



TOWN OF SWAMPSCOTT

ZONING BOARD OF APPEALS

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

MEMBERS
MARC KORNITSKY, ESQ., CHAIR
DANIEL DOHERTY, ESQ., VICE CHAIR
BRADLEY CROFT, ESQ.
ANTHONY PAPROCKI
ANDREW ROSE

ASSOCIATE MEMBERS
RON LANDEN
HEATHER ROMAN
EMILY STUART

FEBRUARY 27, 2018 MEETING MINUTES

Time: 7:00PM – 7:41PM
Location: Swampscott High School, 200 Essex Street, Rm B129
Members Present: M. Kornitsky, D. Doherty, E. Stuart, H. Roman, A. Paprocki, B. Croft, R. Landen
Members Absent: A. Paprocki,
Others Present: Nikolas Nikolopolous (Petitioner), Peter Venuto (Red Sauce, Inc), Nick Felici (Attorney) Peter Kane (Director of Community Development), Andrew Levin (Asst. Town Planner)

Chairman of the Board, M. Kornitsky called the meeting to order at 7:00pm.

EXECUTIVE SESSION

M. Kornitsky motioned for the Board to enter an Executive Session, seconded by B. Croft, unanimously approved.

The Board left to a separate room for their executive session.

Upon return of the Board, M. Kornitsky motioned to end the executive session and return to the public hearing, seconded by R. Landen, unanimously approved.

MEETING MINUTES

MOTION : by M. Kornitsky to approve the January 23rd meeting minutes, seconded by D. Doherty, unanimously approved.

ZONING RELIEF PETITIONS

PETITION 17-22

25 GLEN ROAD

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 into a two-family home and the construction of a new two-family residence as a second principal structure on the property.

M. Kornitsky explained that the petitioner had requested a continuance and had signed a continuance form already.

MOTION : by M. Kornitsky to continue the petition to March 27th, seconded by D. Doherty, unanimously approved.

PETITION 17-27

96 PURITAN ROAD

Petition 17-17 is a request by Jim Dennis, seeking a dimensional variance to construct a rear stairway out of the unit for a second means of egress in the rear building on the property.

M. Kornitsky called forth Petition 17-27, Assistant Town Planner, Andrew Levin, explained that the applicant had previously signed a withdrawal form, and wished for their petition to be withdrawn.

MOTION : by M. Kornitsky to accept the withdrawal without prejudice, seconded by D. Doherty, unanimously approved.

Board was constituted as D. Doherty, M. Kornitsky, B. Croft, R. Landen, E. Stuart

PETITION 18-01

10-12 FAIRVIEW AVENUE

Application of Nikolas Nikolopolous seeking a use special permit and dimensional special permit to extend an existing garage by 18 feet by 24 feet.

The petitioner Mr. Nikolopolous was present, and began by handing the Board members photos of the existing garage. M. Kornitsky and Mr. Nikolopolous briefly discussed the location of the property and the garage.

Mr. Nikolopolous explained that he wishes to add an additional 18 feet to the front of the garage, and briefly described the garage's current location. Mr. Nikolopolous explained that he accesses his driveway by a right of way that goes straight through to his garage. Mr. Nikolopolous explained that lots 6, 6R, and 8R use the driveway. The Board asked Mr. Nikolopolous if he was the only one using the garage, he stated that he is. The Board asked him how many cars he stores in the garage, Mr. Nikolopolous replied there are only two and he is hoping the addition will allow him to put his pickup truck in the garage as well.

M. Kornitsky and Mr. Nikolopolous clarified the existing garage measurements, which are 24 by 30 feet, and the proposed garage with the addition will be 24 by 48 feet. B. Croft and Mr. Nikolopolous discussed the vehicles that are currently and proposed to store in the garage. Mr. Nikolopolous and the Board clarified the measurements on the application that were handed in. The Board and Mr. Nikolopolous discussed the existing garage further, Mr. Nikolopolous restated that he has two classic cars which he keeps in the garage currently. The Board clarified that the Zoning Board can only give relief for 3 private vehicles to be kept in a garage.

D. Doherty asked if the lot labeled as 6R uses the garage, Mr. Nikolopolous stated they do not.

The Board and Mr. Nikolopolous discussed the property lines, and if the garage is on Mr. Nikolopolous land or not. Mr. Nikolopolous stated that he purchased the lot labeled "Lot X" in 1997, Mr. Kornitsky mentioned that he would like to see a Planning document for the lot, the title to parcel X, and documents on the Right of Ways in the rear. The Board and Mr. Nikolopolous discussed the Right of Ways. M. Kornitsky mentioned that the Board needs more information from the applicant.

M. Kornitsky asked Mr. Nikolopolous if he would sign a continuance form and gather more information for the next meeting, Mr. Nikolopolous agreed.

MOTION : by M. Kornitsky to continue Petition 18-01 to the Board's March 27th meeting, seconded by D. Doherty, unanimously approved.

PETITION 18-02

96 PURITAN ROAD

Application by Red Sauce, Inc. seeking a use special permit in conjunction with its application to the Board of Selectmen for an alcohol license. The Petitioner is also seeking a use special permit to extend hours of operation to 12AM each day, and a use special permit for entertainment. Petitioner envisions providing limited ethnic Mexican guitar music consistent with a family-style restaurant

Attorney Nicholas Felici was present along with Project Manager Peter Venuto.

Attorney Felici began by handing the Board a draft floor plan for the restaurant, and explaining that this will be a family style restaurant. Mr. Felici added that the owner owns other restaurants in the area and that they entered into a lease at this location almost a year ago, but have been waiting on their license. Attorney Felici explained that his clients are hoping to keep the same structure in the restaurant (of the previous restaurant that was in there) except changing the décor to match the style of the restaurant type. Attorney Felici explained that his clients do not expect any buildouts.

Attorney Felici explained that his clients are asking to keep the hours of operation as the restaurant before them in the same location; open till midnight. Attorney Felici added that his clients would like the possibility of having small scale entertainment, mentioning that it would be a one or two-piece mariachi type band, but would be kept in line with a family style restaurant type setting. Attorney Felici mentioned that his client's other restaurants also have light entertainment as well. Mr. Felici mentioned that his clients are seeking their entertainment use permit now, instead of in the future.

M. Kornitsky asked about outdoor seating, Attorney Felici mentioned that he did not know and had not spoken with his clients about it yet. Mr. Venuto mentioned that the location is tight, and not looking at an outdoor seating concept for the location.

M. Kornitsky asked the Board for any questions, there was none. M. Kornitsky then went on to explain that any relief granted by the Board would still be limited by the Board of Selectmen. M. Kornitsky then explained that he believed the plaza to be a great location for this use, citing that there is a limited amount of residential structures near it, and that there is the other new restaurant going in very close as well. M. Kornitsky added that he did not have any problems with the hours of operation, and mentioned that the restaurant would have to go before the Board of Selectmen every year, as part of their Liquor License terms. Attorney Felici mentioned that his clients restaurants usually close at 11pm or so.

The Board was constituted as D. Doherty, R. Landen, E. Stuart, H. Roman, and A. Paprocki.

MOTION : by R. Landen to approve the application by Redsauce Inc. for special permit to extend hours of operation to 12am each day, and a special permit that would allow them to hae limited entertainment on the premises during the hours of operation, limited to 1 to 2 person guitar music consistent with Mexican style family restaurant, seconded by B. Croft, unanimously approved.

M. Kornitsky motioned to adjourn the meeting, seconded by D. Doherty, unanimously approved, meeting adjourned at 7:41PM.

Andrew Levin
Assistant Town Planner