



MAY 20, 2019 ZBA MEETING MINUTES

A regular meeting of the Peabody Zoning Board of Appeals was held on Monday, May 20, 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	
Stephen Zolotas, Vice-Chairperson	
Julie Picardi	
Dan Sencabaugh	
Barry Osborne	
Mike Garabedian (A)	
Ed Colbert (A)	

NEXT MEETING, MONDAY, JUNE 17, 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 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.

1. Application of **Edward Neri**, for a **Variance from the Provision of the Zoning Ordinance 2018, as amended, Sections 7.2** as it applies to the premise known as **26 Jordan Rd., Peabody, MA, Map 025, Lot 083**. Petitioner seeks a variance to allow for a farmer's porch, addition and garage expansion, and requires relief to **Side Yard** Setback where 20 feet are required, and 18+/- feet are proposed. The property is located in a **R1 Zoning District**.

(Secretary read Legal Notice)

Applicant described proposed 1 story 24' x 58' addition.

Stephen Zolotas: At what point will the addition drop below the 20' setback?

Edward Neri: About midpoint.

(Discussion ensued)

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

Mr. Zolotas: Motion to close Public Hearing

Ms. Sencabaugh: Second

Mr. Zolotas: Motion to approve.

Mr. Sencabaugh: Second.

Ms. Gallugi: All in Favor? Any opposed?

Variance was granted (5-0 in favor)

2. Application of **Scott and Karyn McHale**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2** as it applies to the premise known as **11 Griffin Rd., Peabody, MA, Map 116, Lot 188**. Petitioner seeks a variance to allow for a farmer's porch and requires relief to **Front Yard** Setback where 20 feet are required, and 18+/- feet are proposed. The property is located in a **R1A Zoning District**.

(Secretary read Legal Notice)

Applicant described the project of proposed farmer's porch.

(Discussion ensued)

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

Mr. Zolotas: Motion to close Public Hearing

Ms. Sencabaugh: Second

Mr. Zolotas: Motion to approve.

Mr. Sencabaugh: Second.

Ms. Gallugi: All in Favor? Any opposed?

Variance was granted (5-0 in favor)

3. Application of Circle Storage, LLC c/o Attorney John Keilty, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 and 15.6.5 as it applies to the premise known as **0 Newbury St., Peabody, MA, Map 057, Lot 074T**. Petitioner seeks a variance to subdivide parcel of land and requires relief to: **Side Yard Setback** where 50 feet are required, and 33+/- feet are proposed; **Frontage Requirements** for subdivision of land under the subdivision control law. The property is located in a **BR1 Zoning District**.

(Secretary read the Legal Notice)

Attorney Keilty: John Keilty c/o Circle Storage LLC. Accompanied by Jim Sheriden, Consultant to Circle Storage, described proposed 50' deeded boundary sub-division from Circle Storage to Fred Peterson. Peterson Auto Body has occupied the land adjacent to the Circle Storage property for over 20 years. When the proposed land is given to Peterson, it creates a non-conforming lot for Circle Storage which is in process of being vetted through Site Plan Review and Planning Board. No money exchanging hands.

Dan Sencabaugh: Requested the petitioner supply an agreement history of property or communication from Attorney Panos that this agreement was agreed upon in lieu of litigation.

(The Board continued this application)

4. Application of Antonio Martins c/o Attorney Ankeles, for a Variance from the Provision of the Zoning Ordinance 2018, as amended, Sections 7.2 as it applies to the premise known as **31 Sunset Dr., Peabody, MA, Map 121, Lot 061**. Petitioner seeks a variance to allow for a detached garage and requires relief to **Accessory Structure Location from Side Setback** where 5 feet are required, and .8 feet are proposed; **Accessory Structure from Primary Structure** where 6 feet are required, and 4.7 feet are proposed. The property is located in a **R1A Zoning District**.

(Secretary read the Legal Notice)

Attorney Dave Ankeles: Representing Tony Martins. Applicant purchased land in 1994. Part of subdivision in 1950 when there were different ordinances and setbacks. The garage he is proposing now requires variance. Applicant spoke to his neighbors. None were in opposition.

Dan Sencabaugh: Read letter from the abutter into record

(Letter is made part of these minutes)

Attorney Ankeles: A portion of the fence will be taken down to erect the garage and then the fence will be put back up. There is a backyard on the other side of fence.

Dan Sencabaugh: Was the abutter made aware of the Plans submitted here tonight and is she aware the work will be done on her side of property for maintenance and construction. Do you know of any variance less than 1 foot in that neighborhood?

Attorney Ankeles: Yes, the neighbor is aware and yes there are homes with this type. The subdivision plan is available that shows these.

Dan Sencabaugh: The GIS map shows that as well.

(Discussion ensued on conditioning)

Ms. Gallugi: .8 is a lot to ask for.

Dan Sencabaugh: Would you open to adjusting the size and setback?

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

Mr. Zolotas: Motion to close Public Hearing

Ms. Sencabaugh: Second

Mr. Zolotas: Motion to approve with the condition the garage be 3.7' from the house and 1.8' from the garage to the lot line.

Mr. Sencabaugh: Second.

Ms. Gallugi: Roll call vote.

Variance was granted (5-0 in favor)

5. Application of Kyle Multner and Jennifer Cruz, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 as it applies to the premise known as 12 Ruth Ave., Peabody, MA, Map 059, Lot 024. Petitioner seeks a variance and requires relief to **Rear Yard Setback** where 35 feet are required, and 29+/- feet are proposed; **Side Yard Setback** where 20 feet are required, and 18 feet are proposed. The property is located in a **R1B Zoning District**.

Mr. Multner: Explained proposed addition for additional living space.

Mr. Zolotas: Is the east deck staying? If so it's pre-existing non-conforming. Is the rear setback variance even needed?

Mr. Multner: Rear deck is staying

(Discussion ensued)

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

Mr. Zolotas: Motion to close Public Hearing

Ms. Sencabaugh: Second

Mr. Sencabaugh: Motion to approve.

Mr. Zolotas: Second.

Variance was granted (5-0 in favor)

6. Application of Sasha Vasilopoulos, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 as it applies to the premise known as 34 Raylen Ave., Peabody, MA, Map 048, Lot 204. Petitioner seeks a variance and requires relief to Right Side-Yard Setback where 20 feet are required, and 15+/- feet are proposed. The property is located in a R1B Zoning District.

Ms. Vasilopolous: Explained proposed addition for bedroom and a bathroom.

(Discussion ensued)

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

Mr. Osborne: Motion to close Public Hearing

Ms. Sencabaugh: Second

Mr. Osborne: Motion to approve.

Mr. Zolotas: Second.

Variance was granted (5-0 in favor)

BUSINESS MEETING

Acceptance of Meeting Minutes

Dan Sencabaugh: Motion to accept minutes

Stephen Zolotas: Second

Dan Sencabaugh: Motion to adjourn

Stephen Zolotas: Second

BUSINESS MEETING

REPORTS

Carla D. McGrath, Clerk