

JANUARY 17, 2023 MEETING MINUTES

Time: 7:02PM – 7:48PM
Location: In person at Swampscott High School, Room B129 and remote via Zoom
Members Present: M. Kornitsky, A. Rose, H. Roman, P. Pearce
Members Absent: D. Doherty, B. Croft, A. Paprocki
Others Present: Marissa Meaney (Land Use Coordinator), Stephen Cummings (Inspector of Buildings)

MOTION: M. Kornitsky to approve November 15, 2022 meeting minutes. A. Rose seconds; unanimously approved.

ZONING RELIEF PETITIONS

PETITION 22-25: 53 PURITAN RD

Petition by JERRY SNEIRSON c/o JAMES CIPOLETTA, ESQ. Requests Special Permit for Nonconforming Uses and/or Structures, the appeal of a determination by the Inspector of Buildings, and a Dimensional Variance for the height of a pre-existing, nonconforming accessory structure. (Parcel ID: 19-202)

- Chairman Kornitsky – given absence of full Board, they will look to continue petition to February 28th meeting and will submit memorandum to Town Counsel to request opinion. Anyone is invited to submit comment to Town Counsel.

MOTION: M. Kornitsky to continue petition to February 28, 2023. A. Rose seconds; unanimously approved.

PETITION 22-26: 429 PARADISE RD

Petition by PACIFIC DENTAL SERVICES. Requests Use Special Permit for operation of dentist office in ground-floor commercial space. (Parcel ID: 17-47)

- Board member Andy Rose stated that he is a notice property abutter, but expressed his ability to maintain impartiality with respect to the petition
- This petition marks the first that is submitted under the new Special Permit requirements, which were approved at Town Meeting in May 2022, which requires any medical office to seek a special permit to operate within a ground-floor retail space
- Board found that use is beneficial to the community and is not significantly more detrimental than what currently exists

MOTION: M. Kornitsky to approve petition as submitted. P. Pearce seconds; unanimously approved.

PETITION 22-27: 6 BURPEE TER

Petition by DANA FRASER. Requests Special Permit for Nonconforming Uses and/or Structures to convert single-family structure on nonconforming lot to two-family structure. (Parcel ID: 6-135B)

- Chairman Kornitsky advised the petitioner that there are only four (4) voting members, which means that the vote must be unanimous in order to get relief
- There was one letter in opposition to the request for special permit by rear-abutting neighbors, Kevin & Karen Donaher. Given the context of the letter, the Board must ensure that the construction to build the house in 2007 was done properly with respect to zoning bylaws.
- Member Heather Roman stated that even if the lot was nonconforming in 2006, the two-family structure still would have been buildable, provided that it was dimensionally conforming. Chairman Kornitsky agreed.
- The Board considered issuing a written finding, but that would have left them open to an appeal.
- Chairman Kornitsky offered to let the petitioner withdraw without prejudice, with Inspector Cummings as a witness, therefore being able to issue the building permit.
- The petitioner agreed, and therefore requested to withdraw the petition without prejudice.

MOTION: M. Kornitsky to accept withdrawal without prejudice upon revision of the petition and the bylaws, and upon the conclusion that relief is not necessary because the use is by-right in the A3 District. This opinion, however, is contingent upon the second unit meeting the state building code requirements. H. Roman seconds; unanimously approved.