

Rockport Board of Appeals
June 29, 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), Charles W. Christopher, Peter Bergholtz, Lars-Erik Wiberg, Frederick Frithsen, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace.
- 2) Hearing of Shaun and Bonnie McConnon for a special permit and/or variance to construct several conforming additions on an existing non-conforming dwelling at 20 Long Branch Avenue, Rockport.
 - A) Opened 7:00P.M. Closed 7:24 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and Michael Bace.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) Ellen Levine, Treehouse Design, 31 Poole's Lane, Rockport, MA represented the petitioners.
 - a) Showed pictures of the existing house.
 - b) Need a special permit to extend the roof's ridgeline for an addition over the garage, kitchen on other end and front entrance.
 - c) Going from 4% to 5% of lot coverage.
 - d) Charles W. Christopher asked when the house was built but Ms. Levine was not sure.
 - e) The height of the ridgeline was configured using the Building Inspector's approved method. The ridgeline is an additional 10 ft. 9 in. above the garage.
 - f) This will extend the ridgeline and rear extension off the ridge.
 - E) Audience
 - a) Natalie Fishman, 11 Long Branch Avenue
 - Believes that this is going to cut off views.
 - Concerned with noise.
 - There are regulations about height of fences and hedges no higher than 4 ft.
 - b) William Fishman, 11 Long Branch Avenue objects to granting this petition:
 - Massive rebuild making house overly large.
 - Concerned with construction noise.
 - Will impair the view.
 - c) Elizabeth Fisher, 18 Long Branch Avenue
 - Asked if non-conforming middle roof in back will come out farther than the cupola.
 - Ellen Levine answered no and the height of the deck will be the same height as the existing deck.
 - d) Lauchlan McKay, 15 Point De Chene believes that if this construction occurs it will negatively impact property values of the neighbors.
 - F) Alan Battistelli stated that the Board is only dealing with the height of the ridgeline and the gables' ridgeline.
 - G) Charles W. Christopher asked Treehouse Design to comment on construction noise.

- H) Tim Thurman, Treehouse Design, said that there is always construction noise but they would keep it as minimal as possible. The plan is to start construction in the fall.
- 3) Hearing of Elin Griesbach for a special permit and/or variance to construct a dormer on an existing non-conforming dwelling at 161 South Street, Rockport.
- A) Opened 7:25 P.M. Closed 7:30 P.M.
- B) Members of the Board sitting are Alan Battistelli (presiding), John N. Rees, Lars-Erik Wiberg, Frederick Frithsen and Debra Dellacona.
- C) Materials presented: photos, site plan, floor plan, and elevations.
- D) Andrew Stevens, 10 Winterhaven Ave., Gloucester, MA represented the petitioner.
- a) It is a 1 bedroom home and would like to expand to make a second floor bedroom and make it a 2 bedroom home.
- b) Footprint will stay the same but wish to add 19 X 9 ft. dormer to the backyard side of structure.
- c) Will not raise the height of roof.
- d) Board of Health has approved the plans.
- e) Other condo owners have approved the plans.
- E) No audience participation.
- 4) Hearing of Robert C. Preston for a variance and/or special permit to construct a shed within the side-yard setback at 61 South Street, Rockport.
- A) Opened 7:30 P.M. Closed 7:39 P.M.
- B) Members of the Board sitting are Alan Battistelli (presiding), Charles W. Christopher, Lars-Erik Wiberg, Michael Bace and Debra Dellacona.
- C) Materials presented: photos, site plan, floor plan, and elevations.
- D) Robert Preston, 61 South Street, would like to construct a 10 X 10 ft. garden shed at end of driveway.
- a) It will have an asphalt roof and be a height of 10 ft. 6 in.
- b) It will be 5 ft. from the property line where 10 ft. is required.
- E) Tom Jarman a direct abutter at 59 South Street does not object to the shed's placement.
- 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 7:40 P.M. Closed 8:19 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) Dan Ottenheimer, Mill River Consulting, 6 Sargent Street, Gloucester, MA represented the petitioners.
- a) He signed the official continuation form as he had previously submitted just a letter requesting a continuation.
- b) The property was a donation.
- c) It is a non-conforming lot and non-conforming structure.
- d) Requesting that the Board allow plans for a 2 bedroom structure with a septic system.
- e) Showed photos of existing structure.
- f) Propose a 2 ½ story dwelling.
- g) The frontage is non-conforming and existing structure is 12 ft. into the setback.
- h) The new structure will comply with the setbacks.

- i) The structure will be 19 ft. wide and 52 ft. long.
 - j) It will conform to the neighborhood and will be smaller than the other houses in the neighborhood.
 - k) Will have off street parking.
 - l) New structure will have 12% lot coverage and be a height of 29 ft.
 - m) John N. Rees asked if they plan on building this and was told that they were going to sell the property with the approved plans.
- E) Audience
- a) Paul Duval, 50 South Street
 - Concerned with the septic system.
 - Looked at elevations and it appears taller than other houses on Brooks Road.
 - Dan Ottenheimer stated that the septic system has not been built only tested for a 2 bedroom home.
 - b) Enid Wise, 5 Brooks Road.
 - Gave a brief history of the house and listed her concerns
 - (a) The aspect ratio of the house is wrong as it is too tall compared to its width.
 - (b) Earth has been added and wants to be sure that height measurements are those from before soil was added.
 - (c) Parking space appears to be on the road, wants to know where it is on the site.
 - (d) Will it have a sufficient septic system?
 - (e) Are new owners required to use the submitted plans?
 - Alan Battistelli stated that new owners would have to come back to the Board if they deviated from the plans. If they just did an addition that met the setbacks it would be OK. Parking must be onsite.
 - Meredith Fine, 85 Eastern Ave. Gloucester, MA asked for a clarification of the parking. Alan Battistelli stated that the driveway and parking labeled on the plans was sufficient.
 - c) Holly Mason, 4 Brooks Road
 - Concerned with parking spaces.
 - Dan Ottenheimer stated that the parking spaces are not on Brooks Road.
 - d) Alan Battistelli said that new owners may come back to the Board informally if only minor modifications are made to the plans. Major changes in the plans would require a new application.
 - e) Anne Jones Duval, 50 South Street, concerned that the extra ½ story might cause illegal bedrooms that might blow out the septic system.
 - f) David Wise, 5 Brooks Road, is concerned with the driveway composed of gravel as plowing will push the gravel to the end of the road.
 - g) Michael Bace stated that the Board has nothing to do with issues beyond the property line.
 - h) David Wise is concerned with septic system and Alan Battistelli stated that it is an issue for the Board of Health.
 - i) James Grier, 2 Brooks Road, says that he agrees that the parking spaces are fine.
 - j) A letter is in the file from Edward Hand, 20 Landmark Lane recommending that the property be sold as is.
 - k) Dan Ottenheimer summarized.
 - The property has 50 ½ ft. of frontage.

- New structure will be more conforming than the present structure.
 - House will be smaller than all of the abutters.
 - House is planned with 2 bedrooms.
 - The new structure will improve the neighborhood.
- 6) Approval of minutes: May 25, 2016
- A) Peter Bergholtz moved to accept the public minutes of the May 25, 2016 meeting and Lars-Erik Wiberg seconded.
- B) The motion passed unanimously with Alan Battistelli, Charles W. Christopher, Peter Bergholtz, Lars-Erik Wiberg, Frederick Frithsen, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace voting.
- 7) Discussion and vote of May 25, 2016 hearings
- A) McConnon
- a) Alan Battistelli said lowering the roof would change the pitch.
 - b) Peter Bergholtz felt that the Treehouse Design plans were very good.
 - c) Charles W. Christopher asked if the 20 ft. setbacks applied.
 - d) Peter Bergholtz said they do apply to all new and remodeling construction.
 - e) Peter Bergholtz moved to approve the petitioner's request and Charles W. Christopher seconded. The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and Michael Bace voting.
- B) Griesbach
- a) Frederick Frithsen moved to approve the request and Lars-Erik Wiberg seconded.
 - b) Tacy San Antonio wanted to go on record that she was insulted by the poor quality of the plans submitted to the Board. By the contractor, Mr. Stevens should put more effort into his work.
 - c) Motion passed unanimously with John N. Rees, Alan Battistelli, Lars-Erik Wiberg, Frederick Frithsen and Debra Dellacona voting.
- C) Preston
- a) Michael Bace moved to approve the petition and Debra Dellacona seconded.
 - b) The motion passed unanimously with Charles W. Christopher, Alan Battistelli, Lars-Erik Wiberg, Michael Bace and Debra Dellacona voting.
- D) Rockport Chamber Music P,T,N.A,M
- a) Peter Bergholtz made a motion to approve the request and Tacy San Antonio seconded.
 - b) The motion passed unanimously with Peter Bergholtz, Tacy San Antonio, John N. Rees, Alan Battistelli and Michael Bace voting.
- 8) New Business: Election of officers
- A) Peter Bergholtz nominated and Michael Bace seconded the following officers.
- a) Charles W. Christopher as Chair
 - b) Alan Battistelli as Vice-Chair
 - c) Tacy San Antonio as Clerk
 - d) John N. Rees as Zoning Administrator
 - e) Alan Battistelli as Zoning Administrator
- B) Nominations were closed as there were no further nominations made.
- C) Peter Bergholtz moved that the nominated members be voted into office and Michael Bace seconded. The motion passed unanimously with Alan Battistelli, Charles W. Christopher, Tacy San Antonio, Peter Bergholtz and Michael Bace voting.
- 9) Old Business:
- A) New Continuation Form was presented to Board.

- B) The Board accepted the new form as presented with the addition of a section for the agent to print their name.

10) Next Possible Meeting July 27, 2016

11) 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. Alan Battistelli left meeting before the vote.

- A) Lars-Erik Wiberg moved to go into executive session and John N. Rees seconded.
- B) A roll call vote was taken and John N. Rees, Lars-Erik Wiberg, Tacy San Antonio, Debra Dellacona, Frederick Frithsen, Charles W. Christopher, Michael Bace and Peter Bergholtz voted to enter executive session.
- C) Board entered executive session.
- D) Lars-Erik Wiberg made a motion to leave executive session and Peter Bergholtz seconded.
 - a) Roll call vote was taken to leave executive session.
 - b) John N. Rees, Lars-Erik Wiberg, Tacy San Antonio, Debra Dellacona, Frederick Frithsen, Charles W. Christopher, Michael Bace and Peter Bergholtz voted aye.

12) Motion to adjourn made by Frederick Frithsen and seconded by Peter Bergholtz. The motion passed unanimously with John N. Rees, Lars-Erik Wiberg, Tacy San Antonio, Debra Dellacona, Frederick Frithsen, Charles W. Christopher, Michael Bace and Peter Bergholtz voting. Adjournment at 9:10 P.M.