



TOWN OF SWAMPSCOTT

ZONING BOARD OF APPEALS

ELIHU THOMSON ADMINISTRATION BUILDING
22 MONUMENT AVENUE, SWAMPSCOTT, MA 01907

MEMBERS

MARC KORNITSKY, ESQ., CHAIR
DANIEL DOHERTY, ESQ., VICE CHAIR
DONALD HAUSE
ANTHONY PAPROCKI
HARRY PASS, ESQ.

ASSOCIATE MEMBERS

DOUGLAS DUBIN
ANDREW ROSE

FEBRUARY 24, 2016 MEETING MINUTES

Time: 7:08-8:00PM
Location: Swampscott Senior Center, 200 Essex Street (rear)
Members Present: M. Kornitsky, D. Doherty, A. Rose, D. Hause, D. Dubin
Members Absent: A. Paprocki, H. Pass
Others Present: Pete Kane (Planning), Mercedes Balcells-Camps (applicant), Joan Ferraro (applicant), Scott Grieves (resident), Santiago Santos (applicant), Claudia Hawkes (applicant), Demetria DeFuria (applicant), Jeannie Cashman (applicant representative)

Meeting called to order at 7:08pm by Chairman Kornitsky.

MEETING MINUTES

The Board reviewed the minutes from the hearing on January 20, 2016. By motion of D. Doherty, seconded by D. Hause, the minutes were unanimously approved.

ZONING RELIEF PETITIONS

PETITION 15-34 (57 MONUMENT AVENUE): Application of JON GARBOWSKI seeking a dimensional special permit, special permit (non-conforming use/structure), and a site plan special permit to add a 2-car garage with studio space above including a mudroom addition between the proposed garage and existing 2.5-story house. Map 4, Lots 43 & 44.

Applicant's representative had submitted a request for continuation until the March hearing in order to finish review with the Historic District Commission.

Motion: by M. Kornitsky to accept continuance request. Seconded by D. Hause, unanimously approved. Petition will be taken up at the March 22 hearing.

PETITION 15-38 (234 WINDSOR AVENUE): Application of MERCEDES BALCELLS-CAMPS seeking a dimensional special permit to add an attic, extend a back porch, and create a one-car garage in basement. Map 11, Lot 337. Amended application includes special permit (nonconforming structure/use) and site plan special permit, along with removal of the proposed one-car garage.

Ms. Balcells-Camps stated that they've updated their plans and no longer will seek the garage in their basement. She distributed a site plan and elevations to confirm the building height. The top of the peak of the new roof is 31 feet.

P. Kane clarified that the amended application included requests for site plan special permit and special permit (nonconforming use/structure). He also said that the Planning Board did a site plan review and provided a letter supporting favorable action on the application.

The Board reviewed the comments from departments and boards.

The Board then opened to public comment - none.

There were no questions from the Board members.

Motion: by A. Rose to approve the petition as submitted with work to be done in accordance with the plans and that all roof runoff to go into drywells. Seconded by D. Doherty, unanimously approved.

PETITION 15-40 (121 ELMWOOD ROAD): Application of ALEC CHELOFF seeking a dimensional special permit to install a shed at rear of house within the rear yard setback. Map 2, Lot 5.

The applicant had submitted a request for continuation until the March hearing in order to finish review with the Historic District Commission.

Motion: by M. Kornitsky to accept continuance request. Seconded by D. Doherty, unanimously approved. Petition will be taken up at the March 22 hearing.

PETITION 15-37 (86 WINDSOR AVENUE): Application of SANTIAGO SANTOS seeking a dimensional special permit to demolish two walls and roof and build two walls front and back. Map 9, Lot 358.

Mr. Santos stated that they want to remove the back wall which is just 5 feet tall and extend its height in order to create more living space. The roof will be extended over existing concrete slab to create a porch space.

Board opened to public comment - none.

There were no questions from the Board members.

The Board then reviewed the plans and comments from departments. M. Kornitsky pointed out it was a straight forward request; A. Rose stated it was a nonconforming lot.

Motion: by A. Rose to approve the petition and plans as submitted. Seconded by D. Hause, unanimously approved.

PETITION 16-01 (646 HUMPHREY STREET): Application of CLAUDIA HAWKES seeking a use special permit to operate a fitness studio. Map 23, Lot 10.

Mr. Hawkes presented her request to operate a fitness studio in a space that's already used as a fitness studio.

Board opened to public comment - none.

Board discussed the reason why a special permit was being sought – the original ZBA decision that permitted the construction of the commercial plaza requires a special permit for any change in ownership of the businesses. Board requested an opinion from Town Counsel to determine if the new Zoning Bylaws should prevail (allowing by-right uses to be approved by the Building Dept rather than go through ZBA). There were no questions from the Board members.

Motion: by D. Doherty to approve the requested special permit, seconded by D. Hause, and unanimously approved.

PETITION 16-02 (24 EUREKA AVENUE): Application of JOAN FERRARO seeking a special permit (nonconforming use/structure) to make an addition to existing home for use as a dining room. Map 7, Lot 194.

Joan Ferraro and Scott Grieves explained they want to do an addition to expand the dining room and extend the back porch.

Board opened to public comment - none.

Board had no questions. They reviewed the plans and comments from departments. It was noted that there was a request from Planning Dept to include dry wells for downspouts off the home, at minimum for the addition. M. Kornitsky asked if there were any storm water issues at their home - none.

Motion: by A. Rose to approve the petition as provided for the permits with condition to include dry wells for the addition, seconded by D. Doherty, and unanimously approved.

PETITION 16-04 (246 HUMPHREY STREET): Application of DEMETRIA DEFURIA seeking a use special permit to operate a pet grooming salon with no overnight use. Map 2, Lot 146.

Ms. DeFuria opened by providing letters of support. M. Kornitsky then asked about the sign for the business. Ms. DeFuria showed a sign that was similar to Cafe Avelino's (a store next door). He then asked what they will do for improvements at the entrance. They will replace the door and will address the trash by moving it to the back of the building.

Board opened to public comment - none.

Ms. DeFuria said she's been operating in town for 28 years.

Motion: by D. Hause to approve the special permit to operate a dog salon with compliant signage, moving the trash to the back of the property, and replacing the primary door. Seconded by D. Doherty, unanimously approve.

PETITION 16-03 (430 PARADISE ROAD): Application of BOSTON PIE, INC. seeking a use special permit to open a Domino's restaurant with delivery service. Map 17, Lot 10A.

A. Rose recused himself. Jeannie Cashman (representative for Boston Pie, Inc.) stated that they are looking to open a Domino's with delivery. M. Kornitsky noted that the restaurant use is allowed by right but they need the special permit for delivery. Boston Pie currently operates 17 stores and services Swampscott from the Salem store.

The proposed hours of operation are 10:30a-midnight Sun-Thur and 10:30a-1a Fri/Sat. They estimate that delivery is typically 60% of the service, remaining is pickup. M. Kornitsky asked how many delivery drivers they'd have. During dinner rush on weekends, it would be about five drivers (5-8p), otherwise it'll be about two drivers for all other times.

Ms. Cashman provided a photo with the proposed sign rendered in for the shop.

M. Kornitsky inquired about the parking. She said the manager will park far away from store so that customers can park closer.

D. Dubin said that he felt 1a was a bit late. Bertucci's closes at 11:30p/midnight but Uno's is open later.

Motion: by M. Kornitsky to approve the petition for the use special permit with hours of operation as requested (10:30a-midnight Sun-Thur, 10:30a-1a Fri-Sat) with signage to comply with Zoning Bylaw. Seconded by D. Doherty, unanimously approved.

Motion: by M. Kornitsky to close the meeting at 8:00p, seconded by D. Hause, and unanimously approved.

S. Peter Kane
Director of Community Development