

Rockport Board of Appeals
November 25, 2014
7:30 P.M.
Rockport Public Library
The Brenner Room
17 School Street, Rockport, MA

- 1) Call to order at 7:30 P.M. Members present Alan Battistelli (Chairing), Tacy D. San Antonio, Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher, John N. Rees and Michael Bace. Frederick Frithsen absent.
- 2) Hearing of Gregory Titterington and Jacqueline Comiskey for a special permit and/or variance to construct a 21 by 15 foot addition to an existing non-conforming garage at 83 Marmion Way, Rockport.
 - a) Opened 7:30 P.M. Closed 7:40 P.M.
 - b) Members of the Board sitting are Michael Bace (Presiding), Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and Joyce Fossa.
 - c) Materials presented: Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Petitioner Greg Titterington, 83 Marmion Way, would like to add to garage in order to extend the kitchen into the breezeway.
 - i) Adding 317 square feet to the garage.
 - ii) Side elevation extending out 15 feet.
 - iii) Extends into setback 4.3 feet from side setback.
 - iv) Roof is no higher than existing roof.
 - e) Audience
 - i) Ken Novak, 85 Marmion Way, neighbor opposes petition as the enlarged garage would loom over his property.
 - ii) Attorney Stephen Ouellette, 127 Eastern Avenue, Suite 1, Gloucester, stated that since this was an increase in nonconformity a variance is required.
 - iii) Peter Bergholtz disagreed and stated that recent court cases have changed previous rulings and a special permit is all that is required.
- 3) Hearing of Gregory Titterington and Jacqueline Comiskey for a variance to construct a two-story addition which will extend into the side-yard setback on their dwelling at 83 Marmion Way, Rockport.
 - a) Opened 7:40 P.M. Continued to January meeting.
 - b) Members of the Board sitting are Michael Bace (Presiding), Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and Joyce Fossa.
 - c) Materials presented: Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Greg Titterington, 83 Marmion Way, wishes to add to present structure to make it possible to use as a retirement home.
 - i) Half of the lot is in a no build zone of coastal bank.
 - ii) The Conservation Commission has accepted the plan.
 - iii) The proposal is to a 2 level addition on the front.
 - iv) It will encroach into the side setback.
 - v) Petitioner was granted a continuance to the next Board meeting.

- 4) Hearing of William Merry for a variance and/or special permit to construct a 16 foot by 26 foot 6 inch garage along with a 20 foot 3 inch by 20 foot addition connecting the garage to the existing non-conforming residence at 13 Laurel Acres Road, Rockport.
 - a) Opened 7:56 P.M. Continued to January meeting.
 - 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) Petitioner William Merry, 13 Laurel Acres would like to build a single car garage that is 10 feet from the lot line. The Conservation Commission has accepted the plan.
 - e) Charles W. Christopher stated that a 15 foot setback is needed and it is deficient by 2 feet on one side and 4 feet on the other.
 - i) Increasing nonconformity requires a special permit but an additional setback encroachment needs a variance which requires hardship.
 - f) Petitioner stated that the hardship is that the garage can only go here as the septic system is in the way.
 - g) Alan Battistelli stated that this doesn't meet the requirements for a variance.
 - h) Petitioner asked for a continuance to the January meeting and it was granted.
 - i) No audience participation.
- 5) Hearing of Institution for Savings for a special permit and/or variance to construct a one story 23 by 28 foot addition to an existing non-conforming building at 37 King Street, Rockport.
 - a) Opened 8:13 P.M. Closed 8:38 P.M.
 - b) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Tacy San Antonio, John N. Rees and Lars-Erik Wiberg.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Attorney Ralph Pino, 46 Middle Street, Gloucester, and Architect Charles Nutter, 20 Inn Street, Newburyport represented the petitioner.
 - i) Preexisting nonconforming building.
 - ii) Current facility lacks private offices and waiting area.
 - iii) The exterior will have a realignment of the parking area with one more space added.
 - iv) The addition will be of benefit to the town as it will as there will probably be less use of the downtown branch of the bank.
 - v) Would like to start immediately so that it will be open for the summer season.
 - e) Alan Battistelli asked about parking. Is there 15 rather than 17 spaces? The parking spaces are smaller than the required 200 square feet. Petitioner said they can be increased if needed.
 - f) John N. Rees asked if it will draw from the downtown bank improving service.
 - g) Petitioner's representative stated that:
 - i) That on Saturday at one o'clock they would test the generators for 15 minutes.
 - ii) They will be adding 2 offices and a vestibule.
 - iii) The lobby will be 2 stories with a cathedral ceiling.
 - iv) Public spaces will be handicap accessible.
 - v) The addition is 2 stories.
 - h) Audience
 - i) Richard York, 35 King Street, had questions about the generator. The petitioner's representative said that have no intention of expanding the hours and the insulation on the generator will make it sound like a snow blower.
 - ii) The clock tower changes the entire appearance of the neighborhood. It was just a house.
 - iii) Kim Rock, Chief Operating Officer of the bank talked about the tower being a symbol of the bank.

- iv) Alan Battistelli asked if a traffic study had been done. Mr. Pino said no as they were not expecting more traffic
 - v) Tacy San Antonio stated that the spire is 2 feet over the 30 foot height limit and it is a decoration. It has a small light that stays on 24 hours a day, seven days a week.
 - vi) Eric Levielle, 8 Granite Street asked if it had a bell and was told no.
 - vii) Deborah Legg, 5 Tarrs Lane West is concerned with the tower.
- 6) Hearing of Eric and Krystle Leveille to ratify the use of their property for two families at 8 Granite Street, Rockport.
- a) Opened 8:40 P.M. Closed 9:47 P.M.
 - b) Members of the Board sitting are Alan Battistelli (presiding), Charles W. Christopher, Tacy San Antonio, John N. Rees and Lars-Erik Wiberg.
 - c) Materials presented: site plan and certified lists of historical residences on the property.
 - d) Attorney Wilhelmina Sheedy, 76 Main Street, the property is 2 dwellings connected by a porch and petitioners would like to ratify the use of their property for two families.
 - i) It is a preexisting nonconforming structure.
 - ii) 1, 3, 7A, 10, 15 & 19 Granite Street are all multifamily.
 - iii) Street listing going back as far as 1943 show this as 2 dwellings.
 - iv) There is enough parking.
 - v) There will be no greater traffic, noise, etc. to the neighborhood.
 - vi) Attorney Sheedy submitted some pictures from the Historical Society.
 - e) John N. Rees asked if both dwellings were occupied and was told yes.
 - f) No audience participation.
- 7) Approval of Minutes
- a) Peter Bergholtz moved to approve the October 28, 2014 Board of Appeals's minutes as presented and it was seconded by John N. Rees.
 - b) The motion passed unanimously with Alan Battistelli, Tacy D. San Antonio, Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher, John N. Rees and Michael Bace voting.
- 8) New Business:
- a) Lars-Erik Wiberg made a motion to change the agenda in order to hear a request about a previous decision 140302. Peter Bergholtz seconded and it passed unanimously with Alan Battistelli, Tacy D. San Antonio, Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher, John N. Rees and Michael Bace voting.
 - b) Attorney Joel Favazza, 111 Main Street, Gloucester, Contractor Adam Hardy, 26 Vine Street, Gloucester, and the buyer Sean Coakley, 5 Palfrey Road, Gloucester wanted to modify the previous decision 140302 by raising the height from 25 feet to 30 feet.
 - i) Same footprint.
 - ii) A shed dormer between 2 gables
 - iii) Lars-Erik Wiberg, Michael Bace, Charles W. Christopher and Peter Bergholtz voted to grant the request.
 - c) Chairman Alan Battistelli will write and send a letter to petitioners granting the request
- 9) Discussion of Hearings
- a) Titterington Garage
 - i) A special permit is required.
 - ii) Peter Bergholtz sees no problem with this request so he moved to grant the special permit and Michael Bace seconded.
 - iii) The motion passed unanimously with Michael Bace, Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and Joyce Fossa voting.
 - b) Titterington addition was continued to the January meeting.

- c) William Merry was continued to January meeting
 - d) Institution of Savings
 - i) Peter Bergholtz stated that the only thing he doesn't like is the tower.
 - ii) Lars-Erik Wiberg said he thought that if it is a cupola it can go over 30 feet.
 - iii) Peter Bergholtz moved to approve the special permits needed and Lars-Erik Wiberg seconded.
 - iv) The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Tacy San Antonio, John N. Rees and Lars-Erik Wiberg voting.
 - e) Eric & Krystle Leveille
 - i) Charles W. Christopher moved to grant the special use permit requested and John N. Rees seconded.
 - ii) The motion passed unanimously with Alan Battistelli, Charles W. Christopher, Tacy San Antonio, John N. Rees and Lars-Erik Wiberg voting.
- 10) Continuation of New Business.
- a) By mistake ID2 was left out of the Rules of Procedure.
 - i) Peter Bergholtz made a motion to retroactively replace it and John N. Rees seconded.
 - ii) The motion passed unanimously with Alan Battistelli (Chairing), Tacy D. San Antonio, Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher, John N. Rees and Michael Bace voting.
- 11) Next Possible Meeting January 27, 2015
- 12) Motion to adjourn made by Peter Bergholtz and seconded by Charles W. Christopher. The motion passed unanimously with Alan Battistelli, Tacy D. San Antonio, Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher, John N. Rees and Michael Bace voting.
Adjournment at 9:25 P.M.