

**OCTOBER 19, 2020  
REGULAR  
ZBA**



City of Peabody  
Zoning Board of Appeals

CITY OF PEABODY

2020 OCT -7 A 8:56

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

**OCTOBER 19, 2020 ZBA AGENDA**  
**LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN THAT THERE WILL BE A REMOTE PARTICIPATION MEETING**  
**OF THE ZONING BOARD OF APPEALS ON**  
**MONDAY, OCTOBER 19, 2020, AT 7:00 PM**

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A § 18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Peabody Zoning Board will be conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public adequately access the proceedings in real time, via technological means. Individuals may participate remotely in the meeting via a participation platform called Zoom.

Members of the public and/or parties with a right and/or requirement to attend this meeting may access the remote participation through any one of the following ways:

- Enter this link into your web browser to join the meeting: <https://us02web.zoom.us/j/88483648618>
- Enter this link into your web browser to open the Zoom website: <https://zoom.us/join>. Enter the meeting/webinar ID# **884 836 48618** as directed on the webpage and click "Join". Follow the on-screen instructions to join the meeting.
- Participants can dial a toll-free number **+1 301 715 8592** to join the meeting. When prompted, enter meeting/webinar ID# **884 836 48618** and follow the instructions to join the meeting.

THE AGENDA FOR THIS MEETING IS POSTED ON THE CITY OF PEABODY WEBSITE.

PEABODY ACCESS TELEVISION WILL BE AIRING THIS MEETING LIVE ON CHANNEL 9, AS WELL AS STREAMING ON THEIR FACEBOOK AND YOUTUBE PLATFORMS.

IF YOU WISH TO COMMENT ON OR REVIEW ANY PLANS OR DOCUMENTS RELATED TO ITEMS ON THIS AGENDA PLEASE CONTACT CARLA MCGRATH VIA PHONE, E-MAIL OR WRITTEN LETTER. ANY E-MAIL OR WRITTEN COMMENTS MUST BE RECEIVED BEFORE OCTOBER 9, 2020.

ZONING BOARD OF APPEALS  
C/O CARLA MCGRATH, CLERK  
24 LOWELL STREET  
PEABODY, MA 01960  
[carla.mcgrath@peabody-ma.gov](mailto:carla.mcgrath@peabody-ma.gov)  
978-538-5792

## OCTOBER 19, 2020 AGENDA

### REGULAR MEETING

1. Continued application of **SFC David Mathews** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 11.5.2**, as it applies to the premise known **257 Andover St., Peabody, MA, Map 029, Lot 011**. Petitioner seeks a variance for window coverings where 30% is allowed and 100% is proposed. The property is located in an **BR Zoning District**.
2. Application **Young Paik c/o Adam Williamson**, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2., as it applies to the premise known as **10 Butternut Ave., Peabody, MA, Map 056, Lot 024**. Petitioner seeks a variance to build a 5' x 17' portico to the front of the home and requires relief to **Front Yard Setback and Lot Coverage**. The property is located in an **R1 Zoning District**.
3. Application of **Peabody North LLC c/o Attorney Keilty**, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2.(c), as it applies to the premise known as **128 Newbury St., Peabody, MA, Map 057, Lots 74,74U**. Petitioner seeks a variance to allow for a parking lot and requires relief from the required 100' buffer zone. The property is located in an **BR1 Zoning District**.
4. Application of **Peabody Center LLC, c/o Tiffany Burke**, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 11.5.2, as it applies to the premise known as **300 Andover St., Peabody, MA, Map 029, Lot 008**. Petitioner seeks a variance to erect (2) Wall Signs and requires relief to **square footage allowed**. The property is located in a **BR Zoning District**.
5. Application of **Tracy Victoria** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **44 King St., Peabody, MA, Map 084, Lot 023**. Petitioner seeks a variance for two porches and requires relief to **Front Yard Front Porch Setback** where 20' is required and 17.5' is proposed; **Left Side Yard Front Porch** where 15' is required and 11.5' is proposed; **Right Side Yard Side Porch** where 15' is required and 12.4' is proposed The property is located in an **R1A Zoning District**.
6. Application of **437 Essex Inc. c/o Attorney J. Patrick Burk** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **12 Glenway Ave., Peabody, MA, Map 115, Lot 200A**. Petitioner seeks a variance for an addition and requires relief to **Rear Yard Setback** where 35' are required and 12.4' are proposed; **Lot Coverage** where 25% is required and 25.2% is proposed. The property is located in an **R1A Zoning District**.

7. Application of **Alexandre Dos Santos**, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.1.5 and 7.2., as it applies to the premise known as **54 Lynn St.**, Peabody, MA, **Map 102, Lot 294**. Petitioner seeks a variance to build a 22' x 20.5' garage and requires relief to **Rear Yard Accessory Structure Setback, Lot Coverage and Accessory Structure Size**. The property is located in an **R1A Zoning District**.  
CITY CLERK
8. Application of **Bertolino Foods, c/o James Winthrow**, for a Variance from the **Provision of the Zoning Ordinance 2019, as amended, Section 11.5.4**, as it applies to the premise known as **5 Fifth Street**, Peabody, MA, **Map 090, Lot 030**. Petitioner seeks a variance to erect a Wall Sign and requires relief to **square footage allowed**. The property is located in an **IP Zoning District**.

### CORRESPONDENCE

Extension Request by Attorney Keilty in regard to 7 Dearborn.

### BUSINESS

Acceptance of Meeting Minutes

Next Meeting Date

Adjourn



## OCTOBER 19, 2020 ZBA MEETING MINUTES

A virtual meeting of the Peabody Zoning Board of Appeals was held on Monday, October 19, 2020 at 7:00 p.m. via Zoom.

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

### NEXT REGULAR MEETING NOVEMBER 16, 2020

(Ms. Gallugi read the opening statement according to Chapter 40A)  
(Ms. Gallugi read opening statement in regard to how the virtual meeting will be run)

**REGULAR MEETING**

1. Continued application of **SFC David Mathews** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 11.5.2**, as it applies to the premise known **257 Andover St., Peabody, MA, Map 029, Lot 011**. Petitioner seeks a variance for window coverings where 30% is allowed and 100% is proposed. The property is located in an **BR Zoning District**.  
(Secretary read Legal Notice)

**Discussion ensued.** **SFC David Matthews** spoke about the proposed window coverings and their safety benefits as well as creating a neat and professional appearance with the marketing logo.

**Fran Gallugi:** Any questions by the Board? Anybody 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.

**Barry Osborne:** Second

**Fran Gallugi:** Roll call vote.

**(5-0) Motion approved. Variance is granted.**

2. Application **Young Paik c/o Adam Williamson**, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2., as it applies to the premise known as **10 Butternut Ave., Peabody, MA, Map 056, Lot 024**. Petitioner seeks a variance to build a 5' x 17' portico to the front of the home and requires relief to **Front Yard Setback and Lot Coverage**. The property is located in an **R1 Zoning District**.  
(Secretary read Legal Notice)

**Discussion ensued:** **Young Paik**, homeowner spoke about the proposed portico.

**Dan Sencabaugh:** Read into the record many letters in support of this proposal from abutters.

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

**Barry Osborne:** Motion to close the public hearing.

**Julie Picardi:** Second

**Barry Osborne:** Motion to approve.

**Julie Picardi:** Second

**Fran Gallugi:** Roll call vote.

**(5-0) Motion approved. Variance is granted.**

3. Application of **Peabody North LLC c/o Attorney Keilty**, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2.(c), as it applies to the premise known as **128 Newbury St., Peabody, MA, Map 057, Lots 74,74U**. Petitioner seeks a variance to allow for a parking lot and requires relief from the required 100' buffer zone. The property is located in an **BR1 Zoning District**.  
**(Secretary read Legal Notice)**

**Discussion ensued:** **Jack Keilty**, attorney representing applicant, spoke about the project. **Mr. Jim Sheridan** the project manager was also in attendance. Variance is for the development of a parking lot to be utilized by "The Ultimate" apparel shop that is located on the adjacent property. The spots were located to the left of a right of way which takes you to various lots on this property. Spaces were originally to be located by the billiard parlor that is scheduled to be torn down which is on a contaminated site. Would like to move those parking spots to the location shown on the plan filed with the application as the predecessor owes them the parking.

**Fran Gallugi:** Late communication (photos and letters in favor) was not accepted by the Board and cannot be made part of this hearing. Ms. Gallugi also questioned why the applicant is advocating for parking for the abutting property and did not understand the full scope of the project. There was no lease provided showing any agreement for parking. The request is unclear, and more information is needed. There are also taxes owed on the property.

**Barry Osborne:** Also, did not understand why the applicant was in need of relief for parking on someone else's property. The previously granted Special Permit with condition had no mention of parking. Unclear on what is happening with the property and surrounding properties.

**Dan Sencabaugh:** Suggested some representative or the actual owner of the property to be present at the continued date to also help explain from their perspective what's trying to be achieved with this project.

**Attorney Keilty:** Trying to use land currently not owned by The Ultimate, but owned by South Pike and Peabody Alpha, LLC. There are no plans for the back lot other than a by right use, and no designated user or goal.

**Jim Sheridan:** Involved Ralph Caruso who bought the residential parcel in the back and the land where the storage unit site plan was approved and would like to purchase the other two parcels owned by South Pike, LLC. The land cannot be purchase with the 99-year lease, so it was proposed to move the location of the leased parking the Ultimate owners were in agreement with. The site is an eyesore and we would like to clean it up and build an apartment complex in back. We have met with the Mayor and he is in agreement with cleaning the soil.

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

**Stephen Zolotas:** Motion to continue the public hearing.

**Julie Picardi:** Second

**Barry Osborne:** Motion to approve.

**Stephen Zolotas:** Second

**Fran Gallugi:** Roll call vote.

**(5-0) Motions approved. This will be continued at the next ZBA meeting to be held November 16, 2020 and the late correspondence was accepted to be heard at that time.**

4. Application of **Peabody Center LLC, c/o Tiffany Burke**, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 11.5.2, as it applies to the premise known as **300 Andover St., Peabody, MA, Map 029, Lot 008**. Petitioner seeks a variance to erect (2) Wall Signs and requires relief to **square footage allowed**. The property is located in a **BR Zoning District**.  
**(Secretary read Legal Notice)**

**Discussion ensued:** **Mike Wood** spoke in regard to the proposed (2) Wall Signs for Burlington Coat Factory which will be moving from the parcel next door to the present location. Location from the road is set back. Visibility is a concern.

**Fran Gallugi:** Any questions by the Board? Anybody here 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.

**Dan Sencabaugh:** Second

**Fran Gallugi:** Roll call vote.

**(5-0) Motion approved. Variance is granted.**

5. Application of **Tracy Victoria** for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2, as it applies to the premise known as **44 King St., Peabody, MA, Map 084, Lot 023**. Petitioner seeks a variance for two porches and requires relief to **Front Yard Front Porch Setback** where 20' is required and 17.5' is

proposed; **Left Side Yard Front Porch** where 15' is required and 11.5' is proposed; **Right Side Yard Side Porch** where 15' is required and 12.4' is proposed. The property is located in an **R1A Zoning District**.  
(Secretary read Legal Notice)

**Discussion ensued:** **Francisco Vargas** spoke for homeowner, **Tracy Victoria** spoke about the proposed front porch and adding onto side deck. Would like to utilize outdoor space since the Covid pandemic and add value to the home. It will also be good for the 4 year -old daughter with diabetes to get fresh air and sunlight.

**Fran Gallugi:** Any questions by the Board? Anybody here to speak in favor? 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.

**Julie Picardi:** Second

**Fran Gallugi:** Roll call vote.

**(5-0) Motion approved. Variance is granted.**

6. Application of **437 Essex Inc. c/o Attorney J. Patrick Burke** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **12 Glenway Ave., Peabody, MA, Map 115, Lot 200A**. Petitioner seeks a variance for an addition and requires relief to **Rear Yard Setback** where 35' are required and 12.4' are proposed; **Lot Coverage** where 25% is required and 25.2% is proposed. The property is located in an **R1A Zoning District**.  
(Secretary read Legal Notice)

**Discussion ensued:** **Attorney Burke** representing Bass River and 437 Essex Inc. with **Larry Lucignan**, Executive Director of Bass River Group Homes. This is a home and day facility for developmentally delayed adults. The project will is necessary to expand the existing bathroom so that the larger wheelchairs can be used more easily in the bathroom. It's to accommodate the more current needs of the residents and remain compliant with DDA.

**Fran Gallugi:** Any questions by the Board? Anybody here 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 no construction vehicles be allowed to park on Dalton Court.

**Dan Sencabaugh:** Second

**Fran Gallugi:** Roll call vote.

**(5-0) Motion approved. Variance is granted.**

7. Application of **Alexandre Dos Santos**, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.1.5 and 7.2., as it applies to the premise known as **54 Lynn St., Peabody, MA, Map 102, Lot 294**. Petitioner seeks a variance to build a 22' x 20.5' garage and requires relief to **Rear Yard Accessory Structure Setback, Lot Coverage and Accessory Structure Size**. The property is located in an **R1A Zoning District**.  
**(Secretary read Legal Ad)**

**Discussion ensued:** **Christine DosSantos**, homeowner, spoke in regard to the proposed detached garage to replace 20' x 20' garage that had burnt down over a year ago. We do not have enough parking in the winter and own a boat that we would like to boat to the rear of the home. There is storage space planned for above the garage for lawn furniture. The garage we are proposing is 2' longer than what was there before. The height will be in compliance at 20' at the peak.

**Fran Gallugi:** Anybody else here to speak in favor? 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.

**Julie Picardi:** Second

**Fran Gallugi:** Roll call vote.

**(5-0) Motion approved. Variance is granted.**

8. Application of **Bertolino Foods, c/o James Winthrow**, for a Variance from the **Provision of the Zoning Ordinance 2019, as amended, Section 11.5.4**, as it applies to the premise known as **5 Fifth Street, Peabody, MA, Map 090, Lot 030**. Petitioner seeks a variance to erect a Wall Sign and requires relief to **square footage allowed**. The property is located in an **IP Zoning District**.  
**(Secretary read Legal Ad)**

**Discussion ensued:** **Jim Winthrow** gave an overview of the wall sign for the business. He explained the back lighting.

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

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve.

**Dan Sencabaugh:** Second

**Fran Gallugi:** Roll call vote.

**(5-0) Motion approved. Variance is granted.**

### **BUSINESS MEETING**

**Extension request for previously granted variance 7 Dearborn**

**Dan Sencabaugh:** Motion to accept correspondence

**Stephen Zolotas:** Second

**Barry Osborne:** Motion to approve extension

**Dan Sencabaugh:** Second

**Meeting Minutes were approved and seconded by Dan Sencabaugh and Barry Osborne**

**Meeting Adjourned**

**Next Regular Meeting scheduled for November 16, 2020**

78/09

CDM  
~~20.43~~

20.43

**Carla McGrath**

**From:** Jack Keilty <Office@keiltylaw.com>  
**Sent:** Saturday, September 26, 2020 10:10 AM  
**To:** Carla McGrath  
**Cc:** jfriedman@goldmarkllp.com  
**Subject:** [External] RE: 7 Dearborn Road

CITY OF PEABODY  
2020 SEP 28 A 10:18  
CITY CLERK

**WARNING** This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Dear Clerk McGrath, Please accept this letter as my request to be placed on the agenda of the October 19<sup>th</sup> meeting under Business properly before the Board to request an extension of a variance granted under date of October 24<sup>th</sup> 2019 and identified as CDM.19.51. Thank you in advance for your consideration.

**From:** Carla McGrath [mailto:carla.mcgrath@peabody-ma.gov]  
**Sent:** Thursday, September 24, 2020 1:49 PM  
**To:** Jack Keilty <Office@keiltylaw.com>  
**Cc:** jabasheriden@comcast.net  
**Subject:** variance 128 Newbury St.

Good afternoon,  
Your variance application is complete and you will be on the October 19, 2020 Zoning Board of Appeals Meeting Agenda. Please note this meeting will occur remotely through the "Zoom" platform. I will be in touch over the next few weeks with a copy of your full application, instructions on how to log onto "zoom," and a brief overview of the process. If you have any questions please let me know.

Kindly,

**Carla D. McGrath**  
**Clerk**  
**Zoning Board of Appeals**  
**24 Lowell Street**  
**Peabody, MA 01960**  
**978-538-5792**

Massachusetts, do hereby certify that more than twenty days have expired since the filing of this instrument in the City Clerk's Office of the City of Peabody, and that no notice of appeal has been filed with this office in accordance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts.



CITY OF PEABODY  
2019 OCT 24 AM 9:08  
CITY CLERK

ATTEST  
*Timothy E. Spanos*  
City Clerk  
Peabody, Massachusetts

City of Peabody

# Zoning Board of Appeals

NOV 22 2019

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960  
ATTEST: *Timothy E. Spanos* from the records on file in the City Clerk's Office of the City of Peabody, Massachusetts

*Timothy E. Spanos*  
City Clerk

DATE: NOV 22 2019

October 24, 2019  
Building Inspector  
City Hall  
Peabody, MA 01960  
CDM.19.51

Dear Sir:

The Board of Appeals on the application of Seven Dearborn LTD Partnership, 7 Dearborn Road Peabody, Massachusetts, Voted to Allow a Variance with Condition from the Provisions of the Peabody Zoning Ordinance 2017, as amended, Section 6.6.8 as it applies to the premises known as 7 Dearborn Road, Map 078, Lot 019, Peabody, Massachusetts.

Petitioner was granted relief from provisions of the DDD Residential Overlay District, Section 6.6.8. as follows.... Density of 33 units per acre where 20 units are allowed; 295 Parking spaces where 315 are required; Setback from residentially zoned land: 68 feet where 100 feet are required; Max F.A.R. of .87 rather than .5 allowed, all as depicted in Plan of Land prepared by Peter J. Ogren, PLS, dated September 6, 2019.

**Conditions:**

The variance is subject to the compliance of inclusionary zoning.

The Variance is subject to and contingent upon a complete approval by the Community Development Authority. This approval by the Community Development Authority will include review of storm water management, review of sewer and water usage, needs and tie in to existing systems by the Department of Public Services, review of any traffic report, review of building materials, landscaping and aesthetics, including Architectural.

The property is located in a DDD Zoning District.

**Reason:**

- That owing to the conditions especially affecting the property but not affecting the Zoning District in which it is located, Petitioner would suffer substantial hardship, financial and otherwise by literal enforcement of the Zoning Ordinance.
- The granting will not deny public good and will not derogate from the intent or purpose of the Zoning Ordinance.

In accordance with Chapter 40A, Section 17, an appeal of this decision must be filed with appropriate court within twenty days. The last day to file an appeal is November 14, 2019. A certified copy of the Variance may be obtained at the City Clerk's Office on or after November 15, 2019.

A Public Hearing was duly held on Monday October 21, 2019, after being advertised in The Peabody Weekly on October 3, 2019 and October 10, 2019.

Pursuant to the Mass. State Building Code, Section 780 CMR 110.1 (permit application) it is unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by 780 CMR without first filing a written application with the building official and obtaining the required permit therefore. Please contact Inspectional Services at 978-538-5786 before starting any work.

BOARD OF APPEALS

*Box 15*

*Frances Bisazza-Gallucci* / CDM  
Frances Bisazza-Gallucci, Chairperson

- Copies to:
- City Clerk
  - Planning Board
  - Abutters
  - Petitioner

**Note:** Petitioner is responsible for obtaining a Certified Copy of Said Decision from the City Clerk's Office after the 20day appeal period has expired commencing from the time-stamped date of filing in the City Clerk's Office. The applicant must record the decision at the Registry of Deeds in Salem (filing fee). Proof of recording must be submitted to the Building Inspector in order to obtain a Building Permit. This variance as granted is applicable for one (1) year only.

#9

**Carla McGrath**

**From:** Jack Keilty <Office@keiltylaw.com>  
**Sent:** Saturday, September 26, 2020 10:10 AM  
**To:** Carla McGrath  
**Cc:** jfriedman@goldmarkllp.com  
**Subject:** [External] RE: 7 Dearborn Road

CITY OF PEABODY  
2020 SEP 28 A 10:18  
CITY CLERK

**WARNING** This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Dear Clerk McGrath, Please accept this letter as my request to be placed on the agenda of the October 19<sup>th</sup> meeting under Business properly before the Board to request an extension of a variance granted under date of October 24<sup>th</sup> 2019 and identified as CDM.19.51. Thank you in advance for your consideration.

**From:** Carla McGrath [mailto:carla.mcgrath@peabody-ma.gov]  
**Sent:** Thursday, September 24, 2020 1:49 PM  
**To:** Jack Keilty <Office@keiltylaw.com>  
**Cc:** jabasheriden@comcast.net  
**Subject:** variance 128 Newbury St.

Good afternoon,  
Your variance application is complete and you will be on the October 19, 2020 Zoning Board of Appeals Meeting Agenda. Please note this meeting will occur remotely through the "Zoom" platform. I will be in touch over the next few weeks with a copy of your full application, instructions on how to log onto "zoom," and a brief overview of the process. If you have any questions please let me know.

Kindly,

**Carla D. McGrath**  
**Clerk**  
**Zoning Board of Appeals**  
**24 Lowell Street**  
**Peabody, MA 01960**  
**978-538-5792**



CITY OF PEABODY

2018 JUL 18 A 8:26

CITY CLERK

# City of Peabody Zoning Board of Appeals

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

July 17, 2018  
Building Inspector  
City Hall  
Peabody, MA 01960  
CM-18.39

Dear Sir:

The Board of Appeals on the application of Seven Dearborn LTD Partnership, 7 Dearborn Road Peabody, Massachusetts, **Voted to Allow a Variance with Condition** from the Provisions of the Peabody Zoning Ordinance 2017, as amended, Section 6.6.8 as it applies to the premises known as 7 Dearborn Road, Map 078, Lot 019, Peabody, Massachusetts.

Petitioner was granted a variance with condition to allow proposed relief to Setbacks to residential abutters where 100' are required and 68+/- feet are proposed; Max F.A.R. where .5 is required and .87 is proposed; Density where 20 units per acre are required and 33 units are proposed; Parking where 315 spaces are required and 295 are proposed, all as depicted on a Plan of Land prepared by Peter J. Ogren, PLS, dated June 14, 2018.

**Conditions:**

The variance is subject to the compliance of inclusionary zoning.

The Variance is subject to and contingent upon a complete approval by the Community Development Authority. This approval by the Community Development Authority will include review of storm water management, review of sewer and water usage, needs and tie in to existing systems by the Department of Public Services, review of any traffic report, review of building materials, landscaping and aesthetics, including Architecturals.

The property is located in a DDD Zoning District.

**Reason:**

- That owing to the conditions especially affecting the property but not affecting the Zoning District in which it is located, Petitioner would suffer substantial hardship, financial and otherwise by literal enforcement of the Zoning Ordinance.
- The granting will not deny public good and will not derogate from the intent or purpose of the Zoning Ordinance.

In accordance with Chapter 40A, Section 17, an appeal of this decision must be filed with appropriate court within twenty days.

A Public Hearing was duly held on Monday, July 16, 2018 after being advertised in The Peabody Advocate on June 29, 2018 and July 6, 2018.

Pursuant to the Mass. State Building Code, Section 780 CMR 110.1 (permit application) it is unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by 780 CMR without first filing a written application with the building official and obtaining the required permit therefore. Please contact Inspectional Services at 978-538-5786 before starting any work.

BOARD OF APPEALS

*Frances Bisazza-Gallugi* /CDM  
Frances Bisazza-Gallugi, Chairperson

Copies to:  
City Clerk  
Planning Board  
Abutters  
Petitioner

**Note:** Petitioner is responsible for obtaining a Certified Copy of Said Decision from the City Clerk's Office after the 20day appeal period has expired commencing from the time-stamped date of filing in the City Clerk's Office. The City Clerk's fee for this certified copy is \$2.00. The applicant must record the decision at the Registry of Deeds in Salem (filing fee). Proof of recording must be submitted to the Building Inspector in order to obtain a Building Permit. This variance as granted is applicable for one (1) year only.

October

Hi there,

You are invited to a Zoom webinar.

When: Oct 19, 2020 07:00 PM Eastern Time (US and Canada)

Topic: ZBA REGULAR MEETING

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88483648618>

Or iPhone one-tap :

US: +13126266799,,88483648618# or +13462487799,,88483648618#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 346 248 7799 or +1 646 558 8656 or +1 669 900 9128 or +1 253 215 8782 or +1 301 715 8592

Webinar ID: 884 8364 8618

International numbers available: <https://us02web.zoom.us/j/88483648618>

SANJIV SOOD  
130 Newbury Street  
Peabody, MA 01960

CITY OF PEABODY

2020 OCT 15 P 1: 54

CITY CLERK

October 9, 2020

City of Peabody  
Zoning Board of Appeals  
24 Lowell Street  
Peabody, MA 01960

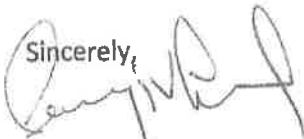
Dear Members of the Board of Appeals:

My name is Sanjiv Sood. I am the majority owner of the property located at 130 Newbury Street on Route One in Peabody. I have been working with the applicant, Jim Sheridan, to help arrange and coordinate additional parking space for the owners of the Ultimate Woman's Apparel Shop, who own and occupy the entire second floor at 130 Newbury Street. It is my understanding that Mr. Sheridan has an interest in purchasing the adjoining/abutting land (Lots 2 and 3), from the current owner of those two properties (as a reference, Lot 2 is where the old Billiards Pool Hall building exists).

However, at issue, there appears to be an existing "lease" for approximately 55+ parking spaces for the Ultimate Woman's Apparel Shop on Lot 2, the Billiards Pool Hall land. This "lease", as I understand it from Mr. Sheridan, makes it impossible for anyone to be able to purchase these two lots. Mr. Sheridan has presented a parking plan to me for Lot 2-2 and Lot 3-3 that would accommodate an additional 24 parking spaces, along with an additional 12 parking spaces along the grass strip abutting our rear parking lot. This plan will satisfy the issue for the Ultimate's parking requirement, and is most acceptable to me.

I would appreciate if the Board would consider and approve this plan, as it will finally solve the long outstanding issue and will be of benefit for all concerned.

Sincerely,



Sanjiv Sood



CITY OF PEABODY  
2020 OCT 15 P 4:54  
CITY CLERK

10/13/2020

Dear Members of the Board of Appeals,

On behalf of the ownership of The Ultimate Inc. located at 130B Newbury St. Peabody, we are in favor of the zoning variance of the properties abutting our parking area.

If the plan is approved, it shows 36 additional parking spaces for The Ultimate. It is a lower number than our existing lease provides for us and we would appreciate consideration for additional spots for us as well. During our busy season, we would use all the additional spaces.

We are in agreement with the demolition and cleanup of the current billiard parlor property.

Thank you,

A handwritten signature in cursive script that reads 'Heather Siegel'.

Heather Siegel  
President  
The Ultimate, Inc.

[www.ultimatewomansapparel.com](http://www.ultimatewomansapparel.com)

978-535-5440

130 Newbury Street - Route 1 South  
Peabody, Massachusetts 01960