

Rockport Board of Appeals
May 25, 2016
6:45 P.M.
Rockport Public Library
The Brenner Room
17 School Street, Rockport, MA

- 1) Call to order at 6:45 P.M. Members present Alan Battistelli (Chairing), Peter Bergholtz, Charles W. Christopher, Lars-Erik Wiberg, Tacy D. San Antonio, Debra Dellacona and Michael Bace. Frederick Frithsen and John N. Rees absent.
- 2) Roll call vote to enter into Executive Session- MGL Ch 30A §21(a) (3), Strategy with Respect to Litigation, Roma III Ltd. v. Town of Rockport.
 - A) Motion made by Tacy San Antonio seconded by Lars-Erik Wiberg. The motion passed unanimously with Lars-Erik Wiberg, Peter Bergholtz, Alan Battistelli, Tacy San Antonio, Charles W. Christopher, Debra Dellacona and Michael Bace voting.
 - B) Alan Battistelli recused himself from executive session and left the meeting hall.
 - C) Executive session
 - D) Roll call vote to leave executive session.
 - a) Peter Bergholtz moved to leave executive session and Lars-Erik Wiberg seconded. The motion passed unanimously with Lars-Erik Wiberg, Peter Bergholtz, Tacy San Antonio, Charles W. Christopher, Debra Dellacona and Michael Bace voting.
 - b) Alan Battistelli returned after Executive session closed.
- 3) Hearing of Jeffrey Lopes for a special permit and/or variance to convert the existing non-conforming single-family dwelling to a two family dwelling at 7 Parker Street, Rockport.
 - A) Opened 7:24 P.M. Closed 7:27 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Tacy San Antonio and Debra Dellacona.
 - C) Materials presented: photos, site plan and floor plans.
 - D) Petitioner asked that his request be withdrawn.
 - E) The withdrawal was accepted.
 - F) Peter Bergholtz moved to deny the hearing without prejudice and Debra Dellacona seconded. It passed unanimously with Alan Battistelli (presiding), Peter Bergholtz, Tacy San Antonio and Debra Dellacona voting.
- 4) Hearing of Ardent Design LLC for a special permit and/or variance to convert the lower floor of the non-conforming building to a retail establishment/food service establishment in the front and a residence in the rear at 2-4 Old Harbor Road, Rockport.
 - A) Opened 7:27 P.M. Closed 7:47 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Lars-Erik Wiberg, Frederick Frithsen and Michael Bace.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) Attorney Mina Sheedy, 70 Main Street, Rockport, represented the petitioner.
 - a) Petitioner is asking for a change of use.
 - b) Previously it was an ATM and a residence on the first floor. The entire first floor was converted to a restaurant.
 - c) The restaurant did not work out and asking to convert the front to a take-out food service and the rear section back to a residence.
 - E) Alan Battistelli asked if it was to be 100% take-out.
 - F) Mina Sheedy said yes as it was permitted under the bylaws.

- a) Will be reverting back to the residence that previously existed.
 - b) Parking is grandfathered.
 - G) Charles W. Christopher asked that the food service maintain the trash receptacle that was conditioned in the previous decision.
 - H) Mina Sheedy stated that this is a conforming use in a non-conforming building and therefore needs a special permit.
- 5) 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 7:47 P.M. Closed 7:53 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, John N. Rees, Tacy San Antonio and Michael Bace.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) Petitioner asked for another continuance to the June meeting.
 - E) Alan Battistelli stated that the petitioner must come in to town hall and sign the continuation form.
 - F) General consensus of the panel that this be the last continuance allowed in this case.
 - G) Peter Bergholtz moved to continue and Michael Bace seconded. It passed unanimously with Alan Battistelli (presiding), Peter Bergholtz, Tacy San Antonio and Michael Bace voting.
- 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 7:54P.M. Closed 7:57 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Charles W. Christopher and Debra Dellacona.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) Petitioner asked to withdraw their request.
 - E) The withdrawal was accepted.
 - F) Charles W. Christopher moved to deny the hearing without prejudice and Debra Dellacona seconded. It passed unanimously with Alan Battistelli, Peter Bergholtz, Charles W. Christopher and Debra Dellacona voting.
- 7) Approval of minutes:
- A) Charles W. Christopher moved to accept the April 27, 2016 minutes as adjusted and Debra Dellacona seconded.
 - B) The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Charles W. Christopher, Lars-Erik Wiberg, Tacy D. San Antonio, Debra Dellacona and Michael Bace voting.
- 8) Discussion and vote of May 25, 2016 hearings
- A) Ardent Design
 - a) Charles W. Christopher emphasized that the condition requiring trash receptacles be maintained as a condition in the new decision.
 - b) Peter Bergholtz moved to grant the petitioners request and Michael Bace seconded.
 - c) The motion passed unanimously with Peter Bergholtz, Alan Battistelli, Lars-Erik Wiberg and Michael Bace voting.
- 9) Old Business:
- A) Charles W. Christopher attended the helicopter test landing.
 - a) Attorney Jackie Cowan, police and engineers were there.
 - b) Listening devices were set throughout the neighborhood that recorded ambient and helicopter noise as it approached and departed.
 - B) Charles W. Christopher was approached as zoning administrator by Mr. Roma about changing the stairs. He told Mr. Roma that he should come before the board at the July meeting about the stairs.

- C) An abutter to an abutter mentioned that the Conservation Commission is being notified that the landing violated 100 feet or 50 feet from water.

10) New Business

- A) John N. Rees is stepping down and becoming an alternate.
- B) Michael Bace has been appointed by the Town Selectmen as a member.
- C) Alan Battistelli's term is expiring and he is going before the Board of Selectmen for reappointment.
- D) Alan Battistelli made a phone call to Mary Pat Reilly Johnson asking her to become an alternate and she agreed. She will be invited to the next meeting and her name submitted to the Board of Selectmen. This will make a Board consisting of 5 members and 5 alternates.
- E) Helen Barnett will send Peter Bergholtz a list of decisions passed by the Board.

11) Next Possible Meeting June 29, 2016

12) Motion to adjourn made by Charles W. Christopher and seconded by Lars-Erik Wiberg.

- A) The motion passed unanimously with Alan Battistelli (Chairing), Peter Bergholtz, Charles W. Christopher, Lars-Erik Wiberg, Tacy D. San Antonio, Debra Dellacona and Michael Bace voting.
- B) Adjournment at 8:43 P.M.