

Rockport Board of Appeals  
July 29, 2015  
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, Frederick Frithsen, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio and Michael Bace.
- 2) Hearing of Eleanor Parrott for a special permit and/or variance to construct an 8 foot by 8 foot breezeway between the dwelling and the non-conforming garage at 1 Briarstone Road, Rockport.
  - A) Opened 7:00 P.M. Closed 7:06 P.M.
  - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and John N. Rees.
  - C) Materials presented: photos, general plan, site plan, floor plan, and elevations.
  - D) Petitioner represented by Robert Mansour, Patio Enclosures, 500 Myles Standish Blvd. Taunton MA 02780.
    - i) The plan is to build a small breezeway between the house and garage so the wind doesn't knock the owner over.
    - ii) Need a special permit to construct 8 feet long enclosure.
    - iii) Will be constructed of pressure treated lumber with a sloping roof.
    - iv) Will be connecting to non-conforming garage with sliding glass doors and roof.
  - E) No audience participation.
- 3) Approval of minutes: June 24, 2015 and July 15, 2015.
  - A) Peter Bergholtz moved to approve the June 24, 2015 minutes and Charles W. Christopher seconded. The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio and Michael Bace voting.
  - B) Charles W. Christopher moved to accept the July 15, 2015 minutes and Peter Bergholtz seconded. The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio and Michael Bace voting.
- 4) Hearing of Paul R. Desrosiers for a variance and/or special permit to construct a shed dormer, to construct two bay windows connected by a deck, relocate an exterior wooden staircase, and to enclose an area on the ground level on an existing non-conforming dwelling at 27 Atlantic Avenue, Rockport.
  - A) Opened 7:10 P.M. Closed 7:40 P.M.
  - B) Members of the Board sitting are Alan Battistelli (presiding), Charles W. Christopher, Lars-Erik Wiberg, Frederick Frithsen and Michael Bace.
  - C) Materials presented: photos, general plan, site plan, floor plan, and elevations.
  - D) Robert Coakley, 63 Middle Street, Gloucester, MA and Ryan MacArthur of Treehouse Design, 31 Poole's Lane Rockport, MA 01966 represented the petitioner.
    - i) Submitted petition from 5 abutters and an email in support of the plans.
    - ii) Submitted corrected paperwork.
    - iii) Two previous decisions have been filed on this lot.

- iv) Lot is composed of a very small area. It is a non-conforming house on a non-conforming lot.
- v) The building coverage of all the lots on the street is over 20%.
- vi) Relief is needed for all four sides of the building.
- vii) Adding 2 bay windows and a connecting deck in the rear.
- E) Alan Battistelli stated that this needed a Special Permit as it was already a non-conforming area.
- F) Charles W. Christopher asked if all the new construction was included in the lot coverage and the answer was yes.
- G) Ryan MacArthur stated:
  - i) That the Conservation Commission had accepted the plans for the external stairway.
  - ii) The dormer will be 85% and 1 foot from the front but with the staircase where it is nothing else is sensible.
  - iii) Under 30 feet in elevation.
  - iv) Lot coverage is going from the existing 32% up to 34%.
- H) From the audience Elizabeth Reid, 1 Clark Avenue agreed with the plans.
- 5) Hearing of Roger Gilbert for a variance and/or special permit to construct an 8 foot by 7 foot 8 inch addition on a non-conforming building at 6 Jewett Street, Rockport.
  - A) Opened 7:40 P.M. Closed 7:51 P.M.
  - B) Members of the Board sitting are Alan Battistelli (presiding), Tacy San Antonio, Lars-Erik Wiberg, Frederick Frithsen and Michael Bace.
  - C) Materials presented: Materials presented: photos, site plan, floor plan, and elevations.
  - D) Builder Joe Frontiero, 8 Mt. Vernon Street, Gloucester, MA represented the petitioner.
    - i) Floor drains must be put in for required private use bathroom.
    - ii) Granite floor cannot be disturbed.
    - iii) State plumbing board has accepted these plans as 1200 square foot structure requires bathroom.
    - iv) Need a Variance and the hardship is that they are not allowed to dig inside the building.
  - E) No audience participation.
- 6) Hearing of Bruce and Elizabeth Levick for a special permit and/or variance to demolish the existing dwelling and rebuild on the existing foundation at 33 Atlantic Avenue, Rockport.
  - A) Opened 7:51 P.M. Continued to August meeting.
  - B) Members of the Board sitting are Alan Battistelli (presiding), Lars-Erik Wiberg, Joyce Fossa and Frederick Frithsen.
  - C) Materials presented: Materials presented: photos, site plan, floor plan, and elevations.
  - D) Bruce Levick bought this property. It is a non-conforming lot with a non-conforming structure. The plan is:
    - i) Demolish the house and garage and build mostly within the existing footprint.
    - ii) Neighbors are all small and non-conforming.
    - iii) Seeking a Special Permit to increase the lot coverage and extend the garage back 5 feet.
    - iv) Make a safe entry way and add deck.
    - v) 400 square foot increase.
    - vi) Height under 30 feet.

- E) Audience:
- i) Attorney Meredith Fine, 85 Eastern Avenue Suite 302, Gloucester, MA representing abutter Virginia LaPlatte, 31 Norwood Avenue, Rockport, MA.
    - a) Abutter is opposed to the proposal.
    - b) Area is dense and this massive structure is out of character with the neighborhood.
    - c) 40% increase on use including the deck.
    - d) Will block sunlight coming into abutter's home.
    - e) Garage is closer to the property line and will be invasion of property.
    - f) Asking Board to make a site visit before making a decision.
    - g) Abutter wants daylight, air and privacy.
  - ii) Karen McNiff 35 Atlantic Avenue, Rockport, MA.
    - a) Planned structure is overbuilt.
    - b) Creates three stories.
    - c) Too big for neighborhood.
    - d) Submitted photos of surrounding buildings.
    - e) Building doesn't fit in area as it is oversized, overbearing and will loom over other buildings in neighborhood.
    - f) Not enough area for this size building.
    - g) This will be detrimental to neighborhood.
    - h) New garage should be closer to the house.
  - iii) Alan Battistelli stamped in all the submissions and added them to the file. A site visit was scheduled for Saturday, August 1, 2015 at 9:00 A.M.
  - iv) Architect Ellen Levine of Treehouse Design, 31 Poole's Lane, Rockport, MA representing the petitioner.
    - a) The garage is not getting closer to the property line.
    - b) Most will be within the existing footprint.
    - c) Attaching the garage will improve the non-conformity as the present separation is only three feet which doesn't meet the separation of structures rule.
    - d) The ½ story addition is 25% of the floor below.
    - e) More lower one story area.
    - f) It is in keeping with the neighborhood and not more detrimental.
  - v) Bruce Levick
    - a) The plan minimizes sunlight blockage to neighbors.
    - b) Submitted pictures of the sunlight which were stamped in and added to the file.
    - c) Windows on the garage can be removed.
  - vi) The Board asked for and received a continuance to the August meeting.
- 7) Hearing of Joshua Feldman and Nancy Brahm for a special permit and/or variance to construct several additions on a non-conforming dwelling at 54R Main Street, Rockport.
- A) Opened 8:29 P.M. Closed 8:44 P.M.
  - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and John N. Rees.
  - C) Materials presented: Materials presented: photos, site plan, floor plan, and elevations.
  - D) Joshua Feldman 54R Main Street, Rockport, MA
    - i) Proposing dormer addition with shed roof.
    - ii) Non-conforming residence.
    - iii) Expansion of connection to outbuilding and increase the size of the outbuilding.

- E) Charles W. Christopher asked where the frontage of 54R Main Street could be found.
  - i) The answer is that there is no frontage on any street.
  - ii) The entrance is through a deeded right of way from Hale Street.
  - iii) House was built in 1897 before the bylaw.
- F) Audience
  - i) Roberta Evans 10R Highland Street, Rockport, MA.
    - a) Heard that they were putting in smaller windows.
    - b) Delighted the house is getting fixed up.
    - c) In favor of plans with the smaller windows.
  - ii) Dan O'Donnell 52 Main Street, Rockport, MA. This doesn't really affect him so doesn't care if the plans are carried out.
  - iii) Joshua Feldman showed the plans with the smaller high up windows. Has been submitted to the Historical Commission.
- 8) Continued Hearing of Timothy and Elizabeth Reilly for a variance and/or special permit to expand an existing deck; to cover and to partially screen the deck on a non-conforming dwelling at 8 White Way, Rockport.
  - A) Opened 8:45 P.M. Closed 8:48 P.M.
  - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Lars-Erik Wiberg and Frederick Frithsen.
  - C) Materials presented: photos, general plan, site plan, floor plan, and elevations.
  - D) Timothy and Elizabeth Reilly provided the two items that the Board had asked for:
    - i) Measurements of existing and proposed structures.
    - ii) Setbacks for neighbor's property.
- 9) Old Business: Further discussion and vote if necessary on any recommendations for proposed Zoning Bylaw changes.
  - A) Alan Battistelli is meeting with the Finance Committee to discuss Article W
  - B) Peter Bergholtz thought the July 15, 2015 meeting was an excellent use of the Board's time.
- 10) Discussion of Hearings
  - A) Parrot
    - i) Alan Battistelli moved to approve the proposed plans and John N. Rees seconded.
    - ii) The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and John N. Rees voting.
  - B) Desrosiers
    - i) Lars-Erik Wiberg acknowledged that the dormer is 80% of the roofline but only one story from the street. The appearance is good.
    - ii) Michael Bace moved to approve and Frederick Frithsen seconded.
    - iii) The motion passed unanimously with Alan Battistelli, Charles W. Christopher, Lars-Erik Wiberg, Frederick Frithsen and Michael Bace voting.
  - C) Gilbert
    - i) Michael Bace recognized the cost associated with the alternatives but since no hardships were articulated he respectfully disagreed with the other members of the Board
    - ii) Frederick Frithsen moved to approve the plans and Alan Battistelli seconded.
    - iii) It passed by a four to one voting with Alan Battistelli, Tacy San Antonio, Lars-Erik Wiberg and Frederick Frithsen voting in favor and Michael Bace dissenting.
  - D) Levick hearing continued to August Meeting.
  - E) Feldman/Brahm
    - i) Neighbors seem to be OK with the plans.

- ii) Peter Bergholtz remarked that he's making three modest changes.
  - iii) Peter Bergholtz moved to approve and Charles W. Christopher seconded.
  - iv) The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Charles W. Christopher, Tacy San Antonio and John N. Rees voting.
- F) Reilly
- i) Frederick Frithsen moved to approve and Peter Bergholtz seconded.
  - ii) The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Joyce Fossa and Frederick Frithsen voting.
- 11) Next Possible Meeting August 26, 2015
- 12) Motion to adjourn made by Michael Bace and seconded by Alan Battistelli. Passed unanimously with Alan Battistelli, Peter Bergholtz, Frederick Frithsen, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio and Michael Bace voting  
Adjournment at 9:08 P.M.