



## MAY 16, 2022 REGULAR ZBA MEETING MINUTES

A meeting of the Peabody Zoning Board of Appeals was held on Monday, May 16, 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 Jason Panos**

## **SPECIAL MEETING**

1. Continued 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.

**Fran Gallugi:** Applicant requests a continuance to the June 6, 2022 Meeting  
**(Fran read continuance request made part of these minutes)**

**Barry Osborne:** Motion to accept continuance request to the June 6, 2022 meeting.

**Keith Slattery:** Second

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

**Fran Gallugi:** So, if anybody is here for 40 Oak St., please come back June 6<sup>th</sup>.

**Stephen Zolotas:** Motion to accept 4.18.22 John R. Keilty Memo and grant 84 Ellsworth variance extension for 6 months  
**(Correspondence made part of these minutes)**

**Barry Osborne:** Second

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

**Stephen Zolotas:** Motion to accept 5.04.22 Jason Panos Memo and grant the extension of 39 Wallis to the 6.6.22 Mtg  
**(Correspondence made part of these minutes)**

**Barry Osborne:** Second

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

**Stephen Zolotas:** Motion to Accept meeting minutes from 03.21.22

**Barry Osborne:** Second

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

## **REGULAR MEETING**

1. **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.

**Paul Dusablon:** First proposed 320.76 sf then revised plot plan to reflect 240 sf where 120 sf is allowed

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

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

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve

**Barry Osborne:** Second

**Fran Gallugi:** Roll call vote (5,0)

2. **Continued** 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 read Legal Ad)**

**Brandan Currier, Barlow Signs:** Pediatric dental and braces sign next to Walgreens on 114

**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 the public hearing

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve with condition it only be lit between the hours of 8am – 10pm

**Barry Osborne:** Second

**Fran Gallugi:** Roll call vote (5,0) in favor

3. Application of COUTURE DONALD & MELISSA 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 **38 DEXTER ST**, Peabody, MA, 108-019. Petitioner seeks a variance for an open deck and requires relief to Side Yard where 15' is required and 9.3' is proposed. The property is located in a R1A zoning district.

**(Keith read Legal Ad)**

**Donald and Melissa Couture Homeowners:** Deck is going no closer to side setback than what is existing

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

**Chris Gilbert:** Was construction already started.

**Donald and Melissa Couture:** No

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

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

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve

**Barry Osborne:** Second

**Fran Gallugi:** Roll call vote (5,0) in favor

4. Application of **Mall At Northshore, LLC., Convenient MD Urgent Care**, for a Variance from the Provision of the Zoning Ordinance 2020, as amended, **Section(s) 11.5**, as it applies to the premise known as **210 Andover Street**, Peabody, MA. Petitioner seeks a variance to erect (3) Wall Signs and an additional Free-Standing Sign for an urgent care facility and requires relief to Number of Free Standing Signs where 1 is allowed and an additional is proposed; Number of Wall Signs where (2) are allowed and (3) are proposed; Wall Sign Size where 75 sf is allowed and 131.3 is proposed. The property is located in a BR zoning district.

**(Keith Read Legal Ad)**

#### **Special Permit granted by City Council**

**Attorney Dave Ankeles:** Representing Urgent Care.

**(Presentation 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.

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

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve with condition the sign be lit from 8am -10pm

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (5,0) in favor

5. Application of Gary and Kim Quintal 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 **3 FORBES WAY**, Peabody, MA, **026-055C**. Petitioner seeks a variance to build a 4' x 16.8' addition and requires relief to Left Side Yard where 20' is required and 18' is proposed. The property is located in a **R1** zoning district.

**(Keith Read Legal Ad)**

**Gary Quintal Homeowner:** Addition requires only 2' of relief on a very odd shaped lot

**Fran Gallugi:** Questions by the Board? Anyone in the audience to speak in favor? In opposition?

**Christine Carroll 22 Goodale:** In opposition. i'm opposed with any more encroachment on neighbors. House is already very large the land is large. I don't think an additional variance is needed and falling within the rules I think it should be a fine addition.

**Fran Gallugi:** Anyone else? Hearing none the matter is before the board.

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

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve

**Barry Osborne:** Second

**Fran Gallugi:** Roll call vote (5,0) in favor

6. Application of CARDELLO, MICHAEL & DANAE 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 **1 LONE PINE LN**, Peabody, MA, **014-119**. Petitioner seeks a variance for a FALA addition and requires relief to Right Side Yard where 20' is required and 13.3' is proposed. The property is located in a **R1** zoning district.

**(Keith Read Legal Ad)**

**Brian Syringe: Contractor** representing homeowner. FALA previously presented but withdrew because didn't comply with 700 sf and FALA guidelines- worked extensively with building department and Inspector Mark Menard to revise plan to conform.

**Fran Gallugi:** Questions by the Board? Anyone in the audience to speak in favor?

**Richard Joyner 761 Lowell St:** Abutter in favor

**Fran Gallugi:** In opposition? Hearing none the matter is before the board.

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

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve

**Barry Osborne:** Second

**Fran Gallugi:** Roll call vote (5,0)

7. Application of Amy Turcotte 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 **7 DARTMOUTH ST**, Peabody, MA, **049-058**. Petitioner seeks a variance to connect the deck to the pool and requires relief to Rear Yard Setback where 35' is required and 21' is proposed. The property is located in a **R1B** zoning district.

**(Keith Read Legal Ad)**

**Amy Turcotte:** Homeowner. Connecting an existing deck to a proposed deck which will attach to the pool. Reached out to abutters who are not in opposition.

**Fran Gallugi:** Questions by the Board?

**Chris Gilbert:** Has work been started?

**Amy Turcotte:** We have a permit to do work on the existing deck. No work has begun on the proposed deck.

**Fran Gallugi:** 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

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve

**Barry Osborne:** Second

**Fran Gallugi:** Roll call vote (5,0) in favor

### **Special Meeting**

**Fran Gallugi:** We are now going to hear two presentations on the next 2, 40bs that are before the Zoning Board for the city of Peabody. I would like to start by saying we are going to hear these two presentations one is 128 Newbury Street and one is 58 Pulaski, The Mills Building. I also need to state at this point in time that the city is still under Safe Harbor and we are going to listen to the presentations however the Zoning Board has 15 days to decide whether we will invoke safe harbor on one on both or on neither and that has to be done within 15 days. We will hear presentations tonight then public comment at the next meeting.

**Stephen Zolotas:** Motion to accept 5.5.22 DHCD correspondence  
(Correspondence made part of these minutes)

**Keith Slattery:** Second

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

2. Application of Maple Multi-Family Land SE, L.P., for a **Chapter 40B Comprehensive Permit** as it applies to the premise known as **128 Newbury Street, Peabody, MA, Map 057, Lot 074 B,C,D,E,F,G,H,I,J,K,L,M,N,O,P and V**. Petitioner seeks to construct 220 rental units. The property is located in **BR1 and R1 Zoning Districts**.

**(Keith to read Legal Ad)**

**Attorney John R. Keilty:** Attorney representing applicant, gave a brief overview of project.

**Mark Baranski:** Project Manager

**(Presentation made part of these minutes)**

**Stephen Zolotas:** Motion to accept the following correspondences...

10.14.21 Talarico Memo BLDG

10.12.21 Simoes Memo PMLP

10.28.21 submitted 4.26.22 Drainage Report

04.29.22 Langley Memo DPW

5.02.22 DeNegro Memo with Determination of Applicability CON COM

5.03.22 Ipswich River Watershed Association Memo

**Barry Osborne:** Second

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

**Stephen Zolotas:** Motion to continue to June 6, 2022...

**Barry Osborne:** Second

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

**Fran Gallugi:** Our next meeting June 6, 2022 will be for abutters, city officials, if any 3<sup>rd</sup> party review updates. Next meeting after June 6, 2022 will be July 18, August 15, 2022.

**Ryan Cox:** 11 Hammerick Rd. Please confirm Safe Harbor process. Wondering why you are scheduling next meetings if we have Safe Harbor.

**Fran Gallugi:** The city may invoke Safe Harbor within 15 days of the opening of this hearing. We will decide and update everyone on June 6, 2022

3. Application of **The Residences at Mills 58 LLC.**, for a **Chapter 40B Comprehensive Permit** as it applies to the premise known as **58 Pulaski St., Peabody, MA, Map 053, Lot 047**. Petitioner seeks to construct 51 rental units. The property is located in a **IL Zoning Districts**.

**(Keith to read Legal Ad)**

**Stephen Zolotas:** Motion to accept the following correspondences...

4.26.22 Talarico Memo BLDG  
4.28.22 Bernson Memo COMM DEV  
4.29.22 Langley Memo DPW  
4.29.22 DelNegro Memo CON COM

**Barry Osborne:** Second

**Fran Gallugi:** All in favor. Any opposed.

**Attorney Jason Panos:** Attorney representing applicant

**Tony Cappachietti:** Hayes Engineering. Project Manager

**Eric Gjerde:** Seaglass Architects, LLC

**(Presentation made part of these minutes)**

**Attorney Panos:** Variance required Conservation Wetland Protection Act

**Fran Gallugi:** Site visit should be scheduled with Board in the month of June. 3<sup>rd</sup> party review should be coordinated with Bob Langley. Next meeting is June 6, 2022. We will hear from city officials, abutters, 3<sup>rd</sup> party review updates. Next meeting after June 6th will be July 18, August 15, 2022.

**Barry Osborne:** I appreciate peer review. We should be able to discuss things in peer review.

**(Discussion ensued)**

**Stephen Zolotas:** Motion to continue to June 6, 2022...

**Barry Osborne:** Second

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

**Stephen Zolotas:** Motion to accept March 21, 2022 meeting minutes

**Keith Slattery:** Second

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

**Meeting Adjourned**