



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
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ASSOCIATE MEMBERS
RON LANDEN
HEATHER ROMAN
PAULA PEARCE

FEBRUARY 15, 2022 MEETING MINUTES

Time: 7:02pm – 9:03pm
Location: Remote via Zoom
Members Present: M. Kornitsky, D. Doherty, B. Croft, H. Roman, P. Pearce
Members Absent: A. Rose, A. Paprocki
Others Present: Marissa Meaney (Land Use Coordinator)

MOTION: M. Kornitsky to continue Petition 21-28: 17 Crosman Ave, Petition 21-30: 95 Puritan Ln, and Petition 22-01: 219 Paradise Rd to March 2, 2022. Unanimously approved.

MOTION. M. Kornitsky to continue Petition 21-26: 12-14 Pine St to March 22, 2022. Unanimously approved.

ZONING RELIEF PETITIONS

PETITION 21-31

128 HUMPHREY ST

Petition by ABRAHAM GALLEGU. Requests Special Permit for liquor license for new café; seeking relief from 4.4.1.0 of the Swampscott Zoning Bylaw. Property located at 128 HUMPHREY ST (Parcel ID: 2-28).

Mr. Guerrero is seeking a special permit for a liquor license on behalf of Pomona Café, as the establishment is located within 200 feet of the Hadley School. Alcohol would be limited to beer, wine, and cordials.

There is currently no outdoor seating, though they might request that they be allowed to have two tables outside during the warm weather months.

D. Doherty inquired as to where in the bylaw it states that the ZBA has the jurisdiction to grant relief for this petition. The Board debated the definition of liquor, and whether the petitioner would require relief, as beer, wine, and cordials do not meet the definition of liquor per the ABCC. M. Kornitsky stated that relief could be granted for the selling of alcohol under a Use Special Permit.

Resident Cindy Cavallaro inquired if alcohol would be served in cups that would be different from non-alcoholic beverages on a to-go basis, the answer was no to all, and that staff is highly trained and will heavily monitor the distribution of liquor.

Abutter Siobhan Giantis of Blaney St inquired about liquor being served during school hours, and requested that it not be served during drop-off or pickup times.

MOTION: D. Doherty to approve petition for relief under Table of Uses, thus permitting the sale and consumption of alcoholic, non-liquor beverages on the premises. Hours of the establishment are to be consistent with what is requested and will defer to Select Board for further clarification. B. Croft seconds; unanimously approved.

PETITION 21-01

21 ELM PLACE

Petition by WINN DEVELOPMENT c/o CHRIS DRUCAS, ESQ. Requests a Chapter 40B Comprehensive Special Permit for the construction of a 120-unit, mixed-income apartment building. Property located at 129 ESSEX ST, 25 & 35 PITMAN RD, 21 ELM PL (Parcel IDs: 6-195, 6-243, 6-199, 6-118)

Chairman Kornitsky stated that there were procedural limitations for the hearing due to no updated peer review materials. He suggested that time be spent to addresses issues that petitioner can respond to.

Angela Gile reiterated the information that was presented in the memo submitted regarding parking, snow removal, trash, move-in, and pickup/drop-off. Namely, the assignment of parking spaces per unit, the location of guest and special parking in the “connected” lot, and the enforcement of handicap and no-parking areas.

Marzie Galazka, on behalf of the Department of Community Development, took time to address some of her concerns. She stated that the project does not provide enough parking, and that the 21 proposed spaces to be leased from Burkes could cause future issues between Elm Place Residents and Burkes users. Additionally, the proposed curb cut would inhibit spaces from being designated on Pitman Rd; the spaces to be leased on the “connecting lot” are too far from the building entrance; and the project would lastly prevent the Rail Trail from servicing that side of Swampscott.

John Smolak, attorney for Winn Development, stated that the Rail Trail is not essential for this particular project. Chairman Kornitsky, however, stated that this the Rail Trail is essential for the Town, as it is a matter of open space and the ZBA has jurisdiction over it.

