



MARCH 21, 2022 REGULAR ZBA MEETING MINUTES

A meeting of the Peabody Zoning Board of Appeals was held on Monday, March 21, 2022 at 7:00 p.m. Peabody City Hall, 24 Lowell St., Wiggin Auditorium

MEMBERS PRESENT	MEMBERS ABSENT
Frances Bisazza-Gallugi, Chairperson	
Stephen Zolotas, Vice-Chairperson	
Keith Slattery	
Chris Gilbert	
Barry Osborne	

Also in attendance...

Mayor Bettencourt

Attorney Damon Seligson

City Solicitor Don Conn

Attorney John R. Keilty

Attorney Athan Vontzalides

(Ms. Gallugi read the opening statement made part of these minutes)

Fran Gallugi: We will be entering into an executive session to discuss the 40 oak street appeal but are waiting for Attorney Seligson to arrive. So, we will begin with our regular agenda items and then move on to our Executive Session.

REGULAR MEETING

1. Continued Application of IMPROVED HOME SOLUTION LLC for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, 9.3, 10.5.2, as it applies to the premise known as **10 BASFORD CT**, Peabody, MA, 085-266. Petitioner seeks a variance to convert a single family dwelling into a two-family dwelling and requires relief to Lot Area where 34500 sf is required and 3416 sf is proposed; Front Yard Setback where 20' is required and 8' is proposed; Left Side Yard Setback where 15' is required and 3' is proposed; Rear Yard Setback where 35' is required and 2' is proposed; Landscaping where street trees are required and none are proposed; Driveway Coverage where no more than 15% coverage is allowed; Curb Cut where 12 ' is allowed and 32' is proposed. The property is located in a R4 zoning district.

(Barry Osborne cannot vote on this)

Keith Slattery: Read continuance request into the record

(Letter made part of these minutes)

Stephen Zolotas: Motion to accept continuance to April 4, 2022

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed (4,0)

2. Continued Application of HANNAN KATIE L & GREGG DEVINCENTIS for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.1.5, as it applies to the premise known as **9 SHERRY LEE LN**, Peabody, MA, 050-134. Petitioner seeks a variance for Accessory Structure Cabana and requires relief to Size where 200 sf is allowed, and 498 sf is proposed; Rear Yard Setback where 10' is required and 7.3' is proposed. The property is located in a R1A zoning district.

(Barry Osborne cannot vote on this)

(The updated plot plan was not received by the board)

Attorney Vontzalides: Requested a continuance

Stephen Zolotas: Motion to accept continuance to April 4, 2022

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed (4,0)

3. Application of CLARIMUNDO MARIO L & LEONIA M for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.1.5 and 7.2, as it applies to the premise known as **3 and 5 TREMONT PL**, Peabody, MA, 075-110 and 075-110B. Petitioner seeks a variance to reconfigure lot lines for Lots 1 and 2 and requires relief to Lot Area where 15,000 sf is required, and Lot 1 proposes 8,049 sf and Lot 2 proposes 5,224 sf; Lot Frontage where 125' is required and Lot 1 proposes 58.22. and Lot 2 proposes 63.07'; Front Yard where 20' is required and Lot 1 proposes 17.7' and Lot 2 proposes 3.2'; Right Yard where 15' is required and Lot 1 proposes 7.3'; Left Yard where 15' is required and Lot 1 proposes 10.5' and Lot 2 proposes 5.3'; Rear Yard where 35' is required and Lot 1 proposes 10.7'; Lot Coverage where 30% is allowed and Lot 2 proposes 37.42%; Accessory Structure Right Side where 5' is required and Lot 2 proposes 3.5'; Accessory Structure Rear Side where 5' is required and Lot 2 proposes 2'. The property is located in a R1A zoning district.

(Secretary Read Legal Ad)

Leonia Clarimundo and Stacey Clarimundo: Homeowners at 3 and 5 Tremont Place. Applicants would like to “clean up” the lot line to obtain more typical shaped lots. The land the barn is on would become part of 5 Tremont. Variance granted for lots in the past.

Fran Gallugi: There have been prior granted variances on these properties. Applicant must gain approval from Planning Board.

Keith Slattery: Asked for clarification on the driveways for both lots and they each have access to their own driveways.

Stephen Zolotas: I think it is a self-created hardship it's a situation where this was approved 17 almost 18 years ago and it just cleans it up. We don't like these type of lots anyways so there's a chance to create two rectangular as opposed to a “t” and a small postage stamp so I like the idea of it.

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

Stephen Zolotas: Motion to close public hearing

Keith Slattery: Second

Stephen Zolotas: Motion to approve with condition applicant seeks Planning Board approval and no other subdivisions will be allowed on these lots.

Keith Slattery: Second

Roll call vote (5,0) in favor

4. Application of Paul Dusablon, for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **30 GLEN DR.**, Peabody, MA, 005-090. Petitioner seeks a variance for a pool cabana and requires relief to size where 120 sf is allowed and 320.76 sf is proposed. The property is located in a R1 zoning district.

(Secretary Read Legal Ad)

Paul Dusablon: Homeowner Gave a brief overview of the proposed 320 sf pool cabana.

Fran Gallugi: You are asking for a lot. The allowed is 120 sf for a cabana. Is there any way you can reduce this?

Paul Dusablon: I don't know if I could answer that because the reason why we have these measurements that is the pool house we want is from Reeds Ferry. It comes pre-assembled.

Stephen Zolotas: Was the pool house already purchased? If not, are you able to purchase a smaller one?

Paul Dusablon: No. We didn't buy it. I don't think a smaller one would be feasible for our family.

Keith Slattery: You're asking for three times what's allowed and I'm wondering if there's something that is a little smaller that would still be able to be enjoyed by your family but also help us stay consistent.

Stephen Zolotas: I would be ok with something 15' x 16'

Fran Gallugi: Would you like to request a continuance

Paul Dusablon: Yes

Stephen Zolotas: Motion to continue to the April 4, 2022 ZBA Meeting.

Keith Slattery: Second

Fran Gallugi: All in favor. Any Opposed **(5,0) continuance approved**

5. Application of SAINI MEENU & SINGH AVTAR c/o Attorney John Keilty, for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **14 BUTTERNUT AVE**, Peabody, MA, 056-026. Petitioner seeks a variance for a 17 x 20 single car, attached garage and requires relief to Left Side Yard where 20' is required and 7' is proposed. The property is located in a R1 zoning district.

(Secretary Read Legal Ad)

Attorney Keilty: Representing the homeowners. Applicant seeks a variance to build an attached garage on their corner lot. They will relocate the shed.

Fran Gallugi: They are moving the shed and the driveway is already there. Questions by the Board?

Stephen Zolotas: Will there be a second floor?

Attorney Keilty: No

Chris Gilbert: It's fitting with the neighborhood. It's won't be an eyesore anymore. I am in support.

Fran Gallugi: Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the board.

Barry Osborne: Motion to close public hearing

Keith Slattery: Second

Stephen Zolotas: Motion to approve with condition there be no second floor built.

Keith Slattery: Second

Fran Gallugi: Roll Call vote (5,0) In favor

6. Application of JORDAN RYAN for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **17 WAHTERA RD**, Peabody, MA, 063-101. Petitioner seeks a variance to construct an open deck and requires relief to left side yard where 15' is required and 9.1' is proposed. The property is located in a R3 zoning district.

(Secretary Read Legal Ad)

Rob Zeuli: Contractor representing the homeowners. Contactor gave a brief overview of the proposed deck.

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.

Stephen Zolotas: Motion to close public hearing

Keith Slattery: Second

Stephen Zolotas: Motion to approve

Keith Slattery: Second

Fran Gallugi: Roll Call vote (5,0) In favor

Stephen Zolotas: Motion to Accept Meeting Minutes from February 28, 2022

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed (5,0) Next Meeting is April 4, 2022

Stephen Zolotas: Motion to go into Executive Session

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed (5,0)

EXECUTIVE SESSION

7:45 P.M. – 8:15 P.M. The Zoning Board of Appeals unanimously voted in favor of entering into an executive session as set forth on the agenda for purposes of discussing the 40b application of 40 Oak Street and its pending appeal and mediation. In attendance were the following Board Members...

- Mayor Bettencourt
- City Solicitor Don Conn
- 40b Consultant Attorney Damon Seligson
- Frances Bisazza-Gallugi
- Chris Gilbert
- Keith Slattery
- Barry Osborne
- Stephen Zolotas

Mayor Bettencourt, Solicitor Conn and Damon Seligson discussed the mandated mediation by DHCD in regard to 40 Oak Street with the Zoning Board members. The meeting adjourned at 8:15PM whereupon the board returned to open session.

Fran Gallugi: Our next meeting is April 4, 2022

Meeting adjourned

