

TOWN OF ROCKPORT, MASSACHUSETTS
BOARD OF APPEALS

Minutes

April 13, 2016

Police Station Community Conference Room

1. Call to order at 7:00 P.M. Members present Alan Battistelli (Chairing), Peter Bergholtz (Left at 8:00 P.M.) Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio and Debra Dellacona. Michael Bace and Frederick Frithsen absent.
2. Discussion and any action the Board may determine appropriate regarding decisions of the Board that may have been affected by omissions in the Zoning By-Law since Fall 2011 Town Meeting.
 - a. When writing the Burley decision it was observed that an applicant could ask for a 3 family unit with a special permit but not a two family unit.
 - b. This didn't seem to make any sense.
 - c. Research into the bylaw found that the two family unit was dropped from the bylaws when they were rewritten in 2011 even though the Town Meeting Members were told there were no substantial changes of rights in the rewrite.
 - d. The Town Attorney was asked his opinion on the situation and he replied that he believed that by the common sense rule a 2 family usage could be given with a special permit.
 - e. Peter Bergholtz commented that the error is so glaring we would have seen it if the requests were more common.
 - f. Alan Battistelli commented that this is a housekeeping change to the bylaws. Lars-Erik Wiberg and Peter Bergholtz agreed.
 - g. Alan Battistelli notified the Planning Board of the problem and sent them the opinion of the Town Attorney.
 - h. Linda Sanders the Town Administrator asked that previous applicants who were denied be notified that they may reapply for free.
 - i. Previous applicants were:
 - i. Clare Marrotta 13 South Street
 - ii. Farnham 131 Granite Street (This was for a separate accessory dwelling)
 - iii. Jeff Lopes 7 Parker Street (Has been notified by phone.)
 - iv. Randall Burley 5 Lattoff Farm Circle is presently being considered by the Board.
 - j. Peter Bergholtz moved to waive the \$300 fee for those applicants who were adversely affected by this bylaw error. Charles W. Christopher seconded and it passed unanimously with Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio and Debra Dellacona voting.
 - k. Peter Bergholtz made a motion that the Board suggest to the Planning Board that this can be fixed as a housekeeping correction of the Bylaws.
 - i. The planning Board needs only to change the wording in the first sentence of III B Part 1-F, so that the opening words become: "**The conversion of any existing building into a two-family dwelling or a multiple dwelling, with not more than four (4) dwelling units**"
 - ii. Lars-Erik Wiberg seconded and it passed unanimously with Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio and Debra Dellacona voting.
3. Continued discussion of the closed public hearing of Randall Burley for a special permit and/or variance to convert an existing one-family dwelling to a two-family dwelling at 5 Lattoff Farm Circle, Rockport.

Members of the Board sitting are Alan Battistelli, Charles W. Christopher, Tacy San Antonio, Michael Bace and Debra Dellacona.

- a. Debra Dellacona still was of the opinion that a two family unit didn't fit the neighborhood.
 - b. Alan Battistelli commented that it is a semi residential district so a business could open next door. The neighbors approve the request.
 - c. Charles W. Christopher commented that it does not include a more than 10% increase in the size of the house.
 - d. Alan Battistelli stated that it is a conforming lot.
 - e. Lars-Erik Wiberg felt that more compact living arrangements are the nature of the district.
 - f. Charles W. Christopher made a motion to issue a special permit to allow the conversion to a two family unit at 5 Lattoff Farm Circle and Tacy San Antonio seconded.
 - g. The motion passed unanimously with Alan Battistelli, Charles W. Christopher, Tacy San Antonio and Debra Dellacona voting.
4. Next meeting: April 27, 2016
 5. Motion to adjourn made by Charles W. Christopher and seconded by Lars-Erik Wiberg. The motion passed unanimously with Alan Battistelli, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio and Debra Dellacona voting. Meeting adjourned at 8:18 P.M.