



APRIL 4, 2022 REGULAR ZBA MEETING MINUTES

A meeting of the Peabody Zoning Board of Appeals was held on Monday, April 4, 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...

Attorney John R. Keilty

Attorney Athan Vontzalides

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

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)

Attorney Keilty: Representing homeowner. Gave a brief overview of the project. Never assessed as a two-family, had 6 bedrooms, 2 full baths, 1 family room, 1 kitchen.

Fran Gallugi: The revised plan was not received in time for the Board to look it over or for the public to have ample time to look it over. The Zoning Board Rules revised November 16, 2021, state all information must be received by the Zoning Board no later than 12 days before the hearing date. Attorneys were made aware of these revised rules and emailed a copy back in December of 2021. I am also unable to read the dimensions on this revised plan.

Attorney Keilty: Okay. I will continue. As the plan submitted a while ago the existing first floor had a kitchen living room bath and two bedrooms. The second floor is kitchen /living room dining room area with a bath with one bedroom and then 3 bedrooms on the 3rd floor. Other homes on the street, 5 7 and 9 are single family homes, numbers 6 and 8 are two-family. School Street has a two-family and four-family. We would like to convert the single family into a 2 family 2 condo units. Willing to change parking to 4 spaces at an angle, where they would be able to back out.

Fran Gallugi: Retainer wall did not require a permit to erect or take down as it under 4'. The applicant never pulled a permit through DPW for the curb cut. Why not just request relief for parking?

(Discussion ensued)

Keith Slattery: The existing footprint remains the same?

Attorney Keilty: Yes

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 the applicant apply for the curb cut with DPS.

Keith Slattery: Second

Fran Gallugi: Roll call vote (3,1) Variance is denied

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)

Attorney Vontzalides: Attorney representing homeowners. Proposed 498 sf and revised it to either 328 sf or 266 sf. Should we make further compromises.

Fran Gallugi: Why did you begin building without a permit. It's a huge structure that's already been built.

Gregg DeCincentis: We had pool permit, things happened so fast. I didn't think we needed a permit for a shed/cabana. My uncle was out of work. He had some wood and we started to build. It got away from us.

(Discussion ensued)

Attorney Vontzalides: We are willing to cut off some and remove overhang to bring it to 228 sf. With a setback no closer than 8'

Stephen Zolotas: Motion to close the public hearing

Keith Slattery: Second

Stephen Zolotas: Motion to approve with condition the cabana not exceed 228 sf and it be no closer than 8' from the rear property line.

Keith Slattery: Second

Fran Gallugi: Roll call vote (4,0) in favor

3. Continued 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.

Applicant requested a continuance to the May 16, 2022 ZBA Hearing. Applicant required more time to get a revised Plot Plan.

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

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**

4. Application of Logan Express c/o Attorney David Ankeles, for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 11.5.2, as it applies to the premise known as **210 ANDOVER ST**, Peabody, MA. Petitioner seeks a variance for an additional free-standing sign on the property and requires relief to number of free-standing signs in a BR District where no additional freestanding signs are allowed and 1 is proposed. The property is located in a BR zoning district.
(Secretary Read Legal Ad)

Attorney Ankeles: Attorney representing Logan Express gave a brief overview of the proposed freestanding sign

Chris Gilbert: Used this service and it was very convenient, but more signage is definitely needed.

Fran Gallugi: Why not use the freestanding sign already in place on Proctor St.

Attorney Ankeles: We want people to use the entrance from 114 and keep traffic off Proctor St.

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

Stephen Zolotas: Motion to close the public hearing

Keith Slattery: Second

Stephen Zolotas: Motion to approve and 10pm

Keith Slattery: Second

Fran Gallugi: Roll call vote (4,1) Variance is approved

5. Application of Andrew Arena 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 **149 LYNN ST**, Peabody, MA, 116-107. Petitioner seeks a variance for an open deck and requires relief to Front Yard where 20' is required and 9' is proposed. The property is located in a R1A zoning district.
(Secretary Read Legal Ad)

Andrew Arena: Homeowner gave a brief overview of the proposed deck on a corner lot.

Fran Gallugi: Any questions by the Board.

Keith Slattery: What is the height of the deck?

Chris Gilbert: Is there a deck there now?

Andrew Arena: The deck is waist high. I believe there's some confusion on the builders part but he they did like frame and did most of the work that because they were fixing the stairs also and then they don't, I don't believe they got the permit in time while doing the stairs. So, they were told to finish it for safety. They talked to the billing inspector and said, finish it for safety reasons and go through the formal process still. So, the deck currently does exist because it was completed.

Fran Gallugi: So, you built a deck without a permit.

Andrew Arena: Yes, the builder did.

Fran Gallugi: Who's the builder? If you don't mind me asking.

Andrew Arena: Um his name is Pat McCaffrey, I believe out of Peabody? I believe so, yes.

(Discussion ensued)

Fran Gallugi: Anyone that is listening, please. We're going to deny these things from now on. You cannot build without a building permit. If you are unsure, call the building department. Any other questions by the Board. Anyone to speak in favor. In opposition. Hearing none the matter is before the board.

Stephen Zolotas: Motion to close the public hearing

Keith Slattery: Second

Stephen Zolotas: Motion to approve

Keith Slattery: Second

Fran Gallugi: Roll call vote (5,0) Variance is approved

6. Application of FIORE ALEXANDRA c/o Attorney John R. Keilty for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.1.5,7.2,10.5.1, as it applies to the premise known as **13 PALEOLOGOS ST**, Peabody, MA, 086-017. Petitioner seeks a variance to subdivide parcel of land with an existing 2-family dwelling on Lot A and create a Single-family dwelling on Lot B with the garage to be relocated from Lot A to Lot B and requires relief to Lot Area Lot A; Lot Frontage Lots A and B; Lot Width Lot A and Lot B; Front Yard Lot A; Side Yard Lot A; MBLD Lot A and Lot B; Accessory Structure Size and Landscaping. The property is located in a R2 zoning district.

(Secretary Read Legal Ad)

(Steven Zolotas recused himself)

Attorney John R. Keilty: Attorney representing Alexandra Fiori of 13 Paleologos Street in Peabody Mass and her husband Nicholas Zolotas also 13 Paleologos Street in Peabody Mass. This is an application to subdivide the parcel and allow there to be in the rear lot which I have lot A and B were creating lot A will be thirty-six hundred and forty-five square feet. The Zolotas family has owned this particular lot of land since nineteen forty-four. Nicholas and Alexandra live in the thirteen Paleologos with their aunt Irene. Nick and Alexandra are eager to move to their new premises and bring up their family in a larger house with a backyard. They're proposing to move Irene from the existing 13 Paleologos Street where she lives in an apartment with Nick and Alexandra and they are proposing to construct a 24 by 28 single family dwelling on 6, 628 square feet. The garage as I indicated in my application, the garage would be moved from the front lot to the rear lot. However, there is no particular need for the garage to be on the premises if the board were to feel that the garage and the structure would be too much for the re lot then we would be happy to jettison the notion of moving the garage. I have noted that the other properties in the neighborhood, there are couple of subdivisions such as this. We're happy to answer questions that the board may have with respect to this application and with me this evening is Nick Zolotas who also would be happy to answer any questions that the board may have.

Fran Gallugi: So, in looking this over, it's a pork chop lot, correct?

Attorney Keilty: It is sometimes referred to as a pork chop lot, yes.

Fran Gallugi: And we have made it very well established that we don't do pork chop lots in the city anymore.

(Discussion ensued)

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.

Keith Slattery: Motion to close public hearing

Barry Osborne: Second

Keith Slattery: Motion to approve

Barry Osborne: Second

Roll call vote (0,4) Variance denied

7. Application of Haley Guarino 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 **1B MACARTHUR CIR**, Peabody, MA, **116-086**. Petitioner seeks a variance for an extension of an existing deck and requires relief to Side Yard Setback where 15' is required and 10.5' is proposed. The property is located in a **R1A** zoning district.

(Secretary Read Legal Ad)

Mr. Gaurino: Gave a brief overview of the proposed deck project.

Fran Gallugi: Any questions by the Board. Anyone to speak in favor. In opposition.

Mustafa Salama: 17 MacArthur Rd. Direct abutter in opposition for privacy reasons, it will decrease value of home,

Fran Gallugi: Any other questions or comments. Hearing none the matter is before the board.

Stephen Zolotas: Motion to close the public hearing

Keith Slattery: Second

Stephen Zolotas: Motion to approve

Keith Slattery: Second

Fran Gallugi: Roll call vote (5,0) Variance is approved

8. Application of CEA 114 FEE LLC for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 11.5.2, as it applies to the premise known as **229 ANDOVER ST**, Peabody, MA, 039-027. Petitioner seeks a variance for a wall sign in a BR Zoning District and requires relief to wall sign size where 75 sf is allowed, and 115.71 sf is proposed. The property is located in a BR zoning district.

(Keith to read legal ad)

(Keith to read correspondence made part of these minutes)

Stephen Zolotas: Motion to accept applicants request to continue to May 16, 2022

Keith Slattery: Second

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

9. Application of Faik Logli and Alba Logli 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 **8 STYLES DR**, Peabody, MA, 009-080. Petitioner seeks a variance for a proposed open deck and requires relief to Front Yard Setback where 25' is required and 20.8' is proposed; Right Side Yard where 20' is required and 19.1' is proposed. The property is located in a R1 zoning district

(Secretary Read Legal Ad)

Faik Logli: Homeowner gave a brief overview of the proposed porch.

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

Stephen Zolotas: Motion to close the public hearing

Keith Slattery: Second

Stephen Zolotas: Motion to approve

Keith Slattery: Second

Fran Gallugi: Roll call vote (5, 0) Variance is approved

SPECIAL MEETING

1. Appeal to the Commonwealth of Massachusetts Department of Housing and Community Development Housing Appeals Committee pursuant to M.G.L. c. 40B § 22 and C.M.R. 56.05(9)(b) by 40 Oak Street Development, LLC as it applies to the premise known as **40 Oak St.**, Peabody, MA, 095-089x.

(Keith to read legal ad)

(Keith to read correspondence made part of these minutes)

Stephen Zolotas: Motion to accept applicants request to continue to May 16, 2022

Keith Slattery: Second

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

Stephen Zolotas: Motion to accept the following correspondence

- 3.16.22 Hancock NOI Memo
- 3.22 Hancock Stormwater Report
- 3.17.22 Hancock Revised Plans

Keith Slattery: Second

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

BUSINESS MEETING

Fran Gallugi: I think it is important we take a look at the revised ZBA Rules and make a small change. As it is important to adhere to our deadlines when it comes to late submissions, we need to take into consideration the timeline for abutters as they may not be notified of the variance request within the 12-day deadline.

Stephen Zolotas: Motion to revise abutter correspondence to be accepted up until the Thursday before the meeting date

Keith Slattery: Second

All in favor. Any opposed (5 , 0)

Meeting Adjourned

NEXT REGULAR MEETING MAY 16, 2022