



City of Peabody  
**Zoning Board of Appeals**

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

**NOVEMBER ZBA MEETING MINUTES**

A regular meeting of the Peabody Zoning Board of Appeals was held on Monday, November 19, 2018 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, DECEMBER 17, 2018.**

**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.



## City of Peabody Zoning Board of Appeals

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

### **1. Continued Application of Joseph Carpenito, 13 Madison Ave, Peabody, MA.**

Petitioner is seeking a variance to allow proposed garage to premise located at **13 Madison Ave, Peabody, Massachusetts**. Relief is needed to **Height** where 28.6' is proposed and 20' is allowed and Buildable Area where 900 square feet are proposed, and 500 square feet are allowed. The property is located in a **R-1 Zoning District**.

**Attorney Keilty:** Attorney Keilty represents Joseph Carpenito. The application was first heard in September. Mr. Carpenito failed to understand some of the subtleties of an appeal to the board and he has since modified his petition by showing a new structure that will be 30 by 30 as was the existing foundation but we no longer need the height variance to allow for 28.6 feet. The roof will now be somewhat flattened and extended and as such it'll be no more than 20 feet and therefore will not require a variance. We still are seeking to obtain the variance for lot coverage. Section 7.1.5 F says accessory structures shall not exceed 5 percent of the rear setback area or 500 square feet in area whichever is smaller. We are proposing 900 square feet for the size of this garage that would fit on the existing foundation. We would be proposing that we have a variance allowing for lot coverage of the accessory structure of 900 square feet rather than 500. There was a new letter issued on September 25, 2018 in which the building commissioner had acknowledged that we know we're not seeking the height requirement. There were issues as to the weight of the truck that Mr. Carpenito was parking on the premises. That truck has been removed and I think the actual eventual plan is for the sale of that truck rather than pay to park it somewhere else, and to obtain a new truck which would be allowed on the premises but would be considerably smaller. That is less than the 12,000 tons.

**Ms. Gallugi:** Voiced concerns in regard to the following...

The denial letter dated September 25, 2018 was not signed by Building Inspector Terenzoni. The Memo sent to Mr. Carpenito stated he was to submit new renderings showing the newly proposed garage dimensions, proof the car would not be parked at the residence (Mr. Carpenito previously stated he would bring in a bill from where he would be parking the car), and Mr. Carpenito would not run his pool business from 13 Madison Ave. The petitioner did not provide the ZBA with any of the above-mentioned items.

(The Memo has been made part of these minutes)

**Attorney Keilty:** Presented a copy of a signed denial letter with the changed dimensions and proposed Mr. Carpenito would submit renderings at the time he applies for the building permit. Mr. Carpenito will only need relief from Lot Coverage. Mr. Carpenito denies running a business from 13 Madison Ave. He is not able to park a truck over the tonnage. He cannot store pool supplies or equipment. He can receive business phone calls. He can't meet with people on the premise.

**Ms. Gallugi:** Reiterated what was stated in the Memo and that the Board had not received the renderings, proof the car would be parked at a different location or proof there was not a



## City of Peabody Zoning Board of Appeals

---

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

business being run from his residence. Ms. Gallugi stated she drives by that house daily and there are chemicals in the driveway.

**Mr. Osborne:** Questioned what Mr. Carpenito's business address is, if it is not being run out of 13 Madison Ave. Mr. Osborne stated there was a lot of paperwork in the file and could not find any neighbor letters in support of the proposed garage. He found a lot of opposition with good evidence why they were opposed. There was nothing provided that was asked for as far as the use of the garage goes.

**Attorney Keilty:** Remarked that he did not represent Mr. Carpenito at the time the letters were provided and can't speak to it. Mr. Carpenito did meet with the building inspector to go over the plans to reduce the height. Attorney Keilty asked if there could be a continuation to locate the letters, the invoice where the truck is and a proof of a new business address. (neighbor letters in favor and in opposition have been made part of these minutes and were in the packets provided to the Board members.)

**Mr. McHugh:** Asked if there were enough members to vote on the issue. It was decided there were in fact the appropriate members and number of members to vote.

**Ms. Gallugi:** Asked if there was anyone in the audience to speak in favor or opposition? (There was not)

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

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

**Mr. Zolotas:** Made a motion to approve with the following conditions...

- Mr. Carpenito provide his business address
- Mr. Carpenito provide renderings to support his proposal and garage would not exceed 20 feet in height as referenced in the Sept 25<sup>th</sup> Memo from Dan Terenzoni

**Mr. Sencabaugh:** Second the Motion

**Ms. Gallugi:** Reiterated that the conditions were asked for months ago and not received. Roll call vote was asked for.

**Mr. Sencabaugh:** No **Mr. Osborne:** Yes **Mr. Zolotas:** No **Ms. Picardi:** No

**Ms. Gallugi:** No

(1 in favor 4 in opposition - motion did not pass- the variance for Madison Ave. was not granted.)



## City of Peabody Zoning Board of Appeals

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

**2. Application of Leslie Rallis, 2 Cashman Circle, Peabody, Massachusetts.** Petitioner seeks a variance to allow for a 10' x 16' open deck and need relief from Side Yard Setback where 15' are required and 7' are proposed; Lot Coverage where 30% is allowed and 30.8% is proposed. The Property is located in an **R1-A Zoning District**.

**(Secretary read the Legal Notice)**

**Ms. Rallis:** Stated her name and address for the record. Explained she was asking for relief for proposed open deck which does not meet the setback requirements for Side Setback or Lot coverage and the deck would follow the same line as the house.

**Mr. Zolotas:** Asked where the stairs would be located.

**Ms. Rallis:** Explained the stairs would come off the deck at the rear.

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

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

**Mr. Zolotas:** Second the motion

**Mr. Sencabaugh:** Motion to approve

**Mr. Zolotas:** Second:

**Ms. Gallugi:** All in favor. Any opposed? (5-0)  
(Variance was granted for 2 Cashman Rd.)

**3. Application of North Shore Education Consortium c/o Ed Juralewicz United Sign 83 Pine Street, Peabody Massachusetts.** Petitioner seeks a variance to allow for a 48" x 144" Wall Sign in a district where no Wall Signs are permitted. The Property is located in an **R-4 Zoning District**.

**(Secretary read the Legal Notice)**

**Mr. Juralewicz:** Explained they are looking to put up a wall sign in a residential area because the building is used to provide special education programs for children with emotional behavioral and developmental disabilities. Parents and bus drivers are having difficulty finding the drop off location.

**Ms. Gallugi:** Asked if the sign will be illuminated.



## City of Peabody Zoning Board of Appeals

---

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

(It will not)

**Ms. Gallugi:** Asked if there were any questions by the Board.  
(there were not)

**Ms. Gallugi:** Asked if there was anyone in the audience to speak in favor.

**Monique Bourgault:** Stated their name and that they were the facility director of the Consortium and in favor of the proposed sign for safety reasons.

**Ms. Gallugi:** Asked if there was anyone else to speak in favor or in opposition.  
(There was not)

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

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

**Mr. Zolotas:** Motion to approve with the condition the sign not be backlit.

**Mr. Secabaugh:** Second.

**Ms. Gallugi:** All in favor. Any opposed? (5-0)  
(Sign variance was granted for 83 Pine Street)

**4. Application of Matt and Melissa Nazzaro, 31 Coolidge Ave, Peabody, Massachusetts.** Petitioner seeks a variance to allow for a 24' x 9.6" open deck and needs relief to Front Yard Setback where 20' are required and 9' +/- are proposed and Right-Side Yard where 15' are required and 14' are proposed. The property is located in a **R1-A Zoning District**.

**(Secretary read the Legal Notice)**

**Mr. and Mrs. Nazzaro:** Stated name and address for the record. Mr. Nazzaro explained they had previously appeared before the board for a variance to build a front porch. The variance was granted. After construction began they realized the porch would not facilitate a functioning ramp because of the slope. Mr. Nazzaro explained his proposal to revise the initial granted variance to reflect the renderings he submitted.

**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.



City of Peabody  
**Zoning Board of Appeals**

---

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

**Mr. Osborne:** Second

**Mr. Zolotas:** Motion to approve

**Mr. Osborne:** Second

**Ms. Gallugi:** All in favor. Any opposed? (5-0)  
(Variance was granted for 31 Coolidge Ave.)

**5. Application of Paula and Karyn DiRosa, 5 Sasha Circle, Peabody, Massachusetts.**  
Petitioner seeks a variance to allow for an attached 2-car garage and requires relief from Right Side Yard where 20 feet are required, and 5.9 feet are proposed. The Property is located in an **R1-B Zoning District**.

**(Secretary read the Legal Notice)**

**Mr. DiRosa:** Stated his name and address for the record and explained his proposal for a 2-car garage.

**Ms. Gallugi:** Asked what the room above the garage would be used for.

**Mr. DiRosa:** Ensured the Board there would not be a kitchen or bathroom in the space over the garage. The room would be a family/game room.

**Mr. Secabaugh:** Asked Mr. DiRosa to explain the rendering “options” provided.

**Mr. DiRosa:** Explained 1 option showed a roof line similar to the existing structure and the option showed a slightly lower roofline because there is a window (that brings in light) in the existing structure he would rather not block with the proposed garage.

**Mr. McHugh:** Asked what the land was adjacent to his property where he wants to build that was listed as the Commonwealth of MA.

**Mr. Sencabaugh:** Asked if there was an immediate abutter and acknowledged the abutter would not be affected by the garage location.

**Mr. DiRosa:** Answered he thinks it is highway There is one neighbor behind the house (8 Sasha) with a long driveway.

**Mr. Zolotas:** Confirmed this was a variance application and there was no entertainment license involved, because the abutter request form was unclear/hard to read.



City of Peabody  
**Zoning Board of Appeals**

---

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

**Ms. Gallugi:** Explained to Mr. DiRosa that just because there is no immediate abutter on the side of the house the garage is proposed, the construction plans for the garage must be adhered to. In other words the dimensions cannot change if the variance is granted.

**Mr. Osborne:** Cautioned Mr. DiRosa to be sure what the room above the garage will be used for because if approved it will be conditioned as such.

**Mr. DiRosa:** Reiterated the use over the garage will be a family room.

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

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

**Mr. Osborne:** Second

**Mr. Zolotas:** Motion to approve with the condition there be NO kitchen allowed above the garage.

**Mr. Osborne:** Second

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

**Mr. Sencabaugh:** Yes **Mr. Osborne:** Yes **Mr. Zolotas:** Yes **Ms. Picardi:** Yes

**Ms. Gallugi:** Yes

(5 in favor 0 in opposition)

(Variance for 5 Sasha Circle was granted with condition)

**Condition:** No kitchen is allowed in room above the proposed garage.

**6. Application of Kelly Hiraldo, 24 Winter Street, Peabody, Massachusetts.** Petitioner seeks a variance to allow for a freestanding Angela's Pre-school and Day Care sign in a district that does not permit any freestanding signs. The Property is located in an **IL Zoning District**.

**(Secretary read the Legal Notice)**

**Ms. Hiraldo:** Stated her name and address for the record. Explained the proposed free-standing sign for the Day Care at said property.

**Mr. Sencabaugh:** Voiced his approval of the sign both for business and its safety implications on people driving down the street. It will make them aware of the Day Care.



City of Peabody  
**Zoning Board of Appeals**

---

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

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

**Mr. Osborne:** Motion to close

**Mr. McHugh:** Second

**Mr. Osborne:** Motion to approve

**Mr. McHugh:** Second

**Ms. Gallugi:** All in favor. Any opposed? (5-0)  
(Variance for free-standing sign at 24 Winter St was granted)

7. Application of **Michael and Jodi Deldon, 49 Emerson Street Ext., Peabody, Massachusetts.** Petitioner seeks a variance to allow for a 10' x 10' open deck and requires relief from Right Side Yard where 15 feet are required, and 3 feet are proposed. The Property is located in an **R1-A Zoning District.**

**(Secretary read the Legal Notice)**

**Mrs. Deldon:** Stated name and address for the record. Mrs. Deldon explained the proposed 10x10 open deck.

**Mr. Sencabaugh:** Read into the record a letter by abutter Pat Wojik who is in favor of the proposal

**Ms. Gallugi:** 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. Zolotas:** Motion to approve

**Mr. Sencabaugh:** Second

**Ms. Gallugi:** All in favor. Any opposed? (5-0)  
(Variance for open deck at 49 Emerson St. Ext. was granted)

**Mr. Sencabaugh:** Motion to accept October Meeting Minutes



City of Peabody  
**Zoning Board of Appeals**

---

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

**Mr. Osborne:** Second

**APPOINTMENTS/CORRESPONDENCE**

Reminder of ZBA Christmas Party to be held December 7<sup>th</sup> at 6 Scribner Rd in Peabody 7pm

**REPORTS**

Carla D. McGrath, Clerk