



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

MAY 24, 2022 MEETING MINUTES

Time: 7:01PM – 10:15PM
Location: In person at Swampscott High School and Remote via Zoom
Members Present: M. Kornitsky, D. Doherty, B. Croft, H. Roman, P. Pearce, A. Rose,
Members Absent: A. Paprocki, R. Landen
Others Present: Marissa Meaney (Land Use Coordinator)

ZONING RELIEF PETITIONS

PETITION 22-04

93 KENSINGTON LN

Petition by DAVID VALCOURT. Requests Special Permit for Nonconforming Uses and/or Structures for construction of half-story attic space. (Parcel ID: 23-66)

D. Doherty noticed discrepancy in calculations; his calculations determined that third floor would be more than 50%. M. Kornitsky suggested adding condition that updated plans be submitted to Building Dept and Building Commissioner will make determination that plans meet requirement.

The item was opened for public comment.

Abutter at 99 Kensington Ln asked for clarification on how Board will ensure that plans are compliant.

The public hearing was closed.

M. Kornitsky made determination that this follows Belalta case, in which nonconforming changes are no more detrimental to the structure or neighborhood.

MOTION: D. Doherty to make Section 2.2.7.3 finding, in accordance with Belalta case, for approval of petition with condition that updated plans be submitted to Building Department. B. Croft seconds; unanimously approved.

PETITION 22-05

371 PARADISE RD

Petition by VINNIN LIQUORS, ANGELA ANSARA c/o KENNETH SHUTZER, ESQ. Requests Sign Special Permit to install new awning. (Parcel ID: 15-50A)

Attorney Shutzer explained process by which petitioner appeared before Planning Board for design approval and is seeking relief before ZBA as there will be lettering on valence.

Board deliberated compliance due to maximum square footage allowed and whether new awning would trigger compliance

for nonconformities.

MOTION: B. Croft to approve Option 2 and makes finding that awning is compliant with square footage in accordance with 3.2.4.2, and therefore any further signage would need additional relief. M. Kornitsky seconds; unanimously approved.

PETITION 22-05

80 MIDDLESEX AVE

Petition by JENNIFER SIMON. Requests Dimensional Special Permit to construct roof overhang over pre-existing front porch. (Parcel ID: 5-55)

Contractor for house, TJ Hutchings, explained relief being sought before Board.

The Board explained that relief can only be granted up to 16 feet and not beyond. Additionally, they would like to see sketch of overhang.

MOTION: M. Kornitsky to continue to June 21st meeting. P. Pearce seconds; unanimously approved.

PETITION 21-28

17 CROSMAN AVE

Petition by CHERYL MILLER. Requests Dimensional Special Permit and Special Permit for Nonconforming Uses and/or Structures for rear addition with back deck and staircase. (Parcel ID: 27-66)

Attorney Chris Drucas, representing Ms. Miller, presented petition before Board. Board stated that cases of same nature have been presented before – this would be extension of nonconformity.

Attorney Ken Shutzer, representing direct abutter Gail Georgeson, provided his statement before the Board. It was his stance that this petition should be seeking Site Plan Special Permit in addition to current relief being requested; the Board disagreed.

The item was opened for public comment.

Ms. Miller had a number of neighbors show up and speak in support of her petition. Following which, Ms. Georgeson provided her concerns with the project, citing encroachment onto her property and a significant decrease in privacy due to the new addition.

The Board deliberated its ability to grant authority. A petition that was presented last year, at 43 Norfolk Ave, was the exact same scenario. M. Kornitsky suggested reaching out to Town Counsel; the remaining Board members agreed it was not necessary.

MOTION: M. Kornitsky to first find that the lot is nonconforming and secondly that the proposed changes do not intensify the nonconforming nature of the nonconforming structure. H. Roman seconds; unanimously approved.

PETITION 21-26

12-14 PINE ST

Petition by PINE STREET DEVELOPMENT, LLC c/o BILL QUINN, ESQ. Requests a Use Special Permit, a Dimensional Special Permit, a Site Plan Special Permit, and a Dimensional Variance for the demolition and construction of a three-story, mixed commercial and residential building with ground-floor retail and 22 residential units.

Attorney Quinn provided update before the Board, and Peter Pitman went over the architectural plans.

There was a discussion amongst the Board regarding building setback and the ground floor commercial unit. The Board questioned the viability of the commercial unit and wondered if the space would be better suited for an additional residential unit. The Board suggested that the petitioner provide an alternate set of plans that shows the space as residential.

The item was opened for public comment.

Cindy Cavallaro – Pleased with the direction with which the project is headed

Bette Johnson – Concerned about privacy and garage vents. The petitioner responded that they are willing to install a privacy fence to protect from vents and lighting.

Marsha Dalton – Inquired about trash pickup and how it would be handled

Steve – Glad to see the current building go, and this project is an improvement. His concern is with roof deck and related noise, as well as sunlight exposure and building casting shadows.

MOTION: M. Kornitsky to continue petition to June 21, 2022. H. Roman seconds; unanimously approved.