



City of Peabody  
**Zoning Board of Appeals**

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

**JANUARY ZBA MEETING MINUTES**

A regular meeting of the Peabody Zoning Board of Appeals was held on Monday, January 28, 2019 at 7:00 p.m. in the Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA.

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>
Frances Bisazza-Gallugi, Chairperson	
Stephen Zolotas, Vice-Chairperson	
Daniel Sencabaugh, Secretary	
Kevin McHugh	
Barry Osborne	
Julie Picardi (A)	
	Mike Garabedian (A)

**NEXT MEETING, MONDAY, FEBRUARY 25, 2019.**

**REGULAR MEETING**

**(Ms. Gallugi read the opening statement according to Chapter 40A)**

**Ms. Gallugi addressed the attorneys, applicants and audience in regard to the following...**

- Cell phone videotaping is **illegal and NOT permitted** without permission by the Board
- Meetings are broadcast on channel 9 (PATV)
- 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.



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**1. Application of In the Game, c/o Carolyn Parker, 535 Lowell St., Peabody, MA.**  
Petitioner is seeking a variance to allow for 4 Wall Signs where 2 Wall Signs are permitted with a total square footage of 75 s. f. The property is located in a **BR Zone**.  
**(Secretary read Legal Notice)**

**Ms. Parker:** Carolyn Parker from sign company and Ray Smith from In the Game spoke about the need for all four signs for branding and promotion of business. The building is set back from the road and the signs are needed for visibility. There was also an acknowledgement of the sign company going before the City Council in February, for an additional “archway” Electronic Message Board for the property.

**Ms. Gallugi:** Disagreed with Ms. Parker and offered the enormous free-standing sign at the entrance on Lowell St. which clearly identifies the property and is certainly visible from Route 95 and Route 1.

**Ms. Gallugi:** Had concerns with the renderings showing greenery and asked if there was plans for any plantings because she has not seen any on her many trips by this property. There was also concern in regard to the colors on the building used in the renderings not being the colors the signs will actually be. It was proposed as a plain façade but in actuality it is not?

**Mr. Smith:** Explained there had been multiple variations of the building as the process has moved forward. and that they would not be planting any greenery. The new building is more colorful and dynamic.

**(Discussion ensued on possibility of downsizing or putting signs on one face of building)**

**Mr. McHugh:** Was curious to see if there was any opposition from anyone in the audience.

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

**Mr. McHugh:** Motion to close the Public Hearing

**Mr. Osborne:** Second

**Mr. Zolotas:** Motion to approve with the following conditions...

\*The 4 wall signs may not flash.

\*The 4 wall signs may not be lit after business hours.

**Mr. Sencabaugh:** Second



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**Ms. Gallugi:** All in Favor? Any opposed? (5-0) **Variance approved with condition**

**2. Application of PGA Tour Superstore c/o Jilian Arsenault, 210 Andover St., Peabody, MA.** Petitioner is proposing a Wall Sign. Relief is needed to **Wall Sign square footage** where 75s.f. are permitted and 345s.f. are proposed. The property is located in a **BR Zone.** **(Secretary read Legal Notice)**

**Walton Signage Company:** Grant Michael and Katie Desault from signage company explained the proposed sign. Building is setback from road and does not face any neighborhoods. It only faces the Mall. Having a sign 75s.f. does not give enough visibility. Toys R Us had 6' letters.

**Ms. Gallugi:** Anybody in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Mr. Zolotas:** How are you proposing the sign will be lit.

**Mr. Michael:** The sign is face lit. The hours of sign being lit are hours the store is in operation. We may add an hour before and after.

**Mr. Sencabaugh:** Made a motion to close the public hearing.

**Ms. Picardi:** Second the motion.

**Mr. Sencabaugh:** Made a motion to approve.

**Ms. Picardi:** Second the Motion

**Ms. Gallugi:** All in favor? Any opposed? (5-0) Variance was approved.

**3. Application of Judithe Dorvil Saint-Fort, 10 Fairview Ave., Peabody MA.** Petitioner is proposing to amend their previously granted variance for an addition. Relief is needed to **Right Side Yard** where 15' are required and 11.2' +/- are proposed; **Left Side Yard** where 15' are required and 6'.2" +/- are proposed. The property is located in a **R1A Zone.** **(Secretary read the Legal Notice)**

**Ms. Gallugi:** Anybody in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Mr. Zolotas:** Made a motion to close the public hearing.

**Mr. Osborne:** Second the Motion.



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**Mr. Zolotas:** Motion to approve.

**Mr. McHugh:** Second

**Ms. Gallugi:** Roll call vote.

**Mr. Sencabaugh:** Yes **Mr. Osborne:** Yes **Ms. Picardi:** Yes **Mr. Zolotas:** Yes **Ms. Gallugi:** Yes (5-0) Variance approved.

**4. Application of Rosa DelSonno, 20 Worcester Rd., Peabody, MA.** Petitioner is proposing to construct a 300s.f. accessory structure (shed) on a lot larger than 10,000s.f. Relief is needed to **Rear Yard** where 10' are required and 8'+/- are proposed. The property is located in a **R-1 Zone**.

**(Secretary read the Legal Notice)**

**(Ms Gallugi recused herself from the proceedings)**

**Mrs. DelSonno:** Explained the proposed shed was actually already built where it was and properties of the land citing trees in the way. She also did not know a permit was needed because the previous shed was demolished and built as same size and preexisting nonconforming.

**(Discussion ensued)**

**ZBA Board:** Concerns where the shed was already built without permission and no reason the shed could not be moved to conform to setback regulations.

**Mr. Sencabaugh:** Anybody in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Mr. Zolotas:** Made a motion to close the public hearing.

**Mr. Osborne:** Second the Motion.

**Mr. Zolotas:** Motion to approve

**Mr. Osborne:** Second

**Mr. Sencabaugh:** Roll Call Vote



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**Mr. Zolotas:** (Yes) **Mr. Osborne:** (No) **Mr. McHugh:** (Yes) **Ms. Picardi:** (N) **Mr. Sencabaugh:** (N)

**Variance was denied (2-3). Applicant will be in touch with the Building Commissioner in regard to moving the shed.**

**5. Application of Todisco Properties c/o Athan Vontzalides, 10 Chestnut St., Peabody, MA.** Petitioner is proposing a funeral home with 8,500s.f. of off-street area queue where 10,000 square feet are required. The property is located in a **BC Zone**.  
**(Secretary read the Legal Notice)**

**This was withdrawn without prejudice and will be resubmitted for February meeting.**

**6. Administrative Appeal of Mary Rogers, 17 Goodridge St., Peabody, MA.** Applicant is appealing decision from Building Commissioner Albert Talarico regarding **13 Goodridge St., Peabody, MA**. Property is located in a **R1 Zoning District**.  
**(Secretary read the Legal Notice)**

**Ms. Rogers:** Explained the reason for her appeal citing water in her backyard. She believes the water was caused by the construction at **her neighbor's house on 13 Goodridge St.**

Ms. Rogers letter to Commissioner Talarico was made part of these minutes

**Ms. Rogers:** Provided photos (Photos are made part of meeting minutes)

**Discussion ensued**

Memo from Conservation Commission was made part of these minutes

Letter from Commissioner Talarico was made part of these minutes

**Ms. Gallugi:** Asked if there was anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the board.

**Mr. Zolotas:** Motioned to close the public hearing.

**Mr. Sencabaugh:** Second the motion.

**Mr. Zolotas:** Motion to uphold the Commissioner's decision.

**Mr. Sencabaugh:** Second.



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**Ms. Gallugi:** Roll call vote.

**Mr. Sencabaugh:** (Yes) **Mr. Osborne:** (Yes) **Mr. McHugh:** (Yes) **Mr. Zolotas:** (Yes)  
**Ms. Gallugi:** (Yes)

**Petitioner's appeal was denied and Commissioner Talarico's decision was upheld.**

7. Application **Charles Odette, 72 Goodale St., Peabody, MA.** Petitioner is proposing a 28'x26' addition. Relief is needed to **Left Side Yard** where 8' are proposed and 20' are required. The property is located in a **R1 Zoning District.**  
**(Secretary read the Legal Notice)**

**Mr. Odette:** Explained his proposal

Discussion ensued

**Ms. Gallugi:** Asked if there was anyone in the audience to speak in favor or opposition. There were none.

**Mr. Zolotas:** Motion to close the public hearing.

**Mr. Sencabaugh:** Second

**Mr. Osborne:** Motion to approve.

**Mr. Sencabaugh:** Second

**Ms. Gallugi:** All in favor. Any opposed? (5-0) Variance was granted.

**Motion to accept December 2018 Minutes:** Mr. Zolotas

**Second:** Mr. Osborne

**Motion to Adjourn: Mr. Sencabaugh**

Carla D. McGrath, Clerk  
01/29/2019