



TOWN OF SWAMPSCOTT ZONING BOARD OF APPEALS

22 MONUMENT AVE
SWAMPSCOTT, MA 01907

MEMBERS
MARC KORNITSKY, ESQ., CHAIR
DANIEL DOHERTY, ESQ., VICE CHAIR
BRADLEY L. CROFT, ESQ.
ANTHONY PAPROCKI, AIA
ANDREW ROSE

ALTERNATES
HETHER ROMAN
PAULA PEARCE

OCTOBER 18, 2022 MEETING MINUTES

Time: 7:02PM – 7:54PM
Location: Remote via Zoom
Members Present: M. Kornitsky, D. Doherty, A. Rose, H. Roman
Members Absent: B. Croft, A. Paprocki, P. Pearce
Others Present: Marissa Meaney (Land Use Coordinator)

MOTION: M. Kornitsky to approve July and September minutes. A. Rose seconds; unanimously approved.

MOTION: M. Kornitsky to withdraw 21-12: Amendment, without prejudice. A. Rose seconds; unanimously approved.

MOTION: M. Kornitsky to continue Petition 22-21: 0 Lodge Road to November 15 meeting.

ZONING RELIEF PETITIONS

PETITION 22-18

8 STEARNS ST

Petition by SCOTT THIBODEAU. Requests Dimensional Special Permit and/or Dimensional Variance for construction of one-story addition on nonconforming property. (Parcel ID: 27-33)

Mr. Thibodeau presented new plans that show breezeway between structures.

There was no comment from the public.

D. Doherty expressed concerns about setting precedent as addition is no longer just new addition but is also now breezeway and garage so it therefore exceeds 15% of addition of GFA on nonconforming lot. Had hard time understanding how this does not create new nonconformity.

M. Kornitsky said that he would be a “yes” vote – Board could potentially make finding that the garage must remain accessory structure and is therefore subject to accessory structure limitations.

MOTION: M. Kornitsky to approve petition in accordance with revised survey dated 10/2/22 and subsequent floor plans, with specific finding that garage is to remain uninhabitable accessory structure. D. Doherty seconds; unanimous.

PETITION 22-20

71 ASPEN ROAD

Petition by BRIAN BURKE. Requests Special Permit for Nonconforming Uses and/or Structures, Dimensional Special Permit, and/or Dimensional Variance for construction of one-story addition on nonconforming property. (Parcel ID: 20-100)

Mr. Burke was present before the Board. Currently, the distance between his principal and accessory structure is 11.6 feet, but relief is needed for exceeding lot coverage. Lot coverage currently exceeds 30%, and new addition would constitute 2.5% increase in coverage.

M. Kornitsky explained that under the Bellalta case, an increase in lot coverage is viewed as an extension of a pre-existing nonconformity, and therefore ZBA has jurisdiction to grant special permit under Section 6 of MGL.

There was no public comment.

MOTION: M. Kornitsky to grant Section 6 Special Permit under premise that nonconformity is being increased but is not substantially more detrimental. A. Rose seconds; unanimously approved.

PETITION 22-11

8 DENNISON AVE

Petition by HANOVER COURT LLC c/o Paul Lynch, Esq. Requests Dimensional Special Permit and Site Plan Special Permit for construction of addition. (Parcel ID: 27-38)

Attorney Lynch gave overview of where Board and petition left off from last month. Went over changes: Reduction in GFA by 350 sq. feet; reduction in lot coverage down to 29.8%; and moving of garage to allow for better landscaping.

There was no comment from the Board. The item was opened for public comment.

Sylvia Chen from Lynn Daily Item – asked for more background knowledge and context on the petition. Attorney Lynch provided her with a detailed explanation.

Scott Thibodeau – been following along petition with wife Kathy; recognizes that work needs to be done on property; thinks petitioners have done a good job; would like to just set parameters as to construction work hours; thinks team did overall good job and is all for project going through.

Sonia Silk – thankful that trees are staying; happy that work is being done on property; inquired about fence between her property and this property. Julius Sokol, part of applicant team, answered that current fence will be repaired.

The item was closed for public comment.

H. Roman asked for clarification on what other relief is being requested. M. Kornitsky stated that under the Bellalata case, Board can make finding that proposed work does not increase the nature of the preexisting nonconformity, so they will receive Section 6 Finding in conjunction with Site Plan Special Permit.

MOTION: M. Kornitsky to find that work does not increase nature of nonconformity, and Site Plan Special Permit to be issued in accordance with plans amended before meeting, the analysis dated August 14th, and the landscaping plan. Condition that fence between property and that of Ms. Silk is to be repaired. D. Doherty seconds; unanimously approved.