



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 25, 2021 MEETING MINUTES

Time: 7:02PM – 8:47PM
Location: Remote via Zoom
Members Present: M. Kornitsky, D. Doherty, R. Landen, B. Croft, H. Roman, A. Rose
Members Absent: A. Paprocki, P. Pearce
Others Present: Marissa Meaney (Land Use Coordinator)

Chairman of the Board, Marc Kornitsky, called the meeting to order at 7:00 PM.

ZONING RELIEF PETITIONS

ADMINISTRATIVE REVIEW: PETITION 20-01

646 HUMPHREY ST

Petition by JOAN CARADONNA to determine if conditions regarding parking relief and off-street parking and loading requirements are being satisfied. Property located at 646 HUMPHREY ST (Parcel ID: 23-14A)

Chairman Marc Kornitsky asked Ms. Caradonna how business has been this past year, to which she replied that it has been slow due to the ongoing COVID-19 pandemic.

M. Kornitsky determined that this past year does not provide an adequate picture of business performance, nor can it predict how business will continue to run as human interaction has been minimal. Would like to continue review for another year in hopes that it will allow time for business to operate under full capacity.

There was no comment from the Board. There was no comment from the public.

MOTION: M. Kornitsky to continue administrative review to May 2022. A. Rose 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.

Attorney Damon Seligson explained to the Board that he has been hired as new representation for homeowners. He provided the Board with a timeline of updates since the petition was last heard before the Board in March 2021. He explained that the two parties – homeowners and concerns abutters, along with respective representation – had their last community meeting yesterday. He provided to the Board two iterations of updated plans, which were presented to the abutters at the community meeting, and further explained that no agreement was achieved. The homeowners prefer Revision 1, which seeks to eliminate the solid mass in the corner of the house, and brings down the roof level to match existing on other side.

Architect Owen Bloom provided the Board with a presentation of the new set of plans.

Attorney Ken Shutzer, representing the abutters, agreed that Attorney Seligson provided an accurate chronicle of events, and he and his clients active respectfully. He explained that his clients would be willing to throw out their objection if the addition could be placed on the side abutting 15 Cutting Rd. The new plans only show a reduction of 37 square feet, which is not a considerable amount. He provided a set of comparative data, with square footage numbers pulled from the Town assessor's database, showing that this proposed addition would make this property the fifth-largest in the neighborhood.

Board member Brad Croft inquired whether Attorney Shutzer's clients were concerned about the square footage or the massing. Attorney Shutzer replied that massing is the main concern, to which B. Croft inquired why this data was relevant. K. Shutzer responded that the addition could be placed at the rear of the home so as to not cause an obstruction.

B. Croft asked Attorney Seligson how he would respond to the fact that in order to have the Dimensional Special Permit approved, there has to be no practical alternative. O. Bloom interjected to say that this petition is not seeking a Dimensional Special Permit – the addition is dimensionally conforming; the only issue is the lot size.

Board member Andy Rose stated that the homeowners are not looking for a ground-floor addition, as the whole point is to have a room on the third floor with a deck that would overlook the ocean. The same space could not be achieved in the back of the house, behind the garage. For the space that is envisioned, the third floor is the only practical solution.

Board member Ron Landen stated that the neighbors may not like the addition, but the trend is already there in the neighborhood, as evidenced by the other larger homes. He thanked the architectural team for doing a great job.

The item was opened for public comment.

Abutter Christopher Guthrie stated that this addition needs to be completed without substantial detriment to the neighbors. They believe that a proper alternative exists. The petitioners asked for a home office, a playroom, and an exercise room – not a deck. Additionally, the alternative plans presented to the abutters were received only one week prior to June meeting, when petitioners had eight weeks to do so. In response, D. Seligson disagreed, stating that he and his clients attempted to schedule multiple meetings with abutters. He gave a timeline of the dates in which he and his clients reached out, and the dates in which they received responses. There has been a time and expense on his clients' behalf, and he doesn't know if further dialogue would make any difference.

Abutter Jarred Guthrie stated that he recognizes the comments made by the Board, but would point out that the neighborhood opposition stems from the blocking of the ocean view. Anyone going to Phillips Beach will have to walk by this house and look at this addition. He agreed that there has not been given enough consideration to moving the addition to the 15 Cutting Rd side of the property, or simply building it at grade.

Abutter Shenley Rockett further stated that neighborhood resentment stems from this trend of massive additions, as mentioned by R. Landen. Anyone on Blodgett Ave (street of noticed abutters, yet not directly adjacent to property) could be just as invested in this project as that of a direct abutter. She stated that it is arrogant of neighbors to feel as though they can build anything they want.

The Board determined that the petition should be continued to June to allow for one more month of attempted dialogue between the two parties. Both sides agreed.

MOTION: D. Doherty to continue to June 2021. R. Landen seconds; unanimously approved.

