



TOWN OF SWAMPSCOTT

ZONING BOARD OF APPEALS

ELIHU THOMSON ADMINISTRATION BUILDING
22 MONUMENT AVENUE, SWAMPSCOTT, MA 01907

MEMBERS
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RON LANDEN
HEATHER ROMAN
PAULA PEARCE

JULY 28, 2020 MEETING MINUTES

Time: 7:02 p.m. – 10:39 p.m.
Location: Virtual Meeting through Zoom
Members Present: M. Kornitsky, D. Doherty, B. Croft (late), P. Pierce, A. Rose, H. Roman, R. Landen
Members Absent: A. Paprocki
Others Present: Bob McCann (attorney), Peter Pitman (architect), Philo T. Pappas & Joy R. Pappas (petitioners), Michael & Kirstin Bolduc (petitioners), Peter March (petitioner), Chris Rovaldi (homeowner), Mark Landsberg (petitioner), Chris Quigley (homeowner), Madeline Kelly (resident), Angela Ippolito (resident), Matthew Cobbett (petitioner), James Ross Dobson & Lori Dobson (petitioners), Susan Koelle (architect), Kathy Bradford (landscape architect), Rob and Jill Levine (residents), Mary and Jim O'Hare (residents), Peter Bratton (resident), Molly O'Connell (planner)

This meeting was video recorded.

Chairman of the Board, M. Kornitsky called the meeting to order at 7:02 p.m.

ZONING RELIEF PETITIONS

PETITION 19-31, 12-5, 12-5(2), 20-11

VARIOUS

The above listed petitions were continued.

MOTION: M. Kornitsky to continue items #10-13 to the September ZBA meeting, as listed on the agenda. Seconded by A. Rose; unanimously approved (B. Croft not present).

PETITION 20-10

35 LINCOLN HOUSE POINT

Petition by PHILO T. PAPPAS & JOY R. PAPPAS, TRS., for a modification of a previously approved dimensional special permit, special permit (non-conforming use/structure), and site plan special permit to enclose an open, roofed over patio/porch with glass, walls, and sliding glass doors. Property is located at 51 LINCOLN HOUSE AVENUE (Parcel ID: 21-66).

Bob McCann, Peter Pitman, and the petitioners were present. Mr. McCann gave an overview of the history of the property and the current request, including the recommendation from the Planning Board. Mr. Pitman went through the revised architectural plans. The homeowner has received support from most of the neighbors. There was one neighbor not in support who spoke at the Planning Board meeting; Mr. McCann noted that the Planning Board recommended a number of conditions that have hopefully satisfied concerns and the petitioner is willing to agree to them.

D. Doherty asked about the height of the beams, the dimensions of the sliders, and whether or not the Planning Board discussed the top mullioned windows. Mr. Pitman noted the beams will not be visible; the sliders are either 8 ft x 12 ft or 8

ft x 6 ft, and the mullions match the existing windows on the house and do not block visibility of any kind.

There was no public comment. The public hearing was closed.

MOTION: M. Kornitsky to approve Petition 20-10 for the requested relief consistent with the plans submitted to add approximately 318 sf of gross floor area to the home, subject to the conditions recommended by the Planning Board. Seconded by A. Rose; unanimously approved (Voting members: M. Kornitsky, D. Doherty, A. Rose, H. Roman, P. Pearce).

PETITION 20-12

60 TUPELO ROAD

Petition by ARTHUR BLACK for a site plan special permit for relief from condition #3 of Decision issued in file #19-32, approval of construction of a dimensionally conforming pool house, and modification of the approved site plan. Property is located at 60 TUPELO ROAD (Map 26, Lots 118 & 119).

MOTION: M. Kornitsky to continue the petition to the September 22nd meeting. Seconded by A. Rose; unanimously approved.

PETITION 20-15

61 WINDSOR AVE

Petition by MICHAEL & KIRSTIN BOLDUC for a dimensional special permit, special permit (nonconforming use/structure), and site plan special permit to add a second story addition, three dormers, and a rear sunroom with attached deck onto an existing single-family home. Property located at 61 WINDSOR AVENUE (Parcel ID: 10-37).

The petitioners gave an overview of their requested addition to their home. They have also provided signatures in support.

H. Roman asked about the basement calculations and the attic, and whether or not this goes beyond the 2.5 stories. Mr. Bolduc noted the provided basement calculations which show that more than 51% of the basement is underground, and not considered a storey. M. Kornitsky and H. Roman discussed the definition of storey in the bylaw, and past practices in interpretation.

There were no public comments. The public hearing was closed.

MOTION: A. Rose to approve the Petition for a dimensional special permit, special permit, and site plan special permit with conditions of the recommendations from the Planning Board and the comments of the Fire Department. Seconded by M. Kornitsky; unanimously approved (voting members: M. Kornitsky, A. Rose, R. Landen, H. Roman, D. Doherty).

PETITION 20-14

24 ORCHARD ROAD

Petition by DEER HILL ARCHITECTS for a special permit (nonconforming use/structure) to add a family room addition on the rear of the house (approx. 511 sf). Property located at 24 ORCHARD ROAD (Parcel ID: 22-51).

Homeowner Chris Rovaldi was present. The lot area and frontage of the property are non-conforming, but the addition will not increase any non-conformity or setback.

There was no public comment. The public hearing was closed.

MOTION: A. Rose to approve Petition 20-14 in accordance with the plans submitted. Seconded by P. Pearce; unanimously approved (Voting members: A. Rose, P. Pearce, R. Landen, H. Roman, D. Doherty).

MOTION: M. Kornitsky to approve the previous meeting minutes. Seconded by A. Rose; unanimously approved.

PETITION 20-16

197 ESSEX STREET

Petition by NH SIGNS – PETER MARCH for sign special permit to rebrand various existing signs including but not limited to: main ID sign, 2 walls signs, fuel canopy, and fuel dispensers at an existing gas station. Property located at 197 ESSEX STREET (Parcel ID: 12-102A-0).

Peter March, petitioner, gave a presentation on the proposed changes to the canopy signs, dispenser signs, building signs, and main ID sign. Ultimately the new brand image will be a cleaner visual.

M. Kornitsky asked about the dispenser signs and the overall sign area. He pointed to the Mobile station in Vinnin Square, where the Board asked for modified signage so that the sign area was not expanded. Mr. March noted that the Gulf logo must appear on the dispenser per MA State law, but he can make the Gulf Circle smaller in order to fit within the current dispenser sign area.

H. Roman asked about the building signs and how the signage area was calculated. Mr. March stated he calculated the area using the Town's standards. He did note a type, the current sign is 120 feet.

The Board members discussed the proposal, and noted that new signs should be no greater in length than existing signs.

There was no public comment. The public hearing was closed.

MOTION: H. Roman to approve Petition 20-16 in accordance with the visuals provided with the exception that the building sign above the main door shall be no larger than the existing sign and the valance (i.e dispenser sign) should be no larger than the existing, with the Gulf logo modified to fit. Seconded by R. Landen; unanimously approved (Voting members: M. Kornitsky, D. Doherty, A. Rose, R. Landen, H. Roman).

ZBA member B. Croft joined the meeting at 8:08 p.m.

PETITION 20-17

120 PURITAN ROAD

Petition 20-17 by MARK LANDSBERG for a dimensional special permit and special permit (nonconforming use/structure) to expand an existing porch & deck at front of the house and conversion of existing attic to bedroom/bathroom with walkout deck, and other requests as detailed in the project description. Property located at 120 PURITAN ROAD (Parcel ID: 21-28).

Mark Landsberg and the homeowner, Chris Quigley, were present. Mr. Landsberg gave an overview of the request, including the architectural plans and plot plan submitted to the Board.

M. Kornitsky wondered if the requested relief would actually be greater than a dimensional special permit. A. Rose sees his point, but also noted that the petitioner is allowed to build along the same line as an existing setback.

A. Rose expressed concern about the circular staircase. Mr. Landsberg noted there is a historic precedence for the type of staircase but it could be modified. The staircase itself will be 50 feet from the streetline, for visual reference.

P. Pearce asked if this needed to go to the Historical Commission. Mr. Landsberg noted that Mr. Kasper (Building Commissioner) said no, however D. Doherty and A. Rose also think this needs historic review.

M. Kornitsky asked for public comment.

Madeline Kelly, direct abutter, spoke in opposition to the petition and noted an ongoing concern about a previous petition which allowed the rebuilding of a garage that burnt down. She is requesting that this item be continued so she can engage counsel. M. Kornitsky asked Mr. Landsberg and the petitioner if they would be amenable to a continuance.

Angela Ippolito, resident and Chair of the Planning Board, noted that this should go to the Historical Commission. She also has concerns about the project due to its location in a flood zone and whether or not it complies with the coastal resiliency

bylaw. She also has concerns about the increase in height of the attic its affect on neighboring views.

R. Landen expressed concern about the added lot coverage, as the lot itself is very small. He also requested additional photos of the neighborhood for context.

M. Kornitsky gave the petitioner a choice, but noted that he would be looking to continue the item.

MOTION: M. Kornitsky to continue Petition 20-17 to the August 18th meeting; seconded by D. Doherty. Unanimously approved.

ADMIN REVIEW: PETITION 19-2

57 WALNUT ROAD

Administrative Review request by Matthew Cobbett for minor modification to a previously approved special permit (Petition 19-2). Property located at 57 WALNUT ROAD (Parcel ID: 20-345). M. Kornitsky explained the Board's procedures related to requests that are deemed to be administrative in nature.

The petitioner was present to explain the necessity for the minor change. They have reached out to all abutters and have received letters of support.

B. Croft noted that the distance between the stair and the accessory garage should be 10 feet, per 2.3.3.1 of the bylaw.

MOTION: M. Kornitsky to approve the minor modification to change the orientation of the stair consistent with the provided plans and with the conditions that there be 10 feet between the garage and that the change is compliant with the building code. Seconded by D. Doherty.

PETITION 20-18

33 MANTON ROAD

Petition by JAMES ROSS & LORI DOBSON for a dimensional special permit, special permit (nonconforming use/structure) and site plan special permit for a 968 sf addition (2-car garage with 2nd floor living space) to an existing single-family home. Property located at 33 MANTON ROAD (Parcel ID: 28-45).

M. Kornitsky recused himself on this item. D. Doherty acted as Chair.

Susan Koelle, architect, Kathy Bradford, landscape architect, and the petitioners were present. Mr. Ross Dobson gave some background on the state of the house and the requested relief. Ms. Koelle presented the current conditions, site photos, garage placement analysis, and the architectural plans for the addition. Ms. Bradford presented the landscape design.

D. Doherty asked for public comment.

Rob and Jill Levine, direct abutters, spoke in opposition to the project. They have outstanding concerns related to the size, height, and placement of the addition, which will be close to their property line and obstruct their views. They also don't feel that it fits the neighborhood. Mr. Levine noted that there was a similar petition on 14 Bay View which was not approved by the ZBA.

R. Landen asked if the roofline is being raised and how that compares to the height of neighboring properties. The petitioner stated no – the addition is lower than the main house and is being pulled in.

D. Doherty asked if the width of the garage could be lowered at all. Ms. Koelle replied no – they had reduced the width as much as possible while still being able to accommodate two cars.

Mary O'Hare, 24 Manton Road, has objections to the addition and how it fits into the character of the roadway. She stated

a forward-facing garage is not consistent.

Jim O'Hare, also 24 Manton Road, said he did not receive any plans. He noted the photoshopped picture that was shown in the architect's presentation should not be considered as it is easy to alter things using photoshop. He has concerns that this project would make the lot even less conforming than it already is.

B. Croft asked if the Board was intending to continue the conservation on this petition and he commended the Dobson's on the well-prepared presentation.

Peter Bratton, 38 Manton Road, spoke in support of the project.

D. Doherty noted that 3 ZBA members have expressed certain concerns, and there is a possibility to continue the item. The petitioners expressed that they would prefer a decision tonight, if possible.

B. Croft stated that he sees the addition as acceptable.

D. Doherty closed the public hearing.

A. Rose stated that the Dobson's did a good job although he would like input from the Historical Commission on the item because of the age of the house.

R. Landen noted that he is looking to balance a good project within neighborhood context.

H. Roman stated that this is the type of relief that the ZBA grants all the time. There are many nonconforming properties in Swampscott that look to expand and/or put on additions similar in nature. H. Roman and A. Rose debated the issuance of non-conforming special permits and the role of ZBA in regards to historic preservation.

MOTION: H. Roman to approve Petition 20-18 for the relief requested, pending a review by the Historical Commission. Seconded by D. Doherty; approved 4-0-1 (A. Rose abstained; other voting members: H. Roman, D. Doherty, B. Croft, R. Landen).

Meeting adjourned: 10:39 p.m.

Molly O'Connell
Senior Planner