

NOVEMBER 16, 2020
REGULAR
ZBA



**City of Peabody
Zoning Board of Appeals**

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

NOVEMBER 16, 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, NOVEMBER 16, 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/81745473632>
- Enter this link into your web browser to open the Zoom website: <https://zoom.us/join>. Enter the meeting/webinar ID# **817 454 73632** 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# **817 454 73632** 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 NOVEMBER 9, 2020.

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

NOVEMBER 16, 2020 AGENDA

ZBA REGULAR MEETING

1. Continued application of **The Residence at Farm Avenue LLC, c/o Attorney Jason Panos**, for a **Chapter 40B Comprehensive Permit Application** as it applies to the premise known as **0 FOREST ST, Peabody, MA, Map 069, Lot 012 AND 27(R) FARM AVE, Peabody, MA, Map 069, Lot 005A**. Petitioner seeks to construct 116 units. The property is located in a **DDD Zoning District**.
2. Continued 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**.
3. Application of **Manny Bettencourt**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **33 Elm Street, Peabody, MA, Map 075, Lot 202**. Petitioner seeks a variance to convert a single family to a 2-family on a corner lot and requires relief to **Front Yard Setback** where 15' are required and 10' are proposed and **Front Yard Setback** where 15' are required and 11' are proposed. The property is located in an **R2 Zoning District**.
4. Application of **DM Cole 2019 Trustees c/o Attorney Athan Vontzalides** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **16 Walker Rd., Peabody, MA, Map 085, Lot 201A**. Petitioner seeks a variance for an addition and open deck to rear of home and requires relief to **Rear Yard Setback** where 35' is required and 22.8' is proposed; **Left Side Yard** where 15' is required and 8.1' is proposed; **Right Side Yard Side Yard** where 15' is required and 5.3' is proposed and **Lot Coverage** where 35% is allowed and 42.4 is proposed. The property is located in an **R4 Zoning District**.
5. Application of **Joseph Flax** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 and 10.5**, as it applies to the premise known as **11 Leonard Rd., Peabody, MA, Map 105, Lot 027**. Petitioner seeks a variance construct a single-family dwelling and requires relief to **Front Yard Setback** where 25' is required and 12.2' is proposed; **Side Yard Setback** where 20' is required and 8.5' is proposed; **Side Yard Side Yard** where 20' is required and 15.2' is proposed; **Minimum Buildable Lot Area** where 10,000 sf is required and 9,314 sf is proposed and **Landscaping** where 2 street trees are required and none are proposed. The property is located in an **R1B Zoning District**.
6. Application of **Christopher LeBlanc** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **50 Ellsworth Rd., Peabody, MA, Map 074, Lot 146**. Petitioner seeks a variance for an addition and requires relief to **Left Side Yard Setback** where 15' is required and 7.5' is proposed; **Lot Coverage** where 30% is allowed and 34% is proposed. The property is located in an **R1A Zoning District**.

CORRESPONDENCE

BUSINESS

Extension request

Acceptance of 2021 Meeting Dates

Acceptance of Meeting Minutes

Next Meeting Date

Adjourn



CITY OF PEABODY
2021 JAN 26 A 11: 27
CITY CLERK

NOVEMBER 16, 2020 ZBA MEETING MINUTES

A regular meeting of the Peabody Zoning Board of Appeals was held virtually on Monday November 16, 2020 at 7:00 via Zoom

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

REGULAR MEETING

(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)

1. Continued application of The Residence at Farm Avenue LLC, c/o Attorney Jason Panos, for a Chapter 40B Comprehensive Permit Application as it applies to the premise known as 0 FOREST ST, Peabody, MA, Map 069, Lot 012 AND 27(R) FARM AVE, Peabody, MA, Map 069, Lot 005A. Petitioner seeks to construct 116 units. The property is located in a DDD Zoning District.

(Letter to request continuance was read into the record and made part of these minutes)

Dan Sencabaugh: Motion to accept continuance and continue to December 14, 2020 7pm

Stephen Zolotas: Second

Motion to approve and continue to December 14, 2020 was made accepted and approved by roll call vote (5-0) in favor

2. Continued 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.

Attorney Keilty: Provided a memo to the Board explaining the status of some of the properties and the location of the different properties. Attorney Keilty gave a brief overview of the three areas of relief being requested. **(Memo was made part of these minutes)**

Barry Osborne: Asked what is the intention of Peabody North when it comes to that section of land? Who did the 90- year lease originate with?

Attorney Keilty: Peabody North will be purchasing Lots 2 by the Billiard Parlor and Lot 3 toward the rear. There is no plan for either Lot, as to what would be going there. There is a storage facility to the far left. The original lease originated with Marchese

Barry Osborne: If we were to grant the variance, we would be granting it for an unknown project. Does Peabody North own the land or are they looking to buy it?

Jim Sheridan: The property with the 90 -year lease (Billiard Parlor) makes that land worthless. I would not buy it. In order to buy the land a deal was worked out with the owners of the Dress Shop to give them parking spots then they will terminate the lease with Marchese and South Pike, at which point I can buy it. I cannot buy it with the lease on there.

Barry Osborne: That will in turn free up the 1.2 acres to combine with the 2.5, which can be a big project we are giving a variance for and we don't know what that project is. The burden is being shifted from the parking spots so you can combine land.

Attorney Keilty: We want to move the parking to a more convenient place for the dress shop. We don't know what the project will be either.

Fran Gallugi: Voiced her opinion on the owners of the Ultimate dress shop being addressed as "the girls" as being offensive. If this variance is so important to the owners why aren't they here?

Attorney Keilty: The owners gave a letter of support.

Barry Osborne: Maybe you should come back to the Board when you know what it is you are doing for a project.

Jim Sheridan: We don't know what project is going to go there.

Fran Gallugi: Just last month Councilor Joel Saslaw had a meeting at a hotel on Route 1 to tell the neighbors what will be build on the land in the rear of these parcels and it was something like 3 apartment buildings with 200+ apartments.

Attorney Keilty: That is a totally different piece of land.

Fran Gallugi: But will that land need access from this land?

Jim Sheridan: We have access from the easement on the residential side.

Attorney Keilty: The variance tonight is to build the two parking lots shown on the plan.

Ed Colbert: This development is close to my home. I have visited the site. I met Jim Sheridan. He explained to me everything he was trying to do. I think it's a good idea and it will clear up the mess that was left there. It is an eyesore. I'm in favor but am not a voting member of the Board.

Jim Sheridan: Spoke about the Storage Facility and the landscaping around it. Both owners of the second floor, dress shop are in agreement.

Stephen Zolotas: Seems like Lot 1 owners are forcing this upon you. It seems like more of a money contractual issue. The owner of Lot 1 is forcing you to get a variance on their land. Are they even using the spaces on Lot 2 right now?

Attorney Keilty: No. They are not.

Jim Sheridan: The current owner of Lot 1 hasn't done anything. I approached the owners of Lot 1. Nothing has been done about the parking spaces for the 7 years since the lease and the current owner has no plans on doing anything. We also want to tear down the billiard building, grade it and then decide if we want to sell it.

Stephen Zolotas: Motion to accept continuance and continue to October 26, 2020 at 7pm.

Julie Picardi: Second

Motion to approve was made, accepted and denied by roll call vote (0-5)

3. Application of Manny Bettencourt, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2, as it applies to the premise known as 33 Elm Street, Peabody, MA, Map 075, Lot 202. Petitioner seeks a variance to convert a single family to a 2-family on a corner lot and requires relief to Front Yard Setback where 15' are required and 10' are proposed and Front Yard Setback where 15' are required and 11' are proposed. The property is located in an R2 Zoning District.

(Secretary Read Legal Notice)

Attorney Vontzalides: Presented the application.

(Presentation was made part of these minutes)

Barry Osborne: Why is there parking on that side when a variance was granted with condition there be no parking?

Attorney Vontzalides: He was unaware of the variance when he bought the house in 2014. He owns both properties now. It's a moot point now. There are letters in support.

Fran Gallugi: Late correspondence was not accepted. Asked if there was anyone in the audience to speak in favor or in opposition. Hearing none the matter is before the Board.

Dan Sencabaugh: Motion to close public hearing

Barry Osborne: Second

Dan Sencabaugh: Motion to approve

Barry Osborne: Second

Motion to approve was made accepted and approved by roll call vote (5-0) in favor

(Stephen Zolotas had to leave and Ed Colbert will now have voting rights)

4. Application of DM Cole 2019 Trustees c/o Attorney Athan Vontzalides for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2, as it applies to the premise known as 16 Walker Rd., Peabody, MA, Map 085, Lot 201A. Petitioner seeks a variance for an addition and open deck to rear of home and requires relief to Rear Yard Setback where 35' is required and 22.8' is proposed; Left Side Yard where 15' is required and 8.1' is proposed; Right Side Yard Side Yard where 15' is required and 5.3' is proposed and Lot Coverage where 35% is allowed and 42.4 is proposed. The property is located in an R4 Zoning District.

(Secretary Read Legal Ad)

Attorney Vontzalides: Presented the application.

(Presentation was made part of these minutes)

Fran Gallugi: Asked if there was anyone in the audience to speak in favor or in opposition. Hearing none the matter is before the Board.

Barry Osborne: Move to close public hearing

Dan Sencabaugh: Second

Barry Osborne: Move to approve

Dan Sencabaugh: Second

Motion to close Public Hearing was made, seconded and approved (5,0)

5. Application of Joseph Flax for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 and 10.5, as it applies to the premise known as 11 Leonard Rd., Peabody, MA, Map 105, Lot 027. Petitioner seeks a variance construct a single-family dwelling and requires relief to Front Yard Setback where 25' is required and 12.2' is proposed; Side Yard Setback where 20' is required and 8.5' is proposed; Side Yard Side Yard where 20' is required and 15.2' is proposed; Minimum Buildable Lot Area where 10,000 sf is required and 9,314 sf is proposed and Landscaping where 2 street trees are required and none are proposed. The property is located in an R1B Zoning District.

(Secretary Read the Legal Ad)

Joe Luna: Architect for the Flack's, Luna Designs is located at 100 Conifer Hill Drive Suite 406 in Danvers, MA. Gave an overview of the project consisting of a total tear down of a pre-existing non-conforming house and reconstruction of a single-family home on an oddly shaped lot.

Fran Gallugi: Voiced her concern with conservation issues, and that the applicant would need to abide by an and all rules set forth by the Conservation Commission.

Joe Flack: Homeowner 11 Leonard Rd. Ensured the Board he would abide by all department requirements, and he had been in contact with Conservation and the City Engineer. A fence will be taken down for better sight which the neighbors also appreciate.

Fran Gallugi: Asked if there was anyone in the audience to speak in favor or in opposition. Hearing none the matter is before the Board.

Barry Osborne: Move to close public hearing

Julie Picardi: Second

Barry Osborne: Move to approve with the condition the owner gets approval from all pertinent departments.

Dan Sencabaugh: Second

Motion to close Public Hearing was made, seconded and approved (5,0)

6. Application of Christopher LeBlanc for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2, as it applies to the premise known as 50 Ellsworth Rd., Peabody, MA, Map 074, Lot 146. Petitioner seeks a variance for an addition and requires relief to Left Side Yard Setback where 15' is required and 7.5' is proposed; Lot Coverage where 30% is allowed and 34% is proposed. The property is located in an R1A Zoning District.

Chris LeBlanc: Homeowner at 50 Ellsworth. Gave an overview of the project which consists of replacing an unsafe deck and building an addition.

Fran Gallugi: Asked if there were any questions by the Board or anyone in the audience to speak in favor or in opposition.

Jarrod Hochman: Neighbor on 52 Ellsworth Rd. spoke in favor of the project.

Fran Gallugi: Asked if there were any questions by the Board or anyone else in the audience to speak in favor or in opposition. Hearing none the matter is before the Board.

Barry Osborne: Move to close public hearing

Julie Picardi: Second

Barry Osborne: Move to approve.

Dan Sencabaugh: Second

Motion to close Public Hearing was made, seconded and approved (5,0) in favor

7. Extension request SAS Capital Management 157 Newbury St.

(Letter requesting a variance extension was read into the record by the Secretary)

(Letter was made part of these minutes)

**Motion to close Public Hearing was made, seconded and approved (5-0)
Extension was granted for 6 months.**

Motion to Accept Meeting Minutes was made, seconded and approved (5-0)

Motion to Accept the 2021 ZBA Meeting Dates was made, seconded and approved (5-0)

Next Regular Meeting December 7, 2020 7pm

Meeting adjourned

THE PANOS LAW GROUP

COUNSELORS AT LAW

CITY OF PEABODY

JASON A. PANOS

J.PANOS@PANOS-LAW.COM

T 978-406-9979

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NOV 16 A 9 21

CITY CLERK

November 12, 2020

DELIVERY BY EMAIL TO:
carla.mcgrath@peabody-ma.gov

Carla D. McGrath,
Zoning Board of Appeals Clerk
Peabody City Hall
24 Lowell Street
Peabody, MA 01960

Re: 27R Farm Avenue/0 Forest Street (Parcel 069-005A; Parcel 069-012)
Comprehensive Permit Application Request for Continuance

Dear Madam Clerk-

The above referenced matter is scheduled for continued special hearing scheduled for November 16, 2020. The Applicant, The Residences at Farm Avenue LLC kindly requests further continuance to any time it is convenient for the Zoning Board of Appeals to conduct its special hearing on December 14, 2020 or after. Please confirm a suitable date.

The project team continues to work diligently through peer review in response to DPS Memoranda of August 15, 2020 and October 19, 2020. Most of our review and the analysis is complete. By way of update, we had a zoom meeting including Weston & Sampson engineers, Mr. Paulitz, Mr. Bellavance, Mr. Capachietti, Mr. Weiss and me on October 28, 2020 to identify outstanding issues regarding the City's water analysis. We expect to receive an additional report from our consultant which allows us to complete our review of the water flow report prepared by the City's consultant, Weston & Sampson. At that point, we expect full responses to the DPS Memoranda by late next week from which time we can move to conclude peer review.

We appreciate, in advance, the Board's accommodation on this request and we look forward to working with it to complete this process in a manner which leaves no outstanding issues in contemplation of closing the Board's hearing on this matter. Please do not hesitate to contact me with any questions or comments.

Very truly yours,


Jason A. Panos

CC: Zoning Board of Appeals
Client
Hayes Engineering, Inc.

MEMORANDUM

CITY OF PEABODY

RE: ZBA – APPLICATION 128 NEWBURY STREET

NOV - 3 A 11:00

CITY CLERK

All references to Lot numbers are shown on the Plan entitled "Site Plan Winona Street & Route 1, Peabody, MA" prepared by Engineering Alliance, Inc. for applicant Circle Storage, LLC. Dated April 13, 2018 which plan is filed with the ZBA application and is in your possession.

1. Beginning on the left or Southerly side of the Plan, the Lot (4A) is 4.28 acres, is owned by Circle Storage, LLC (Ralph Caruso, Manager) and is being developed as a self-storage facility, a by-right use which is currently undergoing "site plan review". Taxes are due and owing on this Lot 4A, and the property is being regraded as a part of soil testing for completion of "site plan review".
2. Lot 3 is 2.59 acres, is owned currently by South Pike, LLC (Richard Marchese, Manager). The future use of this property is uncertain at this time, hotel, medical related services are being considered. Taxes are due and owing on this Lot. This Lot is intended to be purchased b Peabody North, LLC (James Sheridan, Manager).
3. Lot 2 is owned by South Pike, LLC (same as 3), taxes are due and owing, the Lot is 1.24 acres, is currently burdened by a 90 year lease of parking spaces (unbuilt) to the Ultimate, Inc., the owner of the second floor unit at 128 Newbury St. on Lot 1. If ZBA approval is granted, the parking promised here will be as shown on the plan submitted as "24 spaces" to be built and "12 spaces" which will be built out on land already owned by the owners of 128 Newbury Street. Once the parking is resolved, Lot 2 can be sold and the former Country Cue Billiards can be torn down.
4. The land to the West or at the top of the plan is now owned by Race Peabody, LLC and was approved as a single family home subdivision (now expired) and which is the subject of conversations with a nationally recognized builder/developer of apartment complexes.
5. The variances the applicant seeks (3) are shown as the distance from a residential property shown as "Eight Winona Realty Trust" to the area to be built out as parking.
6. You have received two letters of support from the owners of The Ultimate and the owner of the first floor at 128 Newbury. The Ultimate is not the applicant because they do not own the property where their parking will be located. They are supportive of the relocation and resolution of this outstanding issue.

**BOARD OF APPEALS – VARIANCE
MANNY BETTENCOURT
33 ELM STREET, PEABODY
R-2 RESIDENTIAL DISTRICT**

November 16, 2020

I. Good evening. My name is Athan Vontzalides, and I'm an attorney practicing law at 246 Andover Street in Peabody.

I appear on behalf of the applicant with respect to this evening's variance request.

II. The existing dwelling, at 33 Elm Street, is a one-story, split entry, which was constructed with the benefit of a variance issued in October of 1985.

The dwelling is situated in the R-2 zoning district. It contains five rooms, three of them being bedrooms, along with two full baths, a kitchen and living room, and it contains approximately 2,000 square feet of area.

If you're familiar with this area, you would see that all of the abutting homes to this property, as well as the surrounding homes, are two-family dwellings, which in essence, leaves the applicant's property out of character to the surrounding neighborhood.

In addition, and as you can see from the assessor's map, which is attached to our application, the great majority of the surrounding two-family dwellings are situated on lots that contain less than the required 7,500 square feet of area.

III. There is currently a high demand for affordable apartments, but not a lot of demand for renting out a 3-bedroom single family home.

**BOARD OF APPEALS
DON AND MARILYN COLE
16 WALKER ROAD, PEABODY
R-4 MULTI-FAMILY ZONING DISTRICT**

November 16, 2020

I. Good evening. For the record, my name is Athan Vontzalides, and I'm an attorney practicing law at 246 Andover Street in Peabody.

I appear this evening on behalf of the applicants, with respect to this evening's variance request.

II. Mr. Cole has owned this property since 1974, and he constructed his home on the lot in 1986. He has lived here for the last 34 years, and now he and his wife desire to remain in this dwelling during their retirement years.

The existing dwelling is a one and a half story single family, which contains approximately 1,800 square feet of living area.

Due to the age of the home, they desire to perform various renovations to the property, one of which is to construct, at the rear of the home, an approximately 390 square foot sunroom, along with an unenclosed exterior deck, all as shown on our submitted site plan.

III. Our property is in a unique zoning district, taking into consideration that the majority of the homes in this neighborhood are single family. Our property is in the R-4, multi-family zoning district, which requires 30,000 square feet of area per lot.

However, as you can see from the assessor's map which is attached to the application, all of our surrounding lots are only 5,000 to 6,000 square feet.

As a result, nothing can be built on these lots without some form of variance relief, which creates a substantial hardship to the applicants.

IV. As I stated in the application, the existing dwelling was constructed with the benefit of a variance that was granted in 1986.

With respect to the proposed sunroom and deck, this addition will have larger side yards than the existing dwelling.

And with respect to the rear yard, our rear yard abuts the Calvary Baptist Church's parking lot, so, in essence, the requested relief can be granted without any adverse effect to the abutting properties.

As I stated earlier, the applicants have been long-term Peabody residents. They desire to remain here during their retirement years, and are just looking to improve and modernize their home.

I do have Mr. Cole with us this evening and together we will try to answer any questions that the Board or the public may have.

Thank you.

CITY OF PEABODY
2020 NOV 16 A 9 25
CITY CLERK

November 12, 2020

David Santos
30 Elm Street
Lot Number 075-201
Peabody, MA 01960

Dear Zoning Board of Appeals:

I am a neighbor at 30 Elm Street and want to let the Zoning Board of Appeals that I have no issues with Manny Bettencourt turning his 33 Elm Street property from a single family into a two family home.

I wish him the best.

Sincerely,

David Santos



CITY OF PEABODY

NOV 16 A 9 25

CITY CLERK

Mr. Jose C. Silva

43 North Shore Avenue

Danvers, MA 01923

November 12, 2020

RE: 33 Elm Street Variance

To Whom It May Concern:

I, Jose Silva, owner of 58 Wallis Street, Peabody, am writing in favor of the project that Mr. Manny Bettencourt is proposing for 33 Elm Street.

I have lived across the street at 28 Elm Street for 10 plus years which my parents still own the property. I have known Mr. Bettencourt from the neighborhood for 30 plus years. He is an asset to the neighborhood by buying and improving the properties.

This project is not changing any of the footprint of the structure and therefore, I am in favor of converting this single family into a two-family.

Thank you,



Jose C. Silva



CITY OF PEABODY

City of Peabody

NOV 17 10 37

Zoning Board of Appeals

CITY CLERK

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5792

November 17, 2020
Building Inspector
City Hall
Peabody, MA 01960
CDM 20.43A - 19.63

Dear Sir and/or Madam:

The Board of Appeals on the extension request by SAS Capital Management, **Voted to Allow a six month extension in regard to previously granted variance dated December 17, 2019** as it applies to the premises known as 157 Newbury St, Peabody, MA, **Map 047, Lot 041**. This variance will now expire on June 17, 2021.

A Public Hearing was duly held via remote participation on Monday November 16, 2020.

BOARD OF APPEALS

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

Copies to:
City Clerk
Planning Board
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.

S A S CAPITAL MANAGEMENT, INC.
157 Newbury Street
Peabody, MA 01960-3218
October 30, 2020

CITY OF PEABODY

NOV -2 A 11: 31

CITY CLERK

Zoning Board of Appeals
City of Peabody
c/o Carla McGrath
10 Lowell Street
Peabody, MA 01960

Board Members:

Due to circumstances beyond our control, S A S CAPITAL MANAGEMENT, Inc. could not proceed with the Variance granted on December 17, 2019, in a timely manner.

S A S CAPITAL MANAGEMENT Inc. hereby requests the Zoning Board of Appeals grant a 1 year extension.

Our inability to proceed resulted from S A S not being able to close on the sale of the property to the Buyers, once the 21 day Appeals period had expired without appeal, as was a condition of the Purchase and Sales Agreement. Further, it was the Buyer's responsibility to obtain Planning Board approval as part of their pre-construction engineering. Although S A S had applied for a Variance in February, 2019, the City requested Planning Board approval first. Ultimately, the ZBA granted a Variance on December, 17, 2019, with the condition that Planning Board approval would be obtained.

To explain our situation: during the preparations for the Closing, an error in the Title was discovered. A Release of a Past Mortgage incorrectly cited another property. Not only was the Closing put on hold, but also all relevant pre-construction engineering. The previous Mortgage Holder passed away some years ago leaving no Authorized Representative to execute a corrected Release. To complicate matters, my brother, John, who played a part in obtaining the original Release, has passed away. That has left S A S pursuing the Title matter in two probate processes. In this Pandemic, it is impossible to give an accurate timeline, hence the one year extension request.

We hope that by providing the explanation to the ZBA, the Board may act on our Request.

Louis Karamas
for S A S CAPITAL MANAGEMENT, Inc.

cc Andrew Levin, City Planner
Curt Bellavance, Director of Community Development
Robert Labossiere, Director, Department of Public Services
Albert Talarico, Building Commissioner

S A S CAPITAL MANAGEMENT, INC.
157 Newbury Street
Peabody, MA 01960-3218
October 30, 2020

CITY OF PEABODY

NOV - 2 A 11: 30

CITY CLERK

Zoning Board of Appeals
City of Peabody
c/o Carla McGrath
10 Lowell Street
Peabody, MA 01960

Board Members:

Due to circumstances beyond our control, S A S CAPITAL MANAGEMENT, Inc. could not proceed with the Variance granted on December 17, 2019, in a timely manner.

S A S CAPITAL MANAGEMENT Inc. hereby requests the Zoning Board of Appeals grant a 1 year extension.

Our inability to proceed resulted from S A S not being able to close on the sale of the property to the Buyers, once the 21 day Appeals period had expired without appeal, as was a condition of the Purchase and Sales Agreement. Further, it was the Buyer's responsibility to obtain Planning Board approval as part of their pre-construction engineering. Although S A S had applied for a Variance in February, 2019, the City requested Planning Board approval first. Ultimately, the ZBA granted a Variance on December, 17, 2019, with the condition that Planning Board approval would be obtained.

To explain our situation: during the preparations for the Closing, an error in the Title was discovered. A Release of a Past Mortgage incorrectly cited another property. Not only was the Closing put on hold, but also all relevant pre-construction engineering. The previous Mortgage Holder passed away some years ago leaving no Authorized Representative to execute a corrected Release. To complicate matters, my brother, John, who played a part in obtaining the original Release, has passed away. That has left S A S pursuing the Title matter in two probate processes. In this Pandemic, it is impossible to give an accurate timeline, hence the one year extension request.

We hope that by providing the explanation to the ZBA, the Board may act on our Request.

Louis Karamas
for S A S CAPITAL MANAGEMENT, Inc.

cc Andrew Levin, City Planner
Curt Bellavance, Director of Community Development
Robert Labossiere, Director, Department of Public Services
Albert Talarico, Building Commissioner