



**FEBRUARY 28, 2022 REGULAR ZBA MEETING MINUTES**

A meeting of the Peabody Zoning Board of Appeals was held on Monday, February 28, 2022 at 7:00 p.m. Peabody City Hall, 24 Lowell St., Wiggin Auditorium

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>
	Barry Osborne
Frances Bisazza-Gallugi, Chairperson	
Stephen Zolotas, Vice-Chairperson	
Keith Slattery	
Chris Gilbert	

**Also in attendance...**

**Attorney Jason Panos**

**Attorney John R. Keilty**

**Attorney Patrick Burke**

**Attorney Athan Vontzalides**

**(Ms. Gallugi read the opening statement made part of these minutes. Ms. Gallugi also introduced Chris Gilbert as new ZBA Member)**

**1.** Continued Application of 437 ESSEX INC for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **6 AZALEA LN**, Peabody, MA, 056-074. Petitioner seeks a variance for an addition with roof extension to cover walkway and requires relief to Side Yard where 20' is required and 12.8' is proposed; Front Yard where 25' is required and 24.2' is proposed. The property is located in a R1 zoning district. **(Secretary Read Legal Ad)**

The applicant revised the plot plan, and the denial was reissued. Applicant seeking relief to Side and Front Yard Setbacks.

**Attorney Burke representing 437 Essex Inc.:** Lessee of the property. Group home for developmentally disabled adults since 1990. Building permit for an addition to the property was obtained. Door and walkway with overhang is suggested for safety for hospital beds and wheel chairs to enter and exit.

**Fran Gallugi:** Any questions by the Board. Anyone in the audience to speak in favor? In opposition?

**Roger Covert:** Abutter 8 Azalea Ln. in opposition. Walkway and door make the residential neighborhood look too commercial. It is inconsistent with the rest of the neighborhood.

**Ed Nevens:** Abutter 10 Azalea Ln. in opposition. Looks too institutional. Value of homes would decrease. No hardship.

**Councilor Neil:** Ward Councilor in opposition for reasons stated above.

**Attorney Burke:** Residential property. Use is protected under statute. Dimensional relief asking for is minimal. The addition was permitted by right. It is only the overhang to the walkway that relief is needed. A Five and a half foot overhang is very consistent with the neighborhood.

**Stephen Zolotas:** Asked for some clarification. When did the applicant find out they needed the door and overhang, and why the State required it. Felt it would be helpful if there was something in writing from the organization requiring the overhang.

**Attorney Burke:** Knew for a while about the second egress. The overhang was just brought to my attention. They require it for inclement weather and safety. There must be a concrete pathway to transport wheelchairs and hospital beds. The additional half foot was added to encompass the gutter.

**Keith Slattery:** Has any thought been put into putting the additional door and walkway on the left side where no relief would be needed?

**Attorney Burke:** No. because there is a bedroom there.

**Chris Gilbert:** Was there any discussion about the roof back when you first pulled a permit?

**Attorney Burke:** No because the original plan was for the walkway and potentially four-and-a-half-foot walkway by right. We revised it to 5 and a half which triggered the zoning relief.

**Fran Gallugi:** Any questions by the Board. Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Stephen Zolotas:** Motion to close the public hearing

**Keith Slattery:** Second

**Stephen Zolotas:** Motion to approve

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0) in favor

**2.** Application of Joseph Amico for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **7 JAMES ST**, Peabody, MA, 084-065. Petitioner seeks a variance to enclose open deck to a screened in porch and requires relief to Side Yard where 15' is required and 4.5' proposed. The property is located in a R1A zoning district.

**(Secretary Read Legal Ad)**

**Joe and Beth Amico:** Homeowner. Explained there was a previous various granted for the deck. They are simply enclosing that deck. They are not changing the setbacks.

**Fran Gallugi:** Any questions by the Board.

**Keith Slattery:** Are you expanding the deck at all?

**Joe Amico:** No

**Fran Gallugi:** Any other questions by the Board. Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board

**Stephen Zolotas:** Motion to close the public hearing

**Keith Slattery:** Second

**Stephen Zolotas:** Motion to approve

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0) in favor

**3.** Application of BURLINGTON COAT FACTORY RLTY OF for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 11.5.2, as it applies to the premise known as **320 ANDOVER ST**, Peabody, MA, 029-008A. Petitioner seeks a variance for 2 Wall Signs and requires relief to Wall Signs size where 75 sf is allowed and Wall Sign 1 is 224.7 sf and Wall Sign 2 is 100.8 sf. The property is located in a BR zoning district.  
**(Secretary Read Legal Ad)**

**McKayla Noy:** The old Burlington Coat Factory will now be AT Home. Sign size necessary for the business to be viable. Building is 800' from the roadway.

**Fran Gallugi:** How will they be lit?

**McKayla Noy:** They will be internally illuminated channel letters.

**Fran Gallugi:** Any questions by the Board.

**Stephen Zolotas:** Larger signage that can be seen from Route 114 is beneficial to everyone.

**Fran Gallugi:** Any other questions by the Board. Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Stephen Zolotas:** Motion to close the public hearing

**Keith Slattery:** Second

**Stephen Zolotas:** Motion to approve

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0) in favor

**4.** Application of IMPROVED HOME SOLUTION LLC for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, 9.3, 10.5.2, as it applies to the premise known as **10 BASFORD CT**, Peabody, MA, 085-266. Petitioner seeks a variance to convert a single family dwelling into a two-family dwelling and requires relief to Lot Area where 34500 sf is required and 3416 sf is proposed; Front Yard Setback where 20' is required and 8' is proposed; Left Side Yard Setback where 15' is required and 3' is proposed; Rear Yard Setback where 35' is required and 2' is proposed; Landscaping where street trees are required and none are proposed; Driveway Coverage where no more than 15% coverage is allowed; Curb Cut where 12' is allowed and 32' is proposed. The property is located in a R4 zoning district.  
**(Secretary Read Legal Ad)**

**Attorney Keilty** representing Improved Home Solutions. Owner would like to convert a single family 7-bedroom home to a two-family with 2 and 4 bedrooms. There are no exterior changes other than the parking. These would be rental units.

**Fran Gallugi:** Any questions by the Board.

**Keith Slattery:** Asked about the deck.

**Attorney Keilty:** The deck is existing

**Fran Gallugi:** Anyone in the audience to speak in favor? In opposition?

**Donna Jansky:** 9 Bassford Ct. In opposition. Street too narrow. Parking area already constructed.

**Steve Doyle:** 11 Bassford Ct. In opposition. Previous resident did not have a car. Same concerns as above.

**John Pelosi:** 9 Bassford Ct. In opposition. Pitch of the driveway creates flooding in the cellar. Curb cut and driveway created without permission. Can't back out of driveway. They park on street not in driveway. Whatever work was done without permits. Provided pictures of the driveway. Pictures were accepted into the record and made part of these minutes. Retainer wall taken out.

**(Discussion ensued)**

**Attorney Keilty:** Requested continuance to next meeting

**Stephen Zolotas:** Motion to accept the Attorney Keilty's request for a continuance to 03/21/22.

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0) in favor

**5. Application of CARDELLO MICHAEL & DANAE for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as 1 LONE PINE LN, Peabody, MA, 014-119. Petitioner seeks a variance for an addition and requires relief to Right Side Yard where 20' is required and 11.5' is proposed. The property is located in a R1 zoning district.**

**(Secretary Read Legal Ad)**

**Brian Syring:** Contractor for the homeowner described addition and informed Board it was for a FALA (family accessory living area).

**Fran Gallugi:** Informed the builder and homeowner they would need to speak with the building department and gain approval of the FALA before coming to the ZBA for any relief.

**Brian Syring:** Requested to withdraw without prejudice.

**Stephen Zolotas:** Motion to accept

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0) in favor

6. Application of HANNAN KATIE L & GREGG DEVINCENTIS for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.1.5, as it applies to the premise known as 9 SHERRY LEE LN, Peabody, MA, 050-134. Petitioner seeks a variance for Accessory Structure Cabana and requires relief to Size where 200 sf is allowed, and 498 sf is proposed; Rear Yard Setback where 10' is required and 7.3' is proposed. The property is located in a R1A zoning district.

**(Secretary Read Legal Ad)**

**Attorney Vontzalides** Representing homeowner. Homeowner did not realize he needed a permit for the cabana.

**(Presentation made part of these minutes).**

**Keith Slattery:** How far into construction? Are there plans to put a pool in? When and why did they realize they needed a permit?

**Attorney Vontzalides:** They are about 60% complete with the cabana. The pool is already there and was permitted. There is no plumbing associated with the cabana. A neighbor questioned the cabana about two months or so ago.

**Fran Gallugi:** So, they began construction, got caught and now they are asking for forgiveness and much more allowance.

**Attorney Vontzalides:** If I could request from the board a continuance and have the homeowner revise the plans to reduce the area. does the board have a problem with the setback relief requested?

**Stephen Zolotas:** I can't speak for everybody, but I don't think my issue is so much the setback as is the size.

**Fran Gallugi:** You should come back as much in compliance as you can according to what is allowed by square footage of the zoning laws. I am extremely disappointed to think that this is 60 percent done without a building permit. Is there anyone here who would like to speak?

**Mr. Apostolides:** 26R Baldwin. Will there be any blasting?

**Attorney Vontzalides:** No.

**David Eagan:** Abutter 3 Cortland St. In opposition. Too large.

**Attorney Vontzalides:** We request a continuance so we can come back with a revised plan.

**Stephen Zolotas:** Motion to accept continuance to the March 21, 2022 meeting.

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0)

7. Application of 29 NEWBURY STREET LLC-Applicant is LA Holdings LLC-18 Baldwin St, Peabody, MA for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2,10.5.3,10.7, as it applies to the premise known as **29 NEWBURY ST**, Peabody, MA, 088-004. Petitioner seeks a variance for an addition and requires relief to Front Yard Setback Landscaping Strip where at least 25' in depth is required and none is proposed; Landscaping trees where 4 per 100 linear feet are required and none are proposed; Landscaping for parking in section 10.7 where none is proposed; Side Setback, Corner Lot where 40' is required and 17.9' is proposed. The property is located in a BR1 zoning district.  
**(Secretary Read Legal Ad)**

**Attorney Vontzalides** representing:  
**(Presentation made part of these minutes)**

**Fran Gallugi:** Any questions by the Board. Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Stephen Zolotas:** Motion to close public hearing

**Keith Slattery:** Second

**Stephen Zolotas:** Motion to approve with condition the applicant gains approval from Planning Board, and City Council.

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0)

8. Application of DADD RAMACE & CYNTHIA H TRS for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2 and 7.1.5, as it applies to the premise known as **16 GOLDTHWAITE PL**, Peabody, MA, 095-342. Petitioner seeks a variance an addition and requires relief to Rear Yard Setback where 35' is required and 9' is proposed; Lot Coverage where 35% is allowed and 36.2% is proposed; Accessory Structure Setback to Primary Structure where 6' is required and 3.5' is proposed. The property is located in a R2 zoning district  
**(Secretary Read Legal Ad)**

**Chris Crump:** CWC Design representing homeowners, gave a brief overview of the proposal.

**Keith Slattery:** Line of sight from the house to the garage to the accessory structure...is that out of the line of sight...the addition. Because you said it's one story high. It's not going to be higher than the garage or the house.

**Chris Crump:** It will not be higher than the house.

**Stephen Zolotas:** It looks like it's an odd, shaped lot. This is very similar to other homes in the area.

**Fran Gallugi:** Any questions by the Board. Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Stephen Zolotas:** Motion to close public hearing

**Keith Slattery:** Second

**Stephen Zolotas:** Motion to approve with the condition gain approval from Conservation

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0)

**9.** Application of TODISCO PROPERTIES LLC c/o The Panos Law Group for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **0 COOLIDGE RD**, Peabody, MA, 085-206. Petitioner seeks a variance to allow for the construction of a single family dwelling on a legally existing, non-conforming lot and requires relief to Minimum Lot Area where 30,000 sf is required and 5,000 sf is proposed; Minimum Lot Frontage where 75' is required and 50' is proposed; Right Side Yard where 15' is required and 10.1' is proposed. The property is located in a R4 zoning district.

**(Secretary Read Legal Ad)**

**Attorney Jason Panos:** Gave a brief overview of the project which is consistent with the existing neighborhood.

**Keith Slattery:** Drove by blighted property. Will be good to have new construction to clean it up. Is there any plan for an accessory structure?

**Attorney Panos:** No plan, but they may be one tucked away.

**Fran Gallugi:** Any other questions by the Board. Anyone in the audience to speak in favor? In opposition?

**Matt McKinnon:** 7 Coolidge direct abutter. Had concerns with the integrity of the retainer wall once construction begins. Spoke with attorney and Mr. Todisco. They assured me if any damage occurs Mr. Todisco will make the repairs. I have no objection to the building of the house.

**Stephen Zolotas:** Its one thing to say you spoke about it but I auld like Attorney Panos to confirm.

**Attorney Panos:** We feel it is a remote possibility. Given the slight possibility that it may we're all on the same page and we want to make sure that we're going to do everything possible to keep it safe keep the lateral structure there.

**Fran Gallugi:** Any other questions by the Board. Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Stephen Zolotas:** Motion to close public hearing

**Keith Slattery:** Second

**Stephen Zolotas:** Motion to approve

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0)

**10.** Application of 182 Lynn Street Nominee Trust for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, 10.5.3, as it applies to the premise known as **176 LYNN ST**, Peabody, MA, 115-131A. Petitioner seeks a variance for new construction of a two-family dwelling and requires relief to Front Yard where 30' is required and 15' is proposed; Left Side Yard where 25' is required and 6' is proposed; Right Side Yard where 25' is required and 10' is proposed; Landscaping is required, and no buffer is proposed and two street trees are proposed; Driveway Width where 20' is required and 16' is proposed. The property is located in a BN zoning district.

**(Secretary Read Legal Ad)**

**Attorney John Keilty** representing. Gave a brief overview of the proposal.  
**(Discussion ensued)**

**Chris Gilbert:** Through the Chair. I live in the neighborhood, and it is an eye sore as it is now. It's about time something is done about this mess.

**Stephen Zolotas:** Do you foresee any issues with the right of way?

**Attorney Keilty:** No. I don't foresee that happening the history of this particular right away.

**Fran Gallugi:** Any other questions by the Board. Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Stephen Zolotas:** Motion to close public hearing

**Keith Slattery:** Second

**Stephen Zolotas:** Motion to approve

**Keith Slattery:** Second

**Fran Gallugi:** Roll call vote (4,0)

**Stephen Zolotas:** Motion to accept meeting minutes.

**Keith Slattery:** Second

**Fran Gallugi:** All in favor. Any opposed (4,0) in favor

**Meeting Adjourned**

**NEXT REGULAR MEETING MARCH 21, 2022**

