

Rockport Board of Appeals
March 25, 2014
7:00 P.M.

Rockport Public Library
The Brenner Room
17 School Street, Rockport, MA

- 1) Call to order at 7:00 P.M. Members present Peter Bergholtz (Chairing), Tacy D. San Antonio, Alan Battistelli arrived at 8:10 P.M., Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher and Michael Bace. John N. Rees was absent.
- 2) Demonstration of electronic filing and display by Michael Bace and Frederick Frithsen.
 - a) Michael Bace and Frederick Frithsen established a Google account so that electronic files could be uploaded to the Google Cloud for members of the Board to view and possible display at meetings.
 - b) The secretary Helen Barnett is going to scan larger designs for upload and notify the members when files are ready for viewing.
 - c) The display of some electronic files was shown on the large screen.
 - d) The Board discussed how this might be used at future meetings.
- 3) Hearing of Ellen Lidington to appeal the decision of the Building Inspector for property at 15 South Street, Rockport
 - a) Opened 7:30 P.M. Continued to April Meeting.
 - b) Members of the Board sitting are Peter Bergholtz (Presiding), Charles W. Christopher, Lars-Erik Wiberg, Joyce Fossa and Frederick Frithsen.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) A letter was submitted by Ellen Lidington and stamped in by the Chair asking for a continuance since her lawyer was unable to attend.
 - e) Lars-Erik Wiberg moved to continue the hearing to the April Board meeting and Frederick Frithsen seconded. The vote was unanimous to grant the requested continuance with Peter Bergholtz, Charles W. Christopher, Lars-Erik Wiberg, Joyce Fossa and Frederick Frithsen voting.
- 4) Approval of Minutes
 - a) February 25, 2014 ZA Meeting
 - i) Frederick Frithsen moved to accept the minutes as presented and Joyce Fossa seconded.
 - ii) It passed unanimously with Peter Bergholtz, Tacy D. San Antonio, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher and Michael Bace voting.
 - b) February 25, 2014 Board Meeting
 - i) Charles W. Christopher moved to accept the minutes and Lars-Erik Wiberg seconded.
 - ii) It passed unanimously with Peter Bergholtz, Tacy D. San Antonio, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher and Michael Bace voting.
- 5) Hearing of Judith A. Brosnan, John A. and James J. Ketchopulus for a special permit and/or variance to construct a dwelling at 5 Poole's Lane, Rockport.
 - a) Opened 7:45 P.M. Continued to April meeting
 - b) Members of the Board sitting are Peter Bergholtz (presiding), Charles W. Christopher, Joyce Fossa, Frederick Frithsen and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.

- d) The Board received a letter asking that the case be continued to the April Board meeting.
 - e) Michael Bace moved to continue the hearing to the April Board meeting and Frederick Frithsen seconded. The vote was unanimous to grant the requested continuance with Peter Bergholtz, Charles W. Christopher, Joyce Fossa, Frederick Frithsen and Michael Bace voting.
- 6) Revision request on the Hutchins & McMahon 140201 decision.
- a) Members of the Board sitting are Peter Bergholtz (Presiding), Charles W. Christopher, Tacy San Antonio, Joyce Fossa and Michael Bace.
 - b) Materials presented: Design showing the new placement of the proposed structure.
 - c) Eric Hutchins of 45 Poole's Lane asked that the Board allow a slight modification of the original plans.
 - i) He said that they will just be twisting the house to have the front door facing in a different direction.
 - ii) There will be no change in the footprint, just a change in the orientation of the cottage.
 - d) Michael Bace moved to allow the modification and Tacy San Antonio seconded. It passed unanimously with Peter Bergholtz, Charles W. Christopher, Tacy San Antonio, Joyce Fossa and Michael Bace voting.
- 7) Hearing of Vasil Zafiri (Seaside Pizzeria / VSH Realty Inc.) for a special permit to operate a 15-seat pizza shop/restaurant 9 Railroad Avenue, Rockport.
- a) Opened 8:00 P.M. Closed 8:10 P.M.
 - b) Members of the Board sitting are Peter Bergholtz (presiding), Charles W. Christopher, Tacy San Antonio, Lars-Erik Wiberg and Frederick Frithsen.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Vasil Zafari stated that the building was now an empty shop and that he was buying new equipment for it. It will be a 15 seat restaurant with take out and delivery. They will be serving Pizza, salad, subs and pasta.
 - e) Tacy San Antonio asked about the trash and Mr. Zafiri said that the trash would be the same as used by Cumberland Farms and the Chinese restaurant. The grease disposal will be separate.
 - f) There will also be a bathroom available in the restaurant.
 - g) Peter Bergholtz said that the Special Permit if granted might have a two year limit on it.
 - h) Frederick Frithsen asked about the hours and was told that they would probably be open 7 days a week until 11:00 P.M.
 - i) No audience participation.
- 8) Hearing of Tamara Leaf for a special permit and/or variance to construct a 9 by 8 foot, one story addition to the dwelling at 7 Harraden Avenue, Rockport.
- a) Opened 8:15 P.M. Closed 8:28 P.M.
 - b) Members of the Board sitting are Tacy San Antonio (presiding), Alan Battistelli, Lars-Erik Wiberg, Frederick Frithsen and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Contractor Joseph Napolitano, 20 Liberty Street, Gloucester represented the petitioners.
 - i) The right side of the house where the neighbors are about 25 feet away has only about a 7 foot setback.
 - ii) It is a small addition.
 - iii) Setbacks are 20 feet on rear and 15 feet on side.
 - iv) It is an existing non-conforming structure.
 - v) Michael Base said that he needed exact measurements in order to make a decision.
 - vi) The contractor committed to emailing the exact measurements to Michael Bace.

- vii) No audience participation.
- 9) Hearing of Scott Randall and Diane Taubner for a special permit and/or variance permit to attach a porch to the conforming house and add a one half story to the non-conforming garage at 6 Harraden Avenue, Rockport.
 - a) Opened 8:29 P.M. Closed 8:38 P.M.
 - b) Members of the Board sitting are Alan Battistelli (Presiding), Charles W. Christopher, Tacy San Antonio, Lars-Erik Wiberg and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Scott Randall stated:
 - i) They wish to construct a narrow porch on the house with one end of the porch protruding one foot into the setback.
 - ii) They are restoring the stonework to the garage while adding a room and bathroom above it.
 - e) No audience participation.
- 10) Old Business:
 - a) Report on New Application and Rules of Procedure
 - i) They are completed.
 - ii) They will be color printed and placed in the Town Clerks office for dispersal.
 - iii) The new rules and application will be added to the Town Website for downloading
 - b) Work on the Electronic Application is continuing.
- 11) Discussion of Petitions
 - a) Discussion of Waller/Theophanis hearing is continued from the February meeting. The panel consists of Peter Bergholtz (presiding), John N. Rees, Alan Battistelli, Joyce Fossa and Michael Bace.
 - i) The Town Attorney's opinion is that this requires a Special Permit.
 - ii) It is not detrimental to the neighborhood.
 - iii) Alan Battistelli moved to approve the Special Permit and Michael Bace seconded. It passed unanimously with Peter Bergholtz, Alan Battistelli, Joyce Fossa and Michael Bace voting.
 - b) Ellen Lidington continued to April meeting.
 - c) Judith A. Brosnan, John A. and James J. Ketchopulus continued to April meeting.
 - d) Vasil Zafiri (Seaside Pizzeria / VSH Realty Inc.)
 - i) Lars-Erik Wiberg moved to approve with a two-year limit and Charles W. Christopher seconded.
 - ii) It passed unanimously with Peter Bergholtz, Charles W. Christopher, Tacy San Antonio, Lars-Erik Wiberg and Frederick Frithsen voting.
 - e) Tamara Leaf
 - i) Alan Battistelli moved to approve and Lars-Erik Wiberg seconded.
 - ii) It passed unanimously with Tacy San Antonio, Alan Battistelli, Lars-Erik Wiberg, Frederick Frithsen and Michael Bace voting.
 - f) Scott Randall and Diane Taubner
 - i) They will be saving a nice garage and improving the property.
 - ii) Alan Battistelli moved to approve and Lars-Erik Wiberg seconded.
 - iii) It passed unanimously with Alan Battistelli, Charles W. Christopher, Tacy San Antonio, Lars-Erik Wiberg and Michael Bace voting.
- 12) A vote was taken to approve the continuance of the 57 High Street hearing.
 - a) Alan Battistelli moved to approve the continuance and Tacy San Antonio seconded. It passed unanimously with Alan Battistelli, Tacy San Antonio, Joyce Fossa and Peter Bergholtz voting.

- 13) Next Possible Meeting May 27, 2014
- 14) Motion to adjourn made by Alan Battistelli and seconded by Frederick Frithsen.
Passed unanimously with present Peter Bergholtz, Tacy D. San Antonio, Alan Battistelli, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, Charles W. Christopher and Michael Bace voting. Adjournment at 9:00 P.M.