



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

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RON LANDEN
HEATHER ROMAN
EMILY STUART

MARCH 27 2018 MEETING MINUTES

Time: 7:00PM
Location: Swampscott High School, 200 Essex Street, Rm B129
Members Present: M. Kornitsky, D. Doherty, E. Stuart, H. Roman, A. Paprocki, B. Croft, R. Landen
Members Absent: A. Paprocki, A. Rose
Others Present: Nikolas Nikolopoulos (Petitioner), Eric Lomas (Attorney), Mark Delisle (Petitioner), Steve Vollmer (Resident), Joseph Dipietro (Resident), Federico Silva (Resident), Beth Ballante (Resident), Graham Saltzer (Architect), David Riley (Petitioner), Kelley Glass (Petitioner), Andrew Levin (Asst. Town Planner)

Chairman of the Board, M. Kornitsky called the meeting to order at 7:00pm.

MEETING MINUTES

MOTION : by B. Croft to approve February 27th, 2018 Meeting Minutes, and the February 27th, 2018 Executive Session minutes, seconded by E. Stuart, unanimously approved

ZONING RELIEF PETITIONS

PETITION 17-22

25 GLEN ROAD

Application by Eric Lomas, Esq for owner Mark Delisle seeking a special permit (nonconforming use/structure), site plan special permit, and dimensional variance for the conversion of an existing single-family home into a two-family home and the construction of a new two-family residence as a second principal structure on the property.

Attorney Lomas explained to the board that the petitioner and their architect have revised their proposal, and have come up with a different plan.

M. Kornitsky explained that he had reviewed the new plan previous to the meeting and stated that the applicant is asking for relief that was not previously stated, which requires the petitioner to re-advertise the request, and that the Board can not make a decision on the petition until it is re-advertised.

Project Architect, Ryan McShera began by explaining the new proposal is for a 4-unit building which meets all dimensional requirements. Mr. McShera showed the Board a drawing of the proposal and explained that there will be a parking area on Cardillo Terrace, and additional parking on Glen Road, and mentioned that the façade of the property on Glen Road will stay similar. Mr. McShera, using the maps explained the proposed landscaping on the Cardillo Terrace side, and added there will be four parking spaces on the Cardillo side, and two spaces on the Glen Road side, as well as the existing garage which will count as a space.

M. Kornitsky asked for clarification on the proposed building, Mr. McShera explained the proposed lay out of the units and the lot coverage. B. Croft asked if spaces will be deeded, Mr. McShera explained that he had not thought it out yet, but that “probably” deeded. Attorney Lomas clarified the units will be condo’s. M. Kornitsky and Attorney Lomas continued to discuss the parking.

Mr. McShera showed the Board the elevation maps for the proposal, and explained the plan is to try and get as much basement as possible and are not seeking to blast and drill if hit bedrock.

D. Doherty asked about for clarification on the proposal design, Mr. McShera clarified D. Doherty’s question using the floor plans, and stated that the building height will not exceed restriction and will be no higher than what was previously proposed. B. Croft asked for clarification on the proposed basement, Mr. McShera reiterated that they will seek to get as much basement as possible without blasting or drilling.

M. Kornitsky asked if there was any public comment.

Steve Vollmer, 12 Glen Road, explained how he preferred the previous proposal of two structures, and stated he did not feel that the one 4-unit structure keeps in line with the character of the neighborhood, which he mentioned is single-family homes. Mr. Vollmer asked for clarification on if there will be a third floor. Mr. McShera responded that there will be no third floor, as part of the architectural design, a window was added to the top, but there will be no occupation of the third floor and explained the second floor will have a ceiling and there will be no stair access continuing up.

M. Kornitsky asked that at the next meeting a plan showing the space above the second floor be shown, and then mentioned that the Board has the ability to place conditions on the relief granted.

Mr. Vollmer mentioned that there is a retaining wall on the property and was concerned if the proposal will compromise the wall or the neighboring building. Attorney Lomas mentioned the plan is not to touch the retaining wall, Mr. McShera added that the contractor chosen will look to sure up the retaining wall if needed. M. Kornitsky asked who owned the retaining wall, applicant and property owner, Mark Delisle stated that Humphrey Plaza owns the wall.

Mr. Vollmer also mentioned his concern over issues with emergency vehicles accessing the building, trash generation, and parking on both ends of the property. Mr. McShera responded that the proposal meets zoning requirements and clarified the parking on both ends of the lot.

M. Kornitsky suggested that the applicant meet with the Fire Department before the next meeting.

Mr. Vollmer reiterated his comments that the proposal does not keep in character with the neighborhood, M. Kornitsky briefly clarified the relief being sought.

M. Kornitsky then explained the Board is able to grant up to 8-units and the owner can have two units by right, but to gain extra there is a burden that needs to be met.

Joe Dipietro, 16 Glen Road explained his concerns about the height of the proposal in the back, and the height of the slab for the structure, Mr. McShera clarified the first-floor height will meet the existing homes height. Mr. McShera then explained that the new structure will need a foundation but they are not looking to blast or jackhammer and explained there will either be a small crawlspace or a basement.

Mr. Dipietro also mentioned concerns about sunlight on his house, Mr. McShera mentioned open to looking at a quick sun study.

H. Roman and Mr. McShera discussed the gross floor area, M. Kornitsky read the section of bylaw aloud. E. Stuart inquired about the landscaping, Mr. McShera explained are not removing trees on either side of the lot but will be removing small trees at the top of the lot. Mr. McShera explained the existing foundation plantings and plantings near the retaining wall will stay, and there will be a small picket fence on the Cardillo Terrace side. H. Roman and Mr. McShera then briefly discussed the points of egress, and Mr. McShera clarified the building meets code.

M. Kornitsky asked for more comments, there was none.

MOTION : by M. Kornitsky to continue Petition 17-22 to April 24th, seconded by B. Croft, unanimously approved.

PETITION 18-01

10-12 FAIRVIEW AVENUE

Application of Nikolas Nikolopolous seeking a use special permit and dimensional special permit to extend an existing garage by 18 feet by 24 feet.

Mr. Nikolopoulos was present and handed in documents to the Board regarding his claim to ownership of the property, along with photos of the property.

M. Kornitsky stated that the deed handed to the Board by Mr. Nikolopoulos stated the he would need approval from the neighbor to do work on the land.

M. Kornitsky asked if there was anyone present who wished to speak.

Federico Silva, 6R, the property abutting the site of work. M. Kornitsky asked Mr. Silva if he had seen the proposal, Mr. Silva stated he had, and that he has objection to it. Mr. Silva stated that he has concerns about pulling in and out of his driveway and added his concern about snow removal on the property, and access for emergency vehicles.

B. Croft asked when the garage was built, Mr. Nikolopoulos stated in 1997, Mr. Silva stated he bought the property five years ago.

The Board briefly discussed the deed.

B. Croft asked Mr. Silva if he had any objection to the existing garage, Mr. Silva responded he did not. M. Kornitsky mentioned this possibly could be leading to a title issue, and that the petitioner may want to seek legal counsel. M. Kornitsky explained his thoughts on the deed, and recommended the petitioner engage counsel and seek an opinion and work this out with the neighbor.

D. Doherty mentioned that if a vote was to take place he would vote no, mentioning there is already a big garage in a unique area and the proposal is for a larger garage. B. Croft mentioned he was unsure on how this impacts the right of ways, and reiterated D. Doherty's thoughts on the size of the garage. M. Kornitsky added that he is in agreement with D. Doherty's thoughts, and mentioned some other possible problems that may arise.

Mr. Silva reiterated his concern over snow removal on the property, and briefly discussed this with Mr. Nikolopoulos.

Beth Ballante, 50 Eastman Avenue asked if the garage is zoned as residential or commercial, and mentioned the property owner keeps commercial vehicles in it. Ms. Ballante also mentioned her concern with trucks on her street, adding that they might not be Mr. Nikolopoulos's trucks, but concerned with the coming and the going of commercial vehicles.

M. Kornitsky asked Mr. Nikolopoulos if he keeps commercial vehicles in the garage, Mr. Nikolopoulos responded that he keeps a plow truck, but will keep his classic cars in the garage and wants to keep his truck in it as well. Mr. Nikolopoulos mentioned that he is seeking more space because the current garage is tight.

M. Kornitsky mentioned that he is leaning towards voting no for the requested relief, D. Doherty and H. Roman also mentioned they would be no, as they believe the garage will be too large.

M. Kornitsky explained to the applicant that he would not get the relief if the Board was to vote, and he can either, withdraw, have a vote, or seek a continuance. B. Croft mentioned some possible things that could be possibly done to change the Board's opinions. M. Kornitsky mentioned to Mr. Nikolopoulos that he could seek a continuance and work on the plans.

Mr. Nikolopoulos asked the Board what he should do, B. Croft explained the Board can not tell him what to do but can explain "pros and cons" of each. M. Kornitsky recommended that the petitioner continue the application and work on the plans.

MOTION : by M. Kornitsky to continue Petition 18-01 to May 22nd, seconded by B. Croft, unanimously approved.

PETITION 18-03

31 LEWIS ROAD

Application by Graham Salzberg seeking a special permit (nonconforming use and/or structure) for a first floor addition to the property; sitting room and mudroom extension off the kitchen and the renovation/conversion of the second floor attic area off the master bedroom for a proposed master bathroom and laundry room. The second-floor renovation proposes to rebuild the roof, raising the roof height, and adding proposed dormers.

Graham Salzberg introduced himself and explained the homeowners are seeking a special permit because the lot is undersized, and continued that the addition on the side of the home and the renovation of attic space, put the project over the 15% expansion threshold. Mr. Salzberg stated that the project will be increasing the gross floor area by just over 20 percent.

Mr. Salzberg showed the Board the proposed plans and elevation maps and explained they will be raising the ridge of the roof just over a foot and adding dormers. Mr. Salzberg continued that the space over the garage is currently raw attic space, but seeking to convert to a master bath room, walk in closet, and laundry room. Mr. Salzberg also mentioned the proposed addition to be constructed on the side of the home as well, and explained to the Board why the addition and conversion is taking place.

The Board and Assistant Town Planner Andrew Levin, asked about the down spout on the front of the home, the home owner, who was present stated that they have gutter extensions, but that with young kids they get moved. Mr. Salzberg stated the plan is to have the gutters lead to the rear.

M. Kornitsky asked for any public comment, there were none.

M. Kornitsky and Mr. Salzberg clarified the existing and proposed floor area, and Mr. Salzberg and B. Croft briefly discussed the height of the proposed second floor. Mr. Salzberg mentioned some possible ideas the home owner could have done and continued to clarify the plans.

B. Croft asked about water going on to the neighboring property, Mr. Salzberg showed the Board the proposed drainage of the addition. The Board and Mr. Salzberg explained the proposed drainage.

The Board was constituted as H. Roman, E. Stuart, M. Kornitsky, B. Croft, and R. Landen.

MOTION : by H. Roman to approve 18-03 a special permit under bylaw section 2.2.0.0 (nonconforming use and/or structure), that the gutter not discharge on the asphalt and incorporated into the drainage in the back yard, and built in accordance with the plans filed. Second by E. Stuart, unanimously approved.

PETITION 18-04

15 PROSPECT AVENUE

Application by Kelley Glass seeking a dimensional special permit for a master bathroom, kitchen extension, and mudroom

Dave Riley and Kelley Glass were present, and mentioned they are both the petitioners. Mr. Riley explained that he had personally done the drawings. Mr. Riley explained the building is 26 feet height and mentioned 1500 square feet currently and are going to be adding 100 square feet.

M. Kornitsky and Mr. Riley discussed the project and the relief requested, M. Kornitsky explained the comments made by the Planning Department.

The Board and A. Levin explained that the proposed conversion of the garage to into sitting area, will mean that the property will not have a legal parking space. The Board and Mr. Riley discussed how to possibly reposition the driveway. M. Kornitsky mentioned that Mr. Riley should work with someone to look at parking.

M. Kornitsky asked about the pitch of the roof, Mr. Riley stated it will stay the same. A. Levin asked about what the addition will look like in the front, Mr. Riley explained that he wants it to look nice, and the garage overhang will be staying.

There was no one in the audience present, M. Kornitsky asked if the Board there was any more questions, there was none. M. Kornitsky recommended that the petitioners meet with the Planning Department before the next meeting. M. Kornitsky and Mr. Riley briefly discussed his property lines, M. Kornitsky recommended Mr. Riley meet with a surveyor. Board briefly discussed alternative places for a parking space.

MOTION : by M. Kornitsky to continue to April 24th, seconded by B. Croft, unanimously approved.

MOTION : by M. Kornitsky to close the meeting, seconded by R. Landen, unanimously approved, meeting adjourned at

Andrew Levin
Assistant Town Planner