

Rockport Board of Appeals
February 24, 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), Peter Bergholtz, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace. Frederick Frithsen is absent.
- 2) Hearing of David and Michele Herlihy for a special permit and/or variance to construct a 103 square foot addition on the non-conforming dwelling and to construct a 113 square foot shed at 8 Mt. Pleasant Street, Rockport.
 - A) Opened 7:00 P.M. Closed 7:11 P.M.
 - B) Members of the Board sitting are Charles W. Christopher (presiding), Peter Bergholtz, John N. Rees, Lars-Erik Wiberg and Michael Bace. Alan Battistelli was recused.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) Ellen Levine, Treehouse Design, 31 Poole's Lane Rockport represented the petitioners.
 - a) The front door of the house is on Mt. Pleasant Street and the side on Gott Street.
 - b) Lot consists of 3,526 sq. ft. which is less than the required minimum.
 - c) Lot coverage is 31% which is above the maximum 25% allowed.
 - d) The plan is to demolish the interior stairway and rebuild in new one and half story addition.
 - e) Expanding the building but no closer to Gott Street.
 - f) A 9 ft. by 12 ft. shed, that will infringe into setback, is proposed adjacent to 3 car parking area, 9 ft. from grade to ridge line and with 15 ft. 8 in. in building separation.
 - g) Increasing lot coverage from 31% to 37%.
 - h) It is harmonious to the neighborhood and not detrimental.
 - E) Peter Bergholtz asked if the stairway addition would have a cellar and the answer was probably not.
 - F) Michael Bace asked if the accessory building can infringe with a special permit.
 - G) No audience participation.
- 3) Hearing of Joseph Stigliano and Susan Small for a special permit and/or variance to demolish an existing garage and to construct a new two-story addition on the existing non-conforming dwelling at 2 Curtis Street, Rockport.
 - A) Opened 7:11 P.M. Closed 7:21 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Charles W. Christopher, Michael Bace and Debra Dellacona.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) Ellen Levine, Treehouse Design, 31 Poole's Lane Rockport represented the petitioners.
 - a) The petitioners' land is a 2,648 sq. ft. triangular shaped lot with a single family dwelling and a detached garage. This is less than the required 7,000 sq. ft.
 - b) Dwelling fronts on Curtis Street.
 - c) It will be no closer on the side.
 - d) This plan would increase the lot coverage to 41% from 33% where 50% is allowed.
 - e) The height proposed is 24 ft.
 - E) No audience participation.
- 4) Hearing of Richard and Sarah Fabian for a special permit and/or variance to renovate an existing non-conforming building at 44 Marmion Way, Rockport.

- A) Opened 7:21 P.M. Closed 7:42 P.M.
- B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Tacy San Antonio, John N. Rees and Lars-Erik Wiberg.
- C) Materials presented: photos, site plan, floor plan, and elevations.
- D) Tim Thurman, Treehouse Design, 31 Poole's Lane Rockport represented the petitioners.
 - a) Petitioners purchased the Seaward Inn which is 9,000 sq. ft. lot.
 - b) They have appeared before the Planning Board and had their site plan review accepted.
 - c) It is an existing non-conforming lot. It meets the setbacks and frontage but the lot coverage exceeds the maximum required.
 - d) Rebuilding the rooflines and adding new space on the third floor.
 - e) The proposed tower is 31.2 ft. in height but the Planning Board wants it to be 30 ft.
 - f) If the Board requires them to lower it to 30 ft. they will but they are asking that the plans remain at 31.2 ft. if possible.
 - g) A swimming pool adds 1% to the lot coverage but the plans are downsizing by 2% over the existing coverage. The overall result will be lot coverage of 1% less than the existing coverage.
 - h) The third floor will be 43% of the floor beneath it.
- E) Peter Bergholtz asked if there is any change in parking. The answer was that the parking handles 8 cars and has a 2 car garage.
- F) Alan Battistelli stated that the Board can make decisions on height.
- G) Audience
 - a) Frederick Tarr, 154 Main Street, objected to the possibility of the tower remaining at 31.2 ft. as this appears massive when viewed from Marmion Way.
 - b) Tim Thurman asked that the petitioners request for the 31.2 ft. tower be accepted as otherwise the pitch of the roof would be detrimental to their plans.
- 5) 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.
 - A) Members of the Board sitting are Alan Battistelli (presiding), Charles W. Christopher, Tacy San Antonio, Michael Bace and Debra Dellacona.
 - B) Materials presented: photos, site plan, floor plan, and elevations.
 - C) Petitioner requested a continuance to the March meeting of the Board.
 - D) Peter Bergholtz moved to continue the hearing to the March meeting and Michael Bace seconded. The motion passed unanimously with Alan Battistelli, Charles W. Christopher, Tacy San Antonio, Michael Bace and Debra Dellacona voting.
- 6) Hearing of Jeffrey S. Lopes for a special permit and/or variance to ratify the use of an existing apartment in a non-conforming single family dwelling at 7 Parker Street, Rockport.
 - A) Opened 7:46 P.M. Closed 7:55 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Peter Bergholtz, Tacy San Antonio, John N. Rees and Debra Dellacona.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) Jeffrey Lopes asked to change his single family dwelling to a 2 family dwelling.
 - a) His lot is 10,000 sq. ft. where 15,000 sq. ft. are required for a 2 family residence.
 - b) He built a garage with 2 bedrooms and a bathroom over it.
 - c) The garage is attached to the home with a breezeway.
 - d) He will just be adding a kitchen over the garage.
 - e) He is asking for a change of use.
 - f) Parking is available for 3 cars.
 - E) Tacy San Antonio asked if the bathroom and bedrooms were permitted.
 - a) The petitioner said that they were.

- b) Tacy San Antonio would like documentation that they were inspected and meet all of the codes required.
- F) No audience participation.
- 7) Hearing of Peter Poras, Trustee of 10 Main Realty Trust for a special permit and/or variance to renovate an existing non-conforming building at 10 Main Street, Rockport.
 - A) Opened 7:56 P.M. Closed 8:02 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Charles W. Christopher, Tacy San Antonio, Lars-Erik Wiberg and Michael Bace.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) Michael Gomez, Treehouse Design, 31 Poole's Lane Rockport represented the petitioners.
 - a) This is non-conforming lot because of the lot size and height of structure.
 - b) The plan is to enclose 60 sq. ft. of the first floor under the existing overhang.
 - E) Charles W. Christopher asked if the Historic Commission had been notified. Mr. Gomez said that that they were going to meeting with them.
 - F) No audience participation.
- 8) Hearing of Kevin Kane for a variance and/or special permit to construct a 207 square foot deck off the rear of the non-conforming dwelling at 15 Atlantic Avenue, Rockport.
 - A) Opened 8:02 P.M. Closed 8:19 P.M.
 - B) Members of the Board sitting are Alan Battistelli (presiding), Charles W. Christopher, Tacy San Antonio, John N. Rees and Lars-Erik Wiberg.
 - C) Materials presented: photos, site plan, floor plan, and elevations.
 - D) John Cunningham, 59 Main Street, Gloucester, MA represented the petitioner.
 - a) Petitioner is asking for a special permit to alter their structure by adding a 207 sq. ft. deck over the existing deck.
 - b) This house as others in the neighborhood was built on a small lot.
 - c) The deck will be no closer to the lot lines than the existing building.
 - d) Most of the homes in the neighborhood already have such decks.
 - e) A 7 ft. privacy screen is proposed.
 - f) This addition is not substantially detrimental to the neighbors.
 - g) Michael Gomez of Treehouse Design stated that the existing deck is composed of mahogany and the new deck will probably be the same.
 - E) Charles W. Christopher stated that he would like the deck composed of more fire resistant materials than mahogany.
 - F) Mr. Cunningham stated that the deck follows the existing deck and doesn't alter the footprint. A smaller deck would be less usable.
 - G) Audience
 - a) Attorney Mark Nester, 45 Middle Street, Gloucester, MA representing Ms. Hubbard, an abutter at 17 Atlantic Avenue asked that the deck be reduced a 7X21 ft. deck. This would reduce it by 60 sq. ft.
 - b) Susan Gray, 13 Atlantic Avenue is in favor of the proposal.
 - H) Alan Battistelli asked if the privacy fence was on only one end. The answer was yes.
- 9) Approval of minutes: January 27, 2016.
 - A) Peter Bergholtz moved to accept the minutes as presented with 6 typing errors corrected and Michael Bace seconded.
 - B) The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Lars-Erik Wiberg, Charles W. Christopher, John N. Rees, Tacy D. San Antonio, Debra Dellacona and Michael Bace voting.
- 10) Discussion of Hearings
 - A) Herlihy

- a) Peter Bergholtz has a problem with the toolshed but not the staircase addition.
 - b) Lars-Erik Wiberg felt it is not high enough to be an issue.
 - c) Peter Bergholtz moved to approve the stairway addition but not the toolshed and John N. Rees seconded.
 - d) The motion passed unanimously with Charles W. Christopher, Peter Bergholtz, John N. Rees, Lars-Erik Wiberg and Michael Bace voting.
- B) Stigliano
- a) Peter Bergholtz stated that the plans seemed would be a an improvement for the look of the corner.
 - b) Charles W. Christopher reminded the Board that the Conservation Commission hadn't heard the plans yet.
 - c) Michael Bace moved to grant the petition with the condition that all permits especially the Conservation Commissions be met and Charles W. Christopher seconded. The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Charles W. Christopher, Michael Bace and Debra Dellacona voting.
- C) Fabian
- a) Tacy San Antonio commented that the 31.2 ft. height of the tower improved the appearance.
 - b) Peter Bergholtz moved to approve the the petitioners' request and Tacy San Antonio seconded.
 - c) The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Tacy San Antonio, John N. Rees and Lars-Erik Wiberg voting.
- D) Burley continued to March meeting. Charles W. Christopher feels that new drawings are necessary as the old ones don't make sense. He will call and ask for better plans.
- E) Lopes
- a) Peter Bergholtz moved to deny the request to make the home a 2 family residence and Tacy San Antonio seconded.
 - b) The motion passed unanimously with Alan Battistelli, Peter Bergholtz, Tacy San Antonio, John N. Rees and Debra Dellacona voting.
- F) Poras
- a) Charles W. Christopher made a motion to approve the petition and Lars-Erik Wiberg seconded.
 - b) The motion passed unanimously with Alan Battistelli (presiding), Charles W. Christopher, Tacy San Antonio, Lars-Erik Wiberg and Michael Bace voting.
- G) Kane
- a) Charles W. Christopher made a motion to approve the petition and Lars-Erik Wiberg seconded.
 - b) The motion passed unanimously with Alan Battistelli, Charles W. Christopher, Tacy San Antonio, John N. Rees and Lars-Erik Wiberg voting.
 - c) Alan Battistelli made a motion to lower the privacy fence to a height of 6 ft. and John N. Rees seconded.
 - d) The motion passed with Alan Battistelli, Tacy San Antonio, John N. Rees and Lars-Erik Wiberg voting yes and Charles W. Christopher voting no.
- 11) Old Business: none
- 12) New Business: none
- 13) Next Possible Meeting March 30, 2016.
- 14) Charles W. Christopher made the following motion. "I move that the Board vote to enter into executive session pursuant to MGL CH. 30A § 21(a)(3) to discuss strategy with respect to litigation Roma III LTD v. Town of Rockport Board of Appeals."
- A) John N. Rees seconded the motion and a roll call vote was taken.

- 15) Charles W. Christopher, Peter Bergholtz, Tacy San Antonio Alan Battistelli and John N. Rees all voted to enter executive session. (**Note: the Board will not be returning to an open session after the executive session adjourns**). Alan Battistelli recused himself and left the meeting..
- 16) Motion to adjourn made by Tacy San Antonio and seconded by Lars-Erik Wiberg. The motion passed unanimously with Tacy San Antonio, Michael Bace, Lars-Erik Wiberg, Peter Bergholtz John N. Rees and Charles W. Christopher voting
Adjournment at 9:26 P.M.