

SEPTEMBER 19, 2023 MEETING MINUTES

Received by Town Clerk

February 5, 2024, 10:03am

Time: 7:03PM – 8:15PM
Location: Swampscott Senior Center and Virtual via Microsoft Teams
Members Present: Heather Roman (Chair), Dan Doherty (Vice Chair), Andy Rose, Marc Kornitsky, Brad Croft, Paula Pearce, Susan Sinrich
Members Absent:
Others Present: Marissa Meaney (Land Use Coordinator)

MOTION: H. Roman to continue petitions 23-05 and 23-06 to the October 24th meeting. B. Croft seconds; unanimously approved.

MOTION: B. Croft to approve September 12th minutes. A. Rose seconds; unanimously approved.

ZONING RELIEF PETITIONS

PETITION 21-07: 6 CONNELLY AVE

Petition by DANIEL DUNBAR. Administrative hearing for the request to extend a special permit issued on July 12, 2021, and previously extended on September 20, 2022. (Parcel ID: 9-512 & 513)

MOTION: H. Roman to grant extension. M. Kornitsky seconds; unanimously approved.

PETITION 23-12: 419 PARADISE RD

Petition by CVS PHARMACY c/o CHRIS DRUCAS, ESQ. Requests a Use Special Permit, and any other Special Permits and Variance, as the Board may deem appropriate under the circumstances, for the conversion of 4500sqft of existing retail space into a Health and Wellness area. (Parcel ID: 17-41)

- Attorney Drucas gave introduction to Board, provided them with traffic study and parking analysis too
- Jeff from Starck Architects went over floor plans and renderings
- Clinic will have slightly different hours of operation than pharmacy and store
- Anticipate roughly 40 visits per day, this clinic is more comprehensive than Minute Clinic, it will include primary care services
- Clinic is in partnership with Carbon Health, this would be the first of 2 clinics in the state; locations were evaluated on various criteria
- Existing retail will be consolidated
- Attorney Ken Shutzer spoke on behalf of Family Doctors, which provides urgent care and primary care services, also located on Paradise Road. Wanted to ensure that this clinic would not provide competitive services
- The Board, based on criteria set forth for special permit, determined that the need is there, thus giving them the authority to grant the special permit

MOTION: B. Croft to approve Use Special Permit. D. Doherty seconds; unanimously approved.

PETITION 23-13: 434 HUMPHREY ST

Petition by KACY JAURON. Requests a Sign Special Permit for the installation of a new awning with business name and logo. (Parcel ID: 19-109B)

- Ms. Jauron appeared virtually before the Board
- Based on the design review conducted by the Planning Board, which allowed Ms. Jauron to choose between a black or navy blue awning, the Board did not have any further comment
- Mary DeChillo, resident, clarified whether the lettering had to be gold – it was confirmed that the lettering does not have to be gold

MOTION: P. Pearce to approve awning in navy blue, and in accordance with the Design Review submitted by the Planning Board. S. Sinrich seconds; unanimously approved.

PETITION 23-14: 27 CURRY CIR

Petition by MD ISALM c/o LEWIS COLTON, AIA. Requests a Dimensional Special Permit and a Special Permit for Nonconforming Uses and/or Structures for first and second-floor addition to a nonconforming structure on a nonconforming lot. (Parcel ID: 3-181)

- Mr. Colton walked the Board through the plans
- Board evaluated that the increased nonconformity is the rear-yard setback
- M. Kornitsky explained that past relief would be treated as Dimensional Special Permit, but now is treated as Section 6 Special Permit based on analysis of Bellalta case
- Board determined that proposed changes are not substantially more detrimental than what is currently existing

MOTION: M. Kornitsky to make finding that proposed work does increase the pre-existing nonconformity of the rear-yard setback, but that said increase is not substantially more detrimental than what currently exists. Therefore, changes are allowed through the granting of a Section 6 Special Permit. B. Croft seconds; unanimously approved.

PETITION 23-11: 7 HILLSIDE AVE

Petition by SWAMPSCOTT AFFORDABLE HOUSING TRUST c/o SAM VITALI, ESQ.. Requests a Dimensional Special Permit, a Special Permit or Finding for Nonconforming Uses and/or Structures, and, if necessary, a Variance to determine if a historically significant two-family structure, currently located at 35 Pitman Road, may be relocated to an existing vacant lot at 7 Hillside Ave. (Parcel ID: 7-192)

- Chairwoman Roman summarized the analysis provided by M. Kornitsky at the last meeting, and stated that in the meantime, the Board had the chance to review the case law provided by Attorney Vitali
- The Board closed the public hearing and constituted its voting members
- M. Kornitsky and H. Roman stated that they had opportunity to speak to Town Counsel, who opined that lack of usability can be considered a hardship, but that the insufficient frontage is not caused by the shape or topography of the lot
- B. Croft stated agreement with H. Roman that a variance is not warranted under the current conditions
- D. Doherty provided his analysis, agreed that the variance issued in 1955 is still valid for the lot area, and concluded as well that a variance is not warranted

- The Board conducted a straw poll, showing that at least two voting members were not in favor of issuing a variance
- The Board therefore allowed the petitioner the opportunity to withdraw without prejudice; the petitioner agreed

MOTION: H. Roman to withdraw the petition without prejudice. M. Kornitsky seconds; unanimously approved.