



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 CROFT
ANTHONY PAPROCKI
ANDREW ROSE

ASSOCIATE MEMBERS

HARRY PASS, ESQ.
HEATHER ROMAN

JULY 20, 2016 MEETING MINUTES

Time: 7:00 – 7:53 PM
Location: Swampscott Senior Center, 200 Essex Street (rear)
Members Present: M. Kornitsky, D. Doherty, B. Croft, H. Roman
Members Absent: A. Rose, A. Paprocki, H. Pass
Others Present: Pete Kane (Director of Community Development), Ken Shutzer (attorney), Heidi Smyth (applicant), Chris Drucas (attorney), Edith Miller (applicant), Don Ganz (applicant), Amit Patel (applicant), Bob Patel (applicant), Patricia Cashman (applicant), Kim Beuttler (applicant), Bill Beuttler (applicant)

Meeting called to order at 7:09 PM by Chairman Kornitsky.

MEETING MINUTES

The Board reviewed the minutes from the June 15, 2016, hearing. There were no comments. On a motion by D. Doherty, the June minutes were unanimously approved.

AUGUST MEETING DATE

The Board set the August meeting date as Tuesday, August 16.

ZONING RELIEF PETITIONS

PETITION 16-10 (326-330 PARADISE ROAD) : Application of CROWN POINTE CONDOMINIUM TRUST seeking at appeal of the determination of the Inspector of Buildings related to the issuance of the final Certificate of Use and Occupancy as it pertains to the installation of a “greenbelt” at Hanover Vinnin Square. Map 34, Lot 111. *Continued from the June hearing.*

Chair Kornitsky stated that the petition was not being opened for public hearing. Attorney Ken Shutzer stated that the Crown Pointe trustees have accepted a landscaping plan that Hanover agreed to. Mr. Shutzer is unsure when the landscaping will be completed. He requested that the item be continued to August.

MOTION : by D. Doherty to continue the hearing to the Aug 16 meeting, seconded by B. Croft, unanimously agreed.

PETITION 16-16 (9 KING’S BEACH TERRACE): Application of HEIDI SMYTH seeking a dimensional special permit to add a second floor bedroom and bathroom over existing flat roof single-story portion of structure, within side yard setback, and move deck over existing garage, within side and rear yard setback. Map 1, Lot 178.

Applicant Heidi Smyth distributed updated floor plans and building elevations to the Board. M. Kornitsky noted that there are only four board members present and that the applicant would need a “yes” from all four. He then asked if there were anyone present in opposition to the application (there were six residents in opposition). M. Kornitsky recommended that the applicant either wait for a fifth board member to join the meeting or request a continuation to a later meeting date.

Attorney Shutzer (representing abutters) stated that he feels the application is deficient. He pointed out that the plot plan is 16 years old but noted the rules and regulations state plans of no more than 90 days old. He also said the previous decisions were not included in the application.

Ms. Smyth said she realizes she needs the additional information but can’t attend the August meeting. She asked to continue to the Sept 21 meeting. M. Kornitsky also noted that the plans should demonstrate existing versus proposed conditions.

MOTION : by B. Croft to continue the hearing to September 21, seconded by H. Roman, unanimously agreed.

PETITION 16-17 (444 HUMPHREY STREET) : Application of 444 ATLANTIC, INC. seeking a use special permit to sell beer and wine off premises. Map 19, Lot 107.

M. Kornitsky asked if there was anyone present in opposition - none. Attorney Chris Drucas (representing applicant) stated the petition is for the Richdale Convenience Store at the property. He noted the retail space has been a convenience store for decades (White Hen, 7-Eleven). They are seeking to sell beer and wine off premise and will then go to the Board of Selectmen for the license. The application provides a floor plan for the beer and wine sales. They are looking for 8a-10p M-Sat, 10a-10p Sun for the beer and wine sales. The only other location for beer and wine sales on Humphrey St is down the road at Sea Glass (124 Humphrey St). He noted that convenience stores have a wide variety of sale items like lottery tickets to survive and be competitive.

There were no comments from the public or board.

MOTION : by B. Croft to approve the use special permit request with the condition that sales be restricted to 8a-10p M-Sat and 10a-10p Sun, subject to approval by the Selectmen. Seconded by D. Doherty. Unanimous approved.

PETITION 16-20 (96 & 96A PURITAN ROAD) : Application of C. PATRICIA CASHMAN seeking a special permit (nonconforming use/structure) and appeal of determination of the Inspector of Buildings to allow for two residential units at 96 Puritan Rd and three residential units at 96A Puritan Rd. Map 21, Lot 24.

Attorney Shutzer is representing Patricia Cashman. The Board noted there are only four members present. Mr. Shutzer stated they aren’t prepared to move forward with only four members. He noted that the Board members should review the entire application because all the material they need is provided.

M. Kornitsky stated it’ll be important to outline the facts that need to be made/found for this decision. This’ll be helpful in case there’s an appeal.

MOTION : by D. Doherty to continue the hearing to the August hearing, seconded by M. Kornitsky, unanimously approved.

PETITION 16-21 (88 ROCKLAND STREET) : Application of KIM BEUTTLER seeking a dimensional special permit to construct a new side deck to connect front and back decks. Map 2, Lot 80.

Kim and Bill Beuttler presented their request. They are looking to add a narrow deck that hugs the side of the house which will create privacy and storage underneath. Mrs. Beuttler stated that she spoke with her neighbors and have signatures from two who are in support of the plan. She also has photos of the property.

M. Kornitsky noted that he doesn't believe the Board has the authority to reduce the side setback to 1.5 feet (only to 6 feet). Mr. Shutzer said that he thinks a dimensional variance may be appropriate due to the fact that it abuts a paper street. M. Kornitsky agreed but pointed out that the legal ad didn't state a dimensional variance. He doesn't believe that the proposal would impact the neighborhood.

B. Croft asked about the shared parking area. Ms. Beuttler said it's shared with the abutting property owners (who signed the letter of support).

M. Kornitsky reviewed the zoning bylaw for a dimensional variance and agreed it may be appropriate. He said it would be necessary to re-notice and noting that the request is for a dimensional variance.

P. Kane will provide a copy of the abutter list to the applicant.

MOTION : by B. Croft to continue the hearing to August 16, seconded by D. Doherty, unanimously approved.

Meeting closed at 7:53 PM.

S. Peter Kane
Director of Community Development