



# 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

## JUNE 25, 2019 MEETING MINUTES

**Time:** 7:02 P.M. – 8:11 P.M.  
**Location:** Swampscott High School, 200 Essex Street, Rm B129  
**Members Present:** Marc Kornitsky, Bradley Croft, Andy Rose, Ron Landen  
**Members Absent:** Anthony Paprocki, Daniel Doherty, Heather Roman  
**Others Present:** Bob McCann (Attorney), Kieran McAllen (Petitioner), Dave Sterrett (Attorney), David Pollina (Petitioner), Dorothy Foley (Petitioner), John Albright (Petitioner), William Clark (Homeowner), Lawrence Talbot (Petitioner), Joal Saap (Resident), Michael Elmond (Resident), Jim Pitts (Petitioner), Joseph Burke (Builder), Heather Duschane (Architect), Michelle Freidman (Petitioner), Max Kasper (Building Inspector), Molly O'Connell (Planner)

Chairman of the Board, M. Kornitsky called the meeting to order 7:02 P.M.

M. Kornitsky made a motion to approve the meeting minutes from May 28, 2019. Seconded by R. Landen; unanimously approved.

## ZONING RELIEF PETITIONS

### PETITION 19-10

### 8 LITTLES POINT ROAD

Application by KIERAN McALLEN and JODI FARRIN seeking dimensional special permit, special permit, site plan special permit for addition to existing single-family structure. Mr. McCann and Mr. Pittman gave a presentation on the project, which includes an approx. 1,344 sf addition to an existing non-conforming single-family structure on an undersized lot. The lot also does not have the required frontage. The petitioner is seeking dimensional relief for the front and rear setback of the proposed addition, which will include a new garage with living space above. The petitioner provided an abutter signature sheet to the board, as well as an updated locus map, survey, and drainage plan which were part of the recommendations from the Planning Board.

Mr. McCann stated that the petitioner is amenable to the recommendations made by the Planning Board.

M. Kornitsky asked to clarify the setbacks on the application page. Mr. McCann responded that the setbacks are for the addition, not the existing part of the house (which will not change).

Mr. Pittman reviewed the design of the addition and other upgrades that will occur on site, including drainage on site and a new fence. There is an original carriage house, like many in the neighborhood.

B. Croft asked to clarify that nothing is being demolished on the existing dwelling. Mr. McCann reiterated that the setbacks are for the new addition; the existing house will remain as sited.

There were no public speakers.

MOTION: B. Croft to approve Petition 19-10 for a dimensional special permit, special permit and special permit site plan pursuant to conditions as set forth by the Planning Board, and consistent with the plans dated 6/24/2019, specifically that dark sky lighting be used, pervious paving materials be incorporated where possible, drainage to be proposed as depicted, and to keep construction vehicles off the road where possible. Seconded by A. Rose; unanimously approved.

## **PETITION 19-12**

2 SMITH LANE

Application by DOROTHY FOLEY seeking dimensional special permit, special permit, and site plan special permit for construction of new single-family home.

A. Rose stated he would recuse himself on this Petition. Therefore, a quorum was not present to hear the petition and it would need to be continued to the next ZBA meeting.

MOTION: M. Kornitsky to continue Petition 19-12 to the August 6<sup>th</sup> Zoning Board meeting. Seconded by B. Croft; unanimously approved.

## **PETITION 19-3**

172 BURRILL STREET

Application of DAVID POLLINA to Appeal a Determination of Inspector of Buildings for 172 Burrill Street. Mr. Sterrett, attorney, and Mr. Pollina were present. The Board clarified to the petitioner that since only four members were present, they would need all four members to vote in their favor. They do, however, have the option to continue to the next meeting. The petitioner agreed to a continuance.

MOTION: M. Kornitsky to continue Petition 19-3 to the August 6<sup>th</sup>, 2019 meeting. Seconded by R. Landen; unanimously approved.

## **PETITION 19-11**

11 STANLEY ROAD

Application by JOHN ALBRIGHT seeking special permit for first and second floor addition. The Petitioner and homeowner (William Clark) were present to discuss the application and provided abutter signatures in support of the project. The proposed addition on the house will add a family room, enlarge the kitchen, add an in-law bedroom and bathroom on the first floor; and extend a bedroom and add two bathrooms on the second floor.

M. Kornitsky asked if any trees at the rear of the property would be affected by construction. Mr. Albright responded that no trees would be demolished.

M. Kornitsky opened the public hearing.

Tom Scott, 1080 Humphrey Street and rear abutter to property, spoke generally in support of the project and design. He asked what the clearance between the edge of the new footprint and the lot line was. Mr. Albright responded that the Town requires the rear yard setback to be 20 feet; the existing setback is 39.5 feet and the proposed would be 30 feet.

M. Kornitsky closed the public hearing.

MOTION: A. Rose to approve Petition 19-11 to approve the plans as submitted, with a proviso to preserve the trees in the backyard and that the applicant make efforts to mitigate construction vehicles parking on the road during construction. Seconded by B. Croft; unanimously approved.

## **PETITION 19-13**

86 BLODGETT AVENUE

Application by LAWRENCE TALBOT seeking dimensional special permit for partial demo and addition to existing single-family home. Larry and Debbie Talbot, property owners, were present to represent the application as the architect was not available. The lot is undersized and lacks property frontage, and the existing structure has some setback encroachments. The proposed garage will exceed the right setback by 4 inches and encroach into the front of the property, requiring a dimensional special permit. All other work proposed conforms to required zoning dimensions. They are new to the area and attempted to speak with as many neighbors as possible and presented signatures to the Board.

M. Kornitsky opened the public hearing.

Joal Saap, 90 Blodget Ave, stated he spoke with the applicant today. He had general concerns about sprawl and encroaching into the setbacks. M. Kornitsky responded that revisions were made to the By-Law several years ago to allow for a dimensional special permit to provide relief. Anything beyond what is allowed by dimensional special permit would require a variance, and the Board very sparingly approves those requests. The relief they've requested is wise as that is something the Board can more readily consider.

Mr. Talbot stated that they did not have plans to add any stories to the building, they are moving into the house to downsize.

A. Rose suggested that restricting the ability to go up another story could be made a condition of approval, provided that restriction only applied to the work granted relief in the special permit. It would state that in no area where dimensional relief was granted can there be a second story. M. Kornitsky said that would be fine.

Mr. Saap and Michael Elmond, 77 Blodgett Ave, supported the condition.

M. Kornitsky closed the public hearing.

MOTION: A. Rose to approve Petition 19-13 for 86 Blodgett Ave in accordance with plans submitted, with the proviso that permit is conditioned so that no second story can be constructed over any space that has received dimensional relief. Seconded by B. Croft; unanimously approved.

## **PETITION 19-14**

245 PARADISE ROAD

Application by JIM PITTS seeking use special permit, special permit, and special permit site plan for a new 2<sup>nd</sup> story addition to the rear of the existing residence. The property owner was also present. The Petitioner gave a brief presentation on the plan which includes partial demo, new construction, and an accessory building (pool house). The majority of the work takes place at the rear of the property. The applicant also plans on removing two large oak trees at the front of the property and relocate an existing magnolia tree on the property. The application went before the Planning Board in June.

M. Kornitsky opened the public hearing. There were no speakers.

MOTION: R. Landen to approve Petition 19-14 in accordance with comments by the Planning Board....; Seconded by B. Croft; unanimously approved.

MOTION: RL to approve Petition 19-14 for a use special permit, special permit, and special permit site plan in accordance with the plans submitted, and with the Planning Board recommendations, as well as a condition to abide by any conditions related to the Historic District Commission approval and to abide by moratorium on new pavement surfaces, as stated in DPW comments. Seconded by B. Croft; unanimously approved.

## **PETITION 19-15**

16 CUTTING ROAD

Application by KRIS KRISHNAMURTHI seeking dimensional special permit, special permit site plan approval to demolish existing home including garage and building new home and three-car garage. Present for the petitioner is Joseph Burke (builder) and his daughter and son-in-law, who will live in the home.

R. Landen disclosed that his wife is related to the builder.

Mr. Burke briefly presented the project. Originally the intent was to keep the existing structure, but after much discovery and analysis, it was decided to tear down and build new. The setbacks will be conforming but the siting of the house is being moved, and the driveway is being swapped to the other side. They held an open house for neighbors to answer questions. Additionally, they reached out to the abutter at 164 Bradlee Avenue after the Planning Board hearing, and issues seem to be resolved.

M. Kornitsky asked if the height listed is to peak or as measured by building code. Mr. Burke responded that it is about 33 feet to peak.

There were no public comments.

MOTION: M. Kornitsky to approve Petition 19-15 in accordance with the plans submitted, with the Planning Board recommendations – including the tree relocation as planned, and with the condition that the applicant obtain approval from DPW for curb cuts and assume responsibility for cost. Seconded by B. Croft; unanimously approved.

## **PETITION 19-16**

57 ROY STREET

Application by MICHELLE FRIEDMAN for dimensional special permit for second floor addition within the side yard setback. Heather Duschane of HND Architects and Michelle Friedman were present to speak on the application. There is an existing side yard setback nonconformity, which the proposed work will not expand. The addition proposed is approximately 94 sf on the left side of the house; there is no change to the front elevation. The petitioner presented signatures from immediate abutters, including the direct next door neighbor who would be most affected.

B. Croft asked if the addition added a master bedroom and bathroom. Ms. Friedman responded that it adds a small bathroom for the kids to use. Ms. Duschane stated it also increases the height in the existing bedroom on that side of the house, which does not have much height due to the eaves. The addition will ultimately match the right side of the house.

There were no public speakers on this item.

MOTION: R. Landen to approve Petition 19-16 for a dimensional special permit pursuant to the plans provided, and provided that the applicant will work closely with the immediate abutter to minimize construction impacts. Seconded by A. Rose; unanimously approve.

Meeting adjourned at 8:14 PM.

Molly O'Connell  
Senior Planner