930
27-86-108 MICELI PAUL	33 MAPLEWOOD AV 108	27-86	MICELI PAUL 33 MAPLEWOOD AV UNIT 108 GLOUCESTER, MA 01930
27-86-109 GIAMBANCO P MARIE	33 MAPLEWOOD AV 109	27-86	GIAMBANCO P MARIE 33 MAPLEWOOD AV UNIT 109 GLOUCESTER, MA 01930
27-86-110 CHADWICK JODY P & CHERYL J	33 MAPLEWOOD AV 110	27-86	CHADWICK JODY P & CHERYL J 8 ROBIN HILL RD DANVERS, MA 01923
27-86-112 RANDAZZA THOMAS	33 MAPLEWOOD AV 112	27-86	RANDAZZA THOMAS 26 LEXINGTON DR BEVERLY, MA 01915
27-86-113 JANOWSKA LUCYNA	33 MAPLEWOOD AV 113	27-86	JANOWSKA LUCYNA 33 MAPLEWOOD AV UNIT 113 GLOUCESTER, MA 01930
27-86-201 BAKER DEBORAH & MARK TR	33 MAPLEWOOD AV 201	27-86	BAKER DEBORAH & MARK TR PO BOX 3268 BEVERLY, MA 01915
27-86-202 BAKER MARK J & DEBORAH	33 MAPLEWOOD AV 202	27-86	BAKER MARK J & DEBORAH PO BOX 3268 BEVERLY, MA 01915
27-86-203 WELLCOME RAYMOND J	33 MAPLEWOOD AV 203	27-86	WELLCOME RAYMOND J 33 MAPLEWOOD AV #203 GLOUCESTER, MA 01930



City of Gloucester Abutters Report

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Gloucester Board of Assessors.

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27-86-204 DELUCIA MICHAEL S	33 MAPLEWOOD AV 204	27-86	DELUCIA MICHAEL S 33 MAPLEWOOD AV UNIT 204 GLOUCESTER, MA 01930
27-86-205 JOHNSON MARGARET M	33 MAPLEWOOD AV 205	27-86	JOHNSON MARGARET M 33 MAPLEWOOD AV #205 GLOUCESTER, MA 01930
27-86-206 ARABIAN TERESA D	33 MAPLEWOOD AV 206	27-86	ARABIAN TERESA D 33 MAPLEWOOD AV UNIT 206 GLOUCESTER, MA 01930
27-86-207 LINSKY RONALD M	33 MAPLEWOOD AV 207	27-86	LINSKY RONALD M 33 MAPLEWOOD AV #207 GLOUCESTER, MA 01930
27-86-209 VRACHOS CHRISTOPHER JR & ROBERTA G	33 MAPLEWOOD AV 209	27-86	VRACHOS CHRISTOPHER JR & ROBERTA G 861 WASHINGTON ST GLOUCESTER, MA 01930
27-86-210 LAMONT CHERYL	33 MAPLEWOOD AV 210	27-86	LAMONT CHERYL 33 MAPLEWOOD AV UNIT 210 GLOUCESTER, MA 01930
27-86-211 HRUBY DAVID	33 MAPLEWOOD AV 211	27-86	HRUBY DAVID 33 MAPLEWOOD AV UNIT 211 GLOUCESTER, MA 01930
27-86-212 CUNNINGHAM SCOTT A	33 MAPLEWOOD AV 212	27-86	CUNNINGHAM SCOTT A 33 MAPLEWOOD AV UNIT 212 GLOUCESTER, MA 01930
27-86-213 BOLONSKY ADAM	33 MAPLEWOOD AV 213	27-86	BOLONSKY ADAM 76 GLOUCESTER ST ARLINGTON, MA 02476
27-86-214 THIMMER SHELLY A	33 MAPLEWOOD AV 214	27-86	THIMMER SHELLY A 33 MAPLEWOOD AV UNIT 214 GLOUCESTER, MA 01930



City of Gloucester Abutters Report

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
27-86-301 YOUNGER DANIEL P & DABAKIS MELISSA	33 MAPLEWOOD AV 301	27-86	YOUNGER DANIEL P & DABAKIS MELISSA 209 NORTH GAY ST MT VERNON, OH 43050
27-86-302 GILARDI LAWRENCE V & LINDA M	33 MAPLEWOOD AV 302	27-86	GILARDI LAWRENCE V & LINDA M 33 MAPLEWOOD AV UNIT 302 GLOUCESTER, MA 01930
27-86-303 ALEXI BARBARA ZOE	33 MAPLEWOOD AV 303	27-86	ALEXI BARBARA ZOE 33 MAPLEWOOD AV UNIT 303 GLOUCESTER, MA 01930
27-86-304 RE JAMIE S	33 MAPLEWOOD AV 304	27-86	RE JAMIE S 33 MAPLEWOOD AV UNIT 304 GLOUCESTER, MA 01930
27-86-305 COMOLLI ANNA C	33 MAPLEWOOD AV 305	27-86	COMOLLI ANNA C 33 MAPLEWOOD AV UNIT 305 GLOUCESTER, MA 01930
27-86-306 ELDRIDGE CELIA	33 MAPLEWOOD AV 306	27-86	ELDRIDGE CELIA 33 MAPLEWOOD AV UNIT 306 GLOUCESTER, MA 01930
27-86-308 MOKHTARZADEH BRIGITTE	33 MAPLEWOOD AV 308	27-86	MOKHTARZADEH BRIGITTE 33 MAPLEWOOD AV UNIT 308 GLOUCESTER, MA 01930
27-86-309 KINNUNEN CAROL & BOUCHER LESLIE F	33 MAPLEWOOD AV 309	27-86	KINNUNEN CAROL & BOUCHER LESLIE F 33 MAPLEWOOD AV UNIT 309 GLOUCESTER, MA 01930
27-86-310 CRICKETT JOHN J	33 MAPLEWOOD AV 310	27-86	CRICKETT JOHN J PO BOX 1711 PROVINCETOWN, MA 02657
27-86-311 BASCH MARTIN W & ELIZABETH J	33 MAPLEWOOD AV 311	27-86	BASCH MARTIN W & ELIZABETH J 33 MAPLEWOOD AV UNIT 311 GLOUCESTER, MA 01930



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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
27-86-312 BECHARD RUSSELL J	33 MAPLEWOOD AV 312	27-86	BECHARD RUSSELL J 33 MAPLEWOOD AV UNIT 312 GLOUCESTER, MA 01930
27-86-314 SILVEIRA SUZANNE R	33 MAPLEWOOD AV 314	27-86	SILVEIRA SUZANNE R 33 MAPLEWOOD AV UNIT 314 GLOUCESTER, MA 01930
27-86-315 CHRIST IRENE G	33 MAPLEWOOD AV 315	27-86	CHRIST IRENE G 33 MAPLEWOOD AV UNIT 315 GLOUCESTER, MA 01930
27-86-402 DAWES ROGER A & DEBORAH A	33 MAPLEWOOD AV 402	27-86	DAWES ROGER A & DEBORAH A 33 MAPLEWOOD AV UNIT 402 GLOUCESTER, MA 01930
27-86-404 GUTTMAN ROBERT	33 MAPLEWOOD AV 404	27-86	GUTTMAN ROBERT 33 MAPLEWOOD AV UNIT 404 GLOUCESTER, MA 01930
27-86-405 KELLEHER WILLIAM & KAREN L	33 MAPLEWOOD AV 405	27-86	KELLEHER WILLIAM & KAREN L 33 MAPLEWOOD AV UNIT 405 GLOUCESTER, MA 01930
27-86-406 MORNINGSTAR CAREN R	33 MAPLEWOOD AV 406	27-86	MORNINGSTAR CAREN R 33 MAPLEWOOD AV UNIT 406 GLOUCESTER, MA 01930
27-86-410 METZ OONA	33 MAPLEWOOD AV 410	27-86	METZ OONA 99 OXFORD ST ARLINGTON, MA 02474
27-86-411 MORTON AMY & WARD STAFFORD	33 MAPLEWOOD AV 411	27-86	MORTON AMY & WARD STAFFORD 601 S COLUMBUS ST ALEXANDRIA, VA 22314
27-86-412 CURTI CHARLES J	33 MAPLEWOOD AV 412	27-86	CURTI CHARLES J 33 MAPLEWOOD AV UNIT 412 GLOUCESTER, MA 01930



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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
27-86-413 MINKOV IVO B & ZORNITZA A	33 MAPLEWOOD AV 413	27-86	MINKOV IVO B & ZORNITZA A 3 TEMI RD BEVERLY, MA 01915
24-65 WORKS CHARLES E & MARY H TRS WORKS REALTY TR TAX DEPT 32486	48 MAPLEWOOD AV	24-65	WORKS CHARLES E & MARY H TRS WORKS REALTY TR TAX DEPT 32486 15 BRIER RD GLOUCESTER, MA 01930
24-58-2A WEINGARTEN JOEL & BONNY TRS WEINGARTEN 29 RAILROAD AVENUE REALTY TR	29 RAILROAD AV 2	24-58	WEINGARTEN JOEL & BONNY TRS WEINGARTEN 29 RAILROAD AVENUE REALTY TR 29 RAILROAD AV UNIT 2A GLOUCESTER, MA 01930
24-58-2B LOIACANO WILLIAM A JR TR SGL RAILROAD AVE REALTY TRUST	27 RAILROAD AV 2	24-58	LOIACANO WILLIAM A JR TR SGL RAILROAD AVE REALTY TRUST 27 RAILROAD AV UNIT R-2B GLOUCESTER, MA 01930
27-86-409 MENICI CARL W III SECONDARY MKT DEPTWA TRUST CO	33 MAPLEWOOD AV 409	27-86	MENICI CARL W III SECONDARY MKT DEPTWA TRUST CO 23 BROAD ST WESTERLY, RI 02891
27-86-104 NASSER PAUL TR SCOLA FAMILY IRREVOCABLE TRUST	33 MAPLEWOOD AV 104	27-86	NASSER PAUL TR SCOLA FAMILY IRREVOCABLE TRUST 33 MAPLEWOOD AV UNIT 104 GLOUCESTER, MA 01930
24-58-1R MERING DAVID C TR MERING RAILROAD AVENUE REALTY TRUST	31 RAILROAD AV 1	24-58	MERING DAVID C TR MERING RAILROAD AVENUE REALTY TRUST 31 RAILROAD AV UNIT R-1 GLOUCESTER, MA 01930
27-86-313 CHRISTOPHER IDA TR MCDONALD NUGENT FARM NOMINEE REALTY TR	33 MAPLEWOOD AV 313	27-86	CHRISTOPHER IDA TR MCDONALD NUGENT FARM NOMINEE REALTY TR 122 MAPLEWOOD AV GLOUCESTER, MA 01930
27-86-307 LUMBARD MARYANN & CAPELLO MICHELLE TRS LUMBARD FAMILY IRREVOCABLE TRUST	33 MAPLEWOOD AV 307	27-86	LUMBARD MARYANN & CAPELLO MICHELLE TRS LUMBARD FAMILY IRREVOCABLE TRUST 33 MAPLEWOOD AV UNIT 307 GLOUCESTER, MA 01930
27-16 JOSEPH HERBERT JR & HELEN TR JOSEPH H J REAL TRUST	65 MAPLEWOOD AV	27-16	JOSEPH HERBERT JR & HELEN TR JOSEPH H J REAL TRUST 9 ORCHARD RD GLOUCESTER, MA 01930



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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
24-58-3R BONFILIO JAMES & KIMBERLY TRS GLB REALTY TRUST	25 RAILROAD AV 3	24-58	BONFILIO JAMES & KIMBERLY TRS GLB REALTY TRUST 74 WAKEFIELD ST READING, MA 01867
24-51-C DOYON GARY M TR DOYON GLOUCESTER REALTY TRUST	15 WHISTLESTOP WY	24-51	DOYON GARY M TR DOYON GLOUCESTER REALTY TRUST 15 WHISTLESTOP WY GLOUCESTER, MA 01930
27-86-407 JOHNSON DAVID G TR DAVID G JOHNSON IRREVOCABLE TRUST	33 MAPLEWOOD AV 407	27-86	JOHNSON DAVID G TR DAVID G JOHNSON IRREVOCABLE TRUST 33 MAPLEWOOD AV UNIT 407 GLOUCESTER, MA 01930
24-49 KORPI BRUCE M & DENISE TRS D & B REALTY TRUST	151 WASHINGTON ST	24-49	KORPI BRUCE M & DENISE TRS D & B REALTY TRUST 151 WASHINGTON ST GLOUCESTER, MA 01930
27-86-208 THOMPSON MICHAEL & DEBORAH C/O THOMPSON MICHAEL & DEBORAH TRS	33 MAPLEWOOD AV 208	27-86	THOMPSON MICHAEL & DEBORAH C/O THOMPSON MICHAEL & DEBORAH TRS 40 SUMNER ST GLOUCESTER, MA 01930
24-40 O'NEIL ROBERT N & ANNIE M C/O SILVA TERRY	9 MYRTLE SQ	24-40	O'NEIL ROBERT N & ANNIE M C/O SILVA TERRY 10 BERTONI RD GLOUCESTER, MA 01930
27-86-414 RICHARDS JOHN D TR C/O RICHARDS JOHN	33 MAPLEWOOD AV 414	27-86	RICHARDS JOHN D TR C/O RICHARDS JOHN 4 NAUTICAL HT GLOUCESTER, MA 01930
25-23 RAILROAD AVENUE HOLDINGS LLC C/O RAILROAD AVENUE HOLDINGS LLC/HAWKES	20 RAILROAD AV	25-23	RAILROAD AVENUE HOLDINGS LLC C/O RAILROAD AVENUE HOLDINGS LLC/HAWKES 5 HILLCREST RD BEVERLY, MA 01945
26-70-D IRWIN KATHERINE LOUISE C/O PARSONS ALEX & CALDER ROSEMARIE	21 MAPLEWOOD AV	26-70	IRWIN KATHERINE LOUISE C/O PARSONS ALEX & CALDER ROSEMARIE 21D MAPLEWOOD AV GLOUCESTER, MA 01930
27-86-215 LEBLANC KENNETH J C/O MCCARTHY KATHLEEN	33 MAPLEWOOD AV 215	27-86	LEBLANC KENNETH J C/O MCCARTHY KATHLEEN 33 MAPLEWOOD AV UNIT 215 GLOUCESTER, MA 01930



City of Gloucester Abutters Report

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
27-86-111 MOSELEY SANDRA C/O MATCZAK LILIANA B & KOCISZEWSKI SLAWOMIR	33 MAPLEWOOD AV 111	27-86	MOSELEY SANDRA C/O MATCZAK LILIANA B & KOCISZEWSKI SLAWOMIR 31 SYMONDS ST UNIT 7 SALEM, MA 01970
24-66-A FRENETTE MICHAEL A & CURRAN JOANNE	16 MYRTLE SQ	24-66	FRENETTE MICHAEL A & CURRAN JOANNE 16 MYRTLE SQ UNIT A GLOUCESTER, MA 01930
24-66-B FRENETTE MICHAEL A & CURRAN JOANNE	16 MYRTLE SQ	24-66	FRENETTE MICHAEL A & CURRAN JOANNE 16A MYRTLE SQ GLOUCESTER, MA 01930
24-58-7 DECARO EMILY	33 RAILROAD AV 7	24-58	DECARO EMILY 33 RAILROAD AV UNIT 7 GLOUCESTER, MA 01930
24-58-6 HYAMS BARBARA F	33 RAILROAD AV 6	24-58	HYAMS BARBARA F 33 RAILROAD AV UNIT 6 GLOUCESTER, MA 01930
24-58-5 LLOYD DAVID M & IDA R TRS	33 RAILROAD AV 5	24-58	LLOYD DAVID M & IDA R TRS 33 RAILROAD AV UNIT 5 GLOUCESTER, MA 01930
24-58-4 MILITELLO PATRICIA M	33 RAILROAD AV 4	24-58	MILITELLO PATRICIA M 33 RAILROAD AV UNIT 4 GLOUCESTER, MA 01930
24-58-3 CRANSTON SEAN A & BARBARA	33 RAILROAD AV 3	24-58	CRANSTON SEAN A & BARBARA 33 RAILROAD AV UNIT 3 GLOUCESTER, MA 01930
24-58-2 OHANLEY MATTHEW J & CAPONE ERICA R	33 RAILROAD AV 2	24-58	OHANLEY MATTHEW J & CAPONE ERICA R 33 RAILROAD AV UNIT 2 GLOUCESTER, MA 01930
24-17-1 TAPLEY DAVID W	12 MYRTLE SQ 1	24-17	TAPLEY DAVID W 12 MYRTLE SQ UNIT 1 GLOUCESTER, MA 01930



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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
24-51-1A BRAGA VENTURES THREE LLC	11 WHISTLESTOP WY 1	24-51	BRAGA VENTURES THREE LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
24-51-3A BRAGA VENTURES THREE LLC	7 WHISTLESTOP WY 3	24-51	BRAGA VENTURES THREE LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
24-51-2A BRAGA VENTURES THREE LLC	9 WHISTLESTOP WY 2	24-51	BRAGA VENTURES THREE LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
24-51-B BRAGA VENTURES TWO LLC	6 WHISTLE STOP WY	24-51	BRAGA VENTURES TWO LLC 132 WASHINGTON ST GLOUCESTER, MA 01930
26-70-A SULLIVAN BARBARA	21 MAPLEWOOD AV	26-70	SULLIVAN BARBARA 21A MAPLEWOOD AV GLOUCESTER, MA 01930
26-70-C PALLAZOLA LUCY A	21 MAPLEWOOD AV	26-70	PALLAZOLA LUCY A 21C MAPLEWOOD AV GLOUCESTER, MA 01930
26-70-B ARVILLA MELISSA LEE & DORIS F	21 MAPLEWOOD AV	26-70	ARVILLA MELISSA LEE & DORIS F 21B MAPLEWOOD AV GLOUCESTER, MA 01930
24-20-1 GRANBERG SETH & MUNOZ ELIZABETH	18 MYRTLE SQ 1	24-20	GRANBERG SETH & MUNOZ ELIZABETH 18 MYRTLE SQ UNIT 1 GLOUCESTER, MA 01930
24-20-2 YOUNG JEFFREY L & BRIAN R	18 MYRTLE SQ 2	24-20	YOUNG JEFFREY L & BRIAN R 18 MYRTLE SQ UNIT 2 GLOUCESTER, MA 01930



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ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS

The Gloucester Board of Assessors certifies that the Abutters Report program written to create a list of the names and addresses of property owners from the applicable tax list has been reviewed. To the best of our knowledge and belief the Abutters Report program generates an accurate list from the most recent tax list of the assessed owner of record and the mailing information of the parties in interest as defined within and required by the law and therefore the within document constitutes a certified abutters list.

Nancy A. Papows, MAA
Gary I. Johnstone, MAA
Bathann Brousseau, MAA
GLOUCESTER BOARD OF ASSESSORS

City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

4/22/2020



City of Gloucester Abutters Report

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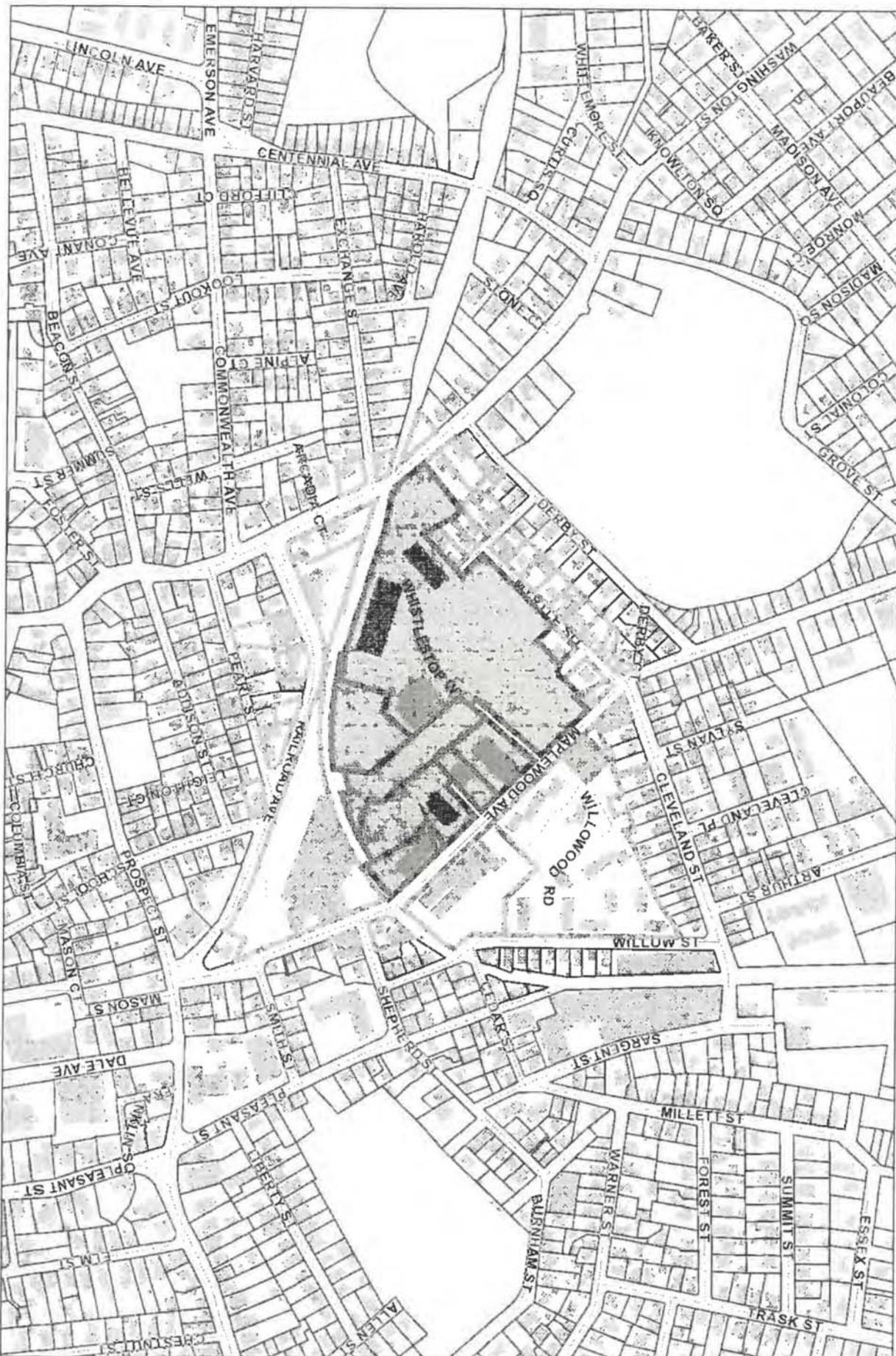
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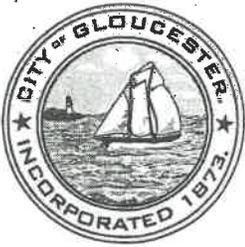
ABUTTER

STREET ADDRESS

PARCEL NO.

TAX BILL ADDRESS





CITY OF GLOUCESTER
GLOUCESTER, MASSACHUSETTS 01930

CITY CLERK
GLOUCESTER, MA

2020 SEP 16 PM 2: 19

CITY OF GLOUCESTER
Special Council Permit – Application

November 20, 2020

(Public hearing to be held no later than
above date)

In conformance with the requirements of the Zoning Ordinance of the City of Gloucester, the undersigned hereby applies for a Special Council Permit (CC or CCS) in accordance with Section 1.8.3 of the Ordinance and other Sections as listed below:

Type of Permit (Give specific section of Zoning Ordinance)

Multi-family special permit pursuant to GZO § 2.3.1.7; reduction in min lot area and open space per dwelling unit (§3.2)

Applicant's Name: Seaside Legal Solutions, P.C.

Owner's

Name: Mark Goetemann, P.R.

(if different from applicant)

Location: 37 Rocky Neck Avenue Map # 130 Lot # 4A
(Street Address)

Zoning Classification: NB

- Attached is a list of owners (with complete addresses) of land directly opposite on any public or private street or way, direct abutters, and abutters to the abutters of land within three hundred (300) feet of the property line, as they appear on the most recent City of Gloucester Assessor's Maps and Tax list.
- Attached is a listing of criteria set forth in Section 1.8.3 of the Zoning Ordinance, including any supportive material or comments the applicant may wish to include (i.e. ZBA decisions, Order of Conditions, etc.) if necessary.
- Attached are the necessary plans as set forth in Section 1.5.3, of the Zoning Ordinance, which at a minimum consist of an accurate plot plan (to scale) showing existing and/or proposed building or structures.

City of Gloucester - Action	
Fee:	<u>\$350.00</u>
City Clerk (received):	<u>9-16-20 JFC</u>
City Council (received):	_____
Public Hearing (ordered):	_____
Public Hearing (opened):	_____
Public Hearing (closed):	_____
Final Decision:	_____
Disposition	_____
(Approved, Denied, Approved w/conditions)	

APPLICANT:

[Signature]
Joel Favazza o/b/o Seaside Legal Solutions

PO Box 1172, Gloucester, MA 01931
Address
978-627-4500
Telephone

Certified for completeness:

Building Inspector: [Signature] Date: 9/14/2020
Planning Director: [Signature] Date: 9/15/2020

Section 1.8.3 (Use additional sheets, if necessary)

1. Social, Economic, or community need served by the proposal:

Allowing the creation of the fourth unit will provide the City with an additional unit of housing as well as preserve the art gallery currently on the first-floor in honor of the Goetemann family's recently deceased parents.

2. Traffic flow and safety:

The addition of a single unit will not have an appreciable impact on traffic flow or safety

3. Adequacy of utilities and other public services:

The building has sufficient utilities to support an additional unit as it currently has three commercial and three residential units.

4. Neighborhood character and social structure:

The character of the neighborhood is mixed commercial and residential. The addition of another unit will not change this.

5. Qualities of the natural environment:

There will be no impacts on the qualities of the natural environment as there are only minor exterior changes.

6. Potential fiscal impact:

The additional dwelling unit will add new-growth tax revenue to the City and allow the owner to maintain the gallery.

The applicant is advised that City staff is available to assist the applicant in preparing the Application, including the Inspector of Buildings and City Planner

Application for Special Permit

The undersigned applicant hereby applies for a special permit under M.G.L., Ch. 40A, § 9 as follows.

1. Applicant (includes equitable owner or purchaser on a purchase and sales agreement):

Name: Seaside Legal Solutions, P.C. _____

Address: PO Box 1172, Gloucester, MA 01931 _____

Tel.# Days 978-627-4500 _____ Evenings _____

_____ Check here if you are the purchaser on a purchase and sales agreement.

2. Owner, if other than applicant:

Name: Mark Goetemann, P.R. _____

Address: c/o Seaside Legal Solutions, P.C. PO Box 1172, Gloucester, MA 01931 _____

Tel.# Days 978-627-4500 _____ Evenings _____

3. Property:

Street address: 37 Rocky Neck Avenue _____

Assessor's Map: 130 _____ Lot: 4A _____

Registry of Deeds where deed, plan, or both records:

Southern Essex District Registry of Deed _____

Deed recording: Book 25405 _____ Page 576 _____

Plan recording: Plan # _____

Property is located in the ^{NB} _____ zoning district.

4. Nature of relief requested:

Special permit pursuant to Article/Section 2.3.1.7 & 3.2.2 _____ of the Zoning Ordinance/By-Law

which authorizes the City Council _____ to permit multi-family buildings containing four to six units and lesser min. lot area and open space per dwelling unit.

Detailed explanation of request:

The Goetemann family would like to add an fourth unit to the building to preserve the art gallery on the first floor.

There will be modest exterior changes, including the addition of a small dormer and two skylights, for which the

Zoning Board has granted approval. There will be no expansion of the building's footprint or overall height.

The rent from the two units will provide the Goetemann family with the funds to maintain the gallery on the first floor,

which will assist them in preserving their family's legacy and the historic character of Rocky Neck.

5. Evidence to support grant of special permit:

Because of reasons set forth below, the special permit requested will be in harmony with the intent and purpose of the Zoning Ordinance/By-Law:

The proposed changes are in harmony with the purpose(s) of the GZO as follows: the additional unit will be situated

in a mixed use district, the current structure has three commercial and three residential units, will provide an

additional unit of housing, and will preserve the historic character of Rocky Neck.

Because of reasons set forth below, the special permit requested will meet the additional requirements of the Zoning Ordinance/By-Law as follows:

The changes to the structure are minimal. No new nonconformities are being created and no existing

nonconformities are being increased. The additional unit will help the Goetemann family preserve the art gallery,

which is the one of the last Gallery on Rocky Neck. Additionally, the ZBA has already granted relief to facilitate

this proposal.

If someone other than owner or equitable owner (purchaser on a purchase and sales agreement) is the Applicant or will represent the Applicant, owner or equitable owner, must designate such representative below.

Name of Representative: Seaside Legal Solutions, P.C.

Address of Representative: PO Box 1172, Gloucester, MA 01931

Tel. # Days 978-627-4500 Evenings

Relationship of representative to owner or equitable owner:

Attorney

I hereby authorize Seaside Legal Solutions, P.C. to represent my interests before the
Special Permit Granting Authority with respect to this Special Permit Application.

(Signed by owner/equitable owner) Mark Goetemann, PR

I hereby certify under the pains and penalties of perjury that the information contained in this
Application is true and complete.



September 10, 2020

Joel Favazza o/b/o Seaside Legal Solutions, P.C.

Signature of Applicant

Date

/s/ Mark Goetemann, P.R. September 10, 2020
Signature of Owner, if other than Applicant Date

Mark Goetemann, PR

Signature of Equitable Owner
who is filing application to
satisfy condition of
Purchase and Sales agreement

Date



City of Gloucester Abutters Report

Please be aware that the abutters list reflects mailing address for the real estate tax bills as requested by the property owners. Mortgage companies, banks and other financial institutions may be receiving the notification and not the homeowner as required. Please be sure you are complying with notification requirements.
Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **130-4-995**

This list of owners of record as shown on the most recent tax list of the City of Gloucester has been prepared for the purposes of notifying abutters as required by the City's Zoning Board of Appeals or City Council and it reflects the abutters to the Parcel known as Map 130 Lot 4 as further shown on the attached map dated 8/19/2020.

ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
130-4-995 THIRTY SEVEN ROCKY NECK AV CONDO C/O JOHN NESTA	37 ROCKY NECK AV 995	130-4	THIRTY SEVEN ROCKY NECK AV CONDO C/O JOHN NESTA 37 ROCKY NECK AV UNIT 1B GLOUCESTER, MA 01930
130-4-A GOETEMAN GORDON G & JUDITH C/O GOETEMANN MARK	37 ROCKY NECK AV	130-4	GOETEMAN GORDON G & JUDITH C/O GOETEMANN MARK 20 BOYCE FARM RD LINCOLN, MA 01773
130-5 TWO FIVE THREE ONE RNA REALTY LLC C/O FAHERTY J MICHAEL	27 ROCKY NECK AV	130-5	TWO FIVE THREE ONE RNA REALTY LLC C/O FAHERTY J MICHAEL 111 MAIN ST GLOUCESTER, MA 01930-5747
130-2 FAHERTY RAMONA M	45 ROCKY NECK AV	130-2	FAHERTY RAMONA M 83 MT PLEASANT AV GLOUCESTER, MA 01930
130-3 SMITH COVE LLC	43 ROCKY NECK AV	130-3	SMITH COVE LLC 83 MT PLEASANT AV GLOUCESTER, MA 01930
130-9 HERTER CHRISTIAN A III TR & COHAN LINDA	21 ROCKY NECK AV	130-9	HERTER CHRISTIAN A III TR & COHAN LINDA 21 ROCKY NECK AV GLOUCESTER, MA 01930
130-41 HAND JAMES B	36 ROCKY NECK AV	130-41	HAND JAMES B 36 ROCKY NECK AV GLOUCESTER, MA 01930
130-50 SENECAL DENISE & DENNIS	34 ROCKY NECK AV	130-50	SENECAL DENISE & DENNIS 51A ROCKY NECK AV GLOUCESTER, MA 01930
130-64 FAHERTY J MICHAEL & RAMONA M	39 ROCKY NECK AV	130-64	FAHERTY J MICHAEL & RAMONA M 83 MT PLEASANT AV GLOUCESTER, MA 01930
130-65 HAND JAMES B	36R ROCKY NECK AV	130-65	HAND JAMES B 36 ROCKY NECK AV GLOUCESTER, MA 01930



City of Gloucester Abutters Report

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Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **130-4-995**

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
130-4-2B FAHERTY J MICHAEL & RAMONA M	37 ROCKY NECK AV 2	130-4	FAHERTY J MICHAEL & RAMONA M 83 MT PLEASANT AV GLOUCESTER, MA 01930
130-4-1B NESTA JOHN L	37 ROCKY NECK AV 1	130-4	NESTA JOHN L 37 ROCKY NECK AV UNIT B1 GLOUCESTER, MA 01930-4330
130-40 AUDETTE RICHARD TR NINETEEN WONSON STREET REALTY TRUST	19 WONSON ST	130-40	AUDETTE RICHARD TR NINETEEN WONSON STREET REALTY TRUST 38 ROCKY NECK AV GLOUCESTER, MA 01930

The Gloucester Board of Assessors certifies that the Abutters Report program written to create a list of the names and addresses of property owners from the applicable tax list has been reviewed. To the best of our knowledge and belief the Abutters Report program generates an accurate list from the most recent tax list of the assessed owner of record and the mailing information of the parties in interest as defined within and required by the law and therefore the within document constitutes a certified abutters list.

Nancy A. Papows, MAA
Gary I. Johnstone, MAA
Bethann Brousseau, MAA
GLOUCESTER BOARD OF ASSESSORS

City of Gloucester Assessors' Office, City Hall, 9 Dale Avenue, Gloucester, MA 01930

8/19/2020



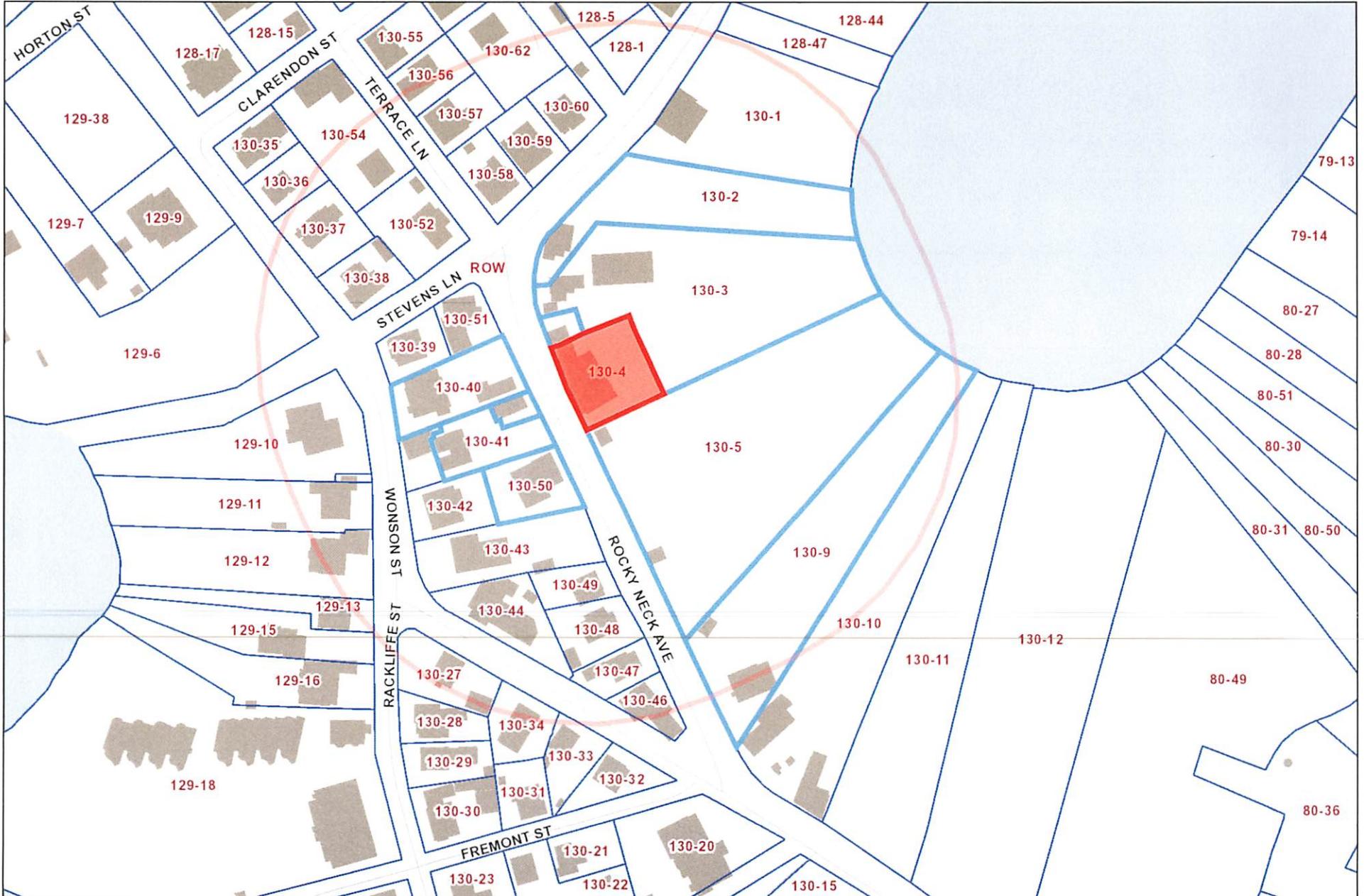
City of Gloucester Abutters Report

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Gloucester Board of Assessors.

Abutters to Parcel: Map-Lot-Unit **130-4-995**

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ABUTTER	STREET ADDRESS	PARCEL NO.	TAX BILL ADDRESS
---------	----------------	------------	------------------

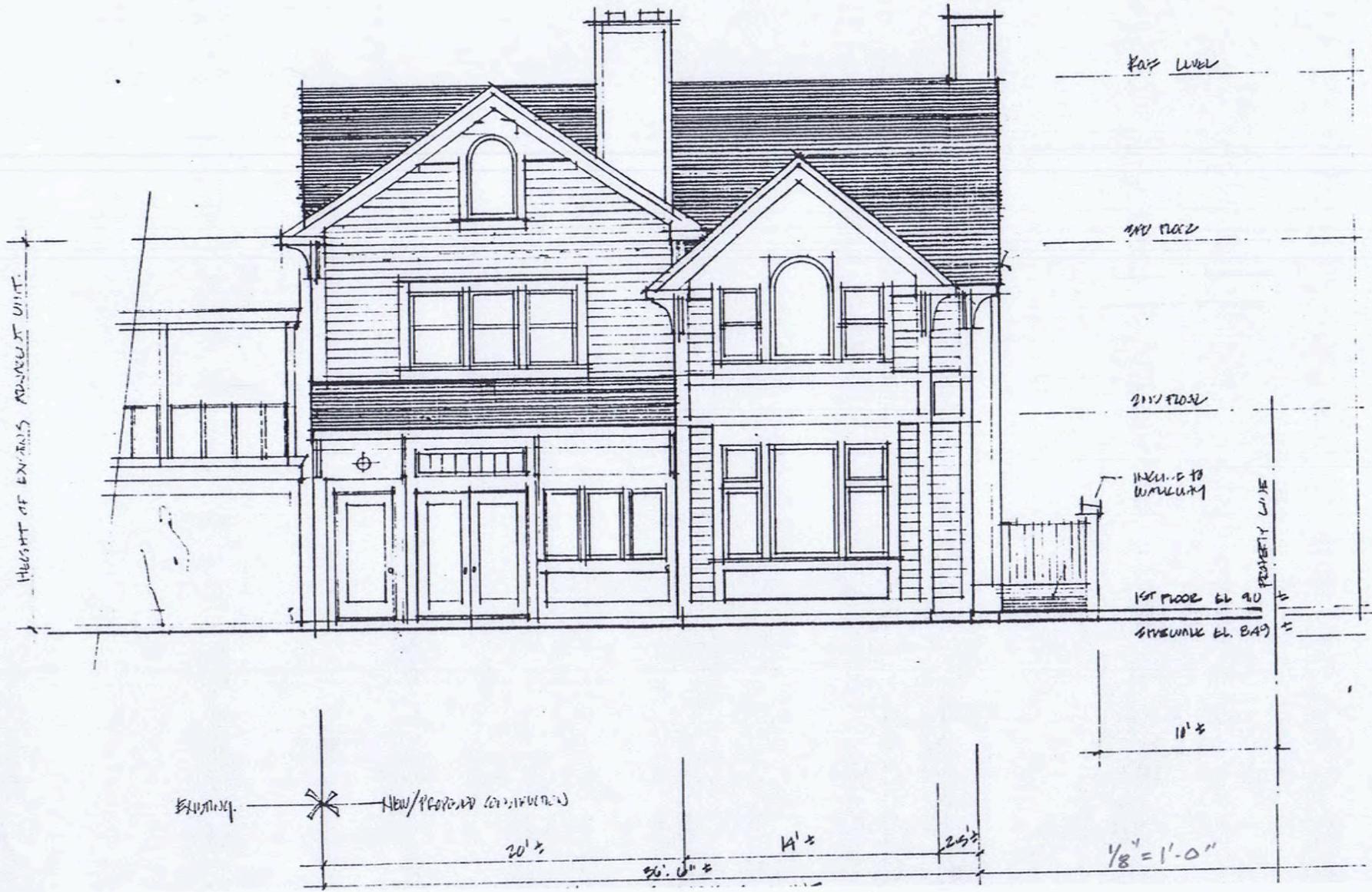












GOETEMAN - STEEL GALLERY FASADENCE

FOLKMAN
RD.
81



GOETEMAN'S STABLE GALLERY RESIDENCE

SIDE ELEVATION 1/8" = 1'-0"

Foley Neck Rd.

ROOF PEEK 2 3RD FLOOR

ROOF LEVEL

3RD FLOOR LEVEL

2ND FLOOR LEVEL

LIGHT

WALKWAY LEVEL

LIGHT

1ST FLOOR LEVEL
BACK HALF

NEW PILLAR

WATER LEVEL VARIES
APPROXIMATE HIGH TIDE

EXISTING STONE WALL

PROPOSED PROJECT

EXISTING STRUCTURE / UNIT

NEW WALKWAY PILLAR AS REQUIRED

1st FLOOR

PROPERTY LINE

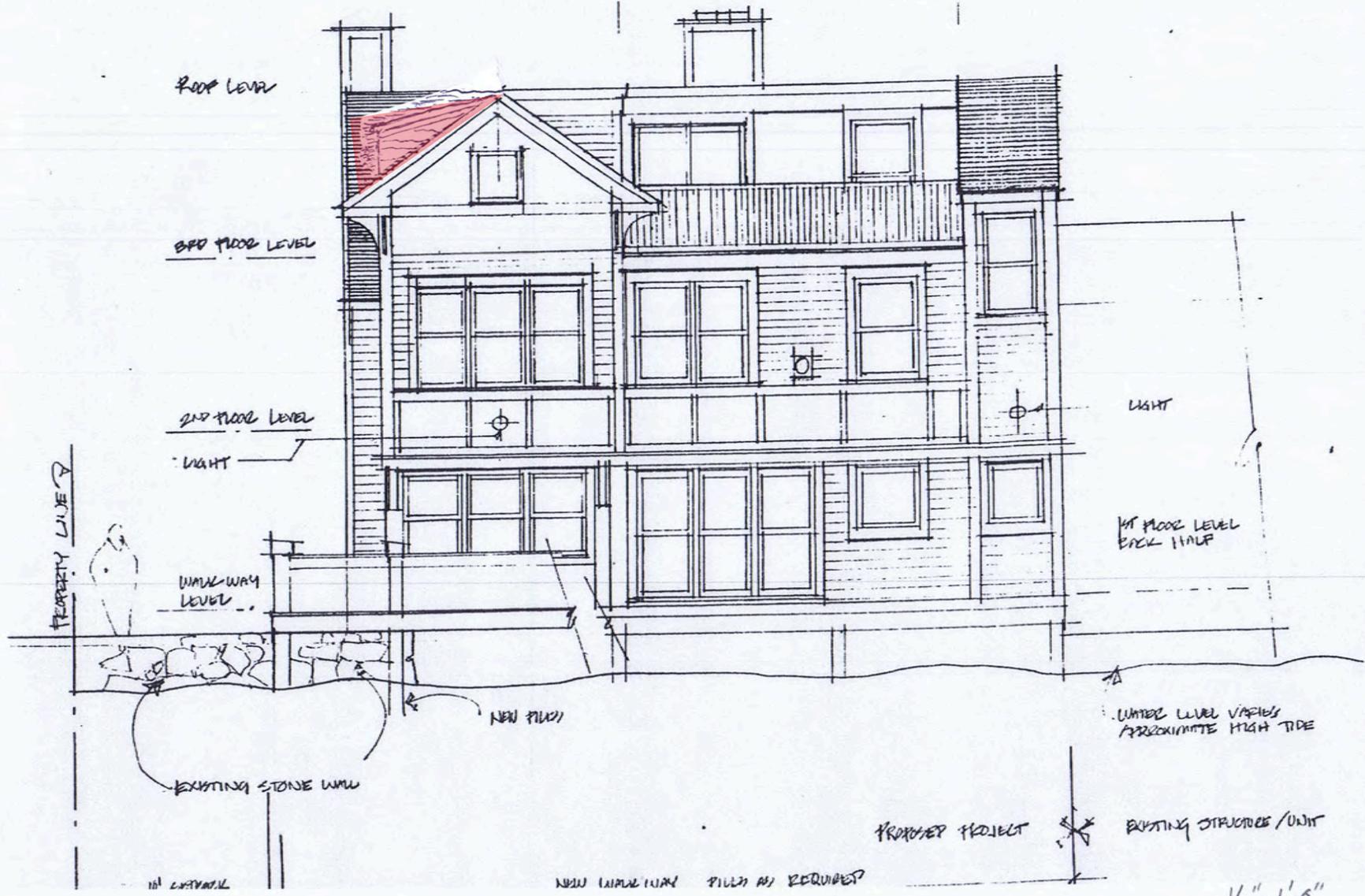
GOETTERMAN - STERLE GALLERY FLEMING

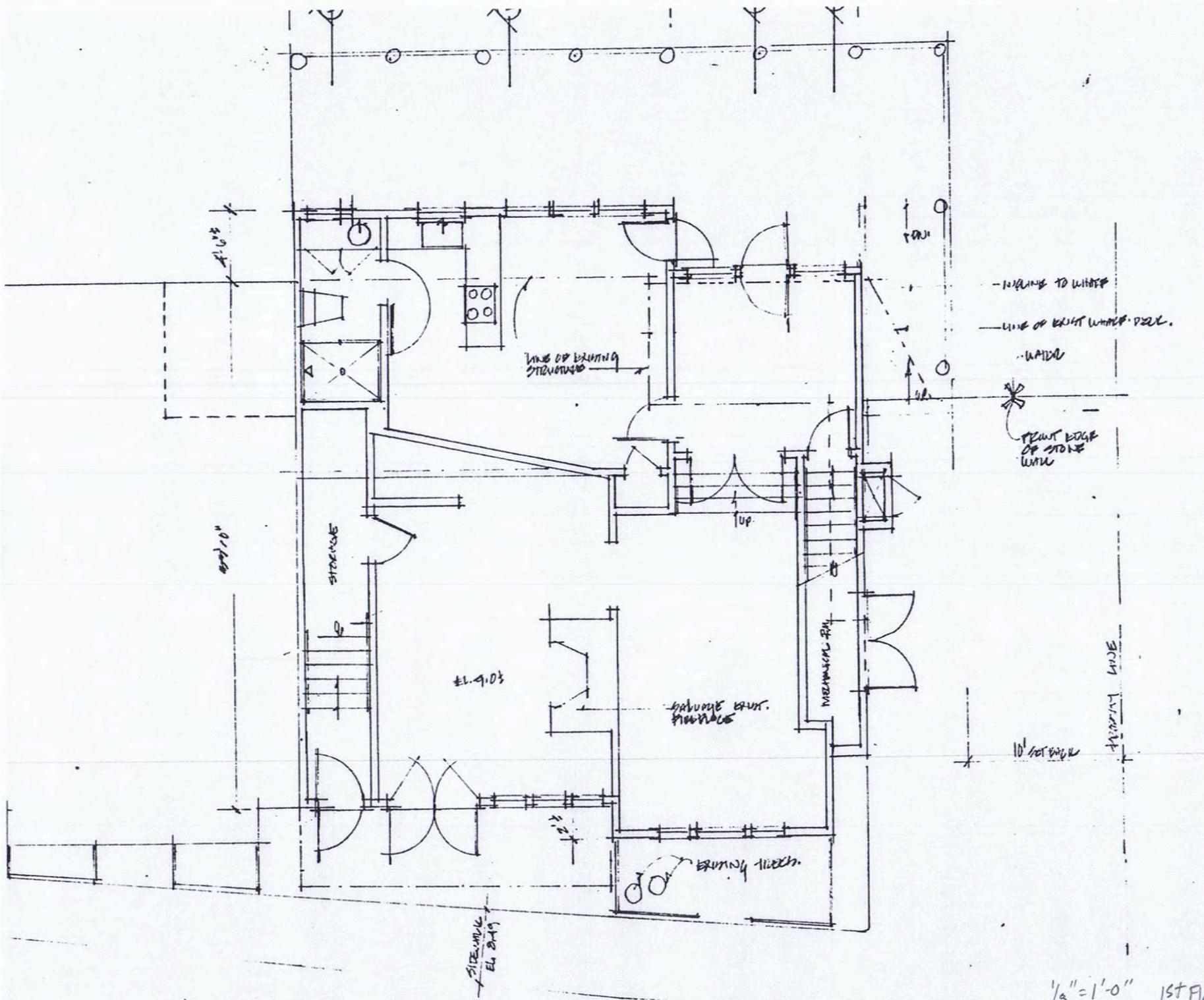
1/4" = 1'-0"

WATER SIDE ELEVATION

Rocky Neck
Ft. 105

1/8" = 1'-0"



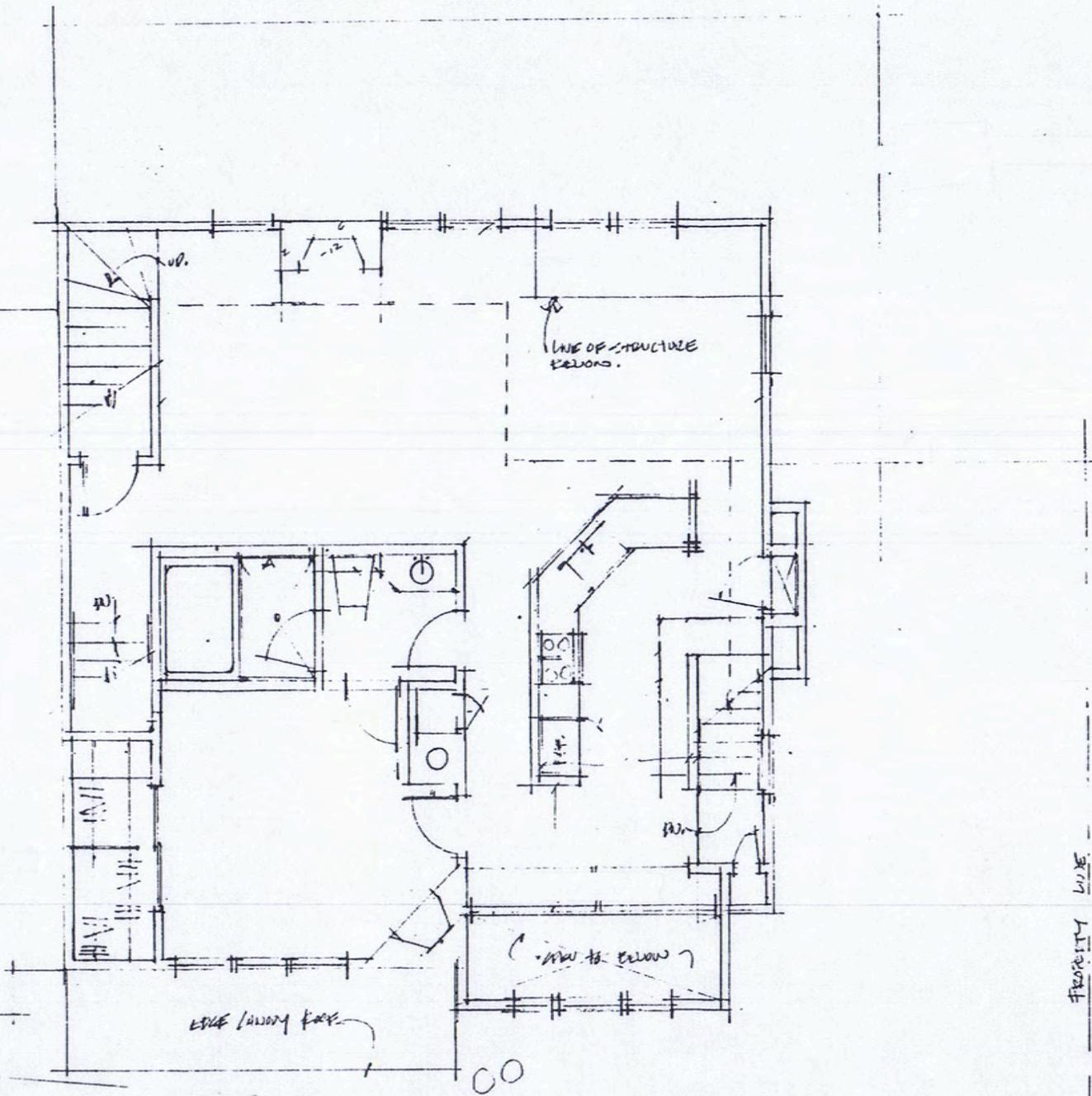


GARRETMANN-STEELER GALLERY KEMPELSE

FIRST FLOOR PLAN. 1/4" = 1'-0"

Fork Creek Rd.

1/8" = 1'-0" 1ST FLOOR. AK 106



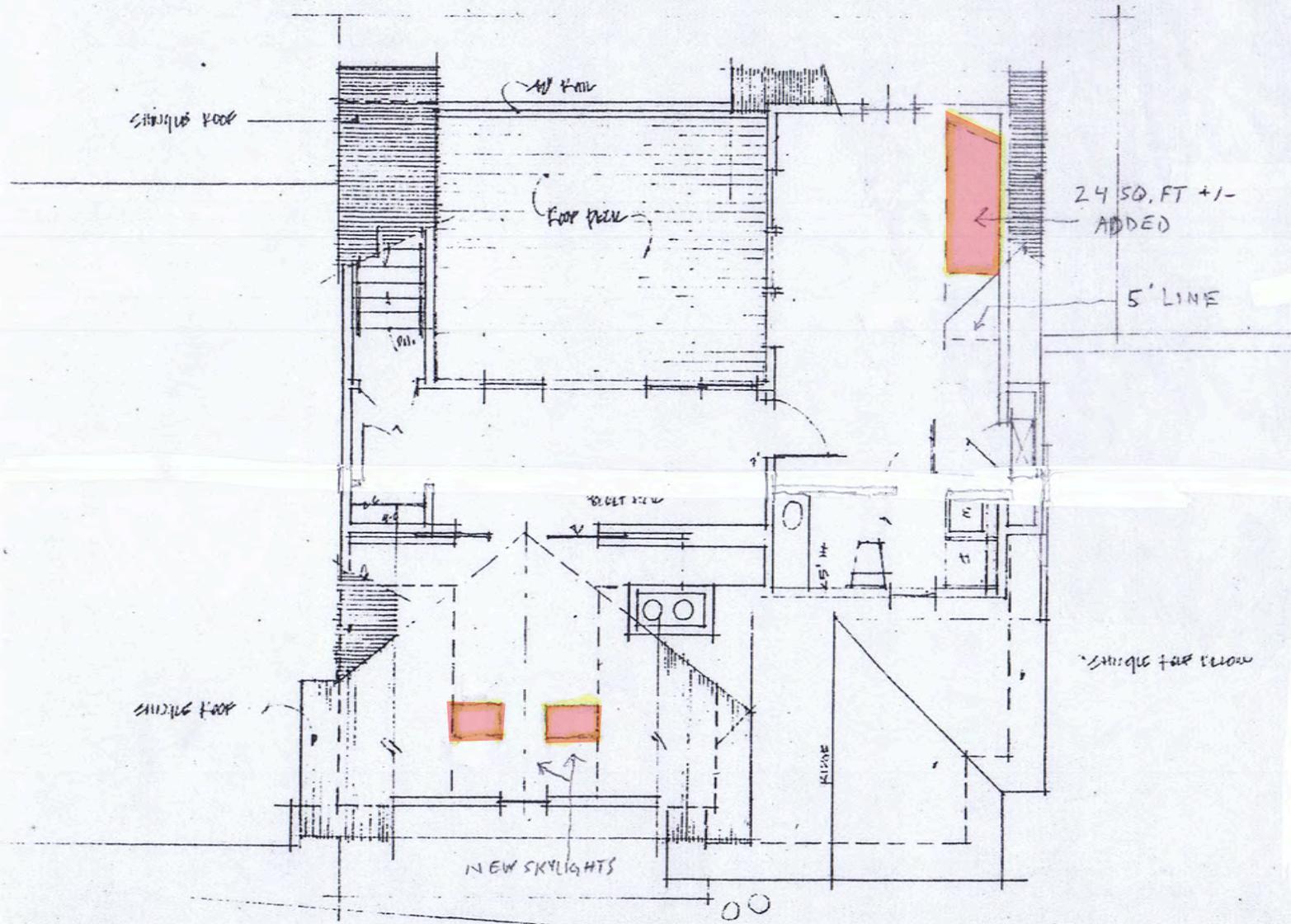
GOREMUND - STREET GRUBBY FURNITURE

SKINNY FLOOR PLAN 14'-10"

PROPERTY LINE

$\frac{1}{8}'' = 1'-0''$ 2nd Floor

Kochy Neck
 Feb
 G. 106



SHINGLES ROOF

FOOT PATH

FOOT PATH

24 SQ. FT +/-
ADDED

5' LINE

BUILT IN

BATH

SHINGLES + UP BELOW

SHINGLES ROOF

NEW SKYLIGHTS

RAMP

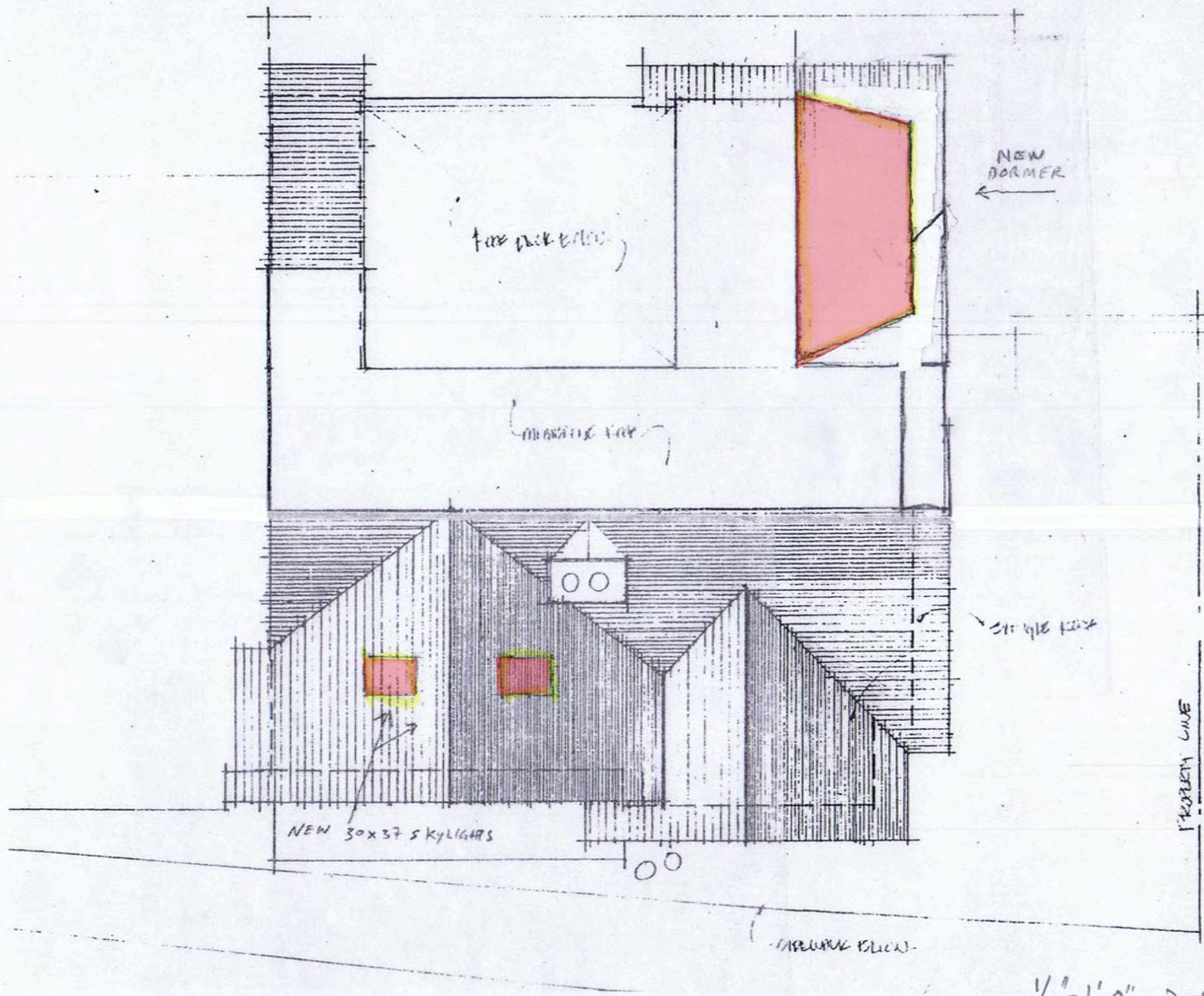
$\frac{1}{8}'' = 1'-0''$ 3RD FLOOR

GUTTERING, STEEL GALLERY FLOORING

3RD FLOOR PLAN 1/4" = 1'-0"

ROCKY HILL
PLAN

6



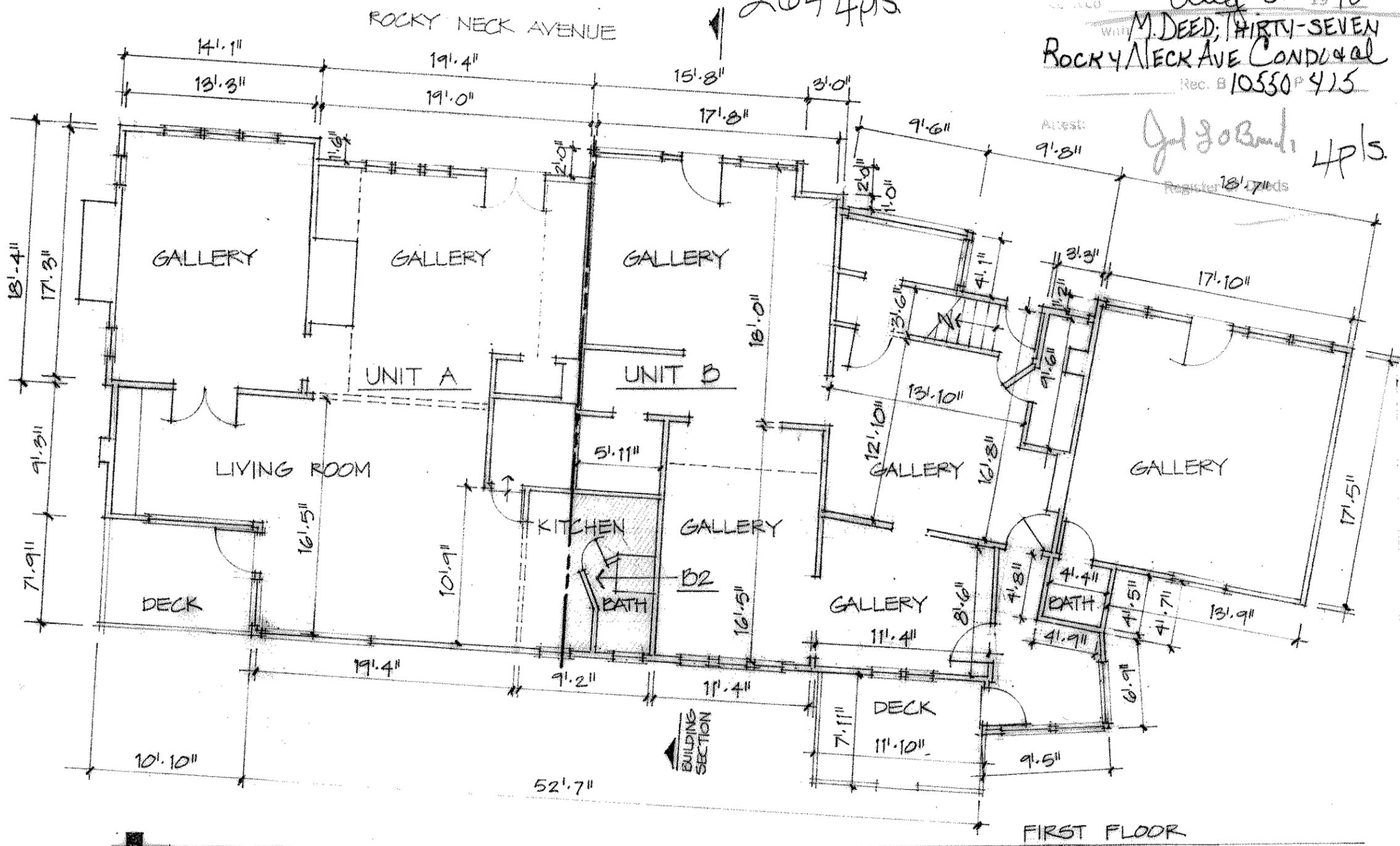
1/8" = 1'-0" ROOF

GUTENBERG - STEEL GALLERY 18. IN. W. E. P.
 ROOF PLAN 1/4" = 1'-0"
 ROCKY NEW
 ROOF
 7K

39
264 4/15

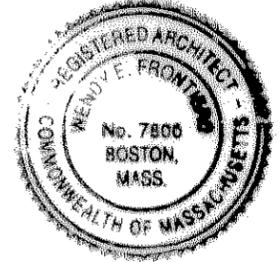
Aug 30 1990
M. DEED: THIRTY-SEVEN
ROCKY NECK AVE CONDO #2
Rec. B 10550 P 415

9' 3 1/2"
18' 7 1/2"
4/15

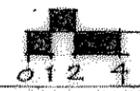


I hereby certify that this plan has been prepared in accordance with the rules and regulations of the Registry of Deeds of the Commonwealth of Mass. as amended to January 1, 1976. I hereby certify that this plan shows the unit designations of Units A and B of the 37 Rocky Neck Avenue Condominium, and that this plan fully and accurately depicts the layout, location, Units A and B, dimensions, and approximate area of each unit of the 37 Rocky Neck Avenue Condominium at 37 Rocky Neck Avenue, Gloucester, Mass., as built. These units have no names. Refer to plot plan for location of units.

Wendy E. Frontiero
Wendy E. Frontiero
Frontiero & Carlberg
32 Abbott Street
Beverly, Mass. 01915



10 August 1990



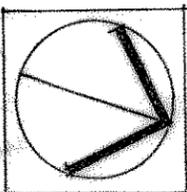
NOTE:
Phase II of the condominium, if developed, will be limited to a division of Unit B into not more than two units.

APPROX. GROSS AREA:
UNIT A: 1015 SF
UNIT B: 1460 SF

APPROX. TOTAL GROSS AREA: 2475 SF

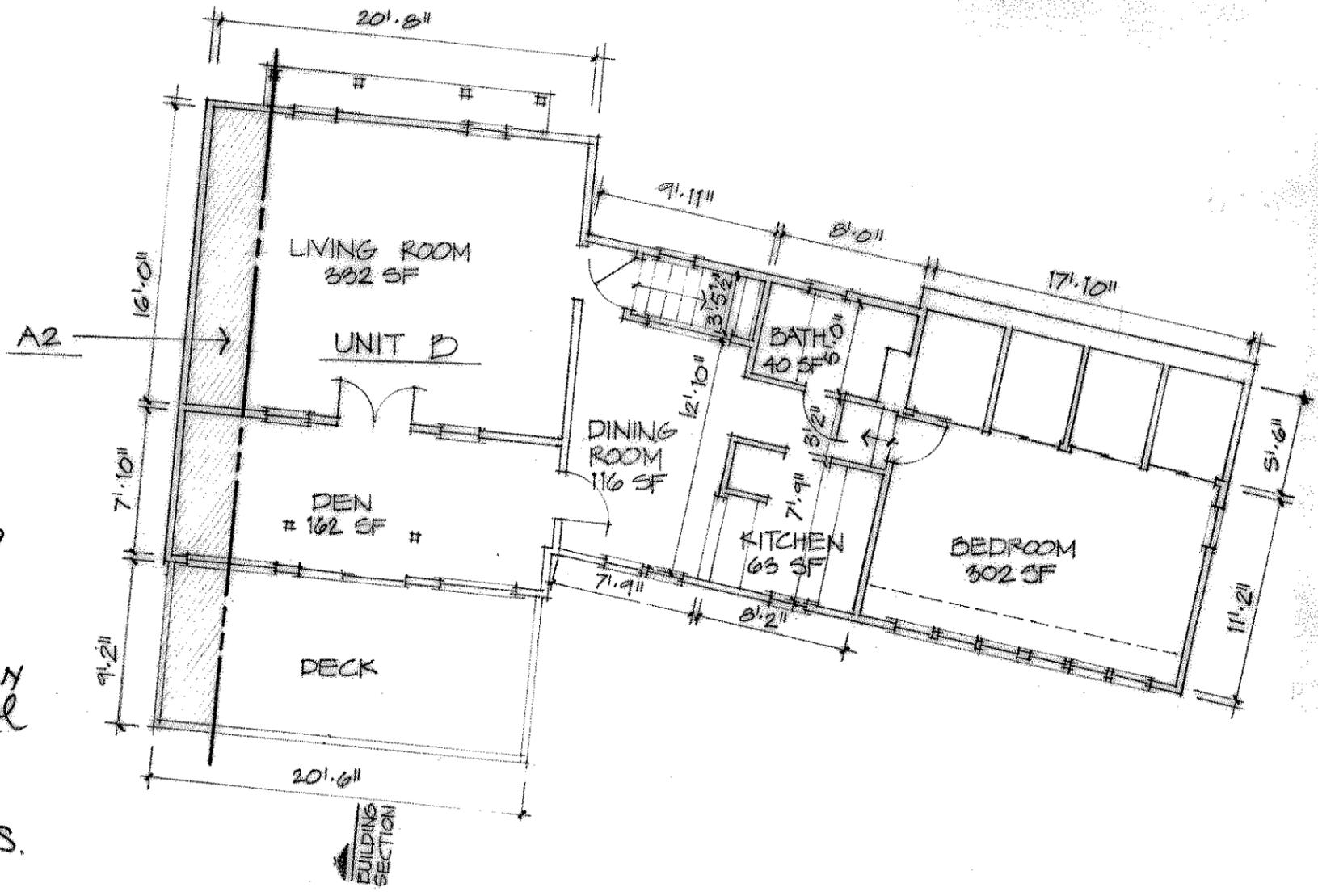
FRONTIERO and CARLBERG
32 ABBOTT STREET
BEVERLY, MASS. 01915
(508) 922-9101

37 ROCKY NECK AVENUE CONDOMINIUM
37 ROCKY NECK AVENUE, GLOUCESTER, MASS.
SCALE: 1/8" = 1'-0" DATE: 10 AUGUST 1990



39
264
4p/s.

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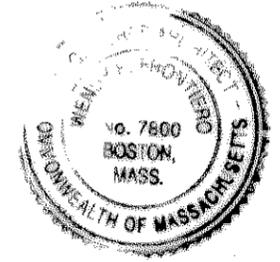
PLAN BOOK 264 PLAN 39

ESSEX REGISTRY OF DEEDS, SO. DIST. SALEM, MASS.

Received Aug 30 19 90
with M. DEED THIRTY-SEVEN
ROCKY NECK AVE. CONDO #04
Rec. B 10550 415

Attest: Judith Bando 4p/s.
Register of Deeds

Wendy E. Frontiero
Wendy E. Frontiero
Frontiero & Carlberg
32 Abbott Street
Beverly, Mass. 01915



10 August 1990

SECOND FLOOR

APPROX. GROSS AREA:
UNIT A: 101 SF
UNIT B: 1086 SF

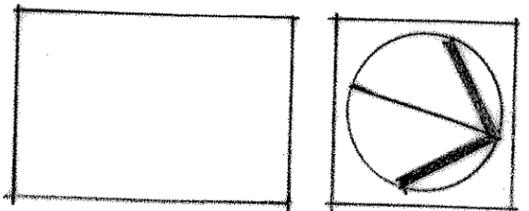
APPROX. TOTAL GROSS AREA: 1187 SF

0124

NOTE:
Phase II of the condominium, if developed, will be limited to a division of Unit B into not more than two units.

FRONTIERO and CARLBERG
32 ABBOTT STREET
BEVERLY, MASS. 01915
(508) 922-9101

37 ROCKY NECK AVENUE CONDOMINIUM
37 ROCKY NECK AVENUE, GLOUCESTER, MASS.
SCALE: 1/8" = 1'-0" DATE: 10 AUGUST 1990



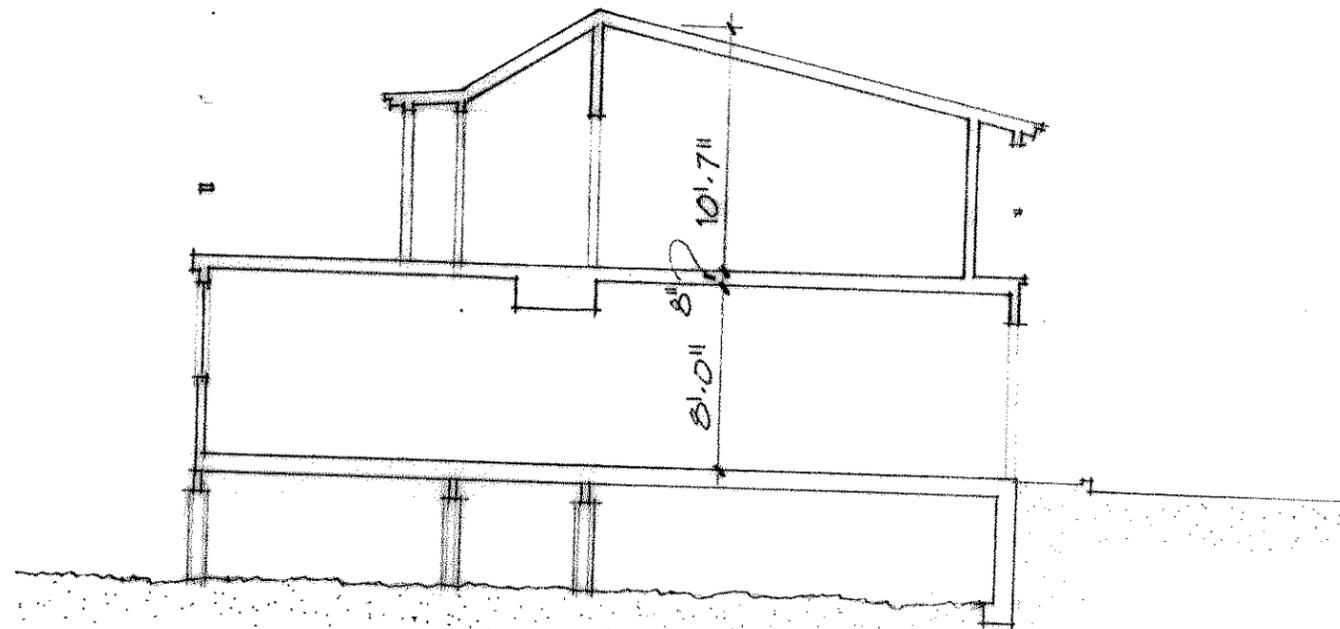
39
264
4p/s.

I hereby certify that this plan has been prepared in accordance with the rules and regulations of the Registry of Deeds of the Commonwealth of Mass. as amended to January 1, 1976. I hereby certify that this plan shows the unit designations of Units A and B of the 37 Rocky Neck Avenue Condominium, and that this plan fully and accurately depicts the layout, location, Units A and B, dimensions, and approximate area of each unit of the 37 Rocky Neck Avenue Condominium at 37 Rocky Neck Avenue, Gloucester, Mass., as built. These units have no names. Refer to plot plan for location of units.

Wendy E. Frontiero
Wendy E. Frontiero
Frontiero & Carlberg
32 Abbott Street
Beverly, Mass. 01915



10 August 1990



BUILDING SECTION



NOTE:
Phase II of the condominium, if developed, will be limited to a division of Unit B into not more than two units.

PLAN BOOK 264 PLAN 39

STATE REGISTRY OF DEEDS, SO. DIST.
SALEM, MASS.

Received Aug 30 1990
with M. DEED, THIRTY-SEVEN
ROCKY NECK AVE. CONDO
Rec. B/10856 P 4/5

Attest:

John J. B...

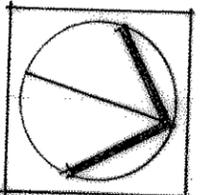
Register of Deeds

4p/s

FRONTIERO and CARLBERG
32 ABBOTT STREET
BEVERLY, MASS. 01915
(508) 922-9101

37 ROCKY NECK AVENUE CONDOMINIUM

37 ROCKY NECK AVENUE, GLOUCESTER, MASS.
SCALE: 1/8" = 1'-0"
DATE: 10 AUGUST 1990



CITY CLERK
GLOUCESTER, MASSACHUSETTS

99 SEP 17 AM 8:57

5
11

In Re:

Application of Judith and)
Gordon Goetemann)
for a Special Council Permit)
for Lowlands Requirements)
Pursuant to Section 5.5.4)
of the City of Gloucester Zoning)
Ordinance)

**DECISION OF THE CITY COUNCIL
OF THE CITY OF GLOUCESTER**

The City Council of the City of Gloucester, Massachusetts, constituting the Special Permit granting authority under the laws of the Commonwealth of Massachusetts and the Zoning Ordinance of the City of Gloucester, hereby adopts the following Findings and Conclusions with regard to the application of Judith and Gordon Goetemann for a Special Permit pursuant to Section 5.5.4 of the City of Gloucester Zoning Ordinance:

1. The applicants are the owners of land at 33 Rocky Neck Avenue, Map 130 Lot 4. The land is located in a NB (Neighborhood Business) district.
2. The applicants seek a Section 5.5.4 Lowlands Permit under the City of Gloucester Zoning Ordinance to authorize rebuilding their existing gallery and living quarters into a 3-story year-round Studio/living facility. The condominium consists of three units. The Goetemanns occupy Unit A. The building is built over piles, the applicants intend to redrive the piles to provide additional support to the building.
3. The applicants received a Order of Conditions on September 22, 1998, from the Conservation Commission with seventeen conditions as well as special conditions. The order is made part of the special permit application and is incorporated herein. A Chapter 91 license has also been issued. This matter came before the Zoning Board of Appeals for a determination as to whether the project exceeded the height limits. The board unanimously decided that the project did not exceed the height limits.
4. The application for a Special Permit pursuant to Section 5.5 of the Zoning Ordinance was filed with the City Clerk on June 21, 1999. The application is incorporated herein.
5. The City Council referred the application to its Planning and Development Committee. After proper notice, the City Council Planning and Development Committee held a hearing on July 21, 1999 to consider the application. The minutes of this meeting are incorporated herein. The Committee (Giacalone, Rasmussen, and Mitchell) voted 3 in favor of granting the application as conditioned by the Conservation Commission.

6. The Committee Report was made to the full City Council for its meeting of August 17, 1999. On August 17, 1999, after proper notice and advertisement, as required by M.G.L. c. 40A and the City of Gloucester Zoning Ordinance, the City Council held a Public Hearing to consider the special permit application.
7. The applicants, through their attorney Michael Faherty, stated that they had received the Order of Conditions from the Conservation Commission. A Chapter 91 license has been obtained. The proposed building will not exceed the height limitations. The applicants represented that all the conditions of the Hatch Act have been met. There are no active shellfish beds in the area of construction, there are no any wildlife resources, nor is there any danger to the health and safety.
8. Mr. Faherty stated that he is an abutter to the project and has no objection to it. He also stated that Mr. Taromini and Mr. Nestor, both abutters, have no objection to it either. There had been objections from the Alby family, but they have since sold their home and moved.
9. Mr. Cleveland Cook, an abutter, spoke in favor of the permit. Mr. Peter Burst, of 47 Pleasant Street, also spoke in favor of the project. A letter was presented in favor of the application.
10. None spoke in opposition to the project.
11. Councilor Gaicalone discussed the Planning and Development Committee's conclusions and stated that the application has met all the criteria of section 5.5.4, Lowland Requirements of the City of Gloucester Zoning Ordinance.
12. The minutes of the August 17, 1999 City Council public hearing and all documents and testimony received during the hearing are incorporated in this Decision. The Public Hearing was closed and the full Council thereafter voted by roll-call vote, 7 in favor and 0 opposed, to grant the Special Permit application of Judith and Gordon Goetemaun, 33 Rocky Neck Avenue, under section 5.5.4 of the Zoning Ordinance, Lowlands Permit, as conditioned by the Conservation Commission.

The following general conditions also apply:

1. In granting this special permit, the City Council has relied upon the oral and written representations made by the applicant in documents submitted in support of its application and in its appearances at committee meetings and the public hearing on the application. Any failure by the applicant to honor any material representations made to the City Council shall constitute just cause for revocation of this special permit in accordance with Section 1.4.2.2(f) of the Zoning Ordinance.

2. Each finding, term and condition of this decision is intended to be severable. Any invalidity in any finding, term or condition of this decision shall not be held to invalidate any other finding, term or condition of this decision.
3. This permit shall not take effect until notice is filed with the Registry of Deeds for Essex County by the recording of a copy of the decision. The fee for such notice shall be paid by the applicants. Prior to the registering of the decision with the Registry of Deeds, the petitioners shall have the seal of the City affixed to same.

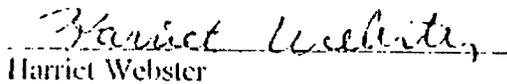
Accordingly, by said City Council vote of August 17, 1999, the 5.5.4 Lowlands Special Permit application of Judith and Gordon Goetemann is granted.

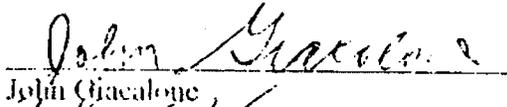
Decision adopted in City Council meeting of September 14, 1999.

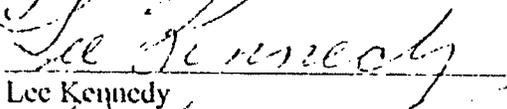
In Favor of Grant:

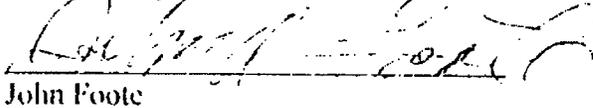
Opposed to Grant:

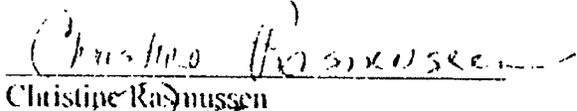

Abdullah Khambaty, President

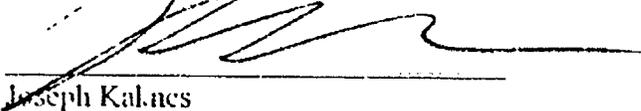

Harriet Webster


John Giacalone


Lee Kennedy


John Foote


Christine Radnussen


Joseph Kalnes

CERTIFICATE OF SPECIAL PERMIT GRANTING AUTHORITY

I hereby certify that this is a true and authentic copy of the decision of the City Council, the Special Permit granting authority, and that copies of this decision and all plans and documents referred to in the decision have been filed with the Planning Board and the City Clerk.

The Gloucester City Council

By Robert D. Whynot
Robert D. Whynot
City Clerk

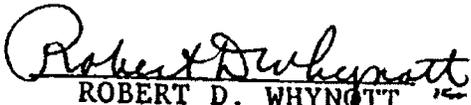
Seal:

RIGHT OF APPEAL

This decision may be appealed pursuant to General Laws, Chapter 40A, Section 17, to the Superior Court of Essex County or the District Court of Eastern Essex by bringing an action in twenty days after this decision has been filed in the Office of the City Clerk within the twenty-day period.

CERTIFICATE OF NOTICE

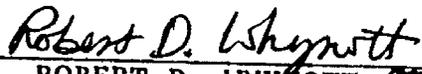
I hereby certify that notice of this decision was mailed forthwith to the applicant, to the parties in interest designated in G. L. c. 40A, Section 11, and to every person present at the hearing who requested that notice be sent to him and stated the address to which notice should be sent, on this September 17, 1999.


ROBERT D. WHYNOTT
CITY CLERK

CERTIFICATE OF LAPSE OF APPEAL

I hereby certify that twenty (20) days have elapsed from the date of the filing of the within decision with the Office of the City Clerk and that no appeal has been filed with this office.

Date: October 12, 1999


ROBERT D. WHYNOTT
CITY CLERK

APPEAL FILED

Date of Filing: _____

FINAL DISPOSITION OF APPEAL

Date of Final Disposition of Appeal _____

ROBERT D. WHYNOTT
CITY CLERK



City of Gloucester
Board Of Appeals, Zoning

CITY HALL • GLOUCESTER • MASSACHUSETTS • 01930

CITY CLERK
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December 14, 1989

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Decision: ZONING BOARD OF APPEALS

Petitioner: J. Michael Faherty

Owner: V and J Realty Trust

Locus: 39 - 43 Rocky Neck Avenue, Gloucester

Petition: Seeking: 1) Special exceptions for lot area, lot area and open space per dwelling unit, minimum lot width, lot frontage, front, side and rear yard setbacks, maximum building height, percent of vegetative cover and a lesser number of off-street parking to enable the petitioner to seek Planning Board endorsement to divide 3 lots into 4 lots (3 lots with one building and 1 lot with 2 buildings) at 39-43 Rocky Neck Avenue, and 2) A special permit to reconstruct an existing non-conforming building also at 39-43 Rocky Neck Avenue.

The Board finds that proper notice has been given through mailing and advertising. The hearing was held at the time and place as advertised: 7:30 P.M., City Hall Auditorium, City Hall, Gloucester, Massachusetts on December 14, 1989.

Board Members Present: James Movalli, Chairman
Virginia Bergmann
William Fraga

Georgia Gadbois, Alternate
Joseph Walsh, Alternate

The petitioner represented himself. Mr. Faherty stated that he had negotiated the purchase of the property at 39-43 Rocky Neck Avenue and that in the course of his title examination and the survey of the property, it became apparent that none of the existing buildings lay entirely within the bounds of the three originally laid out lot lines. Attorney Faherty stated that all three lots had been in common ownership from at least the 1920s and over the course of time at least three of the buildings had been joined

together. He presented a number of pictures to the Board which showed the existing buildings, which have been made part of the file.

Mr. Faherty next presented and explained the survey of the premises and his intent to divide the property into four (4) parcels, all with frontage on Rocky Neck Avenue. He detailed for the Board's information the configuration for each lot and his rationale for the division of land. With respect to the two (2) buildings proposed to stay on Lot "B", Mr. Faherty argued that any further division of Lot "B" did not make either common or aesthetic sense since the existing buildings were behind one another and shared common access and frontage.

Section 3.1.8 of the Zoning Ordinance allows the division of lots with buildings thereon that predate the adoption of the Subdivision Control Law in Gloucester (1960) to be divided into separate parcels and that if any of the proposed lots do not comply with existing zoning requirements, the division of land shall require the issuance of special Exceptions from the Zoning Board of Appeals. The standard for Board of Appeals review is that the exception(s) shall not be unreasonably withheld and shall (emphasis added) be granted upon a finding that the proposed division does not endanger public health and safety.

Mr. Faherty went on to explain how he and the Assistant Building Inspector had calculated the number and amount of Special Exceptions required.

The Petitioner presented the Board with plans (consisting of 4 sheets by Frontiero & Carlberg) for the proposed construction of a new building in the place of the existing building on the land shown as Lot "C" on the survey plan. Mr. Faherty explained that the building was in deplorable condition and over the years had been joined to and incorporated into the adjacent buildings. He explained that he proposes to tear down the existing building and build in its stead a new structure per the submitted plans. He noted that the new building would be distinct and separate from the adjacent buildings and would offer a vista (albeit modest) from the road to Smith's Cove on either side of the building. He also represented that the street side footprint of the proposed building mirrored the footprint of the existing building.

Section 2.4.3 of the Ordinance sets forth the criteria for the Board's consideration of changes to pre-existing non-conforming structures. Mr. Faherty stated that the proposed new structure would be an absolute benefit to the neighborhood and could hardly be found to be substantially more detrimental to the neighborhood.

Nobody else spoke in favor of the petition and the Board received no communications in favor of the proposal.

Mr. Ted Tysver of Marble Road, Gloucester spoke in opposition to the issuance of the Special Permit only. He indicated that he

agreed with Mr. Faherty about the condition of the "Sale Loft" building and agreed that it should be replaced, but he questioned the Board's authority to grant Faherty permission without structural plans and foundation calculations. He also urged the Board to defer action on the petition until after the Conservation Commission acted on the Faherty plan.

No other persons appeared in opposition to the Petitioner and no communications were received in opposition.

In rebuttal, Mr. Faherty submitted to the Board a copy of Harbor & Land Commissioners' License # 865, issued in 1885, which Mr. Faherty argued was still in effect and allows him to replace the existing piles under the building on Lot "C" if he chooses without Conservation Commission approval. He alleged that there was no reason to postpone a decision on his petition for that reason. He also reminded the Board that even assuming he were granted a Special Permit for the proposed building, he would still need to satisfy the Building Inspector's requirements for structural plans.

The Board has carefully considered the petition of J. Michael Faherty for Special Exceptions under Section 3.1.8 of the Zoning Ordinance and for a Special Permit under Section 2.4.3 of the Ordinance and finds as follows:

1. The buildings shown on a plan entitled "Plan of Land In Gloucester, Mass." dated November 22, 1989 by Cape Ann Land Surveyors, Inc., existed prior to the adoption of the Gloucester Subdivision Control law and the division of the land shown on said plan into four (4) lots labeled "A", "B", "C" and "D" will not endanger public health and safety.

Therefore the Board grants the Special Exceptions listed on the attached Exhibit "A" to the petitioner.

2. The proposed tearing down and subsequent reconstruction and rear yard extension of the building known as the "Sale Loft" on Lot "C" will not be substantially more detrimental to the neighborhood in accordance with section 2.4.3 of the Zoning Ordinance.

Therefore the Board grants a Special Permit to the petitioner, J. Michael Faherty to reconstruct and extend the "Sale Loft" building on Lot "C" in conformance with the plans submitted to this Board in conjunction with this petition which plans are labeled "39 Rocky Neck Avenue", 4 sheets by Frontiero & Carlberg, dated 12/12/89.

VOTE OF THE BOARD:

In favor:

James Movalli
James Movalli, Chairman

William Fraga
William Fraga

Virginia Bergmann
Virginia Bergmann

Opposed: NONE

I, Fred J. Kyrouz, City Clerk for the City of Gloucester, hereby certify that this decision is a true and accurate copy of the original decision, which decision is filed in the City Clerk's office, and that 20 days has elapsed since the filing of such decision, and I further certify that no notice of appeal concerning this decision has been filed in this office.

Fred J. Kyrouz
Fred J. Kyrouz

Date: 1/12/1990

City Clerk

SCHEDULE OF SPECIAL EXCEPTIONS 3.1.8

<u>LOT A</u>	<u>REQUIRED</u>	<u>HAVE</u>	<u>EXCEPTION REQUESTED</u>
Lot area	10,000	1500	8500 sq. feet
Min. Lot area per Dwelling Unit	2000	1500	500 sq. ft. per unit
Lot Width	80	40	40 feet
Front Yard	20	2	18 feet
Side Yard R	10	2	8 feet
Parking	3	0	3 spaces
<u>LOT B</u>	<u>REQUIRED</u>	<u>HAVE</u>	<u>EXCEPTION REQUESTED</u>
Lot area	20,000	2875	17,125 sq. feet
Min. Lot area Per Dwelling Unit	5000	151	4849 sq. ft per unit
Min. Open space Per Dwelling Unit	3500	243	3257 sq. ft per unit
Min Lot Width	100	38	62 feet
Lot Frontage	80	35	45 feet
Front Yard	27	18	9 feet
Side Yard Front Bldg. R	27	0	27 feet
Front Bldg L	27	12	15 feet
Rear Bldg R	38	25	13 feet
Rear Bldg L	38	14	24 feet
Max Building Height - Rear Bldg	30	33	3 feet
Vegatative Cover	65%	0	65%
Parking	31	0	31 spaces
Min. Distance between Bldgs.	55	13	42 feet

(continued next page).

SCHEDULE OF SPECIAL EXCEPTIONS 3.1.8 (con't)

<u>LOT C</u>	<u>REQUIRED</u>	<u>HAVE</u>	<u>EXCEPTION REQUESTED</u>
Lot area	10,000	240	9760 sq. feet
Min Lot area Per Dwelling Unit	2000	240	1760 sq. feet
Lot Width	80	33	47 feet
Lot Frontage	65	33	47 feet
Front Yard	20	1	19 feet
Side Yard R	10	0	10 feet
L	10	0	10 feet
Rear Yard	20	1	19 feet
Max Lot Coverage	30%	55%	25% coverage
Parking	5.0	0	5

<u>LOT D</u>	<u>REQUIRED</u>	<u>HAVE</u>	<u>EXCEPTION REQUESTED</u>
Lot area	20,000	1800	18,200 sq. feet
Min Lot Per Dwelling Unit	5000	450	4550 sq. feet
Min Open Space Per Dwelling Unit	3500	192	3308 sq. feet
Front Yard	25	2	23 feet
Side Yard R	25	20	5 feet
L	25	0	25 feet
Vegatative Cover	65%	0	65%
Parking	14	2	12 spaces

LOT C SPECIAL PERMIT

To reconstruct existing non-conforming building on Lot C to: new foot print of not more than 28 feet wide by 24 feet deep and not higher than either of existing buildings on either side 25' with set backs of not less than 3 feet on left and .2 on right. Plan attached.



CITY OF GLOUCESTER

ZONING BOARD OF APPEALS

June 11, 2020

PETITIONER: Mark Goetemann

LOCUS: 37 Rocky Neck Avenue, Gloucester, Massachusetts (Map 130, Lot 4)

RELIEF REQUESTED: Special Permit – alter / expand pre-existing nonconforming structure
Special Permit – modify existing permit granted pursuant to GZO § 3.1.5

PETITION PURPOSE: To allow Petitioner to add dormer and seek City Council permit for an additional dwelling unit.

HEARING DETAILS: As advertised, May 28, 2020, at 7:00 P.M., via Zoom (Meeting ID: 860 2272 906)

ZONING DISTRICT: NB (“Neighborhood Business”)

PETITIONER’S ATTY: Joel Favazza, Seaside Legal Solutions, 123 Main Street, Suite 301 Gloucester, Massachusetts

SUPPORTING DOCS SUBMITTED BY OR ON BEHALF OF PETITIONER:

- (1) Surveyed site plan prepared by Cape Ann Land Surveyors, Inc. (submitted with original application)
- (2) Condominium floor plans prepared by Frontiero & Carlberg (submitted with original application)
- (3) Architectural elevations and floor plans prepared by Petitioner (submitted with original application)
- (4) Photographs of existing structure and of proposed dormer prepared by Seaside Legal Solutions, P.C. (submitted with original application)

BOARD MEMBERS PRESENT:

- Joseph Parisi, III, Chair
- Catherine Schlichte, Vice Chair
- Adria Pratt, Secretary
- Michael C. Nimon
- Peter Cannavo, Alternate

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CITY CLERK
GLOUCESTER, MA

HEARING PROCEDURE:

1. Speaking on behalf of the Petitioner, Attorney Joel Favazza, referencing the supporting documents submitted, introduced the project and the parties involved. Mr. Favazza explained

the history of the Locus, the need for the requested relief, and the applicable legal standards to be applied by the Board.

2. Two letters of support submitted prior to the hearing were entered into the record; Brenda Malloy, of 43 Rocky Neck Avenue, spoke in favor of the project conditioned upon Petitioner providing upgraded signage relative to the Chapter 91 public access to the waterfront on site; and Karen Ristuben, of 210 East Main Street, speaking as former president of the Rocky Neck Art Colony, spoke in favor of the project.

3. No one spoke in opposition to the project.

4. The Board closed the hearing and voted per proper procedure.

5. On a motion by Ms. Schlichte and seconded by Mr. Nimon, it was voted 5 in favor 0 opposed to grant the requested relief based upon the findings memorialized below.

FACTUAL FINDINGS BY THE BOARD:

1. The entirety of this written decision is hereby incorporated into the Board's findings as if set forth fully herein.

2. Proper notice has been given by mailing and advertising and the meeting was held at the time and place advertised per the above.

3. The Locus consists of a mixed use condominium building with three existing dwelling units.

4. The alteration of the pre-existing nonconforming structure is minimal and will have no negative impact on the neighborhood.

5. Enabling the Petitioner to seek City Council authorization to add a fourth dwelling unit would be beneficial for the neighborhood and the city as a whole.

6. Neither the proposed alteration or change in use will endanger public health and safety.

STANDARDS TO BE APPLIED:

[S]uch change, extension, reconstruction, or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure. – GZO § 1.9.2

[N]either the proposed division of the original lot nor the proposed uses of the resultant lots will endanger public health and safety. – GZO § 3.1.5(a)

DECISION OF THE BOARD:

Based on the findings made by this Board, we believe all the necessary standards for granting relief have been met and we hereby grant the following relief:

- Special Permit – alter / expand pre-existing nonconforming structure
- Special Permit – modify existing permit granted pursuant to GZO § 3.1.5

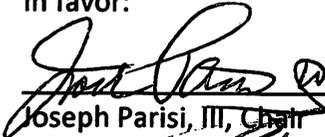
Meaning and intending to grant the requisite relief necessary to allow Petitioner to construct the modifications to the existing structure shown on the submitted plans in approximately the same location as shown on the plans and enable Petitioner to seek City Council authorization to add a fourth dwelling unit to the Premises.

GENERAL CONDITIONS:

1. All construction and activities authorized by this decision shall be in accordance with these general conditions and the plans submitted by Petitioner, which have been stamped and endorsed by the Board Chairman and which are the sole plans of record in this matter.
2. Any unauthorized deviation from the plans submitted or these general conditions may result, following due notice and a public hearing, in revocation of this decision, and shall subject Petitioner to all available remedies at law.
3. This decision authorizes only the relief specifically granted herein; it is not intended to authorize or mandate the issuance of any other permit or approval that may be required to complete the project.
4. This decision shall not take effect until notice thereof is filed in the Registry of Deeds of Essex County. The fee for filing such notice shall be paid by petitioner. Prior to filing this decision with the Registry of Deeds, petitioner shall have the Seal of the City affixed to same.

VOTE OF THE BOARD:

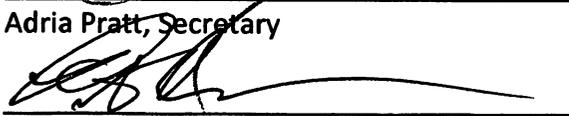
In favor:



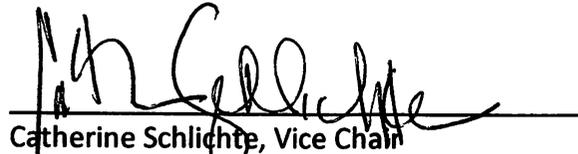
Joseph Parisi, III, Chair



Adria Pratt, Secretary



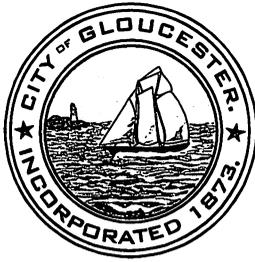
Peter Cannavo



Catherine Schlichte, Vice Chair



Michael C. Nimon



City of Gloucester
Office of the City Clerk
9 Dale Avenue
Gloucester, Massachusetts 01930
Office (978) 281-9720 Fax (978) 282-3051

Certificate of No Appeal

Mark Goetemann
37 Rocky Neck Avenue
Gloucester, Massachusetts 01930

Map 130, Lot 4 Locus (if different from above):

Addendum to the above:

I, Joanne M. Senos, City Clerk for the City of Gloucester, hereby certify that this decision is a true and accurate copy of the original decision, which decision is filed in the City Clerk's Office, and that 20 days has elapsed since the filing of such decision, and I further certify that no notice of appeal concerning this decision has been filed in said office. It is the obligation of the above named applicant to determine if an appeal has been filed with the courts.

Joanne M. Senos, City Clerk

Date: September 11, 2020

