

Rockport Board of Appeals
June 24, 2014
7:00 P.M.
Rockport Public Library
The Brenner Room
17 School Street, Rockport, MA

- 1) Call to order at 7:30 P.M. Members present Peter Bergholtz (Chairing), Tacy D. San Antonio, Alan Battistelli, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, John N. Rees and Michael Bace. Charles W. Christopher absent.
- 2) Hearing of Candace Perry for a special permit and/or variance to raze an existing 2-story accessory building and construct an enlarged 2-½-story accessory dwelling on non-conforming property at 2 Clement St, Rockport.
 - a) Opened 7:30 P.M. Closed 7:45 P.M.
 - b) Members of the Board sitting are Peter Bergholtz (Presiding), John N. Rees, Alan Battistelli, Lars-Erik Wiberg and Joyce Fossa.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Ellen Levine of Treehouse Design represented the petitioner.
 - i) The plan is to replace an existing barn with a single-family accessory dwelling.
 - ii) 2 sides enclosed living space and one side a porch.
 - iii) One accessory dwelling allowed if lot fits size requirements and it does. Coverage will be 9% less than the required 25%.
 - iv) Seeking Special Permit to enlarge and alter existing building to accessory dwelling.
 - v) The proposed building will be no closer than one foot to the property line.
 - vi) Front set back will not change.
 - vii) It is a sloping site with retaining wall.
 - viii) Proposed height is 29 feet increasing by 7.6 feet increasing non-conformity.
 - ix) Proposed building separation is 74 feet well past 25-foot requirement.
 - x) Will not be more detrimental to the neighborhood.
 - xi) Submitted 5 signatures from abutters agreeing to the plans but no addresses were attached. Candace Perry will provide the addresses.
 - xii) The existing structure is very run down and will be razed.
 - xiii) It will be 1000 square feet and a modest size dwelling.
 - e) Alan Battistelli asked who owned the private way but this was not known. The road is plowed by the Town but not maintained by the Town.
 - f) Lars-Erik Wiberg asked how old the barn was and the answer was from 50-100 years.
 - g) Frederick Frithsen asked if the house could be moved to remove the non-conformity. It cannot be because of the retaining wall.
 - h) No audience participation.
- 3) Hearing of Dimitrios Markos for a special permit and/or variance to convert an empty retail unit to a coffee shop in a non-conforming property at 22 School Street (also known as 19 Broadway), Rockport.
 - a) Opened 7:45 P.M. Closed 7:50 P.M.
 - b) Members of the Board sitting are Tacy San Antonio (presiding), Lars-Erik Wiberg, Joyce Fossa, Frederick Frithsen and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Board received a letter from the applicant asking to withdraw the application.
 - i) Joyce Fossa moved to accept the withdrawal and Frederick Frithsen seconded.

- ii) Motion passed unanimously with Tacy San Antonio, Lars-Erik Wiberg, Joyce Fossa, Frederick Frithsen and Michael Bace voting.
- 4) Approval of Minutes
- a) Alan Battistelli moved to accept the April 29, 2014 minutes as presented.
 - b) John N. Rees seconded and it passed unanimously with Peter Bergholtz, Tacy D. San Antonio, Alan Battistelli, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, John N. Rees and Michael Bace voting
 - c) The minutes for the May 27, 2014 ZA meeting will be presented at the July meeting.
- 5) Old Business:
- a) Technology Department met with Peter Bergholtz. The Town will purchase a computer so that the Board can work towards becoming as paperless as possible.
 - b) Alan Battistelli asked that the Board work to get the applications on line for viewing by the public.
 - c) Helen Barnett asked that the Board write a letter to the Town asking for more space in the Town Clerk's office for files and working space.
- 6) Hearing of Thomas and Kathy O'Malley for a special permit and/or variance to attach a first floor, 6 by 30 foot porch to the dwelling on non-conforming property at 8 Hillside Road, Rockport.
- a) Opened 8:00 P.M. Closed 8:13 P.M.
 - b) Members of the Board sitting are Peter Bergholtz (presiding), Tacy San Antonio, John N. Rees, Lars-Erik Wiberg and Frederick Frithsen.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Owners represented by Greg Cefalo, P.O. Box 847 Gloucester, MA.
 - i) The house is 7 feet from the property line.
 - ii) It is a 2-family non-conforming dwelling with 5 accessory dwellings. The total footage of all structures is 3,920 square feet just under the 20% of lot coverage.
 - iii) Plan on a farmer's porch at the front of the building to lower the height appearance.
 - iv) Submitted information on the:
 - (1) Square footage by structure.
 - (2) Identification of abutters and footage to each abutter.
 - (3) Required setbacks.
 - e) Peter Bergholtz asked if this was in the wetlands and answer was that the Conservation Commission has already agreed to the plans.
 - f) Tacy San Antonio remarked that the farmer's porch would be about one foot from property line.
 - g) John N. Rees asked if the present 7 feet will be reduced to one foot and the answer was yes.
 - h) Tacy San Antonio asked when the house was built and the answer was maybe in the 80's.
 - i) John N. Rees asked if it was a Town Street. The answer is yes. If deck is pervious it does not count in lot coverage.
 - j) No audience participation.
- 7) Hearing of Neil and Elizabeth Townsend for a special permit and/or variance to raze sections of a rear portion and remodel a front portion of a dwelling on non-conforming property at 24 Hale Street, Rockport.
- a) Opened 8:15 P.M. Closed 8:42 P.M.
 - b) Members of the Board sitting are Peter Bergholtz (presiding), John N. Rees, Alan Battistelli, Frederick Frithsen and Michael Bace.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Josh Fenollosa, Brown Fenollosa Architects Inc, 197 Broadway, Arlington, MA 02474 represented the owners.
 - i) Existing family on a small lot with outbuildings.
 - ii) It will be kept as a one family but increase the size in the back area.
 - iii) The structure in the rear has severe water problems.
 - iv) Will expand filling in the back corner and front.
 - v) The second floor bay window will push 28 inches into the setback.

- vi) The side increases 15 inches.
- vii) Increasing the length and straightening dormers going 2 feet past the length allowed by law.
- viii) Proposing living space on the second floor to take advantage of the view.
- ix) Have not gone to Historic Commission but it is an eyesore presently.
- e) Michael Bace asked what is the planned change in height of the building. The answer is that the planned structure will be just under 30 feet were the previous height is about 20 feet.
- f) Michael Bace asked about the setback and the answer supplied is that it is intensified do to the angle of the property line.
- g) John N. Rees commented that the footprint is about the same as the present structure but with an increase by the filled in corners, increased height, increased dormer and shed.
- h) Peter Bergholtz confirmed the measurements on the application.
- i) Audience
 - i) Jeff Segel, 48 Main Street, does not oppose the plans but is concerned with location of machinery, damage during construction and drainage. He read a letter that was then stamped in by Peter Bergholtz.
 - ii) Josh Fenollosa stated that they had reached out to the abutters.
 - iii) Tacy and Ralph San Antonio, 20 Hale Street, submitted a letter in support of the project, which Peter Bergholtz read to the audience.
 - iv) Karen Davis, 12 Hale Street, is concerned with the condensers. Josh Fenollosa stated that moving them is under consideration.
 - v) Alice Segal, 48 Main Street, is concerned with the condensers for air conditioning and wants them under the decking and isolators should be on them. She is also concerned with run off and that snow should not be thrown onto her property.
- 8) Hearing of 57 High Street Properties LLC for a special permit and/or variance to construct a three-family, townhouse/condominium-style residence on property at 15 Sandy Bay Terrace, Rockport.
 - a) Opened 8:43 P.M. Closed 9:15 P.M.
 - b) Members of the Board sitting are Peter Bergholtz (presiding), Tacy San Antonio, John N. Rees, Alan Battistelli and Joyce Fossa.
 - c) Materials presented: general plan, site plan, floor plan, elevations and photographs.
 - d) Eliza Lucas, 57 High Street
 - i) Have gone through site plan review and received an approval. The Planning Board was mostly concerned with parking and the trees.
 - ii) Sandy bay terrace is in the neighborhood and only one house has parking on the side. All cars parked in front, keeps the back yard private.
 - iii) This is non-conforming and needs a Special Permit to build a three-family dwelling and parking in front.
 - iv) Peter Bergholtz asked if any neighbors addressed the parking. Eliza Lucas hasn't heard about the parking from the neighbors.
 - v) This will not affect the watershed.
 - vi) Greenery will be planted to block view of the parking.
 - vii) 3 Units is in keeping with the neighborhood and will not be detrimental.
 - viii) Plans are for 1100 to 1200 square feet per unit.
 - ix) 6 bedrooms need 2 additional parking places.
 - x) This will be a plus to the community, as this type of housing is needed.
 - e) Audience
 - i) Rea O'Shea, 17 Sandy Bay Terrace, wants 2 units not three as parking and snow removals are a problem. It is a tight street and if the parking was in the back there would at least be a place to keep the snow.

- ii) Eliza Lucas replied that snow removal will be by snow blower and there is enough room for the snow.
- 9) New Business: Nomination and election of officers.
- a) Peter Bergholtz nominated Alan Battistelli as Chair, Charles W. Christopher as Vice Chair, Tacy San Antonio as Clerk and John N. Rees and Charles W. Christopher as Zoning Administrators.
 - b) The nominated officers were voted for unanimously with Peter Bergholtz (Chairing), Tacy D. San Antonio, Alan Battistelli, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, John N. Rees and Michael Bace voting.
- 10) Discussion of Hearings
- a) Candace Perry
 - i) Alan Battistelli commented that it would be one foot from property line. How do you dig a basement one foot from the property line?
 - ii) The plans would require relief for
 - (1) Change of use and voluntary razing of building.
 - (2) Intensification of front set back.
 - (3) Abutting close to road.
 - iii) Alan Battistelli moved to approve and Lars-Erik Wiberg seconded. It passed unanimously with Peter Bergholtz, John N. Rees, Alan Battistelli, Lars-Erik Wiberg and Joyce Fossa voting.
 - b) The chairman will send Dimitrios Markos a letter accepting the withdrawal.
 - c) Thomas and Kathy O'Malley
 - i) Lars-Erik Wiberg commented that it looked crazy so close to the road but the road is not really there. It will look beautiful.
 - ii) Frederick Frithsen moved to approve and John N. Rees seconded.
 - iii) It passed unanimously with Peter Bergholtz, Tacy San Antonio, John N. Rees, Lars-Erik Wiberg and Frederick Frithsen voting.
 - d) Neil and Elizabeth Townsend
 - i) Board comments:
 - (1) Some abutters are in support of this plan.
 - (2) Can understand the concern with the condensers.
 - (3) Needs relief for about three feet into the setback in the rear.
 - (4) The dormer doesn't have the 24 inch required setback.
 - ii) Michael Bace moved to approve. Frederick Frithsen seconded.
 - iii) The motion passed unanimously with Peter Bergholtz, John N. Rees, Alan Battistelli, Frederick Frithsen and Michael Bace voting.
 - e) 57 High Street Properties LLC
 - i) Board comments:
 - (1) Parking makes more sense in the front.
 - (2) Planning Board knew that the Bylaws required them in the rear.
 - (3) Talking about 2 extra parking spaces.
 - (4) Special Permit required for parking and for a 3 family unit.
 - ii) Alan Battistelli moved to approve and Tacy San Antonio seconded.
 - iii) The motion passed unanimously with Peter Bergholtz, Tacy San Antonio, John N. Rees, Alan Battistelli and Joyce Fossa voting.
- 11) Next Possible Meeting July 29, 2014
- 12) Motion to adjourn made by Frederick Frithsen and seconded by Tacy San Antonio. Passed unanimously with Peter Bergholtz, Tacy D. San Antonio, Alan Battistelli, Frederick Frithsen, Lars-Erik Wiberg, Joyce Fossa, John N. Rees and Michael Bace voting.
Adjournment at 9:30 P.M.