



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

JUNE 21, 2022 MEETING MINUTES

Time: 7:03PM – 9:36PM
Location: Remote via Zoom
Members Present: D. Doherty, B. Croft, A. Paprocki, A. Rose, R. Landen, P. Pearce, H. Roman
Members Absent: M. Kornitsky
Others Present: Marissa Meaney (Land Use Coordinator)

MOTION: D. Doherty to continue Petition 22-06: 80 Middlesex Ave to July 19th. B. Croft seconds; unanimously approved.

MOTION: D. Doherty to approve minutes from 5/9 & 5/24. P. Pearce seconds; unanimously approved

ZONING RELIEF PETITIONS

PETITION 22-07

26 STANWOOD RD

Petition by ANTHONY HASKELL. Requests Special Permit for Nonconforming Uses and/or Structures and Site Plan Special Permit for construction of second story. (Parcel ID: 28-29)

Mr. Haskell was there to present his petition before the Board. The

There were no questions – neither from the Board nor from the public.

MOTION: D. Doherty to approve petition as submitted. B. Croft seconds; unanimously approved.

PETITION 22-08

216 WINDSOR AVE

Petition by FAINA SNITKOVSKY. Requests Dimensional Special Permit and Site Plan Special Permit for construction of two-story addition. (Parcel ID: 11-369)

B. Croft raised concern of Planning Board about requesting a full demolition plan. Agrees with Planning Board that application feels incomplete to him and would like clarification as to how elements will be demolished safely and effectively.

Architect Jim Chen mentioned that age of home may imply that structure contains asbestos and/or lead. Prior to any demo, testing for hazardous materials would be conducted and any materials found would be safely disposed.

Member Andy Rose stated that neither demo nor building permit can be granted until asbestos disposal plan is clearly indicated and is signed off by the Board of Health. Building Commissioner Stephen Cummings agreed with A. Rose and stated that this demolition will be treated as a full tear-down. All necessary testing and possible abatement will be

performed – this is standard procedure for structures in this condition.

Member Paula Pearce inquired about approving petition on basis that all necessary steps are taken prior to demolition. Board agreed that since this is law per state building code, and no permit can be issued until all testing and necessary disposal is complete, then they would be willing to grant approval.

B. Croft raised comment from Fire Department to be taken into account as further condition of approval.

MOTION: B. Croft to approve application for Dimensional Special Permit and Site Plan Special Permit on the condition that necessary steps be taken to remove any hazardous materials before being issued demolition and building permit; and to incorporate requirements as stated by Fire Department. A. Paprocki seconds; unanimously approved.

PETITION 22-09

29 PURITAN RD

Petition by MICHELLE & MARC STRAGER. Requests Dimensional Special Permit for construction of single-story addition. (Parcel ID: 19-197)

Member Dan Doherty expressed concerns about lot coverage. Veronica Hobson, designer, stated that surveyor ran numbers using Gross Floor Area and not Gross Square Footage. The adjusted numbers show that the current lot coverage is 17.2% and the proposed is 18.8%. Furthermore, when adjusted for high tide (as property abuts beach), the current lot coverage is 21% and the proposed is 22%.

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

MOTION: H. Roman to find that nonconforming changes, in accordance with updated lot coverage numbers, are no more substantially detrimental than what currently exists. D. Doherty seconds; unanimously approved.

PETITION 21-10

173 SALEM ST

Petition by TEDESCO COUNTRY CLUB c/o PETER HASAK. Requests Dimensional Special Permit, Special Permit for Nonconforming Uses and/or Structures, and Dimensional Variance to install 350 linear feet by 40 feet high protection net. (Parcel ID: 17-31)

Peter Hasak was present along with Joe Greenough to present application before Board.

D. Doherty not entirely clear about relief needed, particularly as the structure in question is ancillary to the operation of the use (in this case, golf driving range). Furthermore, the net is not even within the setback, as it is located in the middle of the driving range. To help clarify issue, Marissa Meaney read into record the opinion she received from Chairman Marc Kornitsky.

The Board expressed concerns about unknowingly setting precedent if this petition were to be approved. Building Commissioner Stephen Cummings further indicated that a building permit would not even be required. H. Roman suggested verbally determining that no relief is, in fact, necessary.

D. Doherty to dismiss petition; no further action taken by the Board.

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, which now show an alternative version of the structure with the ground floor as residential space, versus the original commercial space.

D. Doherty spoke on issue of petitioner requesting a variance. Though the structure meets the height requirement, it would need a variance for the approval of three stories. A. Rose inquired about soil conditions that would make a variance necessary. He would be willing to support the request – looking at the elevation from the back of the building, it only shows 2.5 stories as the first story only constitutes a half-story to allow for at-grade parking, given that underground parking is not an option due to topography. In theory, the structure is, in fact, 2.5 stories; just flipped upside down.

Attorney Quinn agreed with A. Rose, and stated that it would be further beneficial for the residents to have the three stories and allow for parking in rear of building, than to fill in the first story in order to take away from the top floor, and therefore sacrifice dedicated parking spots. R. Landen and D. Doherty, however, agreed that the Board does not have the authority to grant a variance just because the structure is good for the community and provides parking.

H. Roman expressed that her concerns lie within the lot coverage – would like to see more open space.

Mike Vinneau, one of the two property owners, asked the Board what they would like to see from this application. He stated that they will work to rectify the issue of the variance, but stressed that it would be beneficial for them given the current situation.

The item was opened for public comment.

Bette Johnson – Concerned about privacy and garage vents. As far as privacy fence goes, would like to see a design that is aesthetically pleasing rather than something like a chain link fence. Also expressed her frustration with not being reached out by developer throughout the process.

Jeffrey Blonder of the VFW – Also expressed frustration with developer for lack of reaching out, and is concerned about density that building adds to already dense neighborhood

Nancy Mejia – Also mentioned that she was never reached out to, shared concerns about density of development, blocking of natural light, and stated that building is just too big for the neighborhood

MOTION: D. Doherty to continue to July 19, 2022. H. Roman seconds; unanimously approved.

