



**CITY OF GLOUCESTER
ZONING BOARD OF APPEALS
3 POND ROAD, GLOUCESTER MA 01930**

**ZONING BOARD OF APPEALS
Meeting Minutes**

July 30, 2026

Board Members Present:

Joseph Parisi III, Chairman
Lauren Norton, Vice Chair
Michael Nimon
Peter Cannavo

Alternate Members Present:

Ronald E. Wilson
Axel Ruiz

Also in Attendance:

Rob Vicari, Building Commissioner

The Chair introduces the Members and reads from the Open Meeting Law.

Approval of Minutes:

Ms. Norton moves to approve the minutes from the 7/9/2026 meeting.

Mr. Ruiz seconds
All in favor, 5-0

Consent Agenda:

Ms. Norton moves to approve the following decisions.

- a. 18 Brierwood Ct.
- b. 383 Western Ave.
- c. 6 River Rd.
- d. 16 Dune Ln.
- e. 1 Western Ave.
- f. 11 Walker St.
- g. 35 Presson Point Rd.

Mr. Cannavo seconds
All in favor, 5-0

New Applications:

Application of Historic Cape Ann LLC seeking a special permit and/ or variance to exceed maximum building height to construct a two family at **14-16 Links Rd., Map 73, Lot 17 & Map 75, Lot 58** in the R-20 zoning district.

Sal Frontiero, 46 Middle St., Gloucester is present representing his clients Historic Cape Ann LLC.

The property consists of approximately 304,000 square feet, or 6.98 acres, with approximately 133 feet of frontage on Links Rd. Mr. Frontiero explained that the proposed dwelling would otherwise comply with the applicable zoning requirements. The requested height exception was approximately three feet and was necessitated by two elevator shafts.

Mr. Frontiero explained that the property had been configured to remain outside the Conservation Commission buffer area, which contributed to the need for the additional height. The proposed elevator shafts were described as approximately 6 feet by 6 feet by 7 feet.

The Board discussed the applicable special permit standard, including neighborhood character, obstruction of use, shadowing, views, utilities, and potential impacts on surrounding properties.

The chair opens Public Testimony.

Speaking in Favor:

Jay Towne, 12 Links Rd.

Speaking in Opposition:

Sue Klein, 8 Links Rd.

The chair closes Public Testimony.

Mr. Ruiz moves to approve the application of Historic Cape Ann LLC seeking a special permit to exceed maximum building height to construct a two family at **14-16 Links Rd., Map 73, Lot 17 & Map 75, Lot 58** in the R-20 zoning district.

Mr. Wilson seconds
All in favor, 5-0

Application of Andrew Marchand seeking a special permit and/ or variance to expand a deck at **23 Cliff Rd., Map 179, Lot 26** in the R-10 zoning district.

Russell Morris, 7 Knowlton Sq., is present representing his client Andrew Marchand.

Mr. Morris states that what started out as a deck repair turned into Mr. Marshand requesting the stairs be moved in front of the door for better access. This project was done without permits and was stopped by the Building Department.

Mr. Morris is requesting to move the deck out 48 inches and 48 inches off to the side.

The Board first considered whether the proposed work constituted an increase in nonconformity. After discussion, the Board determined that the proposed work would constitute an increase in nonconformity, and proceeded to consider the special permit.

Mr. Wilson moves to determine that there is not an increase in a non-conformity at 23 Cliff Rd., Map 179, Lot 26.

Mr. Cannavo seconds

In Favor: 2

In Opposition: 3

The Board discussed the relationship of the proposed work to the existing structure, the distance from the street, the existing steps and deck, and the potential effect on the neighborhood.

The chair opens Public Testimony.

Speaking in Favor: None

Speaking in Opposition:

Kimberly Generaux, 21 Cliff Rd.

The chair closes Public Testimony.

Mr. Nimon moves to approve the application of Andrew Marchand seeking a special permit to expand a deck at **23 Cliff Rd., Map 179, Lot 26** in the R-10 zoning district.

Mr. Cannavo seconds

All in favor, 5-0

Application of Katherine Low seeking a special permit and/ or variance to construct a shed at **49 Reynard St., Map 107, Lot 8** in the R-10 zoning district.

Vincent Galisi, 49 Reynard St., Gloucester is present representing his spouse Katherine Low.

Mr. Galisi is seeking to build a 10X12 shed in his backyard.

The Board discussed the location and the applicable side-yard and rear-yard setbacks.

The chair opens Public Testimony.

Speaking in Favor: none

Speaking in Opposition: none

The chair closes Public Testimony.

Ms. Norton moves to approve the application of Katherine Low seeking a variance to construct a shed at **49 Reynard St., Map 107, Lot 8** in the R-10 zoning district.

Mr. Cannavo seconds

All in favor, 5-0

Application of Maria and Bruce Figurido seeking a special permit and/ or variance to convert a two family to a three family at **354 Essex Ave, Map 229, Lot 42** in the R-20 zoning district.

Joel Favazza, Seaside Legal Solutions, 123 Main St., Gloucester is present representing his clients Maria and Bruce Figurido.

The proposal sought to formally permit an existing three-dwelling-unit use of the property, which had historically operated as a three-family dwelling. Each unit has 2 egresses.

The property sits in the R-20 zone and is a pre-existing non-conforming structure on a pre-existing non-conforming lot.

When Mr. Favazza's clients purchased the home it was already used as a three-family unit.

Mr. Favazza is requesting a special permit to change the use from a two-family/one-family use to a three-family use, lot-area variance, lot-area-per-dwelling-unit variance, front-yard setback variance and a rear-yard setback variance.

Mr. Favazza stated that maintaining the three dwelling units would provide a benefit to the applicant and the City's housing stock and would not be detrimental to the public good.

The chair opens Public Testimony.

Speaking in Favor: none

Speaking in Opposition: none

The chair closes Public Testimony.

Mr. Nimon moves to approve the application of Maria and Bruce Figurido seeking a special permit and/ or variance to convert a two family to a three family at **354 Essex Ave, Map 229, Lot 42** in the R-20 zoning district.

Mr. Ruiz seconds

All in favor, 5-0

Application of John Murphy seeking a special permit and/ or variance to reconstruct and expand a front porch at **9 Linden Ave., Map 169, Lot 52** in the R-20 zoning district.

John Murphy, 9 Linden Ave., is present representing himself.

Mr. Murphy initially described the request as seeking a variance. The Board determined that a variance was not necessary and that the appropriate relief was a special permit to alter and expand an existing nonconforming structure.

Mr. Murphy is seeking to build a porch onto his house. The proposed porch would put the bottom step of the porch 3 feet closer to the property line. The property is currently a pre-existing non-conforming structure.

The chair opens Public Testimony.

Speaking in Favor: none

Speaking in Opposition: none

The chair closes Public Testimony.

Ms. Norton moves to approve the application of John Murphy seeking a special permit to reconstruct and expand a front porch at **9 Linden Ave., Map 169, Lot 52** in the R-20 zoning district.

Mr. Nimon seconds

All in favor, 5-0

Application of Ronald and Melanie Gelineau appealing the Building Commissioner's denial of a request for zoning enforcement at **12 Andrews Ct., Map 237, Lot 119** in the R-10 zoning district.

Roy Gelineau, 160 Sylvan St., Danvers is present representing his clients Ronald and Melanie Gelineau.

City Attorney Rocco DeFilippis participated remotely on behalf of the City.

The discussion concerned drainage, an easement, grading, and the relationship between the property at 12 Andrews Court and property on Essex Avenue. The applicants raised concerns regarding drainage connections and compliance with applicable zoning and drainage requirements.

The Board received legal discussion from Mr. Defilippis concerning the scope of its jurisdiction on an appeal of a Building Commissioner's decision. The Board discussed the distinction between matters arising under zoning and matters governed by other regulatory authorities, including drainage requirements and state highway regulations.

Mr. Gelineau addressed the Board regarding correspondence with the Building Commissioner, including a June 5, 2026 letter and the Commissioner's response. Mr. Gelineau's client requested that the Building Commissioner revisit the drainage issue and require compliance with the City's drainage and grading requirements before construction continued.

Mr. Gelineau explained that an easement was created through the property at 12 Andrews Court and that drainage from the property travels through the easement toward Essex Avenue. The drainage system ultimately connects to the MassDOT drainage system. He stated that a state highway opening permit, which had previously been identified as necessary before work could occur within Essex Avenue, could not be located and appeared never to have been obtained.

Mr. Gelineau stated that, during the property owners' application for zoning relief in 2025, the submitted plans depicted drainage from the property flowing through the easement and ultimately into the state highway drainage system. He further stated that MassDOT had subsequently been notified of the apparent illicit drainage connection and had required corrective action.

He expressed concern that the drainage connection and the elevation of the drainage system were contributing to water entering the driveway of his clients at 12 Andrews Court. He argued that the increased impervious surface associated with the construction had exacerbated the drainage problem.

Mr. Gelineau requested that the Building Commissioner and Department of Public Works revisit the drainage plan and determine whether the plan would have been approved had it been known that the drainage could not lawfully connect to the state system. He requested that the property owners develop a drainage solution that complies with the City's drainage regulations without relying on an unauthorized connection to the MassDOT system.

Mr. DeFilippis explained that the Board's jurisdiction on appeal is limited to matters under zoning and Chapter 40A. He stated that regulatory, environmental, State Building Code, MassDOT, and other specialized-code matters generally fall outside the jurisdiction of the Zoning Board of Appeals.

Mr. DeFilippis noted that the City's Zoning Ordinance allows the Building Commissioner to request that the Department of Public Works inspect a building lot where a drainage and grading plan is required and provide written certification concerning compliance with the plan.

He stated that, based upon his review of the Building Commissioner's response, the drainage plan had apparently been reviewed by DPW as part of the building permit process. However, he did not find that the Building Commissioner had made a specific determination regarding the drainage or grading issue beyond indicating that the plan had been reviewed.

Mr. DeFilippis advised that issues involving the conditions of a prior sewer connection permit, subdivision approvals, MassDOT requirements, or other regulatory matters were outside the Board's jurisdiction. He stated that the issue potentially within the Board's jurisdiction was whether the Building Commissioner should have DPW review the drainage and grading plan as authorized by the Zoning Ordinance.

The chair opens Public Testimony.

Speaking in Favor: none

Speaking in Opposition:

Attorney Sal Frontiero appeared on behalf of the owners of 12 Andrews Court and argued that the applicants had not established that they were aggrieved by the Building Commissioner's decision and that the alleged drainage issues were not within the Board's zoning jurisdiction.

Mr. Cannavo moves to approve the application of Ronald and Melanie Gelineau appealing the Building Commissioner's denial of a request for zoning enforcement at **12 Andrews Ct., Map 237, Lot 119** in the R-10 zoning district.

Mr. Nimon seconds

In favor: 0

In opposition: 4

Mr. Wilson abstained from voting.

Application of Robert Rogers seeking a special permit and/ or variance to demolish and rebuild a shed at **16 Ryan Rd., Map 193, Lot 66** in the R-30 zoning district.

G. Robert Rodgers – 16 Ryan Road

Kathleen Rogers, 16 Ryan Rd., Gloucester is representing herself.

Ms. Rogers explained that the existing shed had been on the property for approximately 39 years. The proposed replacement would be on the same footprint and of the same size as the existing shed.

The Board determined that the proposed replacement would not increase the existing nonconformity.

Ms. Norton moves to determine that there is not an increase in the non-conformity in the application of Robert Rogers seeking a special permit and/ or variance to demolish and rebuild a shed at **16 Ryan Rd., Map 193, Lot 66** in the R-30 zoning district.

Mr. Nimon seconds

All in favor, 5-0

Application of Thomas Zappala seeking a special permit and/ or variance to reconstruct a deck at **6 Waterman Rd., Map 257, Lot 79** in the R-20 zoning district.

Thomas Zappala, 6 Waterman Rd., Gloucester is present representing himself.

Mr. Zappala explained that the existing wood deck would be replaced with a composite/Trex deck. The replacement would retain the same footprint and dimensions, including the existing footings, stairs, railings, and decking area.

The Board determined that the proposal should be treated as a replacement of the existing nonconforming structure and that the appropriate determination was whether the replacement would increase the existing nonconformity.

Ms. Norton moves to determine that there is no increase in the non-conformity in the application of Thomas Zappala seeking a special permit and/ or variance to reconstruct a deck at **6 Waterman Rd., Map 257, Lot 79** in the R-20 zoning district.

Mr. Cannavo seconds

All in favor, 5-0

Other Business:

Application of 272 Washington St. LLC for a comprehensive permit pursuant to G.L. c. 40B to construct a multi-family (62 units) at **272 Washington St., Map 85, Lot 47** requesting a continuance, and an extension of the time for referral and to open the public hearing.

272 Washington Street LLC – Comprehensive Permit Application

The Board considered an item concerning 272 Washington Street LLC, which had submitted an application for a comprehensive permit pursuant to M.G.L. Chapter 40B for a proposed 62-unit multifamily development at 272 Washington Street.

Mr. Parisi stated that the application was believed to be incomplete and that the Board had not yet made a determination concerning completeness.

Andrew Leonard, Director of Real Estate Development for Harbor Light Homes, participated by telephone. He explained that Harbor Light Homes had been working with the City to explore an alternative zoning approach and requested that the application remain active while the parties explored that option.

Discussion centered on the Board's authority under Chapter 40B to extend the applicable time periods, including the time for referral and opening of the public hearing. Board members expressed concerns regarding whether the Board had legal authority to grant the requested extension at this stage.

The Board also discussed the status of the application's completeness and the applicant's receipt of a project eligibility letter from the State.

Because the Board had requested legal guidance regarding the applicable Chapter 40B time requirements but had not yet received a response, the Board determined that the matter should be deferred.

Mr. Wilson moves to continue the application of 272 Washington St. LLC for a comprehensive permit pursuant to G.L. c. 40B to construct a multi-family (62 units) at **272 Washington St., Map 85, Lot 47** requesting a continuance, and an extension of the time for referral and to open the public hearing to the August 13, 2026 meeting.

Mr. Ruiz seconds

All in favor, 5-0

Adjournment:

Mr. Nimon moves to adjourn the meeting at 8:27 PM.

Mr. Cannavo seconds

All in favor, 5-0