



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
EMILY STUART

DECEMBER 19, 2017 MEETING MINUTES

Time: 7:16PM – 8:50PM
Location: Swampscott High School, 200 Essex Street, Rm B129
Members Present: M. Kornitsky, D. Doherty, A. Paprocki, H. Roman, A. Rose, R. Landen, A. Rose, B. Croft
Members Absent: E. Stuart
Others Present: David Dishman (Petitioner), Tom Groom (Contractor), Jim Dennis (Petitioner), Andrew Levin (Asst. Town Planner)

Chairman of the Board, M. Kornitsky called the meeting to order at 7:16PM.

MEETING MINUTES

Motion by M. Kornitsky to approve the November 28th, 2017 meeting minutes with revisions made by B. Croft, seconded B. Croft, unanimously approved.

The Board briefly discussed future meeting dates and Board availability.

ZONING RELIEF PETITIONS

PETITION 17-22

25 GLEN ROAD

M. Kornitsky called forth Petition 17-22 (25 Glen Road) which is the application of Eric Lomas, ESQ for owner Mark Delisle seeking a special permit (non-conforming 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. This item was continued from the November meeting.

M. Kornitsky explained that Attorney Lomas had previously contacted M. Kornitsky and had sent a signed request for continuation form to the Board. The continuation request explained that the plans are still being finalized.

MOTION : by M. Kornitsky to continue Petition 17-22 to the January 23rd meeting, Seconded by R. Landen, unanimously approved.

PETITION 17-25

48 BRADLEE AVE

This is a Petition by David and Kristen Dishman seeking a special permit (nonconforming use/structure), site plan special permit, and a dimensional variance, to demolish an existing fire damaged garage, and construct a new 2 car garage with bedroom and bath above. The applicant is seeking a dimensional variance from the required 7.5' side-yard setback to 2'8" and; a site plan special permit whereas the proposed addition increased the gross floor area of by structure by more than 15% and is greater than 800 sf. This Petition is continued from the November meeting. A

Petitioner David Dishman was present and began by explaining a fire that occurred on June 25th at his home, describing the damage and areas affected. Mr. Dishman stated the garage and garage side of the home was damaged extensively.

Mr. Dishman described the damaged garage as narrow, and explained the proposed garage will be larger with a second floor containing a master bedroom and possibly a bathroom. Mr. Dishman stated that the original proposed plans had the proposed garage coming fairly close to the lot line, but revised plans have moved the setback to within the required amount. Mr. Dishman stated that there is no objection from the neighbors in the surrounding area.

Mr. Dishman and M. Kornitsky briefly discussed the work and relief being requested and what could potentially be granted. Tom Groom who was present with Mr. Dishman helped to clarify the addition being proposed, and briefly discussed it with R. Landen. Mr. Groom explained that the proposed garage will have a front and rear entrance, while the original garage had a rear entrance.

B. Croft asked if the addition of the dormer into the existing structure has been added into the gross square feet area calculation, Mr. Groom mentioned it had, and that it adds about 5 ½ feet into the home. Mr. Groom also helped clarify other measurements as well, and briefly discussed these with M. Kornitsky. M. Kornitsky and A. Paprocki briefly discussed the relief and bylaws relating to this project. M. Kornitsky explained the section of bylaw he believed this project fell under, mentioning that he believed it to be a dimensional special permit and a section six special permit.

The Board was constituted as M. Kornitsky, R. Landen, A. Paprocki, H. Roman, and A. Rose.

MOTION : by A. Rose to approve Petition 17-25 of David and Kristen Dishman requesting a dimensional special permit and a section six finding relief based on the plans submitted, seconded by R. Landen, unanimously approved.

PETITION 17-27

96 PURITAN ROAD

This is the application of Jim Dennis seeking a Dimensional Variance to construct a rear stairway out of the unit for a second means of egress in the rear building on the property.

Mr. Dennis (property owner) was present and explained the request to the Board, stating that the staircase being proposed will be 4 ½ feet from the rear property line.

M. Kornitsky explained that variances are looked at with extreme criteria and asked what the alternative idea would be to requesting a variance. Mr. Dennis explained a few potential alternatives to the rear staircase, describing some of the alternatives as being unsightly. A. Paprocki inquired if the staircase could be put inside the building, Mr. Dennis explained that he had not thought this idea through thoroughly, but did not believe it likely. M. Kornitsky asked if the staircase will be covered or uncovered, Mr. Dennis stated it would be uncovered. The Board discussed the possible relief that they could potentially grant.

Mr. Dennis explained a brief history of the property and stated that it will be an age restricted, 55 and over independent living facility, and mentioned that it was previously thought the deck on the building was a second point of egress. M. Kornitsky mentioned that the relief previously granted by the Board (5-unit age restricted independent living facility (2 units in the front 3 units in the rear building)) may need to be modified if the third unit does not have a second point of egress. B. Croft asked for floor plans, Mr. Dennis stated that he did not have them with him. H. Roman asked if the staircase could be made any skinnier, Max Kasper (the Town Building Inspector) stated from the audience that the stairs

could be tightened up. The Board continued to discuss the relief being requested, A. Rose stated that he would vote no for a granting a variance.

M. Kornitsky explained that Mr. Dennis would need to find an alternative to getting a variance, and discussed some possible alternatives with Mr. Dennis and M. Kasper. M. Kornitsky stated that if the stairs were revised and made skinner and are moved farther back from the rear property line, then they potentially might not need relief. The Board, Mr. Dennis and M. Kasper discussed the alternatives.

M. Kornitsky asked Mr. Dennis if he would continue the hearing to work on revising the plans, Mr. Dennis stated he would.

MOTION : by M. Kornitsky to continue Petition 17-27 to the January 23rd meeting, seconded by R. Landen, unanimously approved.

MOTION : by M. Kornitsky to close the meeting, seconded by A. Rose, unanimously approved, meeting adjourned at 7:50 PM.

Andrew Levin
Assistant Town Planner