

Rockport Board of Appeals  
April 27, 2016  
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 Alan Battistelli (Chairing), Peter Bergholtz, Lars-Erik Wiberg, Charles W. Christopher, Frederick Frithsen, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace.
- 2) Hearing of Rockport Chamber Music Festival, Inc. for a special permit and/or variance to demolish an existing non-conforming single family dwelling and to construct a new single family dwelling on a non-conforming lot at 3 Brooks Road, Rockport.
  - A) Opened 7:00P.M. Closed 7:03 P.M.
  - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Tacy San Antonio, John N. Rees and Michael Bace.
  - C) Materials presented: photos, site plan and floor plans.
  - D) Continuation to next month requested by petitioner.
  - E) Peter Bergholtz moved to continue and Tacy San Antonio seconded. The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Tacy San Antonio, John N. Rees and Michael Bace voting.
- 3) Approval of minutes:
  - A) Peter Bergholtz moved to accept the March 30, 2016 minutes and Lars-Erik Wiberg seconded. The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Charles W. Christopher, Frederick Frithsen, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace voting.
  - B) Peter Bergholtz moved to accept the April 13, 2016 minutes and Tacy San Antonio seconded. The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Charles W. Christopher, Frederick Frithsen, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace voting.
- 4) Informal Request from James Hemeon to extend the fieldstone façade over the end of the garage and abutting stone wall at 5 Penzance Road, Rockport.
  - A) Wants to wrap stone façade around the garage.
  - B) It is an intensification of an existing condition.
  - C) Doesn't need a formal application as it is not a substantial change in the plans just a change in siding.
  - D) Peter Bergholtz made a motion to allow the modification and Alan Battistelli seconded. The motion passed unanimously with Alan Battistelli, Tacy San Antonio, Charles W. Christopher, John N. Rees and Peter Bergholtz voting.
- 5) Continue discussion and any action the Board may determine appropriate regarding decisions of the Board that may have been affected by omissions in the Zoning By-Law since Fall 2011 Town Meeting.
  - A) Omission was discovered in bylaws that were passed five (5) years ago.
  - B) Converting to a two (2) family unit by special permit was dropped, since it was never voted out it is still in effect

- C) One applicant is reapplying with no guarantees of success.
- 6) Hearing of Caleb Stone for a special permit and/or variance to construct a second story addition to an existing non-conforming garage at 106 South Street, Rockport.
- A) Opened 7:12P.M. Continued to next meeting.
- B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Charles W. Christopher, Frederick Frithsen and Debra Dellacona.
- C) Materials presented: photos, site plan, floor plan, and elevations.
- D) Caleb Stone stated that the garage foundation is crumbling and wishes to pour a new foundation and add a second story studio to the existing garage.
- a) Height will not be over 28 feet but will be two (2) stories from street level.
- b) It is on the property line of road so it needs relief for closeness to road.
- c) Relief is needed to increase the size.
- d) There are about 12 feet between structures where 15 is needed.
- e) Asked for a continuation to next month to be allowed to redo the plans in order to:
- Combine the 2 plots into one.
  - Eliminate 2 nonconformities.
- E) Peter Bergholtz made a motion to continue the hearing to the May meeting and Charles W. Christopher seconded. The motion passed unanimously with Alan Battistelli (presiding), Peter Bergholtz, Charles W. Christopher, Frederick Frithsen and Debra Dellacona voting.
- 7) Hearing of Carson Berglund and Amanda Armstrong for a variance and/or special permit to construct a non-conforming storage shed at 11 Broadway Avenue, Rockport.
- A) Opened 7:23 P.M. Closed 7:30 P.M.
- B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Tacy San Antonio, Lars-Erik Wiberg and Michael Bace.
- C) Materials presented: photos, site plan, floor plan, and elevations.
- D) Carson Berglund stated that the 12 X 20 foot shed would be built off site and installed at the location in the plans 2 (2) feet within the setback.
- a) The main structure contains 4 dwelling units and is 14 feet from the carriage house and 20 feet from property line on the right.
- b) Lot is 11,071 square feet and coverage is presently 22.6%. The shed will bring the coverage to 24.8%.
- c) Amanda Armstrong stated that the home is an 1850's Greek revival with a wet basement and the family needs storage area.
- E) No audience participation.
- 8) Hearing of John-David and Damaris Herlihy for a special permit and/or variance to construct a new front dormer and to rebuild the front step and landing on an existing non-conforming dwelling at 20 Smith Road, Rockport.
- A) Opened 7:30 P.M. Closed 7:34 P.M.
- B) Members of the Board sitting are Charles W. Christopher (presiding), Peter Bergholtz, John N. Rees, Lars-Erik Wiberg and Debra Dellacona.
- C) Materials presented: photos, site plan, floor plan, and elevations.
- D) John David Herlihy stated that the home is noncompliant on lot size and 5 feet into setback on both sides. The requested dormer and front steps will stay in the same footprint as the present home.
- E) Peter Bergholtz commented that if their previous decision is not acted on within a year they would have to come back to the Board to continue it.

- F) No audience participation.
- 9) Hearing of Kathleen M. Demers for a variance and/or special permit to connect two non-conforming dwellings on the same non-conforming lot at 37A Pigeon Hill Street, Rockport.
- A) Opened 7:40 P.M. Closed 8:47 P.M. Reopened 8:49 P.M. Closed 8:54 P.M.
- B) Members of the Board sitting are Alan Battistelli (presiding), Charles W. Christopher, Tacy San Antonio, Frederick Frithsen and Debra Dellacona.
- C) Materials presented: photos, site plan, floor plan, and elevations.
- D) Renee Demers, 37A Pigeon Hill Street, has lived in this tiny Rockport house for 18 years.
- a) Wish to connect the two (2) tiny structures so they don't have to go outside to get from one section of their home to another.
- b) It will continue to be a single family home.
- E) Tacy San Antonio asked for the building coverage as the Board needed to know.
- a) Need to know where the property lines are.
- b) Need accurate measurements.
- c) Only a special permit can be given to connect two (2) buildings.
- d) Accurate measurements are needed.
- e) % of lot coverage and setbacks needed to include the shed in the coverage.
- F) Bruce Reed 32 Pigeon Hill Street spoke in favor of the request.
- G) Alan Battistelli made a motion to table the discussion to later in the meeting in order give the applicant time to supply required information. Charles W. Christopher seconded and it passed unanimously with Alan Battistelli, Charles W. Christopher, Tacy San Antonio, Frederick Frithsen and Debra Dellacona voting.
- H) Petitioners returned to the meeting at 8:40 P.M. with the requested information that they presented to the Board which included:
- a) Shed on the property line.
- b) Lot 3,000 square feet.
- c) Present coverage 30%.
- d) New coverage will be 33.7%.
- I) Leah Griffin 33 Pigeon Hill Street stated that it is amazing what they have done with their limited space. She is in favor of granting their request.
- 10) Hearing of Gerald E. and Beverly Lacombe for a special permit and/or variance to construct an addition on an existing non-conforming dwelling at 10 Gott Street, Rockport.
- A) Opened 7:58 P.M. Closed 8:28 P.M.
- B) Members of the Board sitting are Alan Battistelli (presiding), Charles W. Christopher, Tacy San Antonio, Frederick Frithsen and Debra Dellacona.
- C) Materials presented: photos, site plan, floor plan, and elevations.
- D) John Cunningham, 59 Main Street, Gloucester, MA represented the petitioner.
- a) Wish to add an addition to fill in existing space over the present kitchen.
- b) Revised plans were presented to the Board and stamped in by Alan Battistelli.
- c) New plans do not infringe on the rear setback.
- d) There will be an increase in lot coverage which is already 3% above maximum.
- e) Charles W. Christopher stated that he didn't believe that the present lot coverage included the garage.
- f) The distance between the house and garage will decrease.
- g) Applicant feels these plans meet the standards for a special permit.

- E) Charles W. Christopher asked where the water was located on the property that required the applicant to go to the Conservation Commission.
- a) Location was pointed out on the overhead display.
  - b) Charles W. Christopher stated that the Conservation Commission's decision must be supplied to the Board.
- F) Audience
- a) Gerald Lacombe, the applicant, spoke requesting that his petition be granted.
  - b) Attorney Wilhelmina Sheedy, 76 Main Street Rockport, representing the Drakes at 14 Gott Street spoke in opposition to this request.
    - The second story addition will give the Lacombe's a view into the Drake's bedroom.
    - The addition creates a wall against their property limiting the light and breeze from reaching their home at 14 Gott Street.
    - This will be detrimental to their property and to the neighborhood since it will add to the congestion.
    - Submitted a letter to the Board which was stamped in by Alan Battistelli outlining the objections she presented to the Board.
  - c) The Board has no control over views.
  - d) Gerald Lacombe
    - Size is moving from 1,600 square feet to 1,950 when really more is needed.
    - Doesn't believe that the bedroom privacy or light are the real issues
    - Believes that the view is the real issue.
  - e) Wilhelmina Sheedy
    - Property exceeds all setbacks or just meets them.
    - Lot is 3500 square feet with coverage of 36.6%.
  - f) John N. Rees suggested that a site visit might be necessary.
    - Gerald Lacombe suggested that the Board come at noon to check out the light and shade.
    - An informal poll of the Board members hearing the case decided that no site visit was needed.
- 11) Discussion and vote of April 27, 2016 hearings
- A) Rockport Chamber Music Festival continued to May meeting.
  - B) Stone continued to May meeting.
  - C) Berglund and Armstrong
    - a) Lars-Erik Wiberg is concerned with the building coverage and the number of buildings on the lot.
    - b) Michael Bace moved to approve the request and Peter Bergholtz seconded.
    - c) Four members, Alan Battistelli, Peter Bergholtz, Tacy San Antonio, and Michael Bace voted in favor and Lars-Erik Wiberg voted against the motion. The motion passed in a 4-1 vote.
    - d) Peter Bergholtz will be writing the decision.
  - D) Herlihy
    - a) Peter Bergholtz made a motion to approve the request and Debra Dellacona seconded.
    - b) The motion passed unanimously with Charles W. Christopher, Peter Bergholtz, John N. Rees, Lars-Erik Wiberg and Debra Dellacona voting.
  - E) Demers

- a) Charles W. Christopher moved to approve the requested connection and Frederick Frithsen seconded. No vote was taken.
- b) Alan Battistelli moved to reopen the hearing and Charles W. Christopher seconded. Motion passed unanimously with Charles W. Christopher, Tacy San Antonio, Alan Battistelli, Frederick Frithsen and Debra Dellacona voting.
- c) Board discussed increasing the connection by making it 3 feet wider with a size of 12 feet by 17.2 feet and increasing the lot coverage accordingly.
- d) Board closed the hearing again at 8:54.
- e) Charles W. Christopher made a motion to approve the modified plans for a connection of 12 feet by 17.2 feet and Frederick Frithsen seconded. The motion passed unanimously with Charles W. Christopher, Tacy San Antonio, Alan Battistelli, Frederick Frithsen and Debra Dellacona voting.

F) Lacombe

- a) Michael Bace didn't see this as a large increase and had no problem with it.
- b) Lars-Erik Wiberg felt it was not a significant change.
- c) Charles W. Christopher believed it makes the house more livable.
- d) Michael Bace moved to approve the appeal and Frederick Frithsen seconded. It passed unanimously with Charles W. Christopher, John N. Rees, Lars-Erik Wiberg, Frederick Frithsen and Michael Bace voting.

12) Old Business: none

13) New Business: none

14) Next Possible Meeting May 25, 2016

15) Motion to adjourn made by Peter Bergholtz and seconded by Lars-Erik Wiberg. The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Charles W. Christopher, Frederick Frithsen, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace voting. Adjournment at 9:05 P.M.