

Rockport Board of Appeals
July 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 Charles W. Christopher (Chairing), Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Frederick Frithsen, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace.
- 2) Hearing of John and Karen Bircsak for a special permit and/or variance to construct a dormer on an existing non-conforming dwelling at 14 King Street 2A, Rockport. Case No. 160701.
 - A) Opened 7:00P.M. Continued to August meeting.
 - B) Members of the Board sitting are Charles W. Christopher (presiding), John N. Rees, Alan Battistelli, Lars-Erik Wiberg and Frederick Frithsen.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) Jim Fritz, 13 Marshall Street, represented the petitioners.
 - a) Dormer is not changing the ridgeline.
 - b) Wish to add bathroom as they have three children and one bathroom.
 - c) Does not affect the view.
 - d) All condo owners have approved.
 - E) Board members had a number of comments.
 - a) Plot plan doesn't show sufficient measurements.
 - b) Dormer will be only 2.5 feet from the setback.
 - c) The application has too many deficiencies that haven't been corrected.
 - d) If the dormer is going from edge to edge it is illegal as the bylaws only allow dormers to be 80% of the ridgeline
 - e) All five members asked for a continuance so that the application deficiencies can be corrected.
 - F) Audience
 - a) E. James Cole Junior, 12 King Street
 - Objects to granting a Special Permit or Variance to the petitioners.
 - The existing structure is already too close to his property.
 - Will diminish the real space between structures as his driveway separates the buildings with a distance of about 12 feet..
 - Concerned about the effect on historic feel of area.
 - 14 King Street is right on the property line for most of its length
 - b) Elizabeth Parillo, 12C King Street
 - Concerned with separation between buildings.
 - She lives on second floor and there will be a view into her living quarters.
- 3) Hearing of John and Sue Luginbuhl for a special permit and/or variance to extend an existing non-conforming deck by 170 square feet at 169B Thatcher Road, Rockport. Case No. 160702.
 - A) Opened 7:33P.M. Continued to August meeting.
 - B) Members of the Board sitting are Charles W. Christopher (presiding), Tacy San Antonio, Alan Battistelli, Lars-Erik Wiberg and Frederick Frithsen.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) John Luginbuhl represented himself.

- E) Charles W. Christopher stated that the Board needed setback lines placed on plans with dotted lines. Only the portion in the setback needs relief. The petitioner was shown what was needed on the plans.
 - F) The hearing was paused at 7:40 to allow petitioner to work on the presented plans. The Board went on with other business of the Board.
 - G) The hearing restarted at 7:52.
 - H) The Board decided that the plans presented were not sufficient to answer all the necessary requirements and the hearing was continued to the August Meeting of the Board.
- 4) Approval of minutes: June 29, 2016
- A) Lars-Erik Wiberg moved to approve the minutes of the public session as presented and Peter Bergholtz seconded.
 - B) It passed by an 8 to 1 vote. Charles W. Christopher, Peter Bergholtz, Lars-Erik Wiberg, Frederick Frithsen, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace voted aye and Alan Battistelli voted nay.
 - C) Frederick Frithsen moved and Peter Bergholtz seconded to accept the minutes of the Executive Session as presented to all the Board members except Alan Battistelli. It passed unanimously with Charles W. Christopher, Peter Bergholtz, Lars-Erik Wiberg, Frederick Frithsen, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace voting. Alan Battistelli did not vote.
- 5) Discussion and vote of July 27, 2016 hearings
- A) Bircsak continued to August Meeting.
 - B) Luginbuhl continued to August Meeting.
- 6) New Business:
- A) Alan Battistelli made a motion to accept the revisions to section 6 of the application with asterisks on all required areas. Michael Bace seconded and it 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.
 - B) The new continuation form with the requested changes were included in the members' packet.
 - C) Alan Battistelli made a motion to adjust the agenda to hear from Peter Bergholtz. Debra Dellacona seconded and it 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.
 - D) Peter Bergholtz
 - a) Wants to put templates on the cloud of some possible decisions.
 - b) Wishes to place a number of items on the cloud as a reference folder for members.
 - c) Listed some decisions that would make good templates for members.
 - d) Will continue working on this.
 - E) Alan Battistelli will look at Essex cCommunities to see how many Boards write their own decisions.
 - F) Alan Battistelli stated that tonight's hearings showed the lack of applicant's concern with the rules for filing.
- 7) Next Possible Meeting August 31, 2016
- 8) Motion to adjourn made by Peter Bergholtz and seconded by Lars-Erik Wiberg. 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. Adjournment at 8:30 P.M.