



TOWN OF SWAMPSCOTT

ZONING BOARD OF APPEALS

ELIHU THOMSON ADMINISTRATION BUILDING
22 MONUMENT AVENUE, SWAMPSCOTT, MA 01907

MEMBERS
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RON LANDEN
HEATHER ROMAN
EMILY STUART

OCTOBER 24, 2017 MEETING MINUTES

Time: 7:02PM – 9:56PM
Location: Swampscott High School, 200 Essex Street, Rm B129
Members Present: M. Kornitsky, A. Paprocki, E. Stuart, H. Roman, A. Rose, R. Landen, A. Rose, B. Croft
Members Absent: D. Doherty
Others Present: Brian LeClair (Attorney), Charles Patsios (Petitioner), Doug Dubin (Resident), Mickey Pipes (Resident), Ruth Brooks (Swampscott Art Assoc.), Marsha Dalton (Resident), Steve Gadman (Resident), Kenneth Shutzer (Attorney), Brigitte Fortin (Architect), James Emmanuel (Landscape Architect), Bill Quinn (Attorney), Samuel Vitali (Attorney), Ralph Reid (Surveyor), Charles Dello Iacono (Resident), Tim Lawrence (Resident), Mark Delisle (Petitioner), Ryan McShera (Architect), Eric Lomas (Attorney), Maddy Bradford (Resident), Andrew Levin (Asst. Town Planner)

Chairman of the Board, M. Kornitsky called the meeting to order at 7:02PM.

MEETING MINUTES

Motion by M. Kornitsky to approve the September 24th, 2017 and October 10th, 2017 (12-24 Pine Street Site Visit) meeting minutes, seconded by R. Landen, unanimously approved.

ZONING RELIEF PETITIONS

PETITION 17-15

12 JUNIPER ROAD

This is an application by Michael Ruiz seeking a special permit (nonconforming use/structure) for the demolition of an existing one-story garage and foundation, and building a two-and-a-half story addition. Front setback to decrease 3-feet, side setback to change 4-feet, with the lot coverage increasing 312 feet. This petition was continued from the September meeting.

M. Kornitsky explained that E. Stuart and H. Roman are abutters to the property and would be recusing themselves from deciding on the Petition.

Mr. Ruiz handed in revised plans for the home explaining that the revised footprint and hardscape now do not exceed 47% of lot coverage. Mr. Ruiz stated that the front and side yard setbacks revisions are now more conforming, adding that the revised home coverage does not exceed 33%. M. Kornitsky and Mr. Ruiz discussed the plans briefly, Mr. Ruiz helped clarify some measurements. Mr. Ruiz stated that he had met and spoke with Director of Community Development, Peter Kane, and had gone over the revised plans with him.

M. Kornitsky asked if there was anyone present that wished to comment, there was none. Mr. Ruiz briefly clarified the revised max building coverage on the plans. M. Kornitsky constituted the Board as himself, A. Rose, R. Landen, A. Paprocki, and B. Croft.

MOTION : by B. Croft to grant a special permit based on demolition of this one-story garage and foundations, and building a two-and-a-half story addition in accordance with the plans, that the front setback decrease one foot, side setback change three feet, and lot coverage increasing 312 feet, seconded by R. Landen, unanimously approved.

PETITION 17-20

15 TIDD STREET

This is an application by Cynthia M. Cox seeking a dimensional variance to renovate the existing second floor to match the footprint of the first floor. The existing roof at rear back corner of the home extends over the property line into the neighbor’s property, and will continue to extend the same distance into the neighbor’s property after construction. House is currently non-conforming and will continue to be so afterward.

M. Kornitsky asked the representative present if they had a certified plan from a land surveyor with them, the representative mentioned they have some maps, but not the plan that M. Kornitsky was requesting. M. Kornitsky explained, that because this is a request for a variance, he would like to see a certified plan, the representative mentioned that the site plan is the same thing.

A. Rose mentioned that he would also like to see a certified plan, M. Kornitsky asked if the representative would like to continue or go forward, the representative asked to return later in the evening with a plan, M. Kornitsky agreed.

PETITION 15-42

12-24 PINE STREET

This is a review of a sunset provision (8-months) of a use special permit granted to Charles Patsios to allow the petitioner the use of storage of vehicles and light motor vehicle service. Continued from the September meeting.

Attorney Brian LeClair was present and stated that he representing the petitioner and owner, Mr. Charles Patsios, who was also present. Attorney explained that Ruth Brooks, the president of the Swampscott Art Association, was also present and wished to speak in support of the property.

Ms. Brooks stated that there was an art show at the property in June, mentioning that she thought the building would be “terrific” to use for its large space. Ms. Brooks handed the Board a poster from the event. Ms. Brooks explained some details from the event including how the paintings were hung, and that there were permits pulled for food served. Ms. Brooks explained that the car club president, Doug Dubin, had invited some of the car club members to come.

Ms. Brooks stated that they were not allowed to open up all the garage doors, and handed the Board a picture from the event, showing the one entrance attendees used. Ms. Brooks described the vehicles she saw in the building, comparing the vehicles to a hobby. Attorney LeClair asked Ms. Brooks if there was any trouble parking on Pine Street that day, Ms. Brooks responded that they could not park on Pine Street and that they parked elsewhere. Attorney LeClair asked where an “XFINITY” truck was parked, Ms. Ruth responded that it was parked in front. Ms. Brooks mentioned that a Police officer stopped by, and stated she presumed was there to help with traffic.

Attorney LeClair thanked Ms. Brooks for her statements and then began his presentation. Attorney LeClair explained the history of the property, stating that since it was built it has always been used for automobiles, and handed a large appendix of documents to the Board, and described what they entailed. Attorney LeClair mentioned there was statement from a Booma Oil employee (past tenant in the building) in the appendix which stated the company performed work on their vehicles in the building. Attorney LeClair mentioned there was a screen printing business that formerly occupied space in the building, M. Kornitsky inquired on how Attorney LeClair knew the business serviced vehicles there, Attorney LeClair responded that Mr. Orne (the property’s former owner) mentioned it in his statement.

Attorney LeClair stated that since the 1970's no business that serviced vehicles in the building had requested special permits for this use, only special permits for business use, because the building had always been used for automobile servicing.

Attorney LeClair showed a letter from the (former) Town Building Inspector, dated 2015, which in it drew distinction between a permit for servicing vehicles and storage, Attorney LeClair stated that storing vehicles is not the issue. Attorney LeClair explained that the building, since 1918, had been used to store vehicles, but that the Building Inspector did not know that in addition to this, it was also used to service vehicles, Attorney LeClair stated this is when the first permit for servicing vehicles was needed. Attorney LeClair explained that in the 1924 Town Annual Report, Swampscott adopted their first Zoning ordinance, but that the vehicle use (storage and service) predate this. Attorney LeClair stated that he does not believe a special permit is required to service the vehicles in the building, unless the service is an expansion from the buildings historical use.

M. Kornitsky and Attorney LeClair briefly discussed whose jurisdiction this permit review would fall under, Attorney LeClair stated that he believed the Boards, because the permit is in front of them. M. Kornitsky inquired if it would be a review of the decision made (previously) or a review of the conditions set in the decision, Attorney LeClair mentioned it would be based under the review of the sunset provision of the special permit.

Attorney LeClair continued to go through the documents in the appendix, mentioning there is a series of statements included which refute many of the complaints made at the last hearing, particularly, assertions of foul language, including documents suggesting the foul language is from the abutters, and cited a Police report in the record. Attorney LeClair stated there was no second car show (a claim previously made), and refuted the claim of a late-night tow-truck drop off, and added there is no photo evidence of such. Attorney LeClair stated that he spoke with Bette Johnson (property abutter) and stated that she would have noticed a truck drop-off, and mentioned there was no situation like the one described to her knowledge. Attorney LeClair stated that Ms. Johnson also said there was no pizza party for snowplow drivers, as previously claimed.

Attorney LeClair, citing the images provided by abutters, Stephen and Terry Gadman, stated that these images do not demonstrate the garage doors always being opened, and that the photos show the doors being opened only a few times, adding the openings were because things were being moved in and out.

Attorney LeClair stated that Mr. Spero provided a lengthy signed statement that he had moved out of the building completely between late December and early January of 2017, and that he does not have a key to the building or store equipment there. Attorney LeClair added that Mr. Spero moved equipment out of the garage bays in September after the Building Inspectors ruling. Attorney LeClair continued that Mr. Spero's statement states that his new office is on New Ocean street, and that he and his employees park on Pine Street and walk to the new office. Attorney LeClair added that the statement also says that Mr. Spero owns a classic car and friends with members of the car club, and that when visiting the building he parks in the parking lot, which Attorney LeClair stated the abutters photos confirm.

Attorney LeClair stated that he does not represent Double D Construction or the car club, but he had spoken with Double D Construction, adding that Double D Construction is also a member of the car club. Attorney LeClair stated that Double D Construction thought he could bring non-classic cars into the building, Attorney LeClair stated that Double D Construction would not do it again, and added that Mr. Patsios mentioned he would evict him if he did. Attorney LeClair mentioned the claim made at the previous meeting about Double D Construction leaving a truck idling while inside the building, Attorney LeClair stated that he told Mr. Dubin he cannot do that anymore.

Attorney LeClair asked for relief in the decision to specify that if people are moving things in or out of the building via the Pine Street doors, they can park adjacent to the them. Attorney LeClair explained a situation when this would be helpful to both the abutters and building tenants.

Attorney LeClair then described a statement provided by Mr. Canelo in the appendix, stating that he took down the trees on the property, and described a situation where Mr. Orne's family was harassed and other previous incidents.

Attorney LeClair mentioned that 10 neighbors other than Ms. Johnson have stated they have no problem with the special permit.

Attorney LeClair stated that a previous claim of a truck in the parking lot that did not have a license belongs to Double D Construction, and explained the situation that lead to it being parked in the lot.

Attorney LeClair asked that the special permit have a condition specifically allowing the garage door to be open, adding that there is minimal ventilation in the building. Attorney LeClair asked that the door be allowed open during the daytime in warmer weather, and that they be allowed to open one panel if no power tools are being used or no loud noises are emanating from the building.

M. Kornitsky asked the Board if they had any questions, B. Croft mentioned that there are many photos of vehicles parked on the property, but that he does not believe from viewing the photos that they were left idling. B. Croft and Attorney LeClair briefly discussed this.

M. Kornitsky asked if anyone present wished to speak.

Mickey Pipes, 12 Eerie Street, stated that she had been retired and home for the past 10 years, stating there is no noise and that the buildings tenants are good people. Ms. Pipes refuted the complaints made by the neighbors and mentioned she had lived at 12 Eerie Street for 21 years.

Marsha Dalton, 37 Pine Street, asked about a petition that was signed and handed to the Board, M. Kornitsky read the petition and addresses of the signees to the audience.

Steve Gadman, 11 Pine Street, addressed a Police report that has been brought up previously and explained the incident. M. Kornitsky asked Mr. Gadman about his truck being parked in front of the building, Mr. Gadman mentioned he parked there all the time and was aware the Art Show was going on, and stated it was his "bad", and he should have moved the truck.

M. Kornitsky and R. Landen briefly discussed the previous decision and conditions. B. Croft inquired about what conditions the Board would be reviewing, M. Kornitsky mentioned there are seven that are the most pertinent. B. Croft mentioned that the use of the Pine Street doors seems to be of the most concern, and mentioned that he did not hear evidence regarding idling cars in the parking lot. B. Croft mentioned the discussion on the prior use of the building, dating back to 1918, but explained he did not believe the prior use needed to be reviewed if the conditions were not found to be violated. M. Kornitsky stated that the public notice of the petition advertised did not mention prior use, adding that the Board should review the existing conditions and decide which ones should remain and if to possibly have another sunset review. R. Landen mentioned the prior use evidence was instructive and helped provide evidence on what is currently being done in the building is similar to previous uses. B. Croft and R. Landen briefly discussed, B. Croft mentioned that the Board does not need to speculate on uses. The Board briefly discussed the property and what was observed at the previous site visit.

H. Roman stated that contractor usage was prohibited in the previous conditions, yet it still happened, M. Kornitsky mentioned that it was stated that if it happened again the tenant's occupancy would end. M. Kornitsky added that if there was a decision made, he would look to add the no contractor usage as a condition.

M. Kornitsky stated that he did not have an issue with the three allowances the owner was requesting, mentioning he is in favor of adding a time limit on the opening of the garage door. M. Kornitsky and Attorney LeClair briefly clarified the exact requests that was being made. A. Paprocki mentioned that he was not in favor of the door conditions, stating the most vocal abutters are across from the doors, and that this could lead to more incidents. The Board briefly discussed the conditions, B. Croft mentioned that some of the conditions are very subjective, and could hard to enforce. Attorney LeClair reiterated the ventilation problems, B. Croft and Attorney LeClair briefly discussed the noises that emulate from the building. B. Croft stated that keeping the doors closed would help mitigate the noise and could help with neighbor issues. A. Paprocki mentioned the possibility of adding fans in the building, M. Kornitsky stated the Eerie Street garage doors could be left open.

H. Roman asked if an unregistered trailer counted as a vehicle, M. Kornitsky mentioned a decision could include trailers. H. Roman pointed out some enforcement issues, mentioning that the trailer that was left at the property was said not to be a violation, but she believed it is. The Board briefly discussed what type of vehicles to allow, as well as if they should have another sunset review. M. Kornitsky mentioned there shouldn't be another sunset, but if the neighbors bring forward an aggrievement of the decision, it would go back before the Board. The Board briefly discussed this.

M. Kornitsky motioned to close the public hearing, A. Paprocki seconded, the public hearing was closed. The Board was constituted as M. Kornitsky, R. Landen, H. Roman, A. Paprocki, and B. Croft.

MOTION : by M. Kornitsky to ratify the existing conditions and existing permits with the exception that #5, no unregistered vehicles parked outside the building also include trailers or any other vehicles requiring registration, no servicing commercial vehicles on the property, a condition allowing the garage door on Eerie Street side to be open one panel during warm weather if no power tools or loud music or noise are happening, the garage doors may be opened to move things in or out, but not open longer than 15 minutes, no further sunset review of permit, Seconded by R. Landen, unanimously approved.

PETITION 17-19

50 GALLOUPES ROAD

This is an application by Eric and Ximena Talcofsky seeking a use special permit, dimensional special permit, special permit (5.3.0.0), and a site-plan special permit, to demolish an existing shed and replace with a nonconforming unattached garage (carriage-house) to accommodate additional motor vehicles and miscellaneous pool and tennis court equipment.

Attorney Kenneth Shutzer stated he is representing the property owners, adding that present with him are Luis Spagnoli (project contractor), Brigitte Fortin (project architect), James Emmanuel (landscape architect), and Mr. and Ms. Talcofsky (the property owners/ petitioners).

Attorney Shutzer described the relief request and project, stating the proposed garage will be for storage of additional vehicles as well as tennis and pool supplies. Attorney Shutzer explained the new garage's sideyard setback will be 7 ½ feet from the sideline, which conforms. Attorney Shutzer stated that he reviewed the sections of the Zoning Bylaw regarding garages, and mentioned was confused over how many cars are allowed with multiple garages and is seeking clarification. Attorney Shutzer mentioned that if the Board thought it unnecessary for relief to be granted, then he

would go to the Building Inspector for the permit. Attorney Shutzer stated the owners of the neighboring property and his clients have worked out specific conditions, and then turned the presentation over to Ms. Fortin.

Ms. Fortin stated the dimensions of the proposed garage will be 24 ft by 40 ft, and the roof will overhang in the front, and the side of the proposed garage will open to the tennis court. Ms. Fortin stated that they tried to push the proposed garage into the existing hill as much as possible, adding that the proposed garage will not be visible from the abutting property.

Ms. Fortin explained the proposed garage will have a stone bottom, shingle sides, and a cedar shingled roof to match the main home. Ms. Fortin added that only a little bit of the garage will be visible above the retaining wall.

Attorney Shutzer stated that the petition had previously been before the Planning Board and mentioned a discussion had at the review about occupancy. Attorney Shutzer stated that there was a recommendation made by the Planning Board that the proposed garage not be used as habitable space and mentioned his clients had agreed to this.

Mr. Emmanuel began his presentation by explaining that the goal was to embed the structure into the existing slope, and add a three to four-foot tall retaining wall, which will go into the side of the proposed garage, allowing for buffer plantings. Mr. Emmanuel mentioned that arborvitae and evergreens will be planted, and mentioned some rock and ledge present, but will be adding soil behind the wall for the plantings. Mr. Emmanuel mentioned there will be ornamental plantings added, including arborvitae, and added that there are many existing shrubs on the lot line which will be maintained. Mr. Emmanuel explained there will be three different types of arborvitae, and they will be similar to the existing plantings. Mr. Emmanuel explained the driveway be pavers placed around the skirt of the entrance and to leading to the tennis court, and concluded by stating reiterating the plan to integrate the proposed garage into the site.

Attorney Shutzer entered the agreed upon conditions with the abutters into the record, adding that the neighborhood was canvassed, to seek comments from abutters. Attorney Shutzer mentioned that Melissa Robbins Clifford at 136 Galloupes Point Road had asked for vehicles to be stored off the street. Attorney Shutzer stated, that to accommodate this request, his client will store their vehicles in the garages and place pavers on their grass skirt of their property, helping get the vehicles off the grass. Attorney Shutzer handed the Board a list of abutter signatures.

M. Kornitsky asked to hear from the direct abutters attorney, Bill Quinn. Attorney Quinn stated that he represents the McDonalds, who abut the side setback of where the proposed garage is going. Attorney Quinn explained his clients back yard, and that his clients are willing to work with the Talcofsky's. Attorney Quinn continued that many of his client's concerns are addressed by the conditions agreed upon with the Talcofsky's, and asked they be added to the decision. Attorney Shutzer added that during construction, trucks will be parked on the Talcofsky's tennis court.

M. Kornitsky mentioned that he believes the petitioners need a special permit under section 2.2.4.7, explaining that his opinion is the garage is allowed by right, but safer to grant relief, adding that section 2.3.3.2 covers the accessory structure for the 3-car garage.

Board was constituted as B. Croft, T. Paprocki, H. Roman, E. Stuart, A. Rose

MOTION : by A. Paprocki to approve for use special permit and dimensional special permit, with the conditions as submitted by the applicant, adding the condition that construction parking be on the tennis courts, and built in accordance of the plans, seconded by B. Croft, unanimously approved.

PETITION 17-21

36 EDGEHILL ROAD

This an application by Ralph W. Reid seeking a dimensional special permit for a right rear yard setback violation created due to a surveying miscalculation during the positioning of the foundation. The setback currently stands at 6.1' where 7.5' is required., the applicant is seeking relief to keep the setback 6.1'.

Attorney Samuel Vitali was present, and mentioned he was there on behalf of the property surveyor, Ralph Reid (who was also present). Attorney Vitali explained the history of the property, stating it is bound on two sides by Aggregate, and explained a previous special permit the property owner had applied for and later withdrew.

Attorney Vitali explained that the mistake was with the correct map to use during the pouring of the foundation, and mentioned that there were three options to take: they could take out the wrong foundation (mentioning it would be expensive), try and find and determine the unknown owners of the surrounding lots, or appear in front of the ZBA.

Attorney Vitali asked the Board to grant relief to continue to build the home.

M. Kornitsky asked if there were any comments from the Board or public, there was none. The Board was constituted as M. Kornitsky, H. Roamn, E. Stuart, A. Paprocki, and A. Rose.

A. Rose motioned to close the public hearing, M. Kornitsky seconded, approved.

MOTION : by A. Rose to grant the dimensional special permit, seconded by M. Kornitsky, unanimously approved.

A. Rose asked if Attorney Vitali would write the decision, Attorney Vitali agreed.

PETITION 17-20

15 TIDD STREET

M. Kornitsky and the representative discussed the measurements of the existing and proposed addition and how far the roof extends onto the property, the representative stated only one foot. M. Kornitsky asked if the representative had brought back a certified plan, the representative stated he did not, but that the plot plan is based off a survey. M. Kornitsky mentioned that the hearing and discussion could take place at this meeting, but the petition be continued to next month so the representative can show the Board a certified plan. M. Kornitsky and A. Rose briefly discuss the request for variance, the representative mentioned that the first floor will match the second. The representative reiterated that the addition will still only encroach one foot, but just higher. A. Rose mentioned that this could be a section six finding, the representative mentioned the overhang has been there since the house was built in 1908, and stated the overhang will not extend any further onto the property, just higher. The representative explained the structure is currently a single-family home and remain so, the plan is to add an addition for an upstairs living area, adding a laundry room, 1 ½ bathroom and a bedroom.

A. Rose and M. Kornitsky briefly discussed the type of relief needed, M. Kornitsky mentioned he also believed it to be a section six, A. Rose added that they need the proper documents first. M. Kornitsky stated that he believed this to be section six because non-conformity is not increasing. M. Kornitsky explained that this could possibly be just a special permit request, and added that the Board needs to see a certified survey that shows existing encroachment and the proposal. M. Kornitsky asked if there was any public comment, there was none.

MOTION : by M. Kornitsky to continue Petition 17-20 to November 28th, seconded by H. Roman, unanimously approved.

PETITION 17-23

324 ESSEX STREET

This is a petition of Riverworks Investment Corp./Robert Ginsburg c/o Kenneth Shutzer, Esq. seeking a use special permit and a special permit (signs) for use of the property as a professional office.

Attorney Kenneth Shutzer stated that he is representing the petitioner, and began by explaining there was previously confusion regarding if the building conformed or not. Attorney Shutzer mentioned that the building is located in a B1 Zoning District. Attorney Shutzer explained to the Board Bylaw section 2.2.3.1, which allows for change of ownership of commercial use which does not need a new special permit, unless it was a personal permit (Attorney Shutzer stated that he included a previous special permit in the request). Attorney Shutzer used a photo of a sign board found at the location with the property's address on it to show it was a commercial use.

Attorney Shutzer explained the building was bought in September and that the new owner (also the petitioner) does not wish to change the floor plan or interior, and stated the only exterior changes would be potentially painting and neatening up the outside. Attorney Shutzer stated the request for signage and parking is the same as what was previously granted, because this will also be classified as large, as there will be more than 10 offices. Attorney Shutzer stated that they do not wish to alter the relief that was already allowed.

Attorney Shutzer mentioned there was concern over the lapse in use, and explained his interpretation of the Bylaw. Attorney Shutzer mentioned the Building Inspector submitted a letter in support.

Attorney Shutzer briefly explained the B1 district and its history, and stated the petitioners proposal is to use the building in the same way as what was granted in 2007. Adding that they are also seeking the same relief for 35 parking spaces, the same amount granted in 2007, and potentially having a sign board in the front with names of the tenants.

A. Rose inquired if the petitioner needs a permit, besides the sign permit needed, Attorney Shutzer responded that the business will be over 10 offices and explained how he interpreted the bylaw. Attorney Shutzer mentioned that he would rather have the Board hear the petition and make a decision.

M. Kornitsky asked if there was anyone in the audience who wished to comment.

Charles Dello Iacono, 12 Dillisio Road mentioned that he believes there is a problem with the parking relief requested, and added that there are already problems with people parking on the street. M. Kornitsky explained that the Board is deciding if the property needs relief, and mentioned that at the moment, both A. Rose and himself do not believe they do. A. Rose added that the petitioner is not looking to expand the previous use. Another audience member asked for clarification on the parking relief, M. Kornitsky explained why the petitioner would not need relief. Mr. Dello Iacono reiterated his concern with parking, M. Kornitsky responded that parking would fall under the Board of Selectmen's jurisdiction in this case.

A. Paprocki asked about the parking requirements and relief, Attorney Shutzer explained that the relief is for 35 spaces, and that currently the property has 4 spaces. Attorney Shutzer stated the new request is sticking with the original relief of 35 spaces. M. Kornitsky clarified the current request, and mentioned that he was persuaded that this use will be the same as the previous use and that it falls under the previous decision.

Tim Lawrence, 325 Essex Street asked if the road conditions are the same as when the 2007 decision was granted, M. Kornitsky replied that the abutters should speak with the new owners, or go to the Board of Selectmen to speak about traffic. Attorney Shutzer stated that he would be willing to try and work with the abutters.

An audience member asked the Board about emergency vehicles and additional cars, M. Kornitsky responded that the Board does not have the authority, and that the abutters should meet with the new owner.

M. Kornitsky and the Board briefly discussed the petition and agreed there is no need to grant relief. M. Kornitsky motioned to close the public hearing, B. Croft seconded, unanimously approved.

The Board was constituted as M. Kornitsky, A. Rose, E. Stuart, A. Paprocki, and B. Croft.

MOTION : by M. Kornitsky to make a finding that the use as a previously permitted use does not need relief under our Zoning Bylaw for similar use that is applied for under Section 2.2.3.1 and therefore no other relief is required, seconded by B. Croft, unanimously approved.

PETITION 17-22

25 GLEN ROAD

This is an application by Eric Lomas, Esq. for owner Mark Delisle seeking a special permit (nonconforming use/structure), site-plan special permit, and dimensional variance for the conversion of an existing single-family home and the construction of a new two-family residence as a second principal structure on the property.

Mark Delisle, Ryan McShera (Architect), and Attorney Eric Lomas were present.

Mr. McShera began by explaining the request and project plan, mentioning they have already been before the Planning Board who recommended favorable action. Mr. McShera stated that he and the owner believe this is the best use for the property. Mr. McShera stated that the hardship (needed for variance) is the soil, shape, and topography of the lot. Mr. McShera mentioned that ledge is prevalent in the area, adding that another project in the neighborhood also ran into ledge. Mr. McShera continued to explain the current property layout.

M. Kornitsky explained that the Zoning District the property is in (A3) allows up to 8-units by special permit, M. Kornitsky asked if any plans were done to show what it would look like to have 4-units in the front structure, instead of two separate structures. Attorney Lomas responded that the owner does not want to make a large structure that would conflict with the neighborhood. M. Kornitsky stated that he would like to see a plan of what the structure could possibly look like. M. Kornitsky and Mr. McShera briefly discussed, Mr. McShera stated that the “two building” design is safer, and explained some of the potential issues. A. Rose mentioned the 40-foot setback required between structures, Mr. McShera stated the distance between the two structures is proposed to be about 39 feet.

A. Rose brought up the parking requirements and stated the proposed tandem spaces will not count, Mr. McShera stated they could comply with the parking requirement.

M. Kornitsky mentioned that he would like to hear from the neighbors.

Attorney Lomas added that he had previously heard concerns on parking and density and mentioned that it will be better to have two accesses, and then handed in signatures from 29 and 27 Glen Road. A. Rose helped clarify what the petitioner would need to get the relief they are looking for. M. Kornitsky stated that he would like to hear from the neighbors. Mr. McShera mentioned that he had shown the plans to some of the neighbors and added that the current structure is compliant with the zoning bylaw.

A. Rose mentioned that the Petitioner and Mr. McShera should put together a proposed plan showing what could be built by right and show this to the neighbors. An audience member mentioned that many of the neighbors are present at the meeting, M. Kornitsky reiterated that Mr. McShera and Mr. Delisle should meet with the neighbors. An audience

member asked for clarification on the zoning requests, Mr. McShera responded the petitioner is seeking a special permit, site-plan special permit, and dimensional variance for the two structures on the lot. M. Kornitsky and members of the audience briefly discussed the size of the lots located in the surrounding neighborhood. A. Rose mentioned that parking will need to be looked at, Mr. McShera used the maps to show where parking could be added.

Maddy Bradford, 35 Glen Road mentioned the lack of sidewalks on Glen Road, adding that both Glen Road and Cardillo Terrace are not large streets, M. Kornitsky responded that the Board can review parking if they are seeking relief.

B. Croft inquired about the story count stated on the application, Mr. McShera mentioned that the amended application shows the top story is compliant.

MOTION : by M. Kornitsky to continue to November 28th, 2017, B. Croft seconded, unanimously approved.

Meeting closed at 9:56 PM

Andrew Levin
Assistant Town Planner