

FEBRUARY 24, 2020
REGULAR
ZBA



City of Peabody Zoning Board of Appeals

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

FEBRUARY 24, 2020 ZBA AGENDA LEGAL NOTICE

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

REGULAR MEETING

1. Continued 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**.
2. Application of **Black Roof Properties LLC, c/o Jeffrey Moll** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **19 Samoset Rd., Peabody, MA, Map 032, Lot 091**. Petitioner seeks a variance to **Side Yard Setback** where 10' are proposed and 20' are required. The property is located in an **R1 Zoning District**. This is a variance for an open deck.
3. Application of **Craig and Rachel Childress**, for a **modification** to a previously granted **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2** as it applies to the premise known as **7 Longwood Ave., Peabody, MA, Map 124, Lot 168**. Petitioner seeks a variance and requires relief to **Side-Yard** where 15 feet are required, and 9+/- feet are proposed; **Rear-Yard** where 35 feet are required, and 18 feet are proposed. The property is located in a **R1A Zoning**
4. Application of **Joe Sabelli**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.1.5**, as it applies to the premise known as **13 Will Sawyer Rd., Peabody, MA, Map 098, Lot 050**. Petitioner seeks a variance to build a (detached garage) **Accessory Structure** where **500 sf is allowed, and 624 sf is proposed**. The property is located in an **R1B Zoning District**.
5. Application of **Robert Brock**, 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 MARYVALE LANE, Peabody, MA, Map 008, Lot 084**. Petitioner seeks to build a two-car garage and requires a variance to **Side Yard Setback** where 6' are proposed and 20' are required. The property is located in an **R1 Zoning District**.

6. Application of **Gina Capano and Saverio Fulciniti c/o Attorney 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 **10 Naumkeag Rd., Peabody, MA, Map 007, Lot 070**. Petitioner seeks to construct a new dwelling and requires a variance for **Lot Coverage** where 25% is allowed and 30.4% is proposed; **Lot Area** 15,130 sf where 20,000 sf is required; **Lot Frontage** 119.7 where 125' is required. The property is located in an **R1 Zoning District**. This is a demo and new construction of a single-family 2-story home.

7. Application of **Edward and Angela Schrage**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2** as it applies to the premise known as **7 Reed Road, Peabody, MA, Map 061, Lot 055**. Petitioner seeks a variance and requires relief to **Rear-Yard Setback** where 35 feet are required, and 31.9' feet are proposed. The property is located in a **R1B Zoning District**. This is a request to build an 8' x 28' addition to the rear of the home.

BUSINESS MEETING

Motion to revise 40B Application Distribution List
Acceptance of Meeting Minutes

REPORTS

NEXT REGULAR MEETING MARCH 16, 2020

Carla D. McGrath, Clerk
Posted: February 1, 2020



FEBRUARY 24, 2020 ZBA MEETING MINUTES

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

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

NEXT REGULAR MEETING, MONDAY, MARCH 16, 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 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**.

(Secretary Read Legal Ad)

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 n behalf of LCI Management of 18 Sargent Street in Gloucester. We are here to seek same variances that were before this board at our meeting of one January 27th. Following the January 27th meeting we had a neighborhood meeting on site on February 3rd. We will have a special permit hearing on March 12th before the Peabody City Council and we have filed with the Conservation Commission and we will be before the Conservation Commission with a request for determination on that'll also be on March 11th. The issue before you this evening is the grant of two variances, one which is to allow a 40-foot setback for the front yard of the property which is I'm sorry a 30-foot setback where 50 is required. That 30 was set in the special permit back in 1993. The then builder developer had decided that they would set the building at the same distance back as the residences that were there at the time and so the City Council allowed them to have that same front setback. The other variance that we're seeking is minimum rear setback where 50 is required. We're asking for 40 and this is something that occurred after the building was built. We have decided that we are going to do a 190 by 97 addition which will be at the same setback as the existing structure and then we will build a building connected to the original building that will appear to be in every sense the same quality material the same type of material. In any event we had our neighborhood meeting on the 3rd of this month and at that we discussed issues such as the hours of operation. We were hoping to be 24/7 we have agreed that we would reduce those hours to 7:00 a.m. to 8:00 p.m. We were hopeful that that would be satisfactory to our neighbors. We discussed the location of the building and whether or not it ought to move back closer to the neighborhood. That didn't seem to make any sense and I think when we finished with that neighborhood meeting that was rejected. We discussed the location of a set of loading doors. We discussed the fact that which are at the rear of the premises, but they are not. There is no loading dock which would require trucks to back up to it and then offload. It is at the same level as the sidewalk. It'll be sliding plexiglass doors that will slide open and people can bring their storage into the facility. There are no entry ways but for this particular entryway I'm discussing with you now there's no access to these buildings all the way around the building. In other words, you come in you go through those sliders. Once you're in the premises you determine which floor you're going to be on, and you travel with your materials through the aisles that are located within the inside of the building. So, there's no traffic in terms of human or cars or people accessing storage units from the exterior. None of that occurs. We talked about car trips. We said that at peak hour we would possibly generate seven trips per hour. At the peak hours of the day our experience is that there are about seven to twelve trips per week in one of these facilities because once people have paid their rent and located their materials inside the premises they seldom visit it unless it's out of necessity or unless they're

bringing something more there or get or procuring something. We explained that we have no U-Haul rental out of this facility. So, there'll be no U-Hauls left on site after we've closed. We discussed our I'm sorry I said hours of operation, but we also discussed that we would be bound by the hours that the building Commissioner's Office places on construction. There's no Sunday construction. It's generally 7:00 a.m. to construction is 7:00 a.m. to 6:00 p.m. and then on Saturday 7:00 a.m. to 7:00 a.m. to about I think 5:00 p.m. is I think all they allow you perhaps even four but those are in writing at the Commissioner's Office and my discussions with Commissioner Talarico as will be bound by those and we will not be asking for any we're not going to be asking for any relief from Sunday we are we also discussed on the westerly side and it was some thought that it was going to actually be a loading dock with trucks but it will not be. It'll be excessively it would be a ground level and we'll be able to access that without difficulty. I talked about the two fences talked about the reduction. I talked about rebuilding the fence and those seem to be the highlights and the thing that I didn't get to was the lights will shut off at night when we close our doors and the only lights that will remain would be a couple of lights on in the building that would allow the parking lot to be but not freestanding lights but allow if anybody was patrolling or you know was on the property that would be able to see their way around the building but they will not be freestanding in any lights that we put on the premises. They're all going to shine toward the building or down to the ground. We're happy if the board wants to condition this permit with hours of operation. We'd be happy to do that. I think that the eventually the City Council will probably do that but when we go before the City Council it will be for a modification of a special permit. The 1993 special permit states that even if your use is allowed which this is, we will need to go back and revisit the special permit and have this use allowed. So, with that I'm happy to answer any questions that the board may have. I think I covered most just about all of the issues that we discussed at the neighborhood meeting and I'm happy to answer questions that the Board may have.

(Attorney Keilty gave a brief overview after the Board was alerted those on tv could not hear him)

Fran Gallugi: Anyone to speak in favor? Opposition? Hearing none the matter is before the Board.

Stephen Zolotas: Motion to close the public hearing.

Dan Sencabaugh: Second

Stephen Zolotas: Motion to approve with the condition of the hours of operation being 7 a.m. opening to 8 p.m. closing.

Dan Sencabaugh: Second

Fran Gallugi: Roll Call Vote (5-0) Variance granted with condition.

2. Application of **Black Roof Properties LLC, c/o Jeffrey Moll** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **19 Samoset Rd., Peabody, MA, Map 032, Lot 091**. Petitioner seeks a variance to **Side Yard Setback** where 10' are proposed and 20' are required. The property is located in an **R1 Zoning District**. This is a variance for an open deck.

(Secretary read the Legal Notice)

Luke Rowan: Good evening members of the board and madam chairperson. My name is Luke Rowan. I'm the attorney on behalf of Black Roof Properties LLC and its principal Jeffrey Moll who is here in the audience if you'd like to ask him questions after I finished my presentation. I understand the Board's short on time so being respectful of that we're looking for a side setback from what's effectively 20-foot setback to a 10-foot setback for preexisting non-conforming open deck an addition to the open deck. In actuality if you look at the pictures submitted specifically the ones showing the old the new construction of the deck you'll see that the reddish brownish dark old existing is actually only 13 feet already off so it's previously non-conforming. The new according to the plan that's been submitted the plot plan would only be 10 feet effectively. We're not degrading the zoning in any way shape or form and I will submit to the Board that it was an absolute mistake that this was not undertaken with the proper zoning setback when the permits were pulled. There was a contractor error. As soon as the error was discovered construction stopped and we came before the board seeking the pound of juror as opposed to the ounce of prevention. Very apologetic and appreciative of the fact that that's not the way it's supposed to be done. We acknowledge this but what we're looking for is a very marginal small de minimis almost setback for an open deck that's only going to be a foot or so off the ground which will of course increase you're the property in the neighborhood and the tax basis to the city of Peabody. Again, my client is here if you'd like to ask any questions of him and we do extend our sincerest apologies for the misunderstanding. We're not trying to skirt the process. An error was made by the contractor. The contractor and my client are obviously taking that up but we're here hoping to not have to take down the existing 5-foot addition on a deck that is already previously non-conforming for what effectively is a 3-foot discrepancy from what's already there. That being said I'm respectful the time any questions I'm happy to answer the best I can and again my client is here if you'd like to have him answer any questions.

Fran Gallugi: Okay, so as I understand it and I appreciate your apology, however you built this extending.... extension of your deck without a building permit. You pulled a permit for inside work only the building inspector who was across the street happened to notice that you were doing some building outside and caught your mistake so you didn't catch the mistake the building inspector caught your mistake and here you are tonight asking forgiveness after the fact. I do have a couple of questions. So, is your client going to live here?

Attorney Rowan: No ma'am this is a property to be renovated and sold. My client is not going to live there and just for clarification if I may, we're not disputing that we caught the error there was an error that was made. As soon as it was caught.... we're trying to correct it it's obvious that we're not going to have I think it stands to reason that logically no one is going to pull a permit for interior work only have something done to the exterior as respectfully minor is a deck and then try to hide it. In other words, it was truly an error that was made. Nobody was attempting to not pull a proper permit.

Fran Gallugi: I get it...believe me I get it, but it was built and... you would continue to build it and finish it if the building inspector didn't come and check this out and see it. That's my opinion as far as I'm concerned that's borderline fact. The fact of the matter is you need a variance after the fact and what I think would be a better solution to this is remove it and perhaps build some stairs and then you don't need a variance. But at this point in time it's built. You're asking for forgiveness after the fact. Obviously, you're working with the builder he should have had full concern with the zoning laws and the setbacks and everything else and he didn't. And here you are and I cannot be moving forward on this.

Attorney Rowan: Okay so if I may be clear madam, you're not putting this for a vote?

Fran Gallugi: No...we are gonna put it for a vote I'm just not for it.

Attorney Rowan: Sorry I misunderstood you.

Fran Gallugi: Any question or concerns by the board at this point? Anybody in the audience...

Dan Sencabaugh: Through the chair. Could you just explain to me... I do understand that your client is not going to be living at this property could you I guess I have a question as to are they in the business of developing like a house flipping business.... So, you know is this their first project and I'm just kind of curious as to the experience that the builder had in this the owner had and also the contractor had in this situation.

Attorney Rowan: I can't speak specifically to the contractor I can speak to the builder...he is reputable, and he has done these building projects before. The actual crux of the problem is it was believed to be a 10-foot setback and it wasn't obviously at emphasize but it's a 20-foot setback. I haven't... I've just sort of come involved with this today. I'm unaware of ...I haven't actually spoken with the contractor personally and I assure you I will regardless of what this board decides, but this was... my client does a number of projects in a number of municipalities. This is one of the ones that as much as I hate to admit it simply slip through the cracks with an error and so I understand I understand the Board's position and the chairperson's position but we're talking about a three-foot setback on a 1-foot high deck. We're not talking about seeking some extraordinary amount of relief this is almost a minimus. Understanding it's still relief being sought but it's not a grievous error.

Dan Sencabaugh: Council has your client built in Peabody before?

Attorney Rowan: My client has built in Peabody before, but I believe it's been some number of years going back four or five years. Typically, he builds in Middleton, Revere, Lynnfield, Peabody...just doesn't and...

Fran Gallugi: That's great but if you're building and it sounds like he's built many times before and these are just regulations and common sense that should be abided by.

Dan Sencabaugh: Through the chair. Attorney you've referred to a three-foot a setback discrepancy but the plan that I'm looking at shows that the deck under construction is that the corner the deck is ten feet from the lot line and the corner of the house is eighteen point seven feet so while I agree that the house is a preexisting non-conforming structure it looks to me as though the deck encroaches on that setback almost nine feet more than the houses is currently situated. So, I guess what where is the three feet number that you've referred to a couple of times? Where does that come from?

Attorney Rowan: Okay, specifically in one of the pictures in the package I'm gonna sort of show the Board so you can see it. The one showing the existing work with the new work I believe it's the second picture submitted... I'm not... that's correct...that's the picture sir that one if you look at the new work where it abuts the old work drawing or taking in line from the corner of the old work to the fence is where you're getting 13 feet. With the new proposed which is that's shown on the plot plan which would be from the point of the half constructed new deck. You're getting the 10 feet. So, if I may point...
(in audible)

Attorney Rowan: Correct. That's exactly right. It was simply a matter of squaring deck off with the edge of the house. So, you could have stairs that come out of the door rather than going down onto the deck. It was more of an aesthetic thing than anything else and it's just we would honestly prefer not to have to tear the work down and put stairs which madame chairperson acknowledged that would be an alternate solution.

Fran Gallugi: Is the sliding glass door brand new?

Attorney Rowan: I believe the sliding they are French doors and I believe they are new.

Fran Gallugi: So, in order for this to look the way it looks with the sliders you had to extend the deck. So, the sliders went on let's extend the deck. Once again, you're asking for a variance after the fact which the builder should have already known.

Attorney Rowan: Are there any further questions by the Board? My client would like to speak if that's acceptable.

Jeffrey Mullen: My name is Jeffrey Mullen, the owner of Black Roof. On this particular project I use a lot of different contractors. This happens to be a newer contractor. We just did a project we added a deck whereas a 10-foot setback just every season he just took it for granted it was ten feet. He made a mistake. He thought it was a 10-foot setback but it wasn't it's a 20 foot all I'm trying to do is have a slider which we could walk on the side of rather than walking down to walking this is and walking back up the slide...

Fran Gallugi: I don't want to interrupt you ... I understand that. I know it's a mistake Oh the builder made a mistake but if we let every builder that came here that made a mistake go through there's no reason to have a Zoning Board. Okay it's a mistake it's wrong you're now asking for forgiveness. I get all that. You put in the slider... you needed to extend the deck... you don't have a variance before the fact whoever it was that did it should have said before they built oh

look let's take some measurements this doesn't look right. We get it. You can talk from now till doomsday it was a mistake. We get it's a mistake however it's a mistake and we have denied applicants for lesser infractions, so you know we get it.

Jeffrey Mullen: This is in a yar...it's very private. There's a privacy fence 30-foot trees. I spoke to their neighbor. It doesn't really affect anybody or anything or anybody.... I don't even know why a bothered with you! (inaudible)

Fran Gallugi: Thank you...Okay I think right now we are going through parliamentary procedure. We are going to table this right now and we're going to wait and we're gonna hear this and vote on this at the end of the meeting. So, you may sit down sir.

3. Application of Craig and Rachel Childress, for a modification to a previously granted Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 as it applies to the premise known as 7 Longwood Ave., Peabody, MA, Map 124, Lot 168. Petitioner seeks a variance and requires relief to **Side-Yard** where 15 feet are required, and 9+/- feet are proposed; **Rear-Yard** where 35 feet are required, and 18 feet are proposed. The property is located in a **R1A Zoning (Secretary read the Legal Notice)**

Rachel and Craig Childress: We're here basically for a modification of the variance that we came for in September which was we are planning an addition because we currently have a two-bedroom house and we need more space for both the birth of our second child last year and Craig's mom will be permanently moving in with us very shortly so we need the space to accommodate. The variance that we were approved for was 18 feet in the back, we're 35 were required and 3 feet on one side we're 15 are required. So, after going back and forth with the engineer and the contractor it was determined if we simply shift the proposed addition about six feet to the left further away from the property it would reduce the need well it would completely eliminate the need for us to dig a full foundation. We wouldn't have to tear down the retaining wall and rebuild it and it would drastically reduce the amount of time that we would need to be in our neighbor's driveway doing all the addition work. So, that is why we're asking for the same 18 feet from the back and now 9 feet from the side.

Fran Gallugi: You spoke to your neighbors about this?

Rachel Childress: Yes. They've all written us letters of support.

Fran Gallugi: Anyone to speak in favor? 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) Variance granted.

4. Application of Joe Sabelli, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.1.5, as it applies to the premise known as 13 Will Sawyer Rd., Peabody, MA, Map 098, Lot 050. Petitioner seeks a variance to build a (detached garage) **Accessory Structure where 500 sf is allowed, and 624 sf is proposed.** The property is located in an **R1B Zoning District.**

(Secretary read the Legal Notice)

Stephen Zolotas: Through the chair. Just before we begin, I do... about this neighborhood... I'm not within 300 feet. I do have some family that is it's not gonna impact my ability to vote on this. I don't believe I'm conflicted.

Attorney Vontzalides:

(Please see Attorney Vontzalides statement attached to these minutes.)

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

Dan Sencabaugh: Motion to close the public hearing

Stephen Zolotas: Second.

Dan Sencabaugh: Motion to approve.

Stephen Zolotas: Second.

Fran Gallugi: Roll call vote. (5-0) Variance granted

5. Application of Robert Brock, 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 MARYVALE LANE, Peabody, MA, Map 008, Lot 084. Petitioner seeks to build a two-car garage and requires a variance to **Side Yard Setback** where 6' are proposed and 20' are required. The property is located in an **R1 Zoning District.**

(Secretary Read Legal Notice)

Rob Brock: Good evening everyone Rob Brock Maryvale Lane. I was at the November 18th meeting. I was asking for relief on the left side of the property for a garage with the room above those plans did not meet with the character of the neighborhood, so we completely revised the plans. We are still asking for the six feet or relief to the left side of the property we are proposing now a single-story garage with additional living space to the rear. We will be expanding an existing room that will tie to the garage. If you look at the drawing, the garage will

now sit lower than the existing house. I feel like these plans definitely meet with the character of the neighborhood and we also spoke with the neighbor at 8 Maryvale and we agreed that we would replace a fence with no cost to her and that's it.

Fran Gallugi: We also are going to read a letter from Rayanne Evitts into the record dated February 20, 2020.

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

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

Dan Sencabaugh: Motion to close the public hearing

Stephen Zolotas: Second.

Dan Sencabaugh: Motion to approve.

Stephen Zolotas: Second.

Fran Gallugi: Roll call vote. (5-0) Variance granted

6. Application of Gina Capano and Saverio Fulciniti c/o Attorney 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 10 Naumkeag Rd., Peabody, MA, Map 007, Lot 070. Petitioner seeks to construct a new dwelling and requires a variance for **Lot Coverage** where 25% is allowed and 30.4% is proposed; **Lot Area** 15,130 sf where 20,000 sf is required; **Lot Frontage** 119.7 where 125' is required. The property is located in an **R1 Zoning District**. This is a demo and new construction of a single-family 2-story home.
(Secretary Read Legal Notice)

Attorney Vontzalides:

(Please see Attorney Vontzalides statement attached to these minutes.)

Fran Gallugi: Any questions by the Board? 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. (5-0) Variance is granted

7. Application of **Edward and Angela Schrage**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2** as it applies to the premise known as **7 Reed Road, Peabody, MA, Map 061, Lot 055**. Petitioner seeks a variance and requires relief to **Rear-Yard Setback** where 35 feet are required, and 31.9' feet are proposed. The property is located in a **R1B Zoning District**. This is a request to build an 8' x 28' addition to the rear of the home.

(Secretary Read Legal Notice)

Angela Schrage: Good evening members of the Board. I'm Angela Schrage and I live at 7 Reed Road. I'm proposing to build an addition. I don't have the setbacks to the rear. I only have 31.9 feet and I need 35 and we are looking to gain more living space.

Dan Sencabaugh: Through the chair. It looks like you have a drain easement to the left side of your property as you face it. I assume that's why you can't build over there?

Angela Schrage: That's one of the reasons correct.

Fran Gallugi: Anybody in the audience to speak in favor? In opposition?

Linda Shaw: Hi my name is Linda Shaw and I'm the neighbor from 7 Downing Road the letter says Trask or Reed but

(Discussion ensued)

Fran Gallugi: Any questions by the Board? 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. (5-0) Variance is granted

Fran Gallugi: Is there anything else you'd like to add?

Attorney Rowan: I'd like to say madam chairperson is that other than when people get a little heated and I apologize on behalf of us getting a little heated what happens sometimes is that we're looking for a little bit of cure for a very small problem. I understand everything with regards to what you've said and I respect that. All I'm trying to say is that in this particular case this isn't a development run amok. This is an itty bitty small....

Fran Gallugi: I said we do understand that but you have to also understand and listen to what I said before we have had we have had people come before us that you know had to move a shed for a foot and it was built after the fact. They come to get a variance this was also an experienced builder. The fact of the matter is we acknowledge it's a mistake but these mistakes have to be halted especially with experienced builders. So, we can either take a vote now or you can decide to maybe continue this.... you can maybe build the stairs... you can do I mean I'm going to give you an opportunity to decide if you want us to take a vote right now or if you want to change this on your own.

Attorney Rowan: Can you give me one minute with my client?

Fran Gallugi: Yes.

Attorney Rowan: Thank you. I've conferred with my client. My client would ask that you take a vote now. I would only like to add one thing in the event we are trying to halt mistakes and errors at some point in time though there's an error that must be forgiven and in my request to this board is that this is that simple time not a massive problem that was a project I understand

Stephen Zolotas: Motion to close the public hearing

Julie Picardi: Second

Stephen Zolotas: Motion to approve.

Fran Gallugi: Roll call vote please. (0-5) Variance is denied

Dan Sencabaugh: I just want to go on the record and say that had had this been brought had this application been brought before us prior to the construction when I look at the plot plan I do see a hardship I see that the you know the shape of the of the lot it was a preexisting non-conforming structure in the first place and it's it's not all that much more non-conforming by bringing the deck out to be even with the house I would have voted in favor of this had this been done and I just I feel uncomfortable setting a precedent allowing the variance after the fact and for that reason and that reason only I do have to vote no. Having said that I just want to put that on the record you can use that to your you know use that how you want to use it take it how you want to take it but I I have to vote no.

Julie Picardi: And I agree with everything Dan just said and I too have to say no.

Ed Colbert: I also see the application as being a little misleading it was filled out by the owner there's a contractor doing the work but yet on paragraph 13 in the application it states so I can walk out of my sliding doors onto my deck but you stated earlier that the house is gonna be resold. I suspect that that was simply an in-form out so just you know there's a little maybe dishonesty going on here to get this passed.

Attorney Rowan: Respectfully I don't think we can presume dishonesty I think we can presume a mistake.

Ed Colbert: My vote is no.

Stephen Zolotas: For all the other reasons mentioned already I'm a no.

Fran Gallugi: No. petition is denied. Thank you have a nice evening.

BUSINESS MEETING

Motion to revise 40B Application Distribution List – Motion accepted.
Acceptance of Meeting Minutes

Stephen Zolotas: Motion to revise 40B Distribution List

Dan Sencabaugh: Second

Stephen Zolotas: Motion to adjourn

Dan Sencabaugh: Second

Stephen Zolotas: Motion to accept Meeting Minutes

Dan Sencabaugh: Second

Stephen Zolotas: Motion to adjourn

Dan Sencabaugh: Second

Fran Gallugi: Meeting is adjourned.

REPORTS

NEXT REGULAR MEETING TBD

Carla D. McGrath, Clerk

February 20, 2020

RE: Proposed addition at 10 Maryvale Lane

CITY OF PEABODY
2020 FEB 20 AM 10:06
CITY CLERK

To the Zoning Board of Appeals Members,

Since I am unable to attend the meeting on Monday February 24, 2020, I wanted to write this letter to let the board know I have reviewed the revised plans submitted without the second story and have no oppositions to the revisions.

Sincerely,



Raeann Evitts
8 Maryvale Lane
Peabody, MA 01960

**BOARD OF APPEALS – VARIANCE
JOSEPH AND TERRY SABELLI
13 WILL SAWYER STREET, PEABDOY
R-1B ZONING DISTRICT**

February 24, 2020

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

I appear on behalf of Joseph and Terry Sabelli with respect to this evening's variance request.

II. Mr. and Mrs. Sabelli have resided in Swampscott for the last 25 years. Their home in Swampscott is a large contemporary, containing approximately 4,500 square feet of area.

All of their children are now grown, and the petitioners are coming into their retirement years, so it's now time to downsize.

Terry Sabelli actually grew up in this Peabody neighborhood, just one street over on Lynch Street. Now that it is time to downsize, she would like to come back to the City of Peabody.

III. The Sabelli's have owned the property at 13 Will Sawyer Street, for approximately 13 years. And like the majority of the homes in this neighborhood, it is a small one story ranch with no garage.

Being in New England, the petitioners desire to construct a 2-car garage to protect their vehicles from inclement weather, especially during the winter season.

In addition, they can certainly use the additional storage space due to the limited size of the existing home.

As you can see from our site plan, we already have a paved driveway running along the left side yard. As a result, they are situating the garage, in the left rear corner of the property, since it's the least intrusive location for any accessory structure.

In addition, the entire property is surrounded by a six-foot-high stockade fence.

As you can see from our plan, the garage will contain the required side and rear yard setbacks, and will also be situated significantly more than the minimum 6 feet from the dwelling.

The petitioners are, however, requesting your permission to construct the garage with just 124 square feet more, than the maximum 500 square feet, which is only an approximately 8% increase in square footage.

By doing so, it provides ample room for opening the car doors, when 2 cars are in the garage, and also provides them with some additional storage area.

I do have Mr. and Mrs. Sabelli here with me this evening and together we will try to answer any questions that the Board or public may have.

Thank you.



City of Peabody
Conservation Commission

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5782

MEMORANDUM

To: Honorable Members of Zoning Board of Appeals through Carla McGrath
From: Lucia DelNegro, Conservation Commission
Subject: Future filings for 40B Application
Date: February 18, 2020 Hearing date: February 24, 2020

Thank you for providing the Conservation Commission with paperwork and documentation for the 40B projects in front of the ZBA to date.

Going forward the commission kindly asks future submittals of any new 40B applications, additional revisions, paperwork etc. in the following format:

- ▶ Please provide one hard copy to the commission.
- ▶ Please submit an electronic copy to the commission staff. Commission staff will be responsible for distributing said documentation to each individual commissioner (example- downloadable link via email {preferred}, disc or thumb drive).

motion to revise 40B application distribution list.

City of Peabody

Zoning Board of Appeals

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

Distribution List Chapter 40B Comprehensive Permit Filing Project Address:

Project Address: _____

Required plan formats: Full size – 24" x 36" Half size – 11" x 17" or Electronic

City Office	Plan Format	Received By	Date
Zoning Board of Appeals	8 Full Size 1 Electronic		
City Clerk	1 Half Size		
City Council	11 Half Size		
Department of Community Development & Planning	1 Full 1 Electronic		
Planning Board	12 Half Size 1 Electronic		
Public Services Department	1 Full Size 1 Electronic		
Board of Health	1 Half Size		
Conservation Commission	1 Full Size 1 Electronic		
Building Commissioner	1 Electronic		
Police Department	1 Half Size		
Fire Department	1 Full Size		
Peabody School Committee	1 Half Size 1 Electronic		
Peabody Municipal Light Plant (PMLP)	1 Full Size		
Peabody Housing Authority	1 Half Size		
Mayor's Office	1 Half Size		
City Solicitor's Office	2 Half Size		

CITY OF PEABODY
2020 FEB 24 AM 11:45
CITY CLERK

Handwritten signature or initials in black ink.







SECTION 16 & 17 CONTINUATION SHEET

The applicants are a young engaged couple who will be getting married in the near future. Ms. Capano's mother resides with them for medical reasons. Their existing home was constructed in the 1960's. It is a one-story slab ranch containing a kitchen, family room/living room, three bedrooms and one full bath and one-half bath. Their property is a corner lot on Catherine Drive and Naumkeag Road. As a result, there are only two direct abutters, and directly across the street on Naumkeag Road is Symphony Park. The applicants would like the opportunity to construct a new, larger home in anticipation of having children. However, due to the age, size and condition of the existing home it is not economically or structurally feasible to salvage. Instead, the applicants desire to demolish the existing dwelling and to construct a new two-story colonial style home. It will contain a full unfinished basement with a three-car garage under facing Catherine Drive. The first floor will have a kitchen, family room, living/dining room, office space, an in-law living area and two full baths. The second floor will have four bedrooms and three full baths. Only the front portion of the dwelling facing Naumkeag Road will be two stories, and the rear half facing Catherine Drive will be one story. The applicants land is relatively flat, with the two front yards sloping gradually to their respective streets. However, the lot is a legally existing non-conforming lot as are all of the lots in this neighborhood. The R-1 zoning district requires 20,000 square feet of area but all of the existing lots contain less than that. As a result, the existing home cannot be demolished and a new home constructed without variance relief resulting in a substantial hardship to the applicants. As you can see from the site plan, the proposed dwelling can be constructed so as to be in conformance to all the dimensional set-backs so as not to intrude on any abutter's privacy. In essence, the only real relief required concerns maximum lot coverage of 30.4% vs 25% which is de minimis in nature. If the proposed dwelling is constructed it will be a significant improvement over existing conditions and will certainly increase the value of the surrounding properties.