

Rockport Board of Appeals
August 31, 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 and Debra Dellacona. Michael Bace absent.
- 2) Continued 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 7:00 P.M. Closed 7:42 P.M.
 - 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 petitioner.
 - a) At previous meeting he was asked for measurements of setbacks and building separation. He provided both to the Board.
 - b) The dormer will cover 80% of ridgeline from front to rear.
 - c) Setbacks are shown on the plot plan.
 - d) Attic roof will look onto roof of 12 King Street.
 - e) The pitch will be 3 inches over 12 feet of shed dormer. Their engineer has said this is sufficient.
 - f) Attic storage area is blocked by large chimney and bathroom is difficult to move, so the configuration presented is the best of their options.
 - g) It is a small house and the roof will not be flat but pretty close.
 - E) Audience
 - a) Jim Cole, 30 King Street, owns 12 king Street.
 - Opposes petition as the existing structure is too close to 12 King Street.
 - Unit 2A has nonconforming setbacks and its closeness has caused problems with maintenance.
 - 12 King Street property has been used for maintenance of 14 King Street.
 - This dormer will diminish sense of privacy.
 - Proposed dormer will alter the profile of the house from street.
 - 26 feet is over the allowed 80% by 6 inches.
 - b) Stephanie Cole, 30 King Street, owns 12 king Street.
 - Gave short history of house.
 - Objects to expansion of 14 King Street.
 - Submitted a letter with her concerns which was stamped in by the chairman.
 - c) Jim Fritz representing the petitioners.
 - Petitioners will reduce the dormer to 80%.
 - Mr. Birczak (the petitioner) submitted pictures of building separation to the Board which were stamped in by the chairman.
 - The house has been there for 160 years and similar dormers are on buildings in the area. Unit #3 put on such a dormer last year.

- d) Charles W. Christopher stated that other dormers may be grandfathered in as the dormer bylaws are fairly new.
 - e) Elizabeth Parrillo, 12 King Street, is opposed to this petition as it will take away her privacy. She asked for a clarification of headroom.
 - f) Jim Fritz stated that with the present roof line you can only take one and a half steps from the middle of the room before you hit your head.
 - g) Charles W. Christopher stated that the decision will be discussed and decided before the end of the meeting.
- 3) Continued 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 7:43 P.M. Closed 7:48 P.M.
 - 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) Mr. John Luginbuhl, 169A & 169B Thatcher Road represented himself.
 - E) Charles W. Christopher asked for measurements to neighbor's house which Mr. Luginbuhl verbally provided.
 - F) Charles W. Christopher asked Mr. Luginbuhl to add them to the plans on file which he did.
- 4) Approval of minutes: July 27, 2016
- A) Alan Battistelli moved to approve the minutes as presented with Charles W. Christopher named as chairman.
 - B) Peter Bergholtz seconded and it passed unanimously with Charles W. Christopher, Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Frederick Frithsen, John N. Rees, Tacy D. San Antonio and Debra Dellacona voting.
- 5) Discussion and vote of August 31, 2016 hearings
- A) Luginbuhl
 - a) Tacy San Antonio moved to approve the petition and Lars-Erik Wiberg seconded.
 - b) The motion passed unanimously with Charles W. Christopher, Tacy San Antonio, Alan Battistelli, Lars-Erik Wiberg and Frederick Frithsen voting.
 - B) Bircsak
 - a) The dormer is presently close to 80% as it is 4 inches over.
 - b) Pitch is ¼ inch per foot.
 - c) Alan Battistelli questioned the stacking up of gable all on one side.
 - d) Lars-Erik Wiberg is concerned with violating the dormer regulations.
 - e) Frederick Frithsen moved to approve the petition and Alan Battistelli seconded.
 - f) The motion passed unanimously with Charles W. Christopher, John N. Rees, Alan Battistelli, Lars-Erik Wiberg and Frederick Frithsen voting.
- 6) New Business:
- A) Peter Bergholtz is working on uploading templates to the Google drive.
 - B) Application form revision(s)
 - a) We need to make clearer what is required to applicants.
 - b) Front page of application should have a denial if not compliant.
 - c) Tacy San Antonio wishes to make the deficiency letters to be more strongly worded.
 - C) Planned Absences
 - a) Charles W. Christopher will be away for the October meeting and therefore unable to attend the meeting.

- b) Charles W. Christopher would like to be notified in advance if you will not be able to attend a meeting.
- 7) Other Business
- A) Discuss Articles L & M that have been submitted to the Fall Town Meeting by the Rockport Planning Board.
 - a) Charles W. Christopher attended the Planning Board meeting when these were discussed.
 - b) Article L is about aircraft landings.
 - However this goes if it is enacted the Board of Appeals will have to judge the applications.
 - Some people from Pigeon Cove area do not want this Article as it seems to them that it might invite people to ask for landing areas.
 - Charles W. Christopher asked the members to look at this Article.
 - c) Article M is a simple correction of the bylaws. It is a fix only.
 - B) Alan Battistelli is going before the historical commission again as he is eliminating doors from the plan and the rear will have windows.
 - a) He stated that the project has started and complies with previous decision with slight modifications.
 - b) He is asking for a letter stating that the project has started and that it complies with the previous decision with only slight modifications.
 - c) The Board agreed to the letter.
- 8) Next Possible Meeting September 28, 2016
- 9) Motion to adjourn made by Lars-Erik Wiberg and seconded by John N. Rees. The motion passed unanimously with Charles W. Christopher, Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Frederick Frithsen, John N. Rees, Tacy D. San Antonio and Debra Dellacona voting. Adjournment at 8:28 P.M.