



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 L. CROFT, ESQ.
ANTHONY PAPROCKI
ANDREW ROSE

ASSOCIATE MEMBERS
RON LANDEN
HEATHER ROMAN
PAULA PEARCE

MARCH 2, 2022 MEETING MINUTES

Time: 7:02pm – 8:22pm
Location: Remote via Zoom
Members Present: M. Kornitsky, H. Roman, P. Pearce, A. Rose, A. Paprocki
Members Absent: D. Doherty, B. Croft, R. Landen
Others Present: Marissa Meaney (Land Use Coordinator)

MOTION: M. Kornitsky to approve minutes from January 11, 2022 and January 18, 2022. P. Pearce seconds; unanimously approved.

MOTION: M. Kornitsky to continue Petition 21-01 to March 15, 2022 and Petition 21-26 to March 22, 2022. A. Rose seconds; unanimously approved.

MOTION: M. Kornitsky to continue Petition 21-28 to March 22, 2022. H. Roman seconds; unanimously approved.

ZONING RELIEF PETITIONS

PETITION 21-30

95 PURITAN LANE

Petition by NICHOLAS MENNINO c/o CHRIS DRUCAS, ESQ. Requests Dimensional Special Permit and Site Plan Special Permit for demolition and reconstruction of single-family home. Parcel ID: 26-8.

Engineer Rich Williams presented the petition before the Board; addressed how the unique shape of lot triggered need for dimensional relief. Board member Roman asked about the lighting plan; petitioner stated that it was not required, and that lights are located in soffits.

There was no public comment.

M. Kornitsky asked Mr. Drucas to explain how the Board may justify the relief for the lot. Mr. Drucas explained that the lot is protected under MGL Chapter 40A, Section 6. M. Kornitsky further stated that the lot is pre-existing, nonconforming, and nothing about the lot itself is changing. He then asked if relief was needed for the number of stories, of which there are 3 proposed. Andy Rose stated that the third story is the lower level of the backside of the building, part of which is below grade, so it is therefore not a full story.

MOTION: M. Kornitsky to approve Petition 21-30, under the basis that the requirements for a Site Plan Special Permit have been met under Section 5.4.0.0 of the Swampscott Zoning Bylaw, and under the Section 6 finding that the changes proposed are no more nonconforming in nature than what previously exists. P. Pearce seconds; unanimously approved.

PETITION 22-01

219 PARADISE RD

Petition by 219 PARADISE RD LLC c/o BILL STIBEL, ESQ. Requests Use Special Permit and Special Permit for Parking Requirement Reduction to construct two additional service bays, increase number of employees, and provide additional overnight parking on premises. Parcel ID: 15-2.

Attorney Stibel presented the petition before the Board, and explained the relief requested. The petitioner is asking for 35 parking spaces (though he would never have that many cars parked on the premises at once) and an increase to 12 employees (who will not all be working at any one given time).

The petitioner confirmed that there will be regrading of the parcel, to which the Board agreed that the plans may need DPW approval for stormwater analysis.

Andy Rose indicated that taking section of undeveloped land and regrading it to allow for more parking just turns the property into a parking lot. He inquired as to why the petitioner needs 35 spaces overnight. Attorney Stibel responded that the spaces would be reserved for people who have dropped off their cars and are waiting for service, or for those who have been serviced and just need to pick up their vehicles. Mr. Rose acknowledged the response, and said that he feels comfortable knowing that this is for Gus Moussa being able to expand his business, as long as the neighbors are ok.

Anthony Paprocki stated that the landscape plans shows a different parking layout; it was confirmed that the site plan document reflects the accurate parking plan.

Andy Rose suggested that the buffer zone, which would be used for snow removal, be landscaped, so as to create a more natural boundary between the property and that of the abutting neighbor. It would save green space, but it would mean that the parking spaces would have to be tandem. Attorney Stibel said that this would be too complicated, but Mr. Rose explained that the bylaw states that parking lots must be set back by 25' from abutting residential properties, meaning that the impervious space must adhere said setback requirement.

The item was opened for public comment.

Mark Galardi, abutting neighbor to rear on Swampscott Ave, agreed with the statement made by Mr. Rose. He stated that this is the third expansion of the business, and it seems to be turning into a parking lot. The employees are already parking on Swampscott Ave, and he would like to know how this is benefitting the neighborhood.

Attorney Bill DiMento, resident of Paradise Rd, agreed that the situation is a mess. He stated that cars have been blocking the sidewalk, and the owner of the business does not take care of his property. He also agreed with Mr. Rose's interpretation of the bylaw. Attorney Stibel disagreed with comments made by Attorney DiMento, stating that Mr. Moussa is respectful of his property and the neighborhood.

Owner Gus Moussa spoke, stating that any cars already parked on Swampscott Ave do not belong to his employees, and he will ensure that it remains that way. He has no problem leaving the 25' buffer of green space, and is happy to put anything there that would make the neighbors happy. Additionally, he would be willing to reduce the amount of parking spaces to 30 if that is more favorable.

Mr. Galardi spoke again, saying that he was just surprised that after 16 years of having his service station there, that they were not approached directly when plans were being drawn up. He also wondered where the fence will be moved, and asked that if rather than removing the trees that already act as a buffer between the two properties, they could just be left there and a retaining wall could also be installed.

Chairman Kornitsky suggested continuing the petition to allow for petitioner and neighbors to work together to redesign buffer area. The opportunity could also be used to update the landscaping and parking plan.

MOTION: M. Kornitsky to continue petition to 3/22. A. Rose seconds; unanimously approved.

