



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 23, 2021 MEETING MINUTES

Time: 7:02PM – 7:33PM
Location: Remote via Zoom
Members Present: M. Kornitsky, D. Doherty, R. Landen, A. Paprocki, B. Croft, H. Roman, P. Pearce, A. Rose
Members Absent:
Others Present: Marissa Meaney (Land Use Coordinator), Rich Baldacci (Building Inspector)

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

MOTION: M. Kornitsky to approve the previous meeting minutes from February 2021. Seconded by H. Roman; unanimously approved.

MOTION: M. Kornitsky to continue agenda items 5 through 12 to April 2021. Seconded by D. Doherty; unanimously approved.

ZONING RELIEF PETITIONS

PETITION 21-05

11 PLYMOUTH LN

Petition by JANE NOONAN; requests a Use Special Permit for a basement accessory dwelling to be used as an in-law apartment, 414 square feet of which is a new addition. Property located at 11 PLYMOUTH LN (Parcel ID: 14-76)

Jane Noonan gives presentation to Board. Stated that she is not looking to do an additional bedroom downstairs as she has her own bedroom upstairs.

M. Kornitsky inquired if property is still hooked up to septic system. J. Noonan confirmed that it is.

There was no comment from the Building Inspector, the Board, or the public.

MOTION: H. Roman to approve petition with condition that if there is a change in the bedroom count and property is still hooked up to septic system, then petitioner is to come back for additional relief. R. Landen seconds; unanimously approved. Board constituted as H. Roman, R. Landen, M. Kornitsky, A. Paprocki, and P. Pearce

PETITION 21-06

75 PURITAN RD

Petition by ELISE BRAULT; requests Dimensional Special Permit and Special Permit for Nonconforming Use and/or Structure to construct a setback-conforming first and setback-nonconforming second-story back deck. Property located at 75 PURITAN RD (Parcel ID: 21-21)

E. Brault provides presentation to Board.

M. Kornitsky clarified that the relief being sought is the nonconforming use/structure.

A Paprocki inquired whether this is an unroofed deck. E. Brault confirmed that it is unroofed. M. Kornitsky indicated that addition of second-story deck would make first-story deck a nonconformity as it becomes a covered structure. As the structure stands currently, uncovered, it would be protected by bylaw as it was grandfathered in.

Commissioner R. Baldacci stated that if the footprint is not being extended then relief can be granted. ZBA should have authority to grant relief along the 2.5' side setback in accordance with section 2.3.6.5 of the bylaw.

MOTION: B. Croft to grant Dimensional Special Permit for petition with condition that new construction is no further to lot line than currently exists, and all other construction to be in accordance with the bylaw. H. Roman seconds; unanimously approved.

PETITION 20-25

13 CUTTING RD

Petition by JACQUELYNN HENKE & KYLE WOLFF, c/o DAMON SELIGSON, ESQ; requests Dimensional Special Permit, Special Permit for Nonconforming Uses and/or Structure, and Site Plan Special Permit to construct addition located above existing garage to single-family dwelling. Property located at 13 CUTTING RD (Parcel ID: 32-10A). Continued from March.

M. Kornitsky recused as a noticed abutter; D. Doherty chaired petition.

Attorney Chris Drucas, now representing homeowners, provided opening statement to Board. Architect Owen Thomas provides presentation of addition to Board.

D. Doherty asked if this is a 2.5 or 3 story addition. O. Thomas explained that third level is less than half of square footage of lower (second) level, and where the existing roof is located is currently attic/crawl space.

C. Drucas identified immediate-surrounding homes in neighborhood with similar Gross Floor Area and lot size.

Attorney Ken Shutzer, representing concerned abutters, provided explanation as to why opposition has taken a stance. Explained that massing of addition is too large for neighborhood, and blocks ocean view from neighbors.

The item was opened for public comment.

Neighbors Shenley Rockett and Jarred Guthrie stated that they were not approached by the petitioners. They maintained that addition is overwhelming.

Neighbor Winter stated that public sees detriment to this structure, as they are converting the public view to a private view, and there are 26 homes in agreement.

Neighbor Graeme Rockett stated that there has been refusal of petitioners to engage in concerns of abutters, and the design is the exact same as that which was submitted to Planning in December.

The item was closed for public comment.

D. Doherty stated that clarification is needed with respect to ocean views.

Attorney Shutzer stated that sight line with views of marsh will be impacted by the structure.

Attorney Drucas stated that petitioners have made concessions with reference to height. There are already trees taller than proposed addition, and therefore nothing new will be blocked. Additionally, the ocean views are not protected, and the neighbors in opposition have structures with high roofs.

B. Croft agrees with C. Drucas about views. He stated that it seems like abutters are not opposed to addition itself, just the massing. There is still opportunity for dialogue amongst parties, and the bylaw calls for those issues to be discussed.

MOTION: D. Doherty to continue petition to April 2021, and asked for footprints of neighbors to be shown on plot plan. B. Croft seconds; unanimously approved.

