

**JANUARY 27, 2020  
REGULAR  
ZBA**



## City of Peabody Zoning Board of Appeals

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5900

### JANUARY 27, 2020 ZBA AGENDA LEGAL NOTICE

**NOTICE IS HEREBY GIVEN THAT THERE WILL BE A REGULAR MEETING OF THE ZONING BOARD OF APPEALS ON MONDAY, JANUARY 27, 2020, AT 7:00 PM AT THE WIGGIN AUDITORIUM, CITY HALL, 24 LOWELL STREET, PEABODY, MA**

#### REGULAR MEETING

1. **Continued Application of Sean O'Neil and John Zirpolo, Trustees of 112A Birch Street, Peabody Massachusetts, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.1.4 as it applies to the premise known as 3 Calumet Street, Peabody, MA, Map 095, Lot 261B. The property is located in an R2 Zoning District. THIS IS A HIEGHT VARIANCE ON A PROPOSED 3-STORY, 2 UNIT CONDOMINIUM.**
2. **Application of William and Jeanne Delp, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2, as it applies to the premise known as 13 Granite Rd., Peabody, MA, Map 120, Lot 018. Petitioner seeks a variance to Side Yard Setback where 7.5' are proposed. The property is located in an R1A Zoning District. THIS IS A VARIANCE REQUEST FOR AN 12'X14' ADDITION TO ADD A BATHROOM AND LAUNDRY ROOM.**
3. **Application of LCI Management, c/o Attorney John Keilty, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 and 9.6, as it applies to the premise known as 151 Andover St., Peabody, MA, Map 052, Lot 017x. Petitioner seeks a variance from Front Setback where 50' are required and 30' are proposed; Parking Minimum Rear Setback where 50' are required and 40' are proposed. The property is located in a BR Zoning District.**

#### BUSINESS MEETING

Acceptance of December Meeting Minutes

#### REPORTS

NEXT SPECIAL MEETING FEBRUARY 3, 2020

NEXT REGULAR MEETING FEBRUARY 24, 2020

Carla D. McGrath, Clerk  
Posted: January 6, 2020



## JANUARY 27, 2020 ZBA MEETING MINUTES

A regular meeting of the Peabody Zoning Board of Appeals was held on Monday, January 27, 2020 at 7:00 p.m. in the Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA.

MEMBERS PRESENT	MEMBERS ABSENT
Frances Bisazza-Gallugi, Chairperson	
Stephen Zolotas, Vice-Chairperson	
Daniel Sencabaugh, Secretary	
Julie Picardi	
Barry Osborne	
	Ed Colbert (A)

### NEXT REGULAR MEETING, MONDAY, FEBRUARY 24, 2020.

(Ms. Gallugi read the opening statement according to Chapter 40A)

### REGULAR MEETING

Ms. Gallugi addressed the attorneys, applicants and audience in regard to the following...

- Cell phone videotaping is **NOT permitted** without first notifying the Commissioner of ZBA Board. The Commissioner must then announce videotaping is occurring. It may in no way be disruptive.
- Meetings are broadcast on channel 9 (PATV) and live on Facebook
- Meeting minutes are made public
- New applications, information, plot plans, renderings, etc., should be passed into the ZBA Clerk **BEFORE the deadline NOT the day of the meeting**
- The above-mentioned material **can NOT** be accepted the night of the meeting because all information pertaining to a variance application must be filed in the City Clerk's office and be made available to the public before the scheduled meeting.

**1.Continued Application of Sean O’Neil and John Zirpolo, Trustees of 112A Birch Street, Peabody Massachusetts, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.1.4 as it applies to the premise known as 3 Calumet Street, Peabody, MA, Map 095, Lot 261B. The property is located in an R2 Zoning District.**

**Attorney Keilty:** Thank you Madam Chairperson and members of the City of Peabody’s Zoning Board of Appeals. My name is John Keilty I'm an attorney. I have offices at 40 Lowell Street in Peabody Massachusetts and I appear this evening on behalf of 114 Birch Street Realty Trust who trustees are John Zirpolo and Sean O'Neal. This is a request for a variance from the height requirement of 30 feet to provide for allowance of a height of thirty-two point three feet. We are seeking no other variances. When we left after the last meeting, we had said that we would reach out to our neighbor, a woman by the name of Linda Pesco and we have done so. We met on two occasions, one occasion and then conversed on telephone and we were able to by telephone and also through email. We were able to determine some concerns that our neighbor had with respect to the impact that our construction might have on her property we agreed that we would remove a wrought iron fence and install a resin white vinyl fence. We've done that. We have also had agreed that we would soften the lighting in other words we would replace the lights that were already installed on the garage with another set of lights that would be provided with dimmers and an ability they would be motion triggered. That has been done and we agreed that we would install a black perforated pipe in a dirt swale trench area adjacent to the abutters wooden fence. The pipe once installed will be covered with crushed stone. The purpose of the pipe is to prevent stormwater from cascading onto the abutting property and to direct water downhill toward Sutton Street. I tried to reduce our conversations to an agreement. The... our neighbor was reluctant to sign. The agreement... I had offered to change language whereby I don't know if you had seen some of the correspondence but I know some of the correspondence between our neighbor and myself was shared with the clerk of the board and in the absence of a signature on this agreement I would suggest that we are more than willing to do the one item that is not yet done and it's not done because of the weather and I would circle it on this piece of paper and provided to you as a condition if the board would like to place a condition with respect to this black perforated pipe if you'd like to place that condition on a variance we have looked again at the issue of how did this occur and the initial plan that was presented by Eastern Land Survey showed a certain amount of fill being placed on that side of the house so that the elevation would have been raised some two or three feet however, that would have impacted our neighbor by making the grade change between my clients property and that property the Pesco property. It would have been steeper and more onerous. As such our excavator John Karamas who is here this evening. He did not fill, and we were remains at grade the grade between our property and the Pesco property is substantially less than it would have been. We are now trying to further prevent any kind of water damage from occurring on our neighbor's property and to that end we're more than willing to add that condition about the black perforated pipe in as much as that is the that is the item that has not been installed because of the cold weather it will require pipe to be installed on the ground and it'll be perforated, covered with a grab crushed stone and will collect water and bring it away from Ms. Pesco's property and I'm happy to answer any questions that you may have and I could provide this language to the board. I'll circle it and with that I'm happy to my clients are here this evening and we're happy to answer any questions that the board may have.

**Stephen Zolotas:** Through the chair. I basically...what I've reviewed here Attorney Keilty, I don't see anything much different from the last time. So, just for the purpose of the record I guess I would just refer back to the comments I made at the last hearing which was...I see this is a technicality issue with respect to the grading as opposed to a kind of intentional act which I believe was a rigidly alleged at the last hearing so I...I'm just I'm maintaining my position consistent with the last hearing.

**Barry Osborne:** Through the Chair. This is a very, very difficult one and to be honest with you I've had a very difficult time ascertaining how this happened the last time and I still am in the same position that I am before. I am I'm sorry. I can't believe that you can... are.... everybody I talked to says it regardless where your median grade starts... where your grade starts...where anything starts all right. You cannot put a 30-foot house on a foundation that has the 30-foot height restriction. They bought a house 30 feet. You got to put it on a foundation. You're not gonna put it on the slab. So, they knew, or they should have known that it's not gonna fit. It's not gonna meet the zoning requirement, yet they chose to put it on it and what gets me even further it's a prefab. It was a prefab home and all the time in the world to look this thing over, make sure everything was in place, make sure all the measurements were right, make any corrections you could have made before you even put the house on the foundation. Yet you chose not to do that. Now you haven't proven to me in any way that you didn't know that this situation was going to occur. Yet, you chose to still put the house on and that's a total disregard for the ordinance. I understand technicalities. I understand mistakes, but I don't understand total disregard for the ordinance. If this board ever got into a position where people think... all right just do what you want, and we'll go there for forgiveness. You might as well pack it up, go home. You don't need us. You don't need the Zoning Board. When you need to, just do what you want to do and go get permission from somebody. So, I really tried to find a way to say how this happened, find a reason that could satisfy me how this happened. I can't. I'm sorry I can't. I think it has to be brought into conformance. I don't know how you're gonna do it. We mentioned a few ways that it could be done. Yeah, it's gonna be difficult. Yeah, it's not gonna be easy, but that's the way I feel. I asked you to go talk to the neighbor and hopefully you can rectify it. That way you made an agreement yet there's no signature there. You send us a document that you're gonna do all these things and I'm sure you would have signed it no problem, but she won't sign it. You could talk to her a hundred times, but you can't convince me that this woman really feels that you've made an agreement here. We've seen some correspondence. We've heard it you know. "Oh, I think I was blackmailed." Well, there's no agreement. There's no...

**Attorney Keilty:** The word was bribed, and I had offered to remove any offensive language and try to whittle down and that's where communication ended. But we are still more than are willing to supply the things that we discussed, that would prevent water from entering upon her property and that's the reason in order to avoid a severe grade change between our driveway and the Pesco property. That's the reason that no fill was brought on to the property to raise that side up. It's the same box that's on two of the other two of the other houses and they do not exceed the height variance because of the elevation around the foundation of both those houses and

**Fran Gallugi:** Can I just interrupt?

**Attorney Keilty:** Sure.

**Fran Gallugi:** We understand all of this and like Barry said this has been very difficult to try to figure out. However, when there is a zoning requirement height requirement and it's a prefab and there's a foundation then personally I would think that the builders would take a whole wide look at this and say well you know what I think we're gonna need a variance so you come to us before. You don't come to us after because as Barry said, then what is the Zoning Board here for? You want to go build a house. You want to go build a foundation. You want to go build a deck, build whatever you want and then come to us because oh well it's already built what can we do and I know it might seem melodramatic, but in reality that's what it comes down to. There are laws. It's not a first-time builder. The height requirement is the height requirement. I'm not gonna say... all indications are you knew what you were doing. You purchased a prefab. You knew the height limit. You built it. Now you're asking for a variance. That's not the way this board works. You ask for a variance beforehand to see if you can build it and....

**Stephen Zolotas:** At the risk of going back and forth, back and forth, right I get that at the same time they did come before us for a variance and the house even the house is thirty two point three feet and I get what you're saying Barry with respect to that but it's... the height of the house didn't change it was the grading that changed. So, I yes, its thirty-two.3 feet high it should be 30 or less but it wasn't...I don't...I look at a little bit different. It wasn't as if they came to us with a plan for a house yeah hi and then put a house that was this high the height is still the same it's just because they didn't grade the front the way they said they'd grade it.... I just... I see it as a technicality. I know I might be the minority on this here, but I don't see... you know several years ago where there was just a total disregard to a plan.... I think they followed the plan. There was just a grading error on the front end. But I don't think quite as severe but it's still... it's a problem. But I just see it as more a technicality than anything else.

**Dan Sencabaugh:** Through the Chair. Attorney Keilty, you mentioned there were a couple of other houses that were the same prefab 30' box on a foundation that didn't require a variance. But I guess I thought if you had a 30' box and you put it on a foundation it was gonna be more than 30 feet but is that not the case?

**Attorney Keilty:** Depending on the grade box itself is not over 30'. The box itself is not over 30'. So, in the other instances the two that are down on Sutton Street, because there was no garage such as we have here, on Calumet St. which is.... we're on the side of hill the left-hand side of our house or the southerly side of the house is at an elevation of some 50' and then the slope if you will runs through the house and when we do not fill the garage side of the house so as to keep the grade change less severe between us and the very next piece of property that's what results by not bringing that grade up that's what resulted in the height being in excess of 30'.

**Dan Sencabaugh:** So, when those other two examples does that mean that the foundation for those other two...are below grade? No part of the foundation sticks up above grade?

**Attorney Keilty:** Well yeah. No, the box itself is not in excess of 30'. The box itself. The house.

**Dan Sencabaugh:** Okay so the house... the subject house... how tall is that? I thought you told us at the last hearing that you ordered, or your client ordered a 30' house, but maybe I misunderstood. Is that not the case?

**Attorney Keilty:** Oh. What's the height of the box itself for this... for this house at 3 Calumet, from the ground to the peak?

**John Zirpolo:** The actual height of the box is less than 30 and to be understood we weren't trying to pull a fast one on anybody. What John Karamas was trying to do... he's our site guy... he was trying to keep the neighbor happy. He didn't want her to be looking at a literal cliff and it would have been 12 to 13 feet and the water mitigation would have been impossible, so he lowered the grade. He didn't build up the grade.... What we're trying to say... what I'm trying to say is it really isn't a height the height of the building it's the grade. The reason why we lowered the grade was to mitigate the water and her not to look at a cliff and she was there the whole time. John was there with an inspector that's no longer with the city anymore.

**Fran Gallugi:** Is there anybody in the audience to speak in favor? Is there anybody in the audience to speak in opposition? Hearing none the matter is before the Board.

**Stephen Zolotas:** Motion to close the public hearing

**Julie Picardi:** Second

**Stephen Zolotas:** Motion to approve.

**Fran Gallugi:** Roll call vote please.

Dan N  
Julie N  
Barry N  
Stephen Y  
Fran N

**(1-4) Variance is denied**

**2. Application of William and Jeanne Delp, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2, as it applies to the premise known as 13 Granite Rd., Peabody, MA, Map 120, Lot 018. Petitioner seeks a variance to Side Yard Setback where 7.5' are proposed. The property is located in an R1A Zoning District.**

**(Secretary read Legal Notice)**

**Mr. Delp:** Good evening. My name is William Kelp. My wife and I have owned the property at 13 Granite Road for the past 52 years and we'd like to put a small 12' x 14' addition on the back of the house which is actually set back a foot further than the house from the property line to include a new bedroom and we're going to convert the existing bedroom into a laundry room and bathroom to get the laundry everything up on the first floor.

**Fran Gallugi:** Any questions by the Board? Anybody in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Stephen Zolotas:** Motion to close the public hearing

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve with condition.

**Barry Osborne:** Second

**Fran Gallugi:** Roll call vote please.

**Dan Y**

**Julie Y**

**Barry Y**

**Stephen Y**

**Fran Y**

**(5-0) Variance is granted with condition. Applicant must gain approval from Conservation Commission.**

**3.Application of LCI Management, c/o Attorney John Keilty, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 and 9.6, as it applies to the premise known as 151 Andover St., Peabody, MA, Map 052, Lot 017x. Petitioner seeks a variance from Front Setback where 50' are required and 30' are proposed; Parking Minimum Rear Setback where 50' are required and 40' are proposed. The property is located in a BR Zoning District.**

**Attorney Keilty:** Good evening. My name is John Keilty. I'm an attorney. I practice law at 40 Lowell Street in Peabody Massachusetts and I appear on behalf of LC I Management. The property is owned by Brian D Kelly. Brian is here this evening. If the Board has questions for Brian, my client is here this evening and as well as our engineers. We have sought a variance for a proposed 30' front yard rather than 50 and we're proposing that the parking area adjacent to the residence district in a BR zone. The applicant desires to continue to be within 40' of residence district where 50 feet is now required. In 1993 the parties that owned the property at the time had put the property under agreement and they were intending to build a Border Books. They were given a permit by the City of Peabody City Council. That permit requires that any change in use whether it be for an allowed use or otherwise must need go before the City Council and this matter will be before the City Council during their February meeting.

**Attorney Keilty cont.:** We are requesting two bits of zoning relief, both of which are consistent with the original development of the property when prior to the development of the property has Border Books there were I think as many as three houses on that corner then. Applicants had brought the matter to the City Council before the houses were demolished. They established what the front setback of those houses was and then they filed a plan that gave zoning relief from a special permit through the City Council. I'm not going to speak to whether that was appropriate, but I would speak to the issue that we intend to maintain those same setbacks both as to the parking at the rear and as to the front setback we are going to add 192 x 90 addition to the premises which as you can see from the renderings that we have here this evening. It'll be an extension of the exact same building. We will use brick and materials that emulate the existing building which I feel is a handsome and a good addition to that corner. We feel that this particular property will also work with respect to creating a bold and I think aesthetically pleasing addition to that corner. I have had the opportunity here from neighbors I did write a letter I was intending originally to have a neighborhood meeting which would be run by Councilor Moutsoulas. He had some health issues taking him to the hospital and I then sent a letter to the to the neighborhood in which I explained what my client was trying to do...how big the addition was... the design that would match the existing design to the former border books building. There is no additional curb cut being sought. I do have some familiarity with this particular parcel of land, and I know that over the years there has been a concern that when people miss the entry into Border Books, they invariably try to get in from Lois Road. They travel down, find that there is no ability to get back into the property from the rear. I had worked with some I think they were pediatricians who wanted to add a rear entrance that would not fly. The neighborhood does have a genuine concern about parties that miss the entry. We are now going to not utilize the curb cut that is currently used for the Kelly Property and is currently used as the entrance to the center of the property that our addition will actually negate the ability to use that that particular entrance and then we're adding an entrance on the left-hand side which will be the only entrance and exit to the premises we have we are going to regrade to the left of that entrance such that there is parking over there that will be abandoned and then that'll become regraded and there'll be a grassy slope that will go down to Loris Road. There will no longer be that parking that we showed as an existing condition we are also proposing not to utilize certain parking areas that have been available in the past. We are going to store snow since we have no need for nearly as many parking spaces as Mr. Kelly needed to store cars and as were required by Border Books. So, we have considerably more parking than we're in need of. We have provided you in your packet we've provided a response to the concern exhibited by Conservation Commission and we've given an executive summary as part of the package that I gave you this evening and at the back page that describes what we'll be doing with our stormwater. We're essentially emulating the same pattern that was adopted years ago and we will mimic that use of the stormwater drainage that's in place and we will actually reduce the paved areas and replace in certain areas of the paving with landscape and as such we were also discussing that there be no landscape placed from our driveway heading westerly towards there would be no kind of significant shrubs that would block sight distance if you're coming out of Loris were one of the concerns that has been repeatedly exhibited is that the neighbors are concerned that when they leave Loris Road and they're heading up to Andover Street.

**Attorney Keilty cont.:** They're concerned that when they look left, are they going to be able to see the oncoming traffic or are we going to have a large number of trucks that would be blocking that sight distance. And our response to that is... no we will not have those trucks. My client operates two other facilities. The common occurrence is that the largest truck that usually comes to the site is a box truck like a 15-footer. We seldom have large like Wakefield or Mayflower the tractor trailers dropping off furniture to one of these facilities. We will be loading and unloading at the rear of the premises. There's a loading dock that shows on our plan which is yeah so while the loading for the that are utilizing the premises will all occur in the rear. There would be office availability on the left-hand side of the premises. There are several spaces going to be allocated for people doing business with the office. Otherwise that traffic comes from 114 heads down the driveway. There is a gate at the bend that will be a key card entry in order for you to be able to access the rear of the parking lot in order for you to be able to access the building. You got to get through that gate and that'll be keycard entry we have a the expectation is we will have a total number of units that is five hundred seven hundred and eighty seven hundred and eighty units. Your floor plans that have been given to you this evening show the mix how many are each variety of sizes that are being offered and I'm happy to answer further questions that the board may have as they come up.

**Fran Gallugi:** Thank you Jack. I have a couple. So, coming up Loris Road...aren't there lights there?

**Attorney Keilty:** Yes.

**Fran Gallugi:** So, coming up Loris Road you have to take a you have to take a right onto Andover Street.....

**Attorney Keilty:** ...Or go straight across. Because there's a light. You can get to the eastbound lane.

**Fran Gallugi:** So, and I think yeah you don't want to have any shrubbery to block that.

**Attorney Keilty:** No. Correct.

**Fran Gallugi:** But it's not... if something were to get overgrown say for a week... At least there's lights there. So, it's not that much of ...I mean it's an issue but you know what I'm trying to say.

**Attorney Keilty:** Yeah. I do

**Fran Gallugi:** Yeah okay I just want to make sure that it...

**Attorney Keilty:** But one of the concerns expressed is that when you're exiting Loris Road now you need to ...you're coming from a lower level... now you need to head up that entryway to Andover and because you're heading upwards, your sight distance does improve. Although I have been told by neighbors that there is concern that you gotta be a little bit cautious inching out there. Even if you have the total green light somebody that runs the light.

**Fran Gallugi:** Loading and unloading what?

**Attorney Keilty:** Materials that you are going to put in your private storage facility.

**Fran Gallugi:** So, it looks very pretty. I just am a little ignorant to the fact of a storage unit. Because to me storage units are you know garage doors, orange...they open up. I don't see that. Is that what these are? Am I the only one that doesn't know what a storage unit is?

**Mr. Graves:** For the record my name is Andrew Graves and their principle. We are the engineers and architects who designed this project for the client. The way these facilities function.... I'll walk you quickly through a floor plan, just explain how it works and then I'll address the question specifically. This is a much smaller building. We typically build most...the buildings we build usually have thousands of 1,200 containers but for ITE Manual this is the lowest traffic generating you could possibly put on this site. The industry standard is one parking space for a hundred containers. So, a facility that that has under 800 containers, we typically would provide only 8 parking spaces.

**(Mr. Graves presentation was made part of these minutes.)**

**Ms. Gallugi:** Okay so let me get this straight in my mind. So, you go around with the keypad, the gate opens and that's how you get to whatever it is to get into the building?

**Mr. Graves:** Yes, and in that building are all the storage units exactly.

**Dan Sencabaugh:** Through the chair. Is there any trash generated from a storage facility and is that a concern and if it is how might you deal with that?

**Mr. Graves:** Very little. It's not any more than an office building. Typically, we have a small five-yard dumpster. People store their stuff there and they take your stuff and they take it away again so there's very little. There's a 1200 square foot office that generates very little paper so there's very little trash generated by the other facility.

**Fran Gallugi:** What about lighting?

**Mr. Graves:** We don't want to make it any brighter than we have to, but we still want make it bright enough so it's doesn't become a place where it becomes a nuisance but because part of the whole self- storage facility thing is they want people to feel secure and safe. So, the back area will be fully gated and controlled and we would probably put whatever lighting again we've complied to be no off-site spillage of lighting obviously but we probably light the parking... probably better to light from the far side towards the building that put building lights towards the neighbor so we would....

**Attorney Keilty:** (inaudible)

**Mr. Graves:** Well I mean I'm not a big fan of wall packs. I think actually posts here I find more attractive and they would direct the light. LEDs are very directionally functional. Again, we just want to make it feel secure and safe for everybody.

**Fran Gallugi:** Are these things open 24 hours a day?

**Mr. Graves:** No. Typically, they're open from 6:00 to 7:00 in the morning to probably 10 the evening. The office hours are typically like 8:30 to late 6:00.

**Fran Gallugi:** So, if I have a keypad and it's 1:00 in the morning and for whatever reason I have to get to my storage unit can I do that at 1:00 in the morning? Attorney Keilty?....

**Eric Liacato:** 18 Sargent St, Gloucester, MA... So, the other facilities I have are open 24 hours a day. Yes, we plan on having this one the same.

**Fran Gallugi:** So, I asked if this was open 24 hours a day and you said...

**Eric Liacato:** Yes.

**Fran Gallugi:** Ok so if this is open 24 hours a day seven days a week does that present, or has it presented a problem in your other properties and if so what kind?

**Eric Liacato:** Hardly anybody comes there after nine o'clock at night. We say that we're open 24 hours a day seven days a week. The majority of the traffic is during the days 8:00 to 5:00. Usually you have a few people that come after work, after 5pm. We keep track of who comes in and out of the building through the keypads that they use.

**Fran Gallugi:** You have security cameras?

**Eric Liacato:** We have security cameras all around. We just did one in Beverly. We have 81 cameras around the whole property, so we know who's coming and going at what time. Whenever we see there's someone using the same key code more than once and consistently, we check to see on the camera who it is and what they're doing in the building so and we do that every week.

**Fran Gallugi:** Is there enough time for someone to sneak in through the gate?

**Eric Liacato:** The gate opens for ten seconds to let a car in.

**Barry Osborne:** Through the chair to Attorney Keilty. I don't know if you need to be here quite honestly. really dimensional controls have been set by the special permit.... it's a condition of the special permit. If all dimensional relief has been met, has been requested by the applicant which is you, well why are you here?

**Attorney Keilty:** So, the original building.... so in 1993 when they gave those dimensional relief they weren't necessarily giving dimensional relief for the addition that we're talking about tonight.

**Barry Osborne:** That's why you are seeking relief for just the addition?

**Attorney Keilty:** That's exactly right, and we are going to City Council for the change in use, but this is actually an allowed by right use as was the bookstore.

**Barry Osborne:** Interesting. Thank you.

**Fran Gallugi:** And just to clarify so on the left-hand side of this building the side that abuts Loris Road that was or still is parking a parking area that's your doing away with that and you are going to landscape that?

**Attorney Keilty:** Correct

**Fran Gallugi:** Anybody in the audience to speak in favor? Anybody in the audience to speak in favor? Anybody to speak in opposition? Please line up and state your name and address for the

(The following neighbors spoke in opposition)

**Shawn and Hailey Wilson** 3 Reynolds Rd.

**Mike Soper** 16 Reynolds Rd.

**Leandra LeClerk** 9 Northfield Rd.

**Cindy Orlinski** 24 Reynolds Rd.

**Al Graglia** 5 Reynolds Rd.

**Fred Tobin:** 12 Tammy Ln.

**Mary Murphy** 10 Tammy Ln.

Above mentioned are in opposition for the following reasons....

- Size
- Lowering of property value
- Traffic safety
- Safety at the Loris intersection
- Lighting 24-7
- Loading area in the back of building where closest to residential area
- Hours of operation
- Noise
- Too much construction in Peabody
- Eye sore
- Safety of entrance
- Drainage

- Snow plowing

**Barry Osborne:** This is zoned business residential and takes into consideration neighborhoods and businesses. Was there a neighborhood meeting to discuss these concerns?

**(discussion ensued)**

(Mr. Osborne suggested a continuation so Mr. Kelly could have a meeting with the neighbors and discuss the plans.)

**Attorney Keilty:** Yes. Okay. So, I would respectfully request that this matter be continued until your next regularly scheduled meeting which is February....

**Dan Sencabaugh:** Motion to continue this hearing until February 24<sup>th</sup>.

**Fran Gallugi:** All in favor. Any opposed.

Motion Approved (5-0) favor aye

**Stephen Zolotas:** Motion to accept Meeting Minutes

**Dan Sencabaugh:** Second

**Stephen Zolotas:** Motion to adjourn

**Dan Sencabaugh:** Second

**Fran Gallugi:** Meeting is adjourned.



