



City of Peabody
Zoning Board of Appeals

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

DECEMBER ZBA MEETING MINUTES

A regular meeting of the Peabody Zoning Board of Appeals was held on Monday, December 17, 2018 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	
Daniel Sencabaugh, Secretary	
Kevin McHugh	
Barry Osborne	
Julie Picardi (A)	
	Mike Garabedian (A)

NEXT MEETING, MONDAY, JANUARY 28, 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)
(PATV was not present to video meeting on December 17, 2018)
- 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.

Agenda Item Number 7 was heard first.



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7. Application of, Northeast Arc, c/o Susan Ring Brown, 22 Foster St., Peabody, MA. Petitioner is proposing 3 wall signs and 4 window signs. Relief is needed to **number of wall signs and coverage of window signs**. The property is located in a **BC Zoning District**.
(Secretary read Legal Notice)

Susan Ring Brown: 7 Central Court Beverly MA., spoke about the project and lack of signage at the property. Joanna from ALX sign is present to answer any design questions in regard to the project. Tim Brown, Martha Holden and Peter McGinn were also present as “Friends of the Black Box Theatre” and are in support of the project.

Ms. Gallugi asked if the white free-standing sign needed a variance and how the signs will be lit.

Ms. Ring Brown answered it was her understanding it did not need a variance per the Building Commissioner. As to the lighting, the signs will be lit by up lighting. The signs themselves are not backlit.

Mr. Sencabaugh: Wanted to go on the record that he thinks the black box theater is wonderful and an asset to the community.

Mr. Osborne: Asked if the applicant was aware of the Community Development Memo in regard to the Downtown Design District Guidelines. Suggested the Variance be conditioned if approved by the Board.

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 the Public Hearing

Mr. Sencabaugh: Second

Mr. Zolotas: Motion to approve with the condition the applicant adheres to the Downtown Design District guidelines.

Mr. Sencabaugh: Second

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



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1. Application of Robert Walsh, 7 Rose Cir., Peabody, MA. Petitioner is seeking a variance to allow proposed 34'x20' addition. Relief is needed to **Left Side Yard** where 15' are required and 6.3'+/- are proposed; **Rear Yard** where 35' are required and 8'.4" +/- is proposed. The property is located in a **R-1A Zoning District**.

(Secretary read Legal Notice)

Mr. Walsh: Robert Walsh 7 Rose Circle. Spoke about his application to turn his garage into a FALA for his mother.

Mr. Zolotas: Asked if the applicant was aware of the FALA guidelines.

Mr. Walsh: Confirmed he was and that the Building Commissioner had looked over the plans. He also stated he was aware of the annual walk through.

(Discussion ensued about conditioning the variance and the procedure for the approval with condition.)

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.

Ms. Picardi: Second the motion.

Mr. Zolotas: Made a motion to approve with the condition that the Building Department approve the FALA

Ms. Picardi: Second the Motion

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

2. Application of Mary Jo Liacos, 11 Highland Park, Peabody, MA. Petitioner is proposing a 21' x 12' addition. Relief is needed to **Right Side Yard** where 15' are required and 1.5'+/- are proposed. The property is located in a **R-1A Zoning District**.

(Secretary read the Legal Notice)

Mr. Sencabaugh read in a letter December 7, 2018 written by Mr. and Mrs. Spanos, 7 Highland Park, Peabody, MA, stating they have no objection to the addition proposed at 11 Highland Park as immediate abutters.



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Mr. Mello: Mr. Joseph Mello, 45 Rear Endicott St. Peabody, representing Mary Jo Liacos as the builder. Remodeling kitchen, adding bath in the proposed addition to rear of home.

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.

Mr. Zolotas: Motion to approve.

Mr. McHugh: Second

Ms. Gallugi: Roll call vote.

Mr. Sencabaugh: Yes **Mr. Osborne:** Yes **Mr. McHugh:** Yes **Mr. Zolotas:** Yes

Ms. Gallugi: Yes (5-0) Variance approved.

3. Application of Attorney J. Burke representing 25 Andover St., Peabody MA.

Petitioner is proposing an open deck, 2 additions and a wheelchair ramp. Relief is needed to **Front Yard** where 20' are required and 8'.5' +/- is proposed; **Rear Yard** where 35' are required and 4'.2" +/- is proposed; **Lot Coverage** where 30% is permitted and 37% is proposed. The property is located in a **R-1A Zoning District**.

(Secretary read the Legal Notice)

Mr. Burke: Attorney Patrick Burke with offices at 45 Franklin St. Lynn, MA. Here representing 25 Andover St. Explained he was asking for relief for proposed addition and deck with ramp to group home for developmentally delayed adults, in order accommodate handicapped accessibility for those residents needing so and add an additional bedroom at the request of the Department of Developmental Disabilities. He has also been in contact with Conservation Agent due to the proximity to wetlands behind the property. A field study was performed, and the findings were added to the application packet. The requirements in the memo were gone over with the contractor and will be met.

Ms. Gallugi: Reiterated the importance of following the Conservation Commission guidelines.

Mr. Osborne: How will you manage where he puts his equipment? How will the dewatering be done? Bass River must ensure the contractor complies.



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Mr. Burke: Explained the soil will be removed for the foundation and footing for the deck. There is no basement so there will not be much excavation. The property is elevated. The contractor will comply. The building department will be there to check at every stage of the project.

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.

Mr. Zolotas: Motion to approve with condition the erosion controls be installed before any construction begins and that any work in the buffer zone as stated in the memo from Conservation Commission be complied with.

Mr. Sencabaugh: Second

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

4. Application of Nelson Gagnon, 13 Little's Ln., Peabody, MA. Petitioner is proposing to construct a two-family dwelling where a single-family dwelling already exists. Relief is needed to **Front Yard** where 15' are required and 10'+/- is proposed; **Side Yard** where 10' are required and 7'+/- are proposed; **Rear Yard** where 35' are required and 20'+/- is proposed; **Lot Area** where 7,500s.f. is required and 4,028s.f. is proposed. The property is located in a **R-2 Zoning District**.

(Secretary read the Legal Notice)

Mr. Gagnon: Nelson Gagnon explained the proposed conversion of a single-family dwelling to a two-family dwelling previously granted in July 2017. The Variance has lapsed, and applicant is reapplying for the same variance. There is no exterior work being done.

Mr. Sencabaugh: Asked Carla if there is a time restriction on reapplying for a variance.

Mrs. McGrath: Responded only if the Variance has been denied in which case there is a 2 year wait.

Ms. Sencabaugh: Why did you wait?

Mr. Gagnon: Owning several businesses and properties, my time and financial resources were needed elsewhere and hiring a contractor took more time than anticipated



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

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

Mr. Zolotas: Second the motion

Mr. Sencabaugh: Motion to approve with condition

Mr. Zolotas: Second:

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

5. Application of Paul Isaac, 6 Pond View Rd., Peabody, MA. Petitioner is proposing an attached garage. Relief is needed to **Left Side Yard** where 20' are required and 10'+/- are proposed. The property is located in a **R-1 Zoning District**.

(Secretary read the Legal Notice)

Mr. Isaac: Paul Isaac 6 Pond View Rd. Peabody. Explained proposed 2 car garage and need relief to side yard setback.

Mr. McHugh: Why can't the garage be on the other side?

Mr. Isaac: I don't want to disrupt the open space for the kids to play.

(Discussion ensued)

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 approve.

Mr. Sencabaugh: Second.

Ms. Gallugi: Roll call vote.

Mr. Sencabaugh: Yes **Mr. Osborne:** Yes **Mr. McHugh:** No **Mr. Zolotas:** Yes

Ms. Gallugi: Yes (4-1) Variance is granted.



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6. Application of Beverly Bank c/o Ed Juralewicz, 167 Washington St., Peabody, MA.
Petitioner is proposing a free-standing sign in a Zoning District which does not permit a free-standing sign. The property is located in a **GB Zoning District**.
(Secretary read the Legal Notice)

Ms. Gallugi: Why ask for a sign where you are not allowed?

Mr. Juralewicz: Ed Juralewicz 33 Tojer Rd., Beverly. There is a 30-foot setback required for a free-standing sign to be allowed. We need relief from the 30-foot requirement. There is also a wall sign. The sign is proposed so it is visible from Foster St. and Washington St. and the sign is necessary lack of visibility.

Mr. Zolotas: Stephen thinks he is too close as an abutter and must recuse himself.

Mr. McHugh: Is the building being used as is? Is this the only sign?

Mr. Nadeau: Gary Nadeau, building owner. Nothing is going to change. The footprint will remain. The bank will be the only name on the sign.

Mr. Sencabaugh: Made sure he did not represent the applicant and have to recuse himself.

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

Mr. Zolotas: Motion to close the public hearing.

Mr. Sencabaugh: Second

Mr. Osborne: Motion to approve with condition the applicant adhere to the Downtown Design District guidelines.

Mr. Sencabaugh: Second

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

Mr. Sencabaugh: Motion to approve the minutes.

Mr. Zolotas: Second.

Ms. Gallugi: All in favor (5-0)

Mr. Sencabaugh: Motion to adjourn.



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Mr. Zolotas: Second.

Ms. Gallugi: All in favor (5-0) Meeting adjourned.

Carla D. McGrath, Clerk