



April 22, 2019 ZBA MEETING MINUTES

A regular meeting of the Peabody Zoning Board of Appeals was held on Monday, April 22, 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	
Julie Picardi	
Dan Sencabaugh	
Barry Osborne	

(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 videotaping 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.



April 22, 2019 ZBA MEETING MINUTES

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**.

(Secretary read Legal Ad)

Attorney Keilty: Representing Rudolpho Florencio. Explained the variance request of building a 2-family dwelling in an R-4 Zoning District. Initially asked for a 3 family. Plans have changed from last year when this was first proposed. Able to work out some details with neighbors to left and right. Property was not allowed to be used as an extension of any commercial business in the R4 Zone as the neighbor to the right would have liked. It is now an empty paved lot. If the variance is approved the plans would still need to be approved by Conservation. Parking would be under the structure and additionally to the rear of the premise. The right of way is not used for road access to the home behind. The right of way will allow for additional parking in rear.

Ms. Gallugi questioned whether or not there any proposal for green space.

Attorney Keilty responded they had not, however should Conservation make the request they would probably be able to provide, but most of area is paved.

Ms. Gallugi asked why they are going before Conservation.

Attorney Keilty responded the lot is in a flood zone. There will not be a basement or living space on the ground floor. This will be parking.

(Discussion ensued)

(There wasn't anyone to speak in opposition or in favor)

Mr. Zolotas: Motion to close Public Hearing



April 22, 2019 ZBA MEETING MINUTES

Ms. Osborne: Second

Mr. Sencabaugh: Motion to approve with condition, the applicant provide the Conservation Commission with plans for greenspace and trees which are all subject to Conservation Commission approval.

Mr. Zolotas: Second.

Variance was granted (4-1 in favor) Roll call Vote Ms. Gallugi – No

2.

Application of **American Construction Corporation c/o Attorney Keilty**, for a **Variance from the Provision of the Zoning Ordinance 2017, as amended, Section 9.3** as it applies to the premise known as **3 Mt. Pleasant Drive, Peabody, Massachusetts, Map 029 Lot 006**. Petitioner seeks a variance to allow for a 12' wide two-way driveway where 20' are required. The property is located in a **BR Zoning District**.

(Secretary read Legal Ad)

Attorney Keilty: Explained the variance request. This was a property with a previously approved variance. The driveway width was overlooked. Must go through Planning Board and Construction Review.

(No one in the audience to speak in favor or in opposition)

Mr. Zolotas: Motion to close Public Hearing

Mr. Sencabaugh: Second

Mr. Sencabaugh: Motion to approve

Mr. Zolotas: Second.

Variance was granted (4-0 in favor)

3. Application of **Brian Beaulieu and Stacy Sarno**, for a **Variance from the Provision of the Zoning Ordinance 2017, as amended, Section 7.2** as it applies to the premise known as **1 Randall Rd., Peabody, MA, Map 018 Lot 017**. Petitioners are proposing a garage and require relief from **Left Side Yard** where 20' are required and 15.6' are proposed. The property is located in a **R1 Zoning District**.

(Secretary read Legal Ad)



April 22, 2019 ZBA MEETING MINUTES

Brian Beaulieu and Stacey Sarno: Explained the variance request for a garage.

Ms. Gallugi: Asked for applicant to explain the hardship.

Ms. Sarno: Explained the slope in the front yard and that no matter where they put the garage, they would not meet the required setbacks.

Mr. Zolotas: Asked if there would be anything above the garage.

Ms. Sarno: Stated the garage would not have access to the home and would remain unfinished.

Mr. Sencabaugh: Asked about the style of home and how many cars it was for.

Ms. Sarno: House is a ranch and garage will be a single car roofline will follow existing roof line.

(Discussion ensued)

(Nobody in audience to speak in favor or opposition)

Mr. Zolotas: Motion to close Public Hearing

Mr. Osborne: Second

Mr. Sencabaugh: Motion to approve

Mr. Osborne: Second.

Variance was granted (4-0 in favor)

4. Withdraw without prejudice - Application of Mr. and Mrs. Setia, for a Variance from the Provision of the Zoning Ordinance 2018, as amended, Sections 7.2 as it applies to the premise known as 1 Jacobs St., Peabody, MA, Map 075, Lot 264. Petitioner seeks a variance to allow for an addition and requires relief to Front Yard Setback where 15 feet are required, and 8.5 feet are proposed; Side-Yard where 10 feet are required, and 6 feet are proposed; Lot Coverage where 35% is permitted and 41.5% is proposed. The property is located in a R2 Zoning District.

**Dan Sencabaugh: Letter was read into record for withdrawal without prejudice.
(Letter made part of these minutes)**

Motion approved to grant withdrawal without prejudice (4-0 in favor)



April 22, 2019 ZBA MEETING MINUTES

5. Application of Sean and Karen McHugh for a Variance from the Provision of the Zoning Ordinance 2018, as amended, Sections 7.2 as it applies to the premise known as 11 Driscoll St., Peabody, MA, Map 076, Lot 300. Petitioner seeks a variance to allow for a garage and requires relief to **Rear Yard** Setback where 5 feet are required, and 1.5 feet are proposed; **Right Side-Yard** where 5 feet are required, and 3.2 feet are proposed; **Lot Coverage** where 30% is permitted and 37.1% is proposed. The property is located in a **R1A Zoning District**.

Sean and Karen McHugh: Explained proposed 2-car garage and relief required.

Mr. Sencabaugh: Summarized 3 letters from direct abutters, in support of proposed garage.

8 Davis Terrace

13 Driscoll St.

9 Driscoll St. wrote a letter and was in attendance to show support

(Letters made part of these minutes)

(Nobody in audience to speak in opposition)

Mr. Zolotas: Motion to close Public Hearing

Ms. Picardi: Second

Mr. Zolotas: Motion to approve

Ms. Picardi: Second.

Variance was granted (4-0 in favor)

6. Application of 251 Andover Street, LLC c/o Attorney John Keilty, for a Variance from the Provision of the Zoning Ordinance 2018, as amended, Sections 7.2 and 10.5 as it applies to the premise known as 251 Andover St., Peabody, MA, Map 029, Lot 014. Petitioner seeks a variance to construct a building and requires relief to **Front Yard Setback** where 50 feet are required, and 12 feet are proposed; **Side-Yard** where 40 feet are required, and 2 feet are proposed; **Rear Yard** where 50 feet are required, and 46.1 feet are proposed; **Landscaping** as set forth in Section 10.5.3. The property is located in a **BR Zoning District**.

Attorney Keilty: Explained relief requested to tear down structure and rebuild, almost identical to building at 255 Andover St. Property to be built in conjunction with one another with cross easements because family owns both properties. Site plan review plans show landscaping proposal and will work in conjunction with traffic pattern.

(Nobody in audience to speak in favor or opposition)



April 22, 2019 ZBA MEETING MINUTES

Mr. Zolotas: Motion to close Public Hearing

Ms. Picardi: Second

Mr. Zolotas: Motion to approve with condition Attorney Keilty provide us with the Site Plan Review Plans tonight and he will continue to work in conjunction with city departments to accomplish the landscaping with the final determination landscaping be left to site plan review group.

Ms. Picardi: Second.

Variance was granted (4-0 in favor)

7. Application **Mark Mendonca** for a **Variance from the Provision of the Zoning Ordinance 2018, as amended, Sections 7.2** as it applies to the premise known as **70 Northend St., Peabody, MA, Map 076, Lot 145**. Petitioner seeks a variance to allow for an addition and requires relief to **Rear Yard** Setback where 35 feet are required, and 33 feet are proposed; **Right Side-Yard** where 15 feet are required, and 11 feet are proposed; **Left Side-Yard** where 15 feet are required, and 8 feet are proposed; **Lot Coverage** where 30% is permitted and 32% is proposed. The property is located in a **R1A Zoning District**.

Mr. Mendonca: Explained proposed variance requested for an addition of three bedrooms off the rear of property. Roof line will be about 2 feet higher because of dormers.

Mr. Osborne: Application says 2 bedrooms. How many will there be?

Mr. Mendonca: 3 bedrooms and a play room.

(Nobody in audience to speak in favor or opposition)

Mr. Zolotas: Motion to close Public Hearing

Ms. Picardi: Second

Mr. Zolotas: Motion to approve.

Ms. Picardi: Second.

Variance was granted (4-0 in favor)



April 22, 2019 ZBA MEETING MINUTES

8. Application of **Gary and Margaret Muise** for a **Variance from the Provision of the Zoning Ordinance 2018, as amended, Sections 7.2** as it applies to the premise known as **25 Blackstone St., Peabody, MA, Map 005, Lot 027**. Petitioner seeks a variance to allow for an addition and requires relief to Rear Yard Setback where 35 feet are required, and 25.5 feet are proposed. The property is located in a **R1 Zoning District**.

Mr. Muise: Explained relief requested to replace previously granted 1993 deck variance with a 16' x 16' - 3 season porch.

(Nobody in audience to speak in favor or opposition)

Mr. Zolotas: Motion to close Public Hearing

Ms. Picardi: Second

Mr. Zolotas: Motion to approve.

Ms. Picardi: Second.

Variance was granted (4-0 in favor)

9. Application of **Young and Sage Paik c/o Attorney Vontzalides**, for a **Variance from the Provision of the Zoning Ordinance 2018, as amended, Sections 7.2** as it applies to the premise known as **10 Butternut Ave., Peabody, MA, Map 056, Lot 024**. Petitioner seeks a variance to allow for a garage and requires relief to **Rear Yard** Setback where 35 feet are required, and 14.8+/- feet are proposed; **Left Side-Yard** where 20 feet are required, and 5+/- feet are proposed; **Lot Coverage** where 25% is permitted and 29% is proposed. The property is located in a **R1 Zoning District**.

Attorney Vontzalides: Explained variance relief proposed.

(Made part of these Minutes)

Ms. Gallugi: Property is quite hidden. The height seems high, but it is within limits.

(Discussion ensued)

(Nobody in audience to speak in favor or opposition)

Mr. Zolotas: Motion to close Public Hearing

Ms. Picardi: Second

Mr. Zolotas: Motion to approve.



April 22, 2019 ZBA MEETING MINUTES

Ms. Picardi: Second.

Variance was granted roll call vote (4-0 in favor)

BUSINESS MEETING

Acceptance of Meeting Minutes

Mr. Sencabaugh made a motion to approve minutes

Mr. Zolotas second the motion

Mr. Sencabaugh made a motion to adjourn

Mr. Zolotas second the motion

BUSINESS MEETING

REPORTS

Carla D. McGrath, Clerk