



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

NOVEMBER 15, 2022 MEETING MINUTES

Time: 7:01PM – 9:10PM
Location: In person at Swampscott Senior Center and Remote via Zoom
Members Present: D. Doherty, A. Rose, B. Croft, A. Paprocki, H. Roman, P. Pearce
Members Absent: M. Kornitsky
Others Present: Marissa Meaney (Land Use Coordinator), Stephen Cummings (Inspector of Buildings)

MOTION: D. Doherty to approve October 18, 2023 meeting minutes. B. Croft seconds; unanimously approved.

MOTION: D. Doherty to formally withdraw Petition 20-19: 19 Railroad Ave. A. Paprocki seconds; unanimously approved.

ZONING RELIEF PETITIONS

PETITION 22-23

135 GALLOUPES POINT RD

Petition by GREGORY MCDONALD c/o KEN SHUTZER, ESQ. Requests Dimensional Special Permit and Special Permit for Nonconforming Uses and/or Structures for construction of addition that connects principal dwelling with carriage house. (Parcel ID: 26-46A)

Attorney Shutzer provided overview of the property; described unique nature of the carriage house and provided signatures of support from the neighbors. Architect Bridgette Fortin followed with her presentation of the plans.

D. Doherty addressed petition from last month in which Board approved petition to allow breezeway between principal and accessory structure but conditioned the garage to remain accessory in nature and therefore not usable as Accessory Dwelling Unit. Discussion followed amongst Board as to whether accessory structure can have principal use.

Attorney Shutzer was under impression that construction of addition would make one giant principal structure. Inspector Cummings stated that Board needed to be clear and think this through because from a building code standpoint, one structure on a lot will just be viewed as one principal structure.

H. Roman stated that this petition differs from that of last month because this addition constitutes a living space that will join the structures; not just a breezeway. Attorney Shutzer agreed, and suggested that Board can condition that any future changes to the structure must come before the Board.

MOTION: D. Doherty to approve petition for relief requested, with the condition that any changes to use or structure will require further relief from the Board. B. Croft seconds; unanimously approved.

PETITION 22-24

970 PARADISE RD

Petition by CHASE BAK c/o HAZEL WOOD HOPKINS SIGNS. Requests Sign Special Permit for installation of free-standing business sign at the property entrance. (Parcel ID: 17-9A)

Heather Dudko from Hazel Wood Hopkins Signs was present before the Board. She provided the Board with a rendering of the sign.

The Board found that the sign posed no visual obstruction, and stated that the sign of the former UNOs Restaurant stood at 17' tall.

Andy Rose, who was recused as a noticed abutter and therefore spoke as an abutter, suggested that the sign be made at the same size of the neighboring Citizens Bank or Dunkin' signs, or it should not exceed the median of the two signs.

MOTION: B. Croft to approve petition with the condition that the height shall not exceed the median height of either sign on the abutting property, and shall be constructed in accordance with the renderings submitted. D. Doherty seconds; unanimously approved.

PETITION 22-21

0 LODGE RD

Petition by IG INVESTMENTS LLC c/o Paul Lynch, Esq. Requests Dimensional Special Permit and/or Dimensional Variance for construction of two-family home on vacant lot with insufficient frontage. (Parcel ID: 24-73)

Attorney Lynch provided zoning overview of property. Board agreed that they will first discuss to determine whether the lot is buildable, and will then tackle Site Plan Special Permit.

With respect to zoning map submitted, the operative date is that in the left corner: May 11, 1949, and map shows lots as having already been subdivided.

Attorney Lynch stated that subdivision law didn't go into effect until 1952, so there had to have been reason that Planning Board was involved in 1949, and there should therefore be written record that establishes lot as buildable, but those records were likely lost in flood.

A. Rose asked what potential hardship would be if variance was entertained. D. Doherty stated that he can't understand how variance would be granted, even if Board wanted to. Variance is incumbent on petitioner to prove eligibility.

Neighboring residents in attendance included William Savino, John Spagnoli, Ruel Longfellow, and others. Their main concerns were the easy flooding of the property. Resident Bill DiMento was also present; he stated his disappointment in the former Building Inspector's misinterpretation of the information, and agreed that everything the ZBA has said with respect to the lot being buildable is correct. ZBA should allow for petition to be withdrawn and give Attorney Lynch the chance to collect more evidence before refiling a new petition.

The item was closed for public comment.

Attorney Lynch respectfully requested before the Board that the petition be withdrawn without prejudice.

MOTION: D. Doherty to withdraw petition without prejudice. A. Rose seconds; unanimously approved.