



MARCH 18, 2019 ZBA MEETING MINUTES

A regular meeting of the Peabody Zoning Board of Appeals was held on Monday, March 18, 2019 at 7:00 p.m. in the Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA.

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

NEXT MEETING, MONDAY, APRIL 22, 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 **NOT permitted** without first notifying the Commissioner of ZBA Board. The Commissioner must then announce video taping 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.

REGULAR MEETING

1. Continued application of Rudolfo Florencio c/o Attorney Keilty, for a Variance from the Provision of the Zoning Ordinance 2017, as amended, Section 7.2 as it applies to the premise known as 10 ½ Winter St. Peabody, Massachusetts, Map 085 Lot 126. Petitioner is proposing a two-family dwelling and requires relief from **Lot Area** where 34,500 sf are required and 3,810 sf are proposed; **Lot Frontage** where 75' are required and 37' are proposed; **Side Yard** where 15' are required and 8' are proposed; **Rear Yard** where 35' are required and 27' are proposed; **Min. Buildable Lot Width** where 25' are required and 7' are proposed; **Driveway Width** where 20' are required and 10' are proposed; **Landscaping** where 4 street trees per 100 linear feet and a site-perimeter buffer at the property line is required and none is proposed and **Lot Width** where 56.25' are required and 36' are proposed.. The property is located in a **R4 Zoning District**.

Motion to continue granted. (4-0 in favor)
Formal request was made part of these minutes.

2. Application of Frederick Peterson, for a Variance from the Provision of the Zoning Ordinance 2017, as amended, Section 7.2 as it applies to the premise known as 121 Winona St., Peabody, Massachusetts, Map 045, Lot 003. Petitioner is proposing an addition and requires relief from Right-Side Yard Setback where 20' are required and 7' are proposed. The property is located in a **R1 Zoning District**.

Attorney Keilty: Explained proposed garage.

Mr. Sencabaugh: Asked how many garages are already on the property.

Attorney Keilty: 2 existing 1 proposed.

Mr. Osborne: Asked how many stories

Attorney Keilty: Pitched roof with open storage

Ms. Gallugi: Anyone in the audience to speak in favor? In opposition?
(There were none)

Mr. Osborne: Motion to close Public Hearing

Ms. Picardi: Second

Mr. Osborne: Motion to approve

Ms. Picardi: Second.

Variance was granted (4-0 in favor)

3. Application of Thomas and Emily Holden for a Variance from the Provision of the Zoning Ordinance 2018, as amended, Section 7.2 as it applies to the premise known as 115 Lynnfield St.,

Peabody, MA, Map 101, Lot 022A. Petitioner is proposing a deck and needs relief to Side Yard where 13'+/- is proposed and 20' are required. The property is located in a **R1B Zoning District**.

Mr. Penney: Spoke on behalf of homeowners as the General Contractor of the project. He explained the deck to be built and why it's location anywhere else would impede onto the existing driveway.

Mr. Osborne: Commented on how nice the house looks.

Ms. Gallugi: Anyone in the audience to speak in favor? In opposition?

Mr. Medina: 1B Laurel St. spoke in favor of the project.

Ms. Gallugi: Anyone in the audience to speak in opposition?
(there were none)

Mr. Sencabaugh: Motion to close Public Hearing

Ms. Picardi: Second

Mr. Sencabaugh: Motion to approve

Ms. Picardi: Second.

Variance was granted (4-0 in favor)

4. Application of American Construction Company, c/o John Keilty, for a Variance from the Provision of the Zoning Ordinance 2017, as amended, Section 7.2 as it applies to the premise known as **3 Mt. Pleasant Drive, Peabody, Massachusetts, Map 029, Lot 006.** Petitioner seeks a variance to allow **Front Yard** of 24.7 feet where 50 feet is required; **Rear Yard** of 47.5 feet where 50 feet is required; **Left Side Yard** of 31.8 feet where 40 feet is required; **Right Side Yard** of 19.3 feet where 40 feet is required; and 324 square feet of access and parking space area where 350 square feet is required. The property is located in a **BR Zoning District**.

Attorney Keilty: Explained the project and the relief proposed. A Variance and Special Permit were granted to Mr. Coburn when the initial project was to rehab the existing structure. As the work continued the contractor found a lot of rot and the project changed to what is now presented in the Plot Plan. We have filed with Conservation Commission and next month will be returning to ask for a variance for the width of the driveway. No need to return to City Council for Special Permit because it is new construction now.

(discussion ensued)

Mr. Osborne: Is it the intention of the owner to address the concerns of the City Council on the previously granted Special Permit? Specifically, sidewalk, lighting, neighbors....

Attorney Keilty: We will certainly. They are all issues that will be addressed again at site plan review.

Mr. Sencabaugh: Motion to close Public Hearing

Ms. Picardi: Second

Mr. Sencabaugh: Motion to approve

Ms. Picardi: Second.

Variance was granted (4-0 in favor)

BUSINESS MEETING

Motion to Acceptance of Minutes of Meeting dated February 25, 2018.

Touma & Elias Realty Group, LLC request for Variance extension for 3,5,7 Andover St., Peabody, MA

REPORTS

Carla D. McGrath, Clerk

Posted: March 1, 2019

Revised and Reposted: March 6, 2019