



TOWN OF SWAMPSCOTT

ZONING BOARD OF APPEALS

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

MEMBERS
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OCTOBER 10, 2017 MEETING MINUTES

Time: 4:37PM – 5:10PM
Location: 12-24 Pine Street
Members Present: M. Kornitsky, B. Croft, A. Paprocki, H. Roman, R. Landen, E. Stuart
Members Absent: A. Rose, D. Doherty
Others Present: Brian LeClair (Attorney), Charles Patsios (Petitioner), Steve Gadman (Resident), Andrew Levin (Assistant Town Planner)

PETITION 15-42

12-24 PINE STREET

Site visit called to order at 4:37PM by Chairman of the Board M. Kornitsky. M. Kornitsky explained to those present that since this was a posted meeting, deliberation may take place and that the visit's audio would be recorded for the record.

Attorney Brian LeClair, representing the petitioner Charles Patsios, began by showing the Board and those present the Eerie street side of the building. Attorney LeClair pointed out the wall that abuts the Eerie Street side homes and explained that this wall had been repainted. Attorney LeClair also pointed out Betty Johnson's residence which abuts this wall, and stated that she had spoken at the previous meeting in favor of the building.

Attorney LeClair moved to the Eerie Street side of the building explaining where the different tenant spaces are, specifically pointing at three garage doors, which he stated is Mr. Patsios space. Attorney LeClair stated that the garage door, closest Pine Street, had been left open like it usually is to show the Board.

Attorney LeClair brought the group to the side of the building parallel to New Ocean Street, to show that this side had also been repainted.

Attorney LeClair pointed out to the group a Spero Construction and XFINITY truck both parked on the building side of Pine Street. Attorney LeClair lead the group through a garage door on the Pine Street side into the area occupied by the classic car club. Attorney LeClair explained that the building was originally built as a garage and that it still has the lifts installed during the buildings construction (explained the original lifts aren't used anymore, two modern ones are now used instead). Doug Dubin, who was in the garage clarified the spaces within the garage and who occupies them.

The group moved outside, Attorney LeClair pointed out that a middle section of the building facing Pine Street, which Attorney LeClair stated is the former location of the Booma Oil showroom, is currently being used as storage for the Marblehead Arts Association. Attorney LeClair showed that this area of the building that Mr. Patsios occupies, and lead the group into this area. Attorney LeClair explained that Mr. Patsios stores some of his vehicles in this area and the Board and Mr. Patsios discussed this and the buildings tenants, Mr. Patsios explained that the car club has their own entrance, heating system, gas meter. Mr. Patsios had six vehicles parked in the space, but no lift, and stated that only two of the vehicles drive, the others are unregistered, and explained that he occasionally works on his own vehicles. Mr. Patsios stated that he has entrance to his space through the three garage doors on the Eerie Street side of the property.

Mr. Patsios clarified the tenants of the building, explaining that Frank Orne (the previous property owner) occupies space on the second floor, but that he has his own permit. Mr. Patsios stated that the only building tenants are himself, Mr. Orne and the car club.

M. Kornitsky asked if Steve Gadman, an abutter to the property present at the visit, had anything he would like to acknowledge.

Mr. Gadman stated that the XFINITY truck parked on the street on the Pine Street side of the building is his and that he has worked for the company for many years. Mr. Gadman explained that he pays for a Town parking waiver and sticker for the truck, and clarified why he parks the truck on Pine Street.

Mr. Gadman stated that there is an individual who he has seen working on both sides of the building (car club and Mr. Patsios side) and stated his confusion. M. Kornitsky stated that the Board would like to hear and see locations and evidence of statements and complaints made at previous meetings.

Mr. Gadman pointed out the Spero Construction truck parked on Pine Street and stated he has seen Mr. Spero's truck and personal vehicle on the property at the same time.

Mr. Gadman pointed to his home on Pine Street side, and explained where other abutters live who have been to public meetings, and also pointed out "Resident Permit Parking" signs on his side of Pine Street. Mr. Gadman added that the Spero Construction truck had been parked on Pine Street in front of the building for 5 weeks.

Attorney LeClair responded that at the next meeting he will have a statement from Mr. Spero stating that he hasn't been a tenant in the building since September 2016.

Mr. Gadman stated that he had previously been parking his work truck in another area, but explained that he was threatened by the then Building Inspector that he would be fined. M. Kornitsky and Mr. Gadman briefly discussed this. Mr. Gadman stated that in terms of the property, all he asks for is respect.

Attorney LeClair stated that since the building was built, it has been an automobile use, and stated by statute, the use cannot be restricted, M. Kornitsky stated it can be if trying to expand use.

Mr. Gadman stated that the hours of use at the building could possibly change, and reiterated his request for respect.

M. Kornitsky asked if there was ever a commercial mechanic that used the property. Mr. Patsios stated that since he has owned there has not, and Mr. Gadman stated he had never seen a commercial mechanic operating. The Board and briefly discussed previous statements about Mr. Dubin working on trucks in the building. Attorney LeClair explained that previous businesses occupying the building had serviced vehicles there. The Board briefly discussed parking on the property, Mr. Patsios clarified the parking lot is L-shaped.

Attorney LeClair, Mr. Gadman, and M. Kornitsky briefly discussed digital copies of photos from the abutters. Mr. Gadman had handed in printed copies at the site visit, but mentioned he would send digital.

MOTION: by M. Kornitsky to close the visit, seconded by R. Landen, approved, visit closed at 5:10PM.

Andrew Levin
Assistant Town Planner