

Rockport Board of Appeals
January 29, 2013
7:30 P.M.
Rockport Public Library
17 School Street, Rockport, MA

- 1) Call to Order at 7:30 P.M. Members present John N. Rees (Chairing), Tacy D. San Antonio, Alan Battistelli, Charles W. Christopher, Peter Bergholtz, Lars-Erik Wiberg, Michael Bace and Joyce Fossa.
- 2) Hearing of Bearskin Neck Nominee Trust for a special permit and/or a variance to construct a dormer and stairs on the East side and to construct a spiral stairway on the South side of an existing nonconforming building at 3 Bearskin Neck, Rockport.
 - a) Opened 7:31 P.M. Closed 7:48 P.M.
 - b) Members of the Board sitting are John N. Rees (Presiding), Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Petitioner was represented by Attorney Wilhelmina Sheedy, 76 Main Street, Rockport. She stated:
 - i) The building meets no dimensional requirements.
 - ii) It is a non-conforming dwelling with on site parking and mixed use. The first floor is and ice cream store and the second a residence.
 - iii) The plan is to make building safer by adding entrance and egress.
 - iv) A dormer is planned to improve property.
 - v) There is no increase into setback except for the stairways, which are not detrimental to the neighborhood.
 - vi) John N. Reese asked if the pitch was conforming and Attorney Sheedy replied that pitch requirements does not apply to a second story.
 - vii) The spiral stairs have a five-foot circumference on the external stairway. The stairway on the side is three feet wide and the interior stairs will be removed.
 - viii) No increase of non-conformity on side stairway.
 - ix) Rear stairway does increase non-conformity.
 - x) Property goes all the way to the seawall.
 - xi) All planned modifications are on the east and south side of structure.
 - xii) Attorney Sheedy submitted photographs of the present property on behalf of the petitioners.
 - xiii) They are asking for a Special Permit to complete the submitted modifications since it is a unique and unusual structure. They wish to bring it to code and make it safer.
 - e) No audience participation.
- 3) Hearing of Hugh Daniel Chace for a special permit and/or variance to construct a 7 foot by 34 foot front porch which extends into the front setback on the dwelling at 4 Squam Hill Court, Rockport.
 - a) Opened 7:48 P.M. Closed 8:05 P.M.
 - b) Members of the Board sitting are Lars-Erik Wiberg (presiding), Charles W. Christopher, Tacy San Antonio, John N. Rees, and Alan Battistelli.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) His partner, Contractor Michael McKerney, 1064R Washington Street, Gloucester, represented petitioner.

- i) Asking for a Special permit to construct 7X34 foot porch/deck to improve the property along the front and around the side of structure.
 - ii) The front of the structure is non-conforming.
 - iii) The present steps are non-conforming.
 - iv) Charles W. Christopher questioned the lane and frontage but the submitted certified site plan clarified the issue.
 - v) There will be a roof over 18 feet of the porch but it will not be closed in.
 - e) No audience participation.
- 4) Hearing of David and Darlene Lane for a special permit and/or variance to construct a third-floor observation room which will extend 34 feet, 4 feet over the maximum allowed height, on the dwelling at 162 Thatcher Road, Rockport.
- a) Opened 8:06 P.M. Closed 8:25 P.M.
 - b) Members of the Board sitting are Tacy San Antonio (presiding), Peter Bergholtz, Alan Battistelli, Joyce Fossa and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Petitioners were represented by Designer Charles Nazarian, 956 Washington Street, Gloucester.
 - i) The petitioner's home is being built on a 22 acre site opposite Long Beach.
 - ii) There was a site plan review done the summer of 2012 and the property rises up 130 feet.
 - iii) The home is currently being framed.
 - iv) They would like to construct the roof of one of the third floor rooms to be a cone shape with about a seven-foot diameter. The point of the cone will reach a point of 34 feet; 4 feet approve the 30-foot height limit. The rest of the house will meet the 30-foot height limit.
 - v) The reason for the request is that:
 - (1) There is a construction problem with an octagon coming into the pitch of the regular roof and shedding water correctly.
 - (2) They are setting out to design a landmark house and the roof will look squatty if this is not allowed.
 - (3) The house is extraordinary.
 - (4) There are no close neighbors and therefore it will not be detrimental to the neighborhood.
 - vi) Tacy San Antonio stated that a Special Permit to build a third story is not necessary but it doesn't hurt to include it in the decision.
 - vii) Charles Nazarian asked the Board if they can build before the 20-day appeal period is over. The Board stated that to do so would be at your own risk.
 - e) William Apruzzese, 178 Thatcher Road, Rockport, asked if there are plans to land a helicopter at the site. The petitioner has no plans to do so.
- 5) Hearing of Eileen and Hugh Bradley for a special permit and/or variance to construct a dormer on the East side of the nonconforming dwelling at 15 North Road, Rockport.
- a) Opened 8:26 P.M. Closed 8:35 P.M.
 - b) Members of the Board sitting are Alan Battistelli (presiding), Charles W. Christopher, John N. Rees, Joyce Fossa and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Robert Bradley, 8 Littlepoints Road, Swampscott, represented the petitioners.
 - i) Shed dormer will be added to existing non-conforming structure.
 - ii) Modifications will not add to non-conformity. They wish to continue the spiral staircase to add access to the upper deck.

- iii) Does not adversely affect abutters.
- iv) Deck will stay as is merely changing the entrance to the deck.
- v) The dormer and railing require relief.
- e) No audience participation.
- 6) Hearing of Myalisa Waring for a special permit and/or a variance to construct a 350 square foot addition on an existing nonconforming building at the property owned by Lobster Pool Realty Trust at 329 Granite Street, Rockport was withdrawn.
- 7) Open session called but there were no requests from the public.
- 8) Discussion of Petitions
 - a) Bearskin Neck Trust – 3 Bearskin Neck
 - i) Peter Bergholtz moved to approve the petition and Lar-Erik Wiberg seconded.
 - ii) The motion passed unanimously with John N. Rees, Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa and Michael Bace voting.
 - b) Hugh Daniel Chace – 4 Squam Hill Court
 - i) Charles W. Christopher moved to approve the petition and Alan Battistelli seconded.
 - ii) The motion passed unanimously with Lars-Erik Wiberg, Charles W. Christopher, Tacy San Antonio, John N. Rees, and Alan Battistelli voting.
 - c) David and Darlene Lane – 162 Thatcher Road
 - i) Since the plan doesn't adversely affect the neighborhood Peter Bergholtz moved to approve the petition and John N. Rees seconded.
 - ii) The motion passed unanimously with Tacy San Antonio, Peter Bergholtz, Alan Battistelli, Joyce Fossa and Michael Bace voting.
 - d) Eileen and Hugh Bradley – 15 North Road
 - i) Alan Battistelli stated that this modification created a safer access to the deck and should be approved.
 - ii) Michael Bace moved to approve the petition and Charles W. Christopher seconded.
 - iii) The motion passed unanimously with Alan Battistelli (presiding), Charles W. Christopher, John N. Rees, Joyce Fossa and Michael Bace voting.
- 9) Approval of Minutes
 - a) November 27, 2012 Rockport Board of Appeals minutes were presented.
 - i) Peter moved to accept minutes and Charles W. Christopher seconded.
 - ii) The motion passed unanimously with John N. Rees, Tacy D. San Antonio, Alan Battistelli, Charles W. Christopher, Peter Bergholtz, Lars-Erik Wiberg, Michael Bace and Joyce Fossa voting.
 - b) November 27, 2012 Rockport Zoning Administrator's minutes were presented.
 - i) Alan Battistelli moved to approve the minutes and Peter Bergholtz seconded.
 - ii) The motion passed unanimously with John N. Rees, Tacy D. San Antonio, Alan Battistelli, Charles W. Christopher, Peter Bergholtz, Lars-Erik Wiberg, Michael Bace and Joyce Fossa voting.
- 10) Old Business
 - a) A copy of the Gale Amendment was sent to the Rockport Planning Board.
 - b) The Board's ability to deny a petition without prejudice is legal according to Town Attorney John Goldrosen.
 - c) The new fiscal budget has been submitted.
 - d) The Board's section of the Town Report has been written.
- 11) New Business

- a) Secretary Helen Barnett will continue to explore feasibility of scanning submitted plans, accepting digital plans and projecting plans at meetings with the current Town IT manager. If possible this should lead to a written plan that can be submitted to the Board of Selectmen.
- b) Michael Bace requested that the Board purchase the Massachusetts Handbook of Land Use. He will borrow the book and bring it to the next Board Meeting for a decision.
- c) Alan Battistelli asked if AEB Development LLC had to return to the Board since the Historic Commission had modified the plans for 30 Mt. Pleasant Street, Rockport. The Board stated that they must appear before the full Board to get the modifications accepted.

12) Next Possible Meeting February 26, 2013

13) Charles W. Christopher moved to adjourn and Peter Bergholtz seconded it.

- a) The motion passed unanimously with John N. Rees, Tacy D. San Antonio, Alan Battistelli, Charles W. Christopher, Peter Bergholtz, Lars-Erik Wiberg, Michael Bace and Joyce Fossa voting.
- b) The meeting was adjourned at 9:12 P.M.