



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, ESQ.
ANTHONY PAPROCKI
ANDREW ROSE

ASSOCIATE MEMBERS
RON LANDEN
HEATHER ROMAN

MAY 28, 2019 MEETING MINUTES

Time: 7:04 P.M. – 7:45 P.M.
Location: Swampscott High School, 200 Essex Street, Rm B129
Members Present: Marc Kornitsky, Heather Roman, Bradley Croft, Andy Rose, Anthony Paprocki, Ron Landen
Members Absent: Emily Stuart, Daniel Doherty
Others Present: Ken Shutzer (Attorney), Joe Fazzolari (Petitioner), Edith Feldman (Resident), Caroline Mailhot (Resident), Jill Mann (Attorney), John McNicholas (Resident), Janine O'Brien (Resident), Max Kasper (Building Inspector), Molly O'Connell (Planner)

Chairman of the Board, M. Kornitsky called the meeting to order at 7:04 PM.

Chairman Kornitsky made a motion to approve the meeting minutes from April 23, 2019; unanimously approved.

ZONING RELIEF PETITIONS

PETITION 19-4A

1016 PARADISE ROAD

Application by LP CHISHOLM LLC / PATRICIA CHISHOLM for an administrative amendment to an approved use special permit for a fitness studio (Pure Barre Studio). Ken Shutzer, representative for the petitioner, spoke to the request and explained the petitioner is looking to amend their hours of operation to open earlier on weekdays (Monday through Friday). The petitioner plans to open at 5 am instead of 6 am to remain consistent with other Pure Barre Studio schedules and existing fitness studios in Vinnin Square.

There were no public speakers.

R. Landen questioned if the hours should start when the doors physically open, not at the start of the first class, in order to ensure that there is no confusion. A. Rose noted that Starbucks opens at 4:45 am.

MOTION: M. Kornitsky to amend the Special Permit to permit opening hours at 4:45 am, Monday through Friday. Seconded by R. Landen; unanimously approved.

PETITION 12-5

ARCHER STREET

Application by DIGIORGIO & MESSINA CONSTRUCTION CORP seeking an extension of an existing special permit for the development of an independent living facility of fifteen homes. Jill Mann, representing the petitioner, presented briefly. The petitioner is still working on finding a new access road to the site – an alternative to Vaughan Place and Archer Street and has subsequent approvals to pursue before coming back to the ZBA. She estimates about 6-7 months to complete this process.

There were 3 public speakers.

Caroline Mailhot, Archer Street resident, asked if the new access is going to be Archer Street. Ms. Mann responded that the petitioner does not plan on using Archer Street for public traffic. The only exception would be for safety vehicle access. Ms. Mann mentioned that they plan to have an abutter's meeting over the summer.

John McNicholas, Vaughn Place resident, wanted to confirm that the Vaughn Place is no longer the access point and was curious as to the timeline of development. M. Kornitsky stated that the extension of what was originally approved was the only consideration before the Board tonight, but the petitioner can be updated by Ms. Mann as other items proceed until they come back to the ZBA.

Janine O'Brien, Forest Ave resident, expressed concerns about the proposal to use Cushing Street and the impacts to their property. M. Kornitsky reiterated that the consideration before the Board is the extension of what was previously approved, not any new proposals. The petitioner will have a number of other public hearings and opportunities for residents to get concerns addressed before coming back to the ZBA.

M. Kornitsky moved to close the public hearing.

MOTION: M. Kornitsky to approve the request to amend the existing special permit to extend the current expiration date by one (1) year and continue the remainder of the petition for other relief as such time as the petitioner returns to present relief to the Board, and sign continuances until October 2019. All other approved conditions to remain. Seconded by A. Rose; unanimously approved.

PETITION 19-9

69 SARGENT ROAD

Application by JOE FAZZOLARI seeking a dimensional special permit, special permit (nonconforming use/structure) and special permit site plan to construct a first and second floor addition to an existing single-family structure. The petitioner presented briefly on the request, which requires relief for the front yard and side yard setbacks.

M. Kornitsky opened the public hearing.

E. Feldman, adjacent neighbor at 75 Sargent Road, expressed concerns about the stormwater runoff effects from the project. She requested an engineer review the project to make sure it won't make the issue work. Other than that, she supports the project. Mr. Fazzolari stated he can locate the gutter downspout to the front of the property to avoid any additional rainwater to Ms. Feldman's side.

The Board discussed the process for the petitioner to have an engineer review the project. The petitioner's position is that the construction will not impact the current runoff condition, however the Board members stipulated that reassurance is required to make sure the situation will not get worse than the current condition.

The Board gave the petitioner a choice of coming back to the Board in one month with an engineer's letter or a special condition of approval requiring an engineer's letter. The petitioner chose the second option.

M. Kornitsky closed the public hearing.

MOTION: A. Rose to approve Petition 19-9 in accordance with the plans submitted and with the provision that issuance of the building permit is subject to submission of an engineer's letter stating the project will cause no increase in runoff; ultimate approval at the discretion of the Building Inspector. Seconded by M. Kornitsky; unanimously approved.

PETITION 19-3

172 BURRILL STREET

Application of DAVID POLLINA to Appeal a Determination of Inspector of Buildings for 172 Burrill Street. The petitioner submitted a request for hearing continuation to the Board.

MOTION: by M. Kornitsky to continue Petition 19-3 to the June 25, 2019 meeting; seconded by R. Landen; unanimously approved.

Meeting adjourned at 7:45 PM.

Molly O'Connell
Senior Planner