

April 26, 2021

Regular



**City of Peabody  
Zoning Board of Appeals**

CITY OF PEABODY  
2021 APR -1 PM 2:28  
CITY CLERK

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

**APRIL 26, 2021 ZBA AGENDA**  
**LEGAL NOTICE**

**NOTICE IS HEREBY GIVEN THAT THERE WILL BE A REMOTE PARTICIPATION MEETING**  
**OF THE ZONING BOARD OF APPEALS ON**  
**MONDAY, APRIL 26, 2021, AT 7:00 PM**

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A § 18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Peabody Zoning Board will be conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public adequately access the proceedings in real time, via technological means. Individuals may participate remotely in the meeting via a participation platform called Zoom.

Members of the public and/or parties with a right and/or requirement to attend this meeting may access the remote participation through any one of the following ways:

- Enter this link into your web browser to join the meeting: [https://us02web.zoom.us/j/854 0252 8707](https://us02web.zoom.us/j/85402528707)
- Enter this link into your web browser to open the Zoom website: <https://zoom.us/join>. Enter the meeting/webinar ID# 854 0252 8707 as directed on the webpage and click "Join". Follow the on-screen instructions to join the meeting.
- Participants can dial a toll-free number +1 312 626 6799 to join the meeting. When prompted, enter meeting/webinar ID# 854 0252 8707 and follow the instructions to join the meeting.

THE AGENDA FOR THIS MEETING IS POSTED ON THE CITY PEABODY WEBSITE AND LISTED BELOW.

PEABODY ACCESS TELEVISION WILL BE AIRING THIS MEETING LIVE ON COMCAST 9 - RCN 15/614/1161

IF YOU WISH TO REVIEW ANY PLANS OR DOCUMENTS RELATED TO ITEMS ON THIS AGENDA PLEASE CONTACT CARLA MCGRATH

ZONING BOARD OF APPEALS  
C/O CARLA MCGRATH, CLERK  
LOWELL STREET  
PEABODY, MA 01960  
[carla.mcgrath@peabody-ma.gov](mailto:carla.mcgrath@peabody-ma.gov)  
978-538-5792

## APRIL 26, 2021 AGENDA

### REGULAR MEETING

1. Continued application of **Northeast Arms, LLC c/o Attorney John Keilty** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **108H Newbury St., Peabody, MA, Map 068, Lots 12 and 13**. Petitioner seeks a variance for a mobile range facility and requires relief to **Left Side Yard** where 100' is required and 70' is proposed; **Rear Yard** where 50' is required and 28' is proposed. The property is located in an **BR Zoning District**.
2. Application of **Thomas Lemiesz c/o Attorney Vontzalides** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **118 Bartholomew St., Peabody, MA, Map 114, Lot 083**. Petitioner seeks a variance to construct an addition and requires relief to **Right Side Yard Setback** where 20' is required and 6.4' is proposed; **Left Side Yard Setback** where 20' is required and 18.2' is proposed **Front Yard** where 25' is required and 20.1' is proposed. The property is located in an **R1 Zoning District**.
3. Application of **Jessica Mercier** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **13 Tara Road, Peabody, MA, Map 107, Lot 235**. Petitioner seeks a variance to construct a deck and requires relief to **Rear Yard Setback** where 35' is required and 20' is proposed. The property is located in an **R1 Zoning District**.
4. Application of **John Dullea** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **11 Janet Ln., Peabody, MA, Map 107, Lot 216**. Petitioner seeks a variance to construct deck to attach to the pool and requires relief is to **Rear Yard Setback** where 35' is required and 5' is proposed. The property is located in an **R1 Zoning District**.
5. Application of **Michael and Claire McDonough c/o David Kelley** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.1.5** as it applies to the premise known as **12 Joyce Rd, Peabody, MA, Map 098, Lot 095**. Petitioner seeks a variance for a pool and requires relief to **Accessory Structure in Front Yard** where none are allowed. The property is located in an **R1B Zoning District**.
6. Application of **Arielle Salvo and John Pitrowski** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **7 Violet Rd., Peabody, MA, Map 052, Lot 138**. Petitioner seeks a variance to construct an addition and requires relief is to **Right Side Setback** where 15' is required and 11.2' is proposed. The property is located in an **R1A Zoning District**. The application and plan are available to the public and can be viewed by contacting Carla McGrath at [carla.mcgrath@peabody-ma.gov](mailto:carla.mcgrath@peabody-ma.gov) or 978-538-5792 **in advance** and prior to the Public Hearing.
7. Application of **FRH Realty, LLC, c/o Attorney John Keilty**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, specifically Sections 6.6.8, 10, 10.2, and 10.7** as they apply to the premise known as **7 Dearborn Rd., Peabody, MA, Map 078, Lot 019**. Petitioner seeks a variance and requests relief from provisions of the **DDD Residential Overlay District**, Section 6.6.8. and relief from **Landscape requirements**. The property is located in a **DDD Zoning District**.

CITY OF EL PASO

2021 APR -1 PM 2:28

CITY CLERK

**BUSINESS MEETING**

Acceptance of Meeting Minutes

**APPOINTMENTS/CORRESPONDENCE**

CHAPA Memo

**REPORTS**

Carla D. McGrath, Clerk

Posted: April 1, 2021



CITY OF PEABODY

2021 MAY 25 AM 9:25

CITY CLERK

**APRIL 26, 2021 SPECIAL ZBA MEETING MINUTES**

A meeting of the Peabody Zoning Board of Appeals was virtually held on Monday, April 26, 2021 at 7:00 p.m. remotely via Zoom platform.

MEMBERS PRESENT	MEMBERS ABSENT
	Keith Slattery
Frances Bisazza-Gallugi, Chairperson	
Stephen Zolotas, Vice-Chairperson	
Julie Picardi	
Dan Sencabaugh	
Barry Osborne	
Ed Colbert	

Also in attendance were the following...

- Attorney John Keilty
- Attorney Athan Vontzalides
- Councilor Saslaw

**(Ms. Gallugi read the opening statement made part of these minutes)**

**Ms. Gallugi:** Just a few things before we begin this evening. It is my hope that our June 21st meeting will be able to take place in person in City Hall. I'll keep everybody updated but that is my hope. Number one tonight is a continued application of Northeast Arms LLC in care of Attorney Keilty. I would just like to state a few things. When we met in person I would always give a little overview about what really it means when you come to the Zoning Board of Appeals. You're coming to us for dimensional relief. So, I would say.... which is true.... if when you speak to your addition or to your deck....we don't listen to things like I'm opposed to my neighbor putting on a deck because their leaves fall in a pool or they play the music all night too loud or their garage light shines into my bedroom or the trash is all over my front yard. We're not concerned with that. We don't listen to that. We are here to listen to dimensional relief. I think part of the Zoning Board procedures have been lost in translation. So, before we do talk about Northeast Arms, I would like our Secretary to just put onto the record the correspondences that we have received recently and then I'm going to need a motion to accept those correspondence letters.

**MEETING:**

1. Continued application of **Northeast Arms, LLC c/o Attorney John Keilty** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **108H Newbury St., Peabody, MA, Map 068, Lots 12 and 13**. Petitioner seeks a variance for a mobile range facility and requires relief to **Left Side Yard** where 100' is required and 70' is proposed; **Rear Yard** where 50' is required and 28' is proposed. The property is located in an **BR Zoning District**.

**Dan Sencabaugh** gave a brief overview of the letters in opposition

**(Letters are made part of these minutes)**

**Stephen Zolotas:** Motion to accept the correspondence letters in opposition.

**Barry Osborne:** Second

**Fran Gallugi:** All in favor – Any opposed (5,0)

**Fran Gallugi:** I have a few comments I would like to make right now. We have to remember that although we received all the letters about noise and safety and environment concerns, the petition before us is for dimensional requirements only. The trailer is going to be in position 90 percent of the time. So, it basically is a permanent structure which doesn't comply with the zoning. They need to be a hundred feet away from the buffer zone. They're 70 feet away so they need 30 feet. They can't move it anywhere else in the back of that property because the way the building is located, fire trucks can't maneuver around. So, that becomes a safety issue. We all had a chance to listen to the very informative video on the noise. I thought it was very informative. I also have to say that on the opposite side of Huntington Woods if you go over the river and through the woods my backyard is there. So, I would probably hear some of this noise if it was louder than what was presented to us. It's my understanding that there are not going to be multiple people in that trailer 8 a.m to 5 p.m. So, it's not going to be constant shooting. I believe it will be an asset to the Peabody Police to the State Troopers. There is a very old wooden stockade fence that I would like taken down and replaced with a new vinyl fence at least seven feet if not higher. Seven feet is allowed if we would like it higher, they would need a building permit. I understand the neighbors' concerns. I really understand the neighbors' concerns, but I think we can benefit from this. I think the decibel numbers that we heard were low. I think that in my opinion the police, State police, other communities' police could come in and practice. I think it's needed. I would like to hear from other members of the Board, but at this point in time um I see no reason not to approve it.

**Attorney Keilty:** My name is Jack Keilty I practice law at 40 Lowell Street, Peabody MA. I am appearing on behalf of Northeast Arms LLC. They are a firearm shop doing business at 108 Unit H, Newbury Street in Peabody. We have asked for two forms of relief. We would be more than willing to tear it down and replace the stockade fence with a vinyl seven feet high fence. We would create a site impervious screen and at the same time provide some additional insulation

from sound. Visually the building itself is actually 53 feet from the Huntington Woods property line. We're proposing that this trailer be further to the north so its position would be 70 feet. So, we are actually positioning this mobile unit some distance further away from Huntington Wood as there already exists the building at 53 feet. We have 230 feet of common boundary with Huntington Wood. We have almost 400 feet of common boundary at our rear with the Caruso Group that is proposing the storage on the facility directly behind us. There are portions of this that are as close as 54 feet from the Caruso land. So, we would point to the unusual shape of the property plus the necessity to place this unit in an area which would prevent it from interfering with the fire facilities and with our fire lanes. Our third abutter is Cedar Hill which is the Cabaret Lounge which is directly to the south of this property. It has been stated the expectation is that the mobile unit will be on the property 80 to 90 percent of the time. Otherwise it will be being utilized at either a state or local police facility for practice and training, a local police facility and generally allowing exercise with the firearms that are utilized by the police. There will be no automatic weaponry that would be allowed in this particular facility other than that used by police. If you had occasion to hear the audio that we provided, we are in a very low decimal range. There is a significant difference between a 22 which is almost indiscernible in terms of hearing it from a distance of 40 feet from the trailer itself and we then fired a nine millimeter which is a larger gun and one that is commonly used by many people for self-protection and by police departments. The police will also utilize a weapon called an AR 15 which is a semi-automatic. That's the only automatic weapon that would be allowed to be utilized in the facility and that would only be used by the specially trained police. We are not open on Sunday nor Monday. Most of the training especially by individuals will want to take place by appointment and appointments end at 9 00 pm every night. There are no appointments after 9 00 pm. So that's a condition we're also willing to live with if the Board sees fit.

**Fran Gallugi:** Do we know what the decibel level is for the AR 15?

**Attorney Keilty:** It's the same increase from the 22 to the 9 from the 9 to the AR-15. So, I think it was about eight decibels.

**Fran Gallugi:** Is that a very specialized firearm?

**Attorney Keilty:** It is a semi-automatic in that it is the it is most often used as the alternative weapon for police departments when they upgrade from the ordinary pistol that they would be using on an everyday occasion. So yes. Citizens don't have them very frequently.

**Fran Gallugi:** How long does a person stay to shoot?

**Attorney Keilty:** The appointments last 1 hour.

**Fran Gallugi:** Before we hear from members of the board I just want to say that people that are in the audience, if you sent in a letter in opposition, we've read it into the record and there is no need to reiterate your opposition. If you've have spoken in the past, we have that on record and there's no need to reiterate that either. Does anyone have any questions?

**Ed Colbert:** I have several items I'd like to go over and I'll tell you now before I go over my issues I wish I was a voting member tonight but to Jack, if you would, what happened to the specifications that the board was going to get on the unit itself? I have never seen anything of that nature.

**Attorney Keilty:** I thought that I had shared but apparently, I did not. There were some specs I did receive on building materials and the like that I did receive and apparently I guess if you don't have them Ed, then I didn't share them with you.

**Ed Colbert:** Did you share them with other members of the board?

**Attorney Keilty:** No. I mean if you didn't get them, they didn't get to anybody.

**Ed Colbert:** All right well that clearly was something that was promised. So, we should keep that in mind board members. I dispute there's room for emergency equipment meaning fire trucks.

**Fran Gallugi:** Excuse me. You can dispute that all you want but I got that straight from the Building Commissioner today. It's not something I made up. I got it straight from the Building Commissioner who has spoken with the Fire Department and who has already looked into that.

**Ed Colbert:** Well that's fine but I'd like to continue. When I visit that place and I have several times including in the last couple of days again, I actually spoke to the gentleman that came out and wanted to know who I was. He may be one of the operators of Northeast Arms. His name was Stephen. For people who don't know, there's three huge and I mean huge, I don't know their capacity, propane tanks, ground-mounted propane tanks that are opposite that building. That need to be serviced and filled with propane. Those three large propane tanks feed the building. There are like eight or nine gas meters on the back of that building right where this trailer is supposedly going to go. I don't know how in my opinion without getting out and knowing the size of the trailer which we don't know because Jack didn't provide that information and marking the ground and seeing where that's going to actually be, how anybody...the Building Commissioner or the Fire Chief, with no disrespect to any of them, could possibly see what I see. I don't think it can happen but I'm not the Building Commissioner or the Fire Chief. I'm just besides myself and I'm going to ask you know again...back to the appointments...the last appointment is at nine o'clock? If they're in an appointment, then that could be ten o'clock?

**Attorney Keilty:** The place shuts down at 9pm. The last appointment would be at 8pm.

**Fran Gallugi:** I just want to say something about the propane. When they fill my propane tank he parks in the driveway and he has to drag a hose all around the back of my yard into the patio and fill the tank. So, that's the way that they're filling it. I would imagine they're going to continue to fill it that same way. I thought you were going to say something about hitting the tanks. That would be silly.

**Ed Colbert:** I didn't say it so it's not silly. Excuse me. With all due respect I happen to be very serious. I don't want to ask board members who has actually been back there diagrams are fine

coming from construction blueprints are fine when you have a hundred acres of land and you're building a building when you have and there's nothing to see but when there's an existing condition that you wanted to severely alter with this kind of equipment down in the back of that building and supposedly going to vote on a trailer that we've never seen the specifications for and realize by going there how close that trailer is going to be to someone's backyard... it's not right and I'm going to ask all the board members because I can't vote and I wish I could because five other people are here before me I'm gonna ask all the board members to vote no and decline this and if you're thinking of voting yes delay it and continue it again until each and every one of you maybe together as a group as a board could possibly go there and visually see this and make a decision then and bring it up at the next board meeting but don't approve it tonight I'm asking each and every one of you members to do that until you go and look. Paperwork is great but in this case a visual meeting looking at it and understanding it and having that ground marked out and then looking and see how close you are to those buildings on Woodbridge Road it's a shame. It's disgusting and I thank you all for your time.

**Fran Gallugi:** Thank you Ed. I respectfully have to disagree with you. I have been up there on a number of occasions and once again we are here for dimensional relief and that's what's before us. That's what we're talking about. Dimensional relief.

**Ed Colbert:** In being fair to the hundreds of tenants hundreds of owners at Huntington Woods, I really do ask you to delay this and if you haven't gone there, go there please. Thank you.

**Attorney Keilty:** I wanted to make a comment with respect to the dimensions. The unit itself is 320 square feet. It is 40 by 8. So, we know what the size of the unit is. I thought Mr. Colbert, when you were inquiring, you wanted more in the way of the armament. They're fully armored. But I thought that you were looking for how thick is the armor, etc. I didn't have that. I do know the dimensions of the unit itself. It's 40 by 8.

**Ed Colbert:** That's what I was looking for. I don't know anything about guns. I don't like guns but that's a personal thing and I don't believe this belongs. There are no way emergency vehicles will be able to get through there once this unit is placed.

**Fran Gallugi:** Okay thank you Ed. Do we have any comments from the board before we go into the audience?

**Stephen Zolotas:** I just have one brief thing to say before we go to the audience and it has honestly nothing to do with the application itself and more a statement about the conduct of the Public when they receive these notifications. It was brought to my attention that somebody from the public and I don't know where they live, I'd assume that they live somewhere in this general area, contacted Carla at City Hall to discuss their opposition which is fine. What's not okay is to claim that you have a relationship whether familiar or otherwise to a board member and then insinuate to somebody that you are going to either reach out to that board member or go to see that board member in person which is far worse and that was done in this instance and I don't know who it was or who was claiming to have that relationship to me but I will just put it on the record it is completely inappropriate to state that you were going to come to a board member's house or call a board member to discuss a matter of public record like this. If you want to

discuss it you discuss it on our record at a zoom meeting, you come to City Hall and schedule an appointment or something along those lines. It's a borderline threat. If it happens again, I will treat it accordingly.

**Fran Gallugi:** Thank you Stephen. I also agree with that.

**Barry Osborne:** Just a couple comments and I understand the concerns of the people of the opposition and they're expressing their right to oppose but there are noise regulations. It'll be enforced. It's not the Zoning Board of Appeals job to be the enforcers of this. We are here to set relief and if the Fire Department feels that fire truck is not going to get by, it's not going to happen. I'm sure if the Fire Chief told the Building Inspector that it has to be put in this location so to allow that fire truck to go by then that's what really needs to happen. I could go up there and I have....It would only be my opinion and my opinion means nothing when it comes to how far....what it takes for a fire truck to access the site. We leave that up to the professionals. Just like we do all the time. We rely on engineers. We rely on the City's department heads and we rely on that information to help us make our determinations. Dimensional relief is one thing. These letters of opposition seem to concern noise, quality of life. There are regulations in place if it gets too noisy up there. A complaint will be made to the Health Department or the Police Department and I'm sure it will be investigated and handled accordingly. I don't really feel that that it's the Zoning Board of Appeals job. This business is located on Route 1. Unfortunately, Huntington Woods is located right behind Route. Now if we're going to start limiting businesses then we're in for a world of hurt. First of all, it's not our place to do that. We're here for dimensional relief. Use- it's wither allowed or it's not. That's not why they come to us. You can complain to City Council or the Building Inspector – who is the enforcer of the ordinances. Maybe we want to put a few conditions .... I have a question through you to the attorney. Are they going to mark out a location where this unit is supposed to sit when it's not being transported?

**Attorney Keilty:** Yes. We need to. We've worked with the Building Commissioner about adding an area which will be no less at the very least color coded so as to provide the space that this unit must be in and or it'll either be that or an additional layer of asphalt or concrete which will define the exact spot that shows on the plan will be located on the ground and that's where this unit must remain.

**Barry Osborne:** And they understand that if it's not in that location they're in violation.

**Attorney Keilty:** That's correct.

**Barry Osborne:** So, they can be enforced by the building inspector any time that if they go more than what they're supposed granted that they'd be in violation. So, it's not like we're allowing something that's not going to be enforced. And there is a noise ordinance that can be enforced. I know a lot of people who are gun owners and they are probably among the most respectful people when it comes to gun safety that I know. I get a little bit insulted to think that we're going to grant relief to a bunch of cowboys that are going to go up there and shoot them up. That's not going to happen. When on the application it was also going to be made available

for police training and God knows in the times, we're living in right now any type of training will be welcomed by the Police Department. They're under fire right now. They're striving to make themselves better. How can we take that resource away from them? There's a responsibility of the owners of the building right they know if they don't do it right. They're gonna lose it plain and simple. There'll be enough enforcement up there that they have to. I'm sorry I always have been and always will be against restricting businesses up on Route 1 because when you start restricting business and you start driving business out of Peabody, if you want to bring that subject up I'll bring it up. You start driving businesses out of Peabody and watch your residential rates start climbing and watch Peabody become not a city that people want to move to not a city that businesses want to move into and that my friend leads to trouble. There are certain locations in the city, industrial parks, Route 1, we want as such that we had to right designate an adult entertainment business. Do you think anybody wants that? No. But they're entitled to it. The city had to develop a zone to allow that type of business to exist and I'm sure that that type of business attracts a lot more undesirable people then citizens going into a firing range and learning how to fire a gun. I'm sorry I don't see a problem with it. I think it can be regulated. I think it can be enforced.

**Fran Gallugi:** We will take comments from the audience.

**Susan Hamilton:** Susan Hamilton, 2101 Pheasant Creek Lane. I think that all of this boils down to the fact that they're requiring a variance and our association we have to understand that the applicant is going to encroach on the boundaries of this property. I don't see how there are any set of conditions that would convince us to acquiesce to their request. It would seem to me there's got to be another place that we could put a wonderful gun training trailer for police to use that is not right there where people work excuse me people live. There's no question about the tanks that are out there that are filled with propane. There's none of that. There has to be even a parking lot of a police station that sounds appropriate. These are our homes and changing our property lines is not appropriate.

**Attorney Keilty:** We are not changing any property lines.

**Councilor Saslaw:** This hearing has been going on for many months and seems like everyone's a little agitated or frustrated but I would remind the board that the residents asked for information Council Keilty many months ago and all that he has produced was the last 48 hours of tape with some noise on it which the Chairperson referred to and I have to also refer and i know it's about relief but you folks yourself talk about other things sometimes and President long and his wife wrote a very detailed email about noise. So, I'm not going to read it. I hope you have. But I thought he brought up some very good points about concerns he had about that. In addition, we talked about one of the meetings how they're going to heat it how they're going to cool it, what type of noise might that provide. We had the Big Pig Barbecue... they were worried about smoke over Huntington Woods and they delayed the hearing so we could see how that would affect them. So, I suggest that maybe as Mr. Colbert said, I don't think there's any rush. I think that certainly putting down where the trailer is going to be might not be a bad situation to go up and look at it there should be no rush here. In addition, let's talk about the police. I respect what the Chairperson and Council Osborne talked about, but we have a shooting range at the Peabody Fire Station. I'm not so sure that you know...I see the Police Chiefs...I don't see the state he's

testifying the need for this right here right now at this location. So, I don't know why that's such a important aspect because I said I'm not so quite sure... we have our own in-house firing range at the Peabody Police Station. I don't see the Chief or any of his people showing up testifying tonight. This is not a primary use. I respect once again, Council Osborne...Route... . This is an auxiliary use this is not a primary use and I'm not worried about these people leaving if we don't give them the use of this building or we allow them to that we put this mobile firing range up. It's not a primary use it's an auxiliary use and once again I think the neighbors just asking to protect and enforce the buffer zone. Huntington Woods has been there for many years and they have been infringed upon in the past and that's why they're speaking up and that's why they're representing...they're asking to be protected by this Board of Peabody people. So, in closing I ask that you give us some thought maybe you have to do a site visit and by the way I would like to see in writing by the way I certainly respect your chairmanship person but if the fire department and the building department.... everyone's okay with it just like a special permit.... put it in writing. Let the residents know they've waited months for this tonight and for everyone to say I believe I think they deserve more than that. They deserve proof. They deserve to see that and to be able to look at it and read it and either they can agree with it or not that's up to them but they're here for reasons and I certainly support the residences and in addition there's that one letter from Mr. Rothstein and the neighbors who live in that building closest to the property and they all signed it themselves back in January in the buffer zone and how close they are so I certainly don't see this as an easy one. I got to be honest with you. I certainly support the residents. I object to it and I hope that you don't and if you do vote you wrote it down if you don't for the reasons why I mentioned that you continue it because the residents have certainly been patient and they've got nothing but a two-minute little audio/video they didn't get anything else that was proposed by council of the petitioner and I'm sure some of them will bring that up as well.

The following were abutters who spoke in opposition by letter or verbally. Reasons in opposition were traffic, public safety, noise, decreased home value, environmental concerns, wildlife concerns, buffer zone infringement too close, cancer causing toxin emissions, generator noise and the zoning ordinances should be followed, sound if the door is open, hours of operation, no benefit if allowed, why have a buffer zone if you give relief, more information needed on dimensions and placement, more information needed on variance process and the Board's process

**(Letters were made part of these minutes)**

Sherry Brass	Pheasant Creek Ln.
Paula Furlong	Huntington Woods
Susan Hamilton	Huntington Woods
Paul Tempesta	Huntington Woods
Peg O'Meara	Huntington Woods
Deena Cohen	4004 Woodbridge Rd
Keith Ferrara	Huntington Woods
Herb Rothstein	4006 Woodbridge Rd
William & Jacqueline Lally	3702 Woodbridge Rd
Peggy Heagan	3701 Woodbridge

David Hamilton	2101 Pheasant Creek Ln
Steven Singer	202 Foxwood Circle
Terry Rausea	Huntington Woods
Julie Adinolfi	Huntington Woods
David Bornstein	2701 Postgate Ln.
Catherine MacNeil & Louis Mattina	4001 Postgate Ln.
Chris Vallis	4002 Woodbridge Rd
Joann Gold	4003 Woodbridge Rd
Brian Carrol	4005 Woodbridge Rd
David and Julie Tseki	4402 Deerfield Circle
Michael & Camille Long	3204 Woodbridge Rd
Sue Turner	5006 Heatherwood Ln
Kevin McKenna	1501 Huckleberry Ct.

**Attorney Keilty:** There could be two people in at one time with the trainer and the door will not be open.

**Fran Gallugi:** The Zoning Board is here to vote on dimensional relief only. So, there's an application process. There's hardships that we take into consideration. I went and looked at the location and saw a rickety old fence.

Attorney Keilty: The trailer is being placed on hot top that's already established. We're not taking some of the land and making a larger driveway. We're placing that trailer on hot top that's already and the propane tanks are already there too. The fence is six feet off the property line and the whole building is 53 feet off the property line the 100-foot buffer only came into a place 18 years ago, this hundred-foot buffer was created. Before that there was a 25-foot buffer but could have been as much as 50.

**Fran Gallugi:** Could you enlighten us as how the buffer zone came about and the purpose of the buffer zone and why it was established and who actually owns the buffer zone.

Attorney Keilty: The buffer zone in this instance is owned entirely by my client and the buffer is created ...it's nothing that technically exists in the land or on the property. When you're on Route 1 in the BR Zoning District and you were but a residential use you are in subsection c which says that you're supposed to be 100 feet off. If you're not 100 feet off, you have a choice of the kind of vegetation and the thickness of that vegetation so that you could actually get closer than the 100 feet without seeking your variance because you chose to adopt that thicker landscaping. In this instance we were proposing a new structure. It showed itself to be 70 feet, so we asked for the variance at 70 feet.

**Fran Gallugi:** I think a lot of people have a hard time understanding what the buffer zone is. It's not land owned by the buffer zones or Huntington Woods. It's quite the opposite. It's owned by the owners of the property. It's important to say that they're trying to utilize portion of the buffer zone that they own.

**(Discussion ensued)**

**Stephen Zolotas:** Through the Chair. It's not that we don't take comments into consideration to the extent that they relate to the dimensional relief we consider them but the predominant part of this is the dimensional relief which is in the application which is public record and available at city hall as we've identified at least two or three times over on the different times this was contained. I'm certainly not being critical. We deal with this more frequently, so we see this.... we're more comfortable with it but that is the on the application it is almost entirely about dimensional relief and hardship. So, while we thought that we completely disregard everything else we will consider it to the extent that it relates to the dimensional relief that's being sought and I hope that clears it up.

**Ed Colbert:** I'm going to ask that the vote not be taken tonight. That should have been done before the other information he promised that we never got. We don't know the dimensions or where its going.

**Fran Gallugi:** It's on the Plot Plan. Anyone else to speak in favor or against? Hearing none the matter is before the Board.

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

**Barry Osborne:** Second.

**Stephen Zolotas:** Motion to approve with the following conditions.....

- Hours of operation Tuesday through Saturday from 10am -9pm, closed Sunday and Monday
- Location of unit will be clearly marked
- Door must remain shut during use
- No heat/air conditioning unit may run before or after above mentioned hours of operation
- Applicant will replace the existing stockade fence with a 7' vinyl fence

**Julie Picardi:** Second

**Fran Gallugi:** Motion is approved with condition by roll call vote (5,0)  
At this point in time Stephen Zolotas has to leave and Eddie Colbert will have full voting rights.

**(The Board took a 2-minute recess)**

2. Application of **Thomas Lemiesz c/o Attorney Vontzalides** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **118 Bartholomew St., Peabody, MA, Map 114, Lot 083**. Petitioner seeks a variance to construct an addition and requires relief to **Right Side Yard Setback** where 20' is required and 6.4' is proposed; **Left Side Yard Setback** where 20' is required and 18.2' is proposed **Front Yard** where 25' is required and 20.1' is proposed. The property is located in an **R1 Zoning District**.

**(Secretary read the Legal Notice)**

**Attorney Vontzalides:** 246 Endicott St. Peabody, attorney for the homeowner, gave a brief overview of the project.

**(This presentation has been made part of these minutes)**

**Fran Gallugi:** Questions by the board?

**Barry Osborne:** Through the Chair. Every house in that location...the houses are very, very, very close together. It certainly fits in with the character of the neighborhood.

**Fran Gallugi:** I did go by and see that work has been started without a permit. The inspector stopped the work and the homeowner did the right thing. Because he was stopped before midstream and now, he's before us is a very good thing because quite frankly this could have turned out very differently if in fact this was a totally constructed. Under no circumstances should anybody build anything without a building permit then come to us and ask for forgiveness. Do we have any comments by the board? Anyone to speak in favor? Against? Hearing none the matter is before the Board.

**Barry Osborne:** Motion to close

**Dan Sencabaugh:** Second

**Barry Osborne:** Motion to approve

**Dan Sencabaugh:** Second

**Fran Gallugi:** Roll Call Vote (5,0) Variance is granted

3. Application of **Jessica Mercier** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **13 Tara Road, Peabody, MA, Map 107, Lot 235**. Petitioner seeks a variance to construct a deck and requires relief to **Rear Yard Setback** where 35' is required and 20' is proposed. The property is located in an **R1 Zoning District**.

**(Secretary read the Legal Notice)**

**Chad Mercier:** 13 Tara Rd. Homeowner gave a brief overview of the proposed deck to be attached to the pool. The safety gates railings all that there will be two gates on each entrance of the deck itself.

**Fran Gallugi:** It will need to be alarmed.

**Chad Mercier:** We can...we have an alarm system.

**Dan Sencabaugh:** I would like to just go on record to say that we've always let this sort of thing go and improve this kind of variance in the past. It's certainly an irregular shaped

lot but the only reason he's even having to come before us tonight is because the way our zoning works when it connects to the pool. We take the distance from the back of the pool that's already there. He's not moving his pool any closer to the lot line than it is now. I actually think it's kind of something that maybe at some point when these zoning regulations get reworked we might be revising this and not subjecting someone to have to apply for a variance for something like this. So, I just want to go on record that it seems like a no-brainer and I do think that we want to make sure he's got a safety gate too.

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

**Barry Osborne:** Motion to close the public hearing.

**Dan Sencabaugh:** Second

**Barry Osborne:** Motion to approve with condition the applicant must comply with all safety measures outlined in 760 CMR Section 421

**Dan Sencabaugh:** Second

**Fran Gallugi:** Roll call vote (5,0) In favor Variance Granted with condition the applicant must comply with all safety measures outlined in 760 CMR Section 421

4. Application of **John Dullea** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **11 Janet Ln., Peabody, MA, Map 107, Lot 216**. Petitioner seeks a variance to construct deck to attach to the pool and requires relief is to **Rear Yard Setback** where 35' is required and 5' is proposed. The property is located in an **R1 Zoning District**.

**(Secretary read the Legal Notice)**

**Mr. John Dullea:** 11 Janet Lane. Homeowner gave a brief overview of the proposed deck to be attached to the above-ground pool attached to existing deck with a gate that will lock.

**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.

**Barry Osborne:** Motion to close the public hearing

**Julie Picardi:** Second

**Barry Osborne:** Motion to approve with condition the applicant must comply with all safety measures outlined in 760 CMR Section 421

**Julie Picardi:** Second

**Fran Gallugi:** Roll call vote (5,0) In favor Variance Granted with condition the applicant must comply with all safety measures outlined in 760 CMR Section 421

5. Application of **Michael and Claire McDonough c/o David Kelley** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.1.5** as it applies to the premise known as **12 Joyce Rd, Peabody, MA, Map 098, Lot 095**. Petitioner seeks a variance for a pool and requires relief to Accessory Structure in Front Yard where none are allowed. The property is located in an **R1B Zoning District**.

**(Secretary read the Legal Notice)**

**Michael McDonough:** 12 Joyce Rd. Homeowner gave a brief overview of the proposed inground pool on a corner lot.

**Dave Kelley:** I am here as the contractor if anyone has any questions. This yard has two fronts and two sides because it's a corner lot.

**Barry Osborne:** I live nearby and drive by this house. Where they are proposing this makes the most sense. I have no problem with this.

**Dan Sencabaugh:** I agree with Barry. A corner lot I think the shape of that lot is one of the tests that we use as a Zoning Board when deciding on whether or not the petitioner has met the substantial hardship threshold in order to get a variance and I don't have a problem with it. The only question I have is whether there's any current or proposed screening alongside Curtis Street currently just because I don't see any on the plan that was submitted with the application. So, I'm just wondering is there already a fence there and if there isn't is there one proposed or is there some kind of screening such as arborvitae or something like that so that it would give the petitioner some privacy but it would also make it so that whoever lives across the street isn't looking directly into your pool. Will there be a privacy fence?

**Michael McDonough:** Yes. We have a fence all the way around except on Joyce Rd. side which we would be installing the fence per the building department rules. Right now there are arborvitae there and the fence will be on one side or the other. It will be a white vinyl fence.

**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.

**Barry Osborne:** Motion to close the public hearing

**Julie Picardi:** Second

**Dan Sencabaugh:** Motion to approve.

**Julie Picardi:** Second

**Fran Gallugi:** Roll call vote (5,0) In favor Variance Granted

6. Application of **Arielle Salvo and John Pitrowski** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **7 Violet Rd., Peabody, MA, Map 052, Lot 138**. Petitioner seeks a variance to construct an addition and requires relief is to **Right Side Setback** where 15' is required and 11.2' is proposed. The property is located in an **R1A Zoning District**. The application and plan are available to the public and can be viewed by contacting Carla McGrath at [carla.mcgrath@peabody-ma.gov](mailto:carla.mcgrath@peabody-ma.gov) or 978-538-5792 **in advance** and prior to the Public Hearing.

**(Secretary read the Legal Notice)**

**Arielle Salvo:** Homeowner 7 Violet Rd, gave a brief overview of the proposed addition to the right of yard to extend our kitchen and create a dining room for a family of seven.

**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.

**Barry Osborne:** Motion to close the public hearing

**Julie Picardi:** Second

**Barry Osborne:** Motion to approve.

**Julie Picardi:** Second

**Fran Gallugi:** Roll call vote (5,0) In favor Variance Granted

7. Application of **FRH Realty, LLC, c/o Attorney John Keilty**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, specifically Sections 6.6.8, 10, 10.2, and 10.7** as they apply to the premise known as **7 Dearborn Rd., Peabody, MA, Map 078, Lot 019**. Petitioner seeks a variance and requests relief from provisions of the DDD Residential Overlay District, Section 6.6.8. and relief from Landscape requirements. The property is located in a **DDD Zoning District**.

**(Secretary read the Legal Notice)**

**Attorney Keilty:** Attorney for FRH Realty, gave a brief overview of the proposed landscaping variance which is almost identical to the variance granted 2 years ago but has expired. We have provided a landscape plan which is what we're asking for this board to approve it's a plan entitled landscape plan Peabody, Mass prepared by Hayes Engineering and it's dated February 25, 2021 and it is the plan that I filed with this application this is the same approach we took two years ago. We essentially said please give us relief from the landscape ordinance in its entirety and substitute this plan the February 25, 2021 as the landscaping that would be allowed and approved by this board and this project has been reviewed most recently we were given a permit on April 15<sup>th</sup> of this year from the Community Development Authority and in it in their recommendations and in their motion they did suggest that we met the guidelines with respect to designated development district requirements. With respect to landscape and building design we have been

to Conservation Commission. They have agreed to amend our order of conditions and the appeal period with respect to the set of variances you provided earlier that appeal period has run and so we are now in need of the revised landscape plan which is before you this evening. We're hopeful that it will be approved. It is different from what was before you in 2019 mostly it is different because of a relocation of a pool. The pool was going to originally be on the easterly side of our property nearer to a company called Jeol and we have moved the pool to the westerly side of the project and added landscaping to the parking area where the pool was on the easterly side and we have differently landscaped the area around the pool. The perimeter of the property landscaping remains the same only modified by some grade changes that have been approved by Community Development Authority and by Con Comm. There are some changes from 2019 in our landscaping plan but not with respect to the density nor the plantings the nature of the plantings, only the actual slope that the plantings will be built upon.

**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.

**Barry Osborne:** Motion to close the public hearing

**Dan Sencabaugh:** Second

**Barry Osborne:** Motion to approve.

**Dan Sencabaugh:** Second

**Fran Gallugi:** Roll call vote (5,0) In favor Variance Granted

**Stephen Zolotas:** Motion to Accept Meeting minutes from April 12, 2021.

**Julie Picardi:** Second

**Barry Osborne:** Motion to approve

**Dan Sencabaugh:** Second

**Fran Gallugi:** All in favor any opposed. Meeting Minutes are accepted by roll call vote (5,0)

**Barry Osborne:** Motion to accept CHAPA Memo

**Dan Sencabaugh:** Second

**Fran Gallugi:** All in favor any opposed. CHAPA Memo accepted by roll call vote (5,0)

**Dan Sencabaugh:** Motion to adjourn

**Barry Osborne:** Second

**Fran Gallugi:** Next meeting is May 3, 2021 Special Meeting on Endicott St and Oak St

**Meeting Adjourned**

CITY OF PEABODY  
2021 APR 22 PM 8:54  
CITY CLERK

April 21, 2021

TO: Peabody Zoning Board of Appeals  
FROM: Sue Turner/5006 Heatherwood Lane  
SUBJECT: Opposed to Northeast Arm Request for Variance

Members of the Zoning Board of Appeals:

I am writing to express my continued opposition to the variance requested by Northeast Arms.

Since the first hearing, I have researched mobile shooting ranges and have not found anything that gives me reassurance. Granting this variance will result in noise and potential health and safety issues for the neighborhood. This variance is not in the community's best interest and I am asking the Board to deny this application.

- In a review of Section 4.2, Schedule of Use Regulations for the City of Peabody, I could not find anything that shows this as a permitted business in the BR district.
- I've watched videos of how a unit such as this would be moved in and out—it's quite a towing operation with large equipment and a good amount of noise.
- Generators and necessary HVAC systems will create a noise nuisance for the neighborhood. I am also concerned about additional lighting and spillover into the neighborhood.
- Online I found web sites for several companies that manufacture and install mobile shooting ranges. From their technical documents: OSHA and Environmental requirements are substantial and violations would put the neighborhood at risk of lead contamination. Required safety and recommended management controls are also extensive; violations can result in neighborhood safety risks.
- Most articles I read noted that shooting noise heard by neighbors, especially in an urban or neighborhood setting, is a serious concern and very expensive to contain. Especially in more densely populated areas, it can result in calls to local police who then need to follow up.

Just this week, we received and I reviewed the video that was provided to the neighbors. The sound from the pistol reminded me of a nail gun. If I were doing home construction, I could put up with the noise because it would be temporary, but allowing that type/level of noise on a regular basis would be a real aggravation to anyone living near by. In short, the video did not change my mind.

Therefore, I respectfully request that the Board vote to deny the application.

Thank you,

Sue Turner

5006 Heatherwood Lane

West Peabody, MA 01960



Carla McGrath

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From: Peggy Hegan <peggyhegan@comcast.net>  
Sent: Friday, April 23, 2021 12:01 PM  
To: Carla McGrath  
Subject: [External] Northeast Arms

**WARNING**

This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

I am sending this e-mail regarding the video that was sent to Huntington Woods showing us the different sounds that the guns make when they are shooting at the targets. That was only one gun at a time shooting and you could hear it. The video did not PROVE ANYTHING TO ME. How many slots are going to be used at the same time 5 -10?? Do we have to listen to this all day long and night.

Everyone in my building 3701 Woodbridge Road and the other condo's residents are totally against this shooting range. They are just too close to our property to have a shooting range. HIS IS NOT THE PLACE FOR IT.

it's bad enough we have been dealing with the mess behind our building for so long that we can't even sit on our decks to enjoy it. They have changed their minds so many times on what they are going to do back there. It's a disgrace.

Now we have the gun range to deal with!!!

I would like to go on record that we are totally against the gun range.  
I hope you and the zoning board will take this in consideration .

Thank you  
Peggy Hegan  
3701 Woodbridge Rd

## Carla McGrath

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**From:** DAVID HAMILTON <davidwardhamilton@comcast.net>  
**Sent:** Friday, April 23, 2021 1:58 PM  
**To:** Carla McGrath  
**Subject:** [External] ZBA - 26APR21 - North East Arms K

**WARNING**

This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Hi Carla -

For the last few months this variance request has been postponed, from the original meeting (14DEC20) that I attended via Zoom. My understanding was that we were waiting for additional information about the mobile firing range that was going to be provided to Huntington Wood folks prior to the ZBA meeting when it would be again considered.

March 11th message from Huntington Wood Board of Trustees ...

*We have been notified by the Zoning Board that the attorney for Northeast Arms has requested another continuance to the next meeting on April 26th. Therefore the issue will not be on the March 15th agenda as originally scheduled and our participation at this meeting will not be necessary.*

*Apparently, the attorney now has a video showing the mobile firing range facility that is being proposed but it is currently not in a format that can be shared. He has said that the technical difficulties will be worked out and the video will be sent ) us at that time. When we receive this new information, we will post it to the website and let you know where to access it.*

Is the above statement not accurate about additional information? I am unaware of any additional information being sent to us prior to the scheduled meeting next Monday. I plan to be on the Zoom call next Monday night, and wanted to be prepared with any additional information. Would you be kind enough to advise me on this issue.

Best Regards, Dave

David W. Hamilton  
2101 Pheasant Creek LN  
Peabody, MA 01960  
978-717-5541 - Home  
978-609-7679 - Mobile

**Carla McGrath**

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**From:** Steven Singer <sms@singerandsinger.com>  
**Sent:** Friday, April 23, 2021 12:02 PM  
**To:** Carla McGrath  
**Subject:** [External] Northeast Arms Variance Application

**WARNING**

This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Ms. McGrath,

I may not be able to attend the Zoom meeting for this matter scheduled for next week.

I am a resident of 202 Foxwood Circle, Peabody and respectfully oppose any gun range to be located in the premises occupied by the petitioner. Low level noise or no noise, Introducing the use of firearms with live ammo is not acceptable even in closed environment.

Respectfully,

Steven M. Singer  
Singer & Singer, P.C  
607 North Avenue -Suite 17  
Wakefield, MA 01880  
Phone: 781-245-4560  
Fax: 781-245-5939

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**Carla McGrath**

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**From:** TR <120terri@gmail.com>  
**Sent:** Friday, April 23, 2025 5:59 PM  
**To:** Carla McGrath  
**Subject:** [External] NO TO NE FIREARMS

**WARNING**

This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Good Evening Carla! I'M writing in regards to the firearm facility that is trying to infringe on the buffer zone at Huntington wood. As you probably know, gunfire can be heard over a mile away so clearly we are going to Be subjected to the noise pollution coming from that location . ... Reducing the buffer zone would just increase this exponentially! I think northeast firearms attorney not responding to pleas for noise reduction information confirms our greatest fears...PLEASE heed our concern and Stop this from happening! The buffer zone was put there for a reason and I can't think of any justification for reducing it... thank you for Any help you can provide with this situation.  
Sincerely, Terry Rauseo

**Carla McGrath**

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**From:** Julie Adinolfi <Jaarv@outlook.com>  
**Sent:** Friday, April 23, 2021 10:39 PM  
**To:** Carla McGrath  
**Subject:** [External] Northeast Arms

CITY OF PEABODY  
APR 26 10:35 AM  
CITY CLERK

WARNING This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

I am very concerned as an owner in Huntington Woods about the variance. I am sure we will hear gunshots and other noise and no one needs more disturbance.

Our area here is already highly trafficked and very busy. We do not need more.

In addition, there is a lot of wildlife living in the surrounding woods as well and they will be disrupted. Or probably used as target practice.

Even the government is trying to limit guns and gun ownership and I very much object to anything that encourages shooting especially in such a populated area.

How can you make sure there is no noise pollution? No extra traffic? And extreme safety.

Sent from my iPhone

**Carla McGrath**

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**From:** David Bornstein <iron\_d@me.com>  
**Sent:** Friday, April 23, 2021 7:46 PM  
**To:** Carla McGrath  
**Subject:** [External] North East Arms Variance

CITY OF PEABODY  
2021 APR 26 AM 10:35  
CITY CLERK

WARNING This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Hi my name is David Bornstein and I reside at 2701 Postgate Lane at the Huntington Wood Townhouses. I am opposed to the range they want to put up due to a few reasons. First of all that video shows the noise from a 22 caliber bullet and a 9 caliber bullet. Both are small calibers and nothing was said of the limitations of what is to be shot in the range. Is higher caliber ammo being shot? Is magnum ammo being shot? Is Rifle ammo being shot? Is shotgun ammo being shot? I'm sure they are not just shooting 9mm ammo or less so that video doesn't show how loud these other calibers of ammo I asked about earlier. If they are allowing any bigger calibers of ammo than they showed in the demo the noise factor will be severely louder and easily heard by the neighbors abutting this property.

Please have them answer these questions.

Thank You very much...David Bornstein

Sent from my iPhone



**Carla McGrath**

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**From:** Herb Rothstein <h.rothstein@verizon.net>  
**Sent:** Sunday, April 25, 2021 11:45 AM  
**To:** Carla McGrath  
**Subject:** [External] The Buffer Zone Appeal  
**Attachments:** 20201003\_114503.jpg; Northeast Arms.docx

**WARNING**

This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Dear Ms. McGrath,

As the subject of the buffer zone between NE Arms and Huntington Wood will be considered at the Zoning Board of Appeals meeting on Monday evening, April 26, 2021, I thought it best if I resend to you the concerns raised by neighbors at Building 40 at Huntington Wood—this was sent to you at the first meeting on this subject.

The position of the neighbors remains the same—even more so—in our opposition to the granting of a variance to reduce the buffer zone as requested by NE Arms. We have seen the video provided by their attorney but are still very much concerned. The purpose of a buffer zone is to protect the value of the residential property and approval of the appeal will do the opposite.

We do strongly request that the appeal receive a negative vote on behalf of the ZBA.

Very truly yours,

Herb Rothstein  
4006 Woodbridge Road  
Peabody, MA 01960  
978 857 0098

**Carla McGrath**

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**From:** bill lally <lbill44@hotmail.com>  
**Sent:** Sunday, April 25, 2021 2:46 PM  
**To:** Carla McGrath  
**Subject:** [External] Northeast Arms petition

**WARNING**

This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Ms. McGrath:

We are William and Jacqueline Lally residents of 3702 Woodbridge Road Huntington Woods's Peabody Massachusetts. We are writing now to voice our opposition to the Northeast Arms petition for variance to erect/install a container firing facility at the proposed location. The basic reason for our opposition is the simple fact this type of a facility is simply inappropriate for its proposed location.

Common sense dictates that there would be numerous other more rural available sites for this use that would not impinge physically and emotionally on our residential area. Any convenience that the location offers to firearm fanciers must of necessity be weighed against the feelings of discomfort such a use would bring to the abutters.

Another point is the delay caused by the numerous continuances granted to the petitioner so that they might present facts favorable to their petition. After all the delay we received a very minimalist video analysis of noise emissions from such a facility. That said the decibel level produced by a single 9 mm discharge (70) is in excess of the 60 decibel level permitted by most Massachusetts municipalities during daylight hours. What should also be noted is that there is a cumulative effect produced by multiple discharges which would increase the decibel level higher beyond permissible levels.

It also seems that scant information has been supplied regarding any environmental issues beyond noise that this use could produce. This is also troubling.

At the end of the day suffice it to say that we and all our fellow residents of this community(Huntington Woods) remain united in our opposition to this use in the area adjacent to our homes.

Respectfully,  
William and Jacqueline Lally

**Carla McGrath**

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**From:** Catherine MacNeil <cathy.macneil@yahoo.com>  
**Sent:** Sunday, April 25, 2021 4:35 PM  
**To:** Carla McGrath  
**Subject:** [External] Northeast Arms Variance Application

**WARNING** This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Dear Ms. McGrath

We are residents of Huntington Wood and are writing to voice our strong opposition to the Northeast Arms Variance Application. We have attended each of the Board of Appeals meetings on this issue and plan on attending again tomorrow night. The video supplied to us regarding the noise level was not at all effective in changing our opinion. Obvious gunshots could be heard regardless of the decibels they claim to be measured. We live in very unsettling times and I think any reasonable person would agree that hearing gunshots, regardless of how loud they are, in your neighborhood is unnerving, startling, and scary. We, like so many of our neighbors, chose Huntington Wood because of the peace and quiet and the natural habitat for all the wildlife that live here. I implore with the board not to allow anything to change that. Our tranquil community would be greatly impacted if this application were to be approved.

To the voting Board members, I think the only responsible thing to do is to ask yourself would you allow this shooting range in your own backyard, in your children's or grandchildren's backyards? I imagine your answer would be No, and I ask that you have the same level of care and respect for our backyard and vote No.

Respectfully,  
Catherine MacNeil and Louis LaMattina  
1001 Postgate Lane  
Peabody, MA

**From:** Paula Furlong <pfurlong@exitrealtyba.com>  
**Sent:** Sunday, April 25, 2021 5:36 PM  
**To:** Carla McGrath  
**Subject:** [External] Northeast Arms Variance

**WARNING** This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

My name is Paula Furlong. I am a Realtor and I have lived at Huntington Wood since 2005. Many people in the complex have been asking me if this Variance will affect their property value and I believe it definitely will decrease values considerably. When I show units that are for sale, potential buyers always ask me what is on the other side of the fence and how close it is located. Allowing this encroachment of our buffer zone will have a negative effect for all Huntington Wood residents.

Zoning is supposed to ensure proper land use and provide value to citizens that own property. In addition, zoning is supposed to help keep property values stable.

Allowing an indoor firing trailer in the Huntington Wood backyard will do the complete opposite.

Please do not allow this Variance to pass.

Sincerely  
Paula Furlong



Paula Furlong, Realtor®  
Exit Realty Beatrice Assoc.  
191 S. Main Street  
Middleton, Ma 01949  
cell: 781-254-5336  
[pfurlong@exitrealtyba.com](mailto:pfurlong@exitrealtyba.com)

January 6, 2021

City of Peabody

Zoning Board of Appeals

Legal Notice Date Stamped: November 12, 2020 (But postmarked December 1, 2020)

CITY OF PEABODY

2021 APR 26 AM 10:35

CITY CLERK

RE: Northeast Arms, LLC, 108H Newbury St., Peabody, MA requesting a reduction of the buffer zone as it abuts the residential property of Huntington Wood.

We are the residents of building 40 which is a 6-unit condominium building on Woodbridge Road, Peabody, MA. These residences are part of the Huntington Wood Condominium Association which includes 255 such residences.

Huntington Wood has buildings that abut the property line shared with the building where Northeast Arms is located and where they are asking to reduce the buffer zone between their property and ours.

Quite often we are subject to quite a bit of noise emanating from the property where N.E. Arms is located. An example is early Monday mornings when, at about 6 AM, the dumpsters on that property are emptied and the noise can be extremely loud---not something that you can sleep through.

The abutting strip club, the Cabaret at 96 Newbury St., when it is open, has customers leaving quite late at night racing the engines of their motorcycles and cars and playing their car radios quite loud with the windows open. Of course, you may not remember that this abutter some years ago, without the permission of this board, built an addition onto the rear of their building but, as there was no protest at the time, it was allowed to remain.

There is also dumping of objects into our property—I don't know by who---but we have a number of automobile tires in the wooded buffer area between Newbury St and our residences.

And, need I remind you about the office building at 84 Newbury St. The City of Peabody gave a permit for the construction of a 2-story building including a 50 ft. buffer zone. Instead, a 3-story building was constructed and the buffer zone was cleared and ready for paving as a parking area. It took a lot of effort on the part of the residents of Huntington Wood but your Board allowed them to keep the 3-story building but did require the replanting of the buffer zone. Today, those of us in our homes who abut that property have to keep the shades on our master bedrooms closed at night as the lights in the 3<sup>rd</sup> floor office are on pretty much all the time overnight shining into our bedrooms.

The buffer zone depth was established as a means of protecting the property of residences from businesses and reducing the amount of distance would further negatively impact the life of the residents and could also reduce the value of their property.

We do, therefore, sincerely request that this petition by Northeast Arms be denied.

Christopher Vallis, 4002 Woodbridge Road, Peabody, MA 01960

Joanne Gold, 4003 Woodbridge Road, Peabody, MA 01960

Deena Cohen, 4004 Woodbridge Road, Peabody, MA 01960

Brian Carroll, 4005 Woodbridge Road, Peabody, MA 01960

Herbert Rothstein, 4006 Woodbridge Road, Peabody, MA 01960

**Carla McGrath**

**From:** Dave Tseki <david@tseki.org>  
**Sent:** Monday, April 26, 2021 8:31 AM  
**To:** Carla McGrath  
**Subject:** [External] RE: [External] Northeast Arms Variance Application

CITY OF PEABODY

2021 APR 26 AM 10:35

City of Peabody

**WARNING**

This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Hi Carla,

Ahead of tonight's ZBA meeting, we would like to reiterate our continued opposition to the Northeast Arms Variance Application as stated in previous e-mail below.

Thank you,

David and Julie Tseki  
4402 Deerfield Circle  
Peabody, MA 01960

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**From:** Carla McGrath <carla.mcgrath@peabody-ma.gov>  
**Sent:** Monday, January 25, 2021 8:50 AM  
**To:** Dave Tseki <david@tseki.org>  
**Subject:** RE: [External] Northeast Arms Variance Application

received

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**From:** Dave Tseki <david@tseki.org>  
**Sent:** Sunday, January 24, 2021 4:50 PM  
**To:** Carla McGrath <carla.mcgrath@peabody-ma.gov>  
**Cc:** [huntingtonwood@crowninshield.com](mailto:huntingtonwood@crowninshield.com)  
**Subject:** [External] Northeast Arms Variance Application

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Carla D. McGrath  
Clerk—Zoning Board of Appeals  
City of Peabody

Date: January 24, 2021

Subject: **Northeast Arms Variance Application**

Zoning Board of Appeals:

We would like to communicate our opposition to the application of Northeast Arms for a Variance as applies to the premise known as 108H Newbury Street, Peabody, MA. For the many concerns raised during the December 14 ZBA meeting, we believe that Northeast Arms' appeal to reduce the buffer

zone between their property on Route 1 South and Huntington Wood property in order to add a trailer-type mobile shooting range should be rejected.

Thank you for your consideration.

David and Julie Tseki  
4402 Deerfield Circle  
Peabody, MA 01960

**Carla McGrath**

CITY OF PEABODY

**From:** Michael Long <mikelong3204@verizon.net>  
**Sent:** Sunday, April 25, 2021 4:27 PM  
**To:** Carla McGrath  
**Cc:** jdsaslaw@gmail.com; tgriffin@peabodypolice.org  
**Subject:** [External] Northeast Arms Variance

2021 APR 26 AM 10:34

CITY CLERK

WARNING This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

As for the Northeast Arms video presentation, let's take a few moments to review it for what it is, just PR.

First, the mobile range is in an industrial park, not in a Commercial Rated Zone abutting a Residential Zone as Northeast Arms is proposing. I can see why the town would let them place the mobile range in an Industrial Zone for there is little or none residential housing nearby.

Second, the sound meter, or decibel (dB) meter, is registering an ambient noise reading in the mid-sixties when there is no talking or shooting. Now, if you were to stand appropriately the same distance from where the proposed mobile range is to be located and was to measure the ambient noise level it would probable read 80 - 85 dBs depending of the traffic volume on Route 1. If you were to measure it at night it would be louder (more about reason why, later), especially when motorcycles are accelerating.

Third, when they choose hand guns to fire for demonstration, they picked the two smallest caliber hand guns that will probably be fired at the range. The 22 caliber hand gun uses, what is called a short load, which is why we didn't hear it. The 22 rifle uses a long load, still smaller than the 9mm used in the video, but we would probably would have had heard it if it was fired.

Now, I don't think Northeast Arms will attest to saying that only 22 caliber and 9mm hand guns will be the only caliber hand guns fired at the range. I'm not sure what is the standard issued hand gun for the Peabody Police Force, but I'm going to guess it's a Glock 19, which is a 9mm hand gun. The Boston Police Force standard issue is a Glock 22, which is a 40 caliber hand gun, and Boston SWAT carries a weapon that is a 45 caliber hand gun. Now some police forces issue .38 caliber and .357 magnum hand guns. And then there are some target shooting enthusiasts that shoot .44 magnum hand guns, or as Clint Eastwood would say, 'the most powerful hand gun in the world'.

So why did I bring up the different caliber hand guns, well, I'm guessing they may possible be shot at the range that Northeast Arms is proposing. Now, as the caliber increases, the load (bullet) is bigger, and the bigger the bullet the bigger the casing that holds the gun powder. And the more gun powder used, the bigger the explosion there is to propel the bullet, and the bigger the explosion the bigger the bang or noise level being generated. So, if Northeast Arms was to produce a TRUE representative video of their proposed mobile range, then they should show the dB reading of three (3) shots each of different caliber hand guns that will be fired at the range.

There is another rating of the mobile range we should be made aware of, and that is at what FT/SEC is the Trap rated for. The trap is behind the targets and it is what 'catches' the bullets (or projectiles) that are fired. So, let's say Northeast Arms Trap rating is 3600 ft/sec, that means they could also entertain having some long arms, or rifles, being fired at the range. Now you are talking a whole different level of sound being emitted from the firing of the weapons.

Earlier, I talked about sound at night being louder. This is where I get to throw some science at you that needs to be consider when it comes to noise emissions. There is a phenomenon called refraction that affects the direction of sound propagation. During the day, the sound bends away from the ground, during the night it bends towards the ground.

Hence at night you have additional sound reaching you, making it louder. That's why the traffic on Route 1 sounds closer to the residence of Huntington Wood at night than it does during the day. This begs the question, what are the proposed operational hours of the range? The later they are proposing to stay open, the louder the noise will be heard from the range.

Now, let's take the noise level talk one more step, winter operation. In terms of temperature, counterintuitive to what most people believe, sound waves move faster in warm air and slower in cold air. So as sound moves through the atmosphere, some parts of the wave will be moving faster than the rest. What this means is the sound would be louder and as such you could hear the traffic on Route 1 from farther away. So, in other words, sound carries better when the air is calm and cold, and the colder it gets the louder and farther the sound will carry. Another issue that would have to come in consideration when it comes to proposed operational hours, particularly during the winter.

In closing, we do not find the PR video that Northeast Arms provided acceptable evidence as to what normal operational sound environment will be presented. Also, there is a lot more information Northeast Arms must present as to the specifications of the mobile range and to what type of hand guns and long arms, or rifles, will be allowed to be fired at the range.

Respectfully submitted,

Michael Long  
Camille Long  
3204 Woodbridge Road  
Peabody

Sent from my iPad

CITY OF PEABODY  
2021 APR 22 11:04  
CITY CLERK

April 21, 2021

TO: Peabody Zoning Board of Appeals  
FROM: Sue Turner/5006 Heatherwood Lane  
SUBJECT: Opposed to Northeast Arm Request for Variance

Members of the Zoning Board of Appeals:

I am writing to express my continued opposition to the variance requested by Northeast Arms.

Since the first hearing, I have researched mobile shooting ranges and have not found anything that gives me reassurance. Granting this variance will result in noise and potential health and safety issues for the neighborhood. This variance is not in the community's best interest and I am asking the Board to deny this application.

- In a review of Section 4.2, Schedule of Use Regulations for the City of Peabody, I could not find anything that shows this as a permitted business in the BR district.
- I've watched videos of how a unit such as this would be moved in and out – it's quite a towing operation with large equipment and a good amount of noise.
- Generators and necessary HVAC systems will create a noise nuisance for the neighborhood. I am also concerned about additional lighting and spillover into the neighborhood.
- Online I found web sites for several companies that manufacture and install mobile shooting ranges. From their technical documents: OSHA and Environmental requirements are substantial and violations would put the neighborhood at risk of lead contamination. Required safety and recommended management controls are also extensive; violations can result in neighborhood safety risks.
- Most articles I read noted that shooting noise heard by neighbors, especially in an urban or neighborhood setting, is a serious concern and very expensive to contain. Especially in more densely populated areas, it can result in calls to local police who then need to follow up.

Just this week, we received and I reviewed the video that was provided to the neighbors. The sound from the pistol reminded me of a nail gun. If I were doing home construction, I could put up with the noise because it would be temporary, but allowing that type/level of noise on a regular basis would be a real aggravation to anyone living near by. In short, the video did not change my mind.

Therefore, I respectfully request that the Board vote to deny the application.

Thank you,

Sue Turner

5006 Heatherwood Lane

West Peabody, MA 01960



## Carla McGrath

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**From:** Kevin McKenna <mckenna.kevin70@gmail.com>  
**Sent:** Monday, April 26, 2021 12:08 PM  
**To:** Carla McGrath  
**Cc:** Board of Trustees; Chris Fritz; Huntington Wood  
**Subject:** [External] Re: Northeast Arms Variance Application

WARNING This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Ms. McGrath,

Thank you for providing the local area residents with an opportunity to comment on the zoning variance application submitted by Northeast Arms. I am confident that the evidence provided so far to the Peabody Zoning Board and the subsequent comments to be raised at today's meeting will be sufficient for the Board to decline this application.

Please allow the following points to be added to the application record as evidence of opposition to this request:

1. The 'Darin Noise Video' recently submitted by Northeast Arms is clearly misleading in its attempt to portray the gunfire noise emanating from the container as commensurate to a person speaking. Any reasonable person will quickly recognize that the decibel levels recorded from a source that is two feet away (speaking) is not comparable to a similar reading taken from forty feet away (gunfire). At 40 feet, this gunfire noise seems even in excess of construction site hammering, which will then be amplified by the echo of the adjacent concrete buildings to unacceptable levels.
2. The submitted 'Noise Video' includes a comment that the test container is located in an 'industrial area'. The residents of Huntington Wood would agree that noise-generating activities such as this belong in an industrial area and not directly adjacent to a quiet residential development.
3. Prior meeting comments have included that this enclosed container will require ventilation (heat/AC). This implies additional external noise resulting from fans and condensers.
4. Prior meeting comments have included the requirement of electrification of this container unit. Any external generator will also produce unacceptable levels of noise and pollution.
5. A basic review of gunfire emission testing will reveal that this activity in an enclosed space results in aerosolized pollutants and toxic lead residues on surfaces. Given that that this space will be actively ventilated to the surrounding area, there is a substantial risk that Huntington Wood residents will be subjected to these cancer-causing toxins.

For these reasons and many others previously noted, please note my clear opposition to this variance application request.

Sincerely,

Kevin E. McKenna  
Huntington Wood resident  
1501 Huckleberry Ct  
Peabody, MA

**BOARD OF APPEALS – VARIANCE  
TOM AND THERESA LEMIESZ  
118 BARTHOLOMEW STREET  
R-1 ZONING DISTRICT**

**April 26, 2021**

**I. Good evening. For the record, my name is Athan Vontzalides and I am an attorney practicing law at 246 Andover Street in Peabody.**

**I appear this evening on behalf of the applicants with respect to this evening's variance request.**

**II. Mr. and Mrs. Lemiesz have owned this property since 1984, and the home was originally constructed approximately 76 years ago in, 1945.**

**The existing dwelling is a 1 ½ story single family, which contains approximately 1,176 square feet of living area, and it only has one full bathroom.**

**The applicants have lived here for the last 37 years, and would like to remain in this home during their retirement years.**

**Due to the age, and the limited size of their dwelling, they desire to perform various renovations to the property, one of which, is to construct an approximately one-story, 360 square foot addition along the rear and right side of the dwelling, all as shown on our submitted site plan.**

**The addition will consist of another full bathroom, a family room, office space and a new one-car garage.**

**As you can see from our site plan, the existing dwelling used to have only a 3 ½ foot wide right-side yard. That portion of the home contained a one-car garage, which was demolished in October, 2020 because it was falling apart.**

**It was at that time, that the applicants became aware that a variance would be required for their proposed construction.**

**III. The applicants' property is situated in the R-1 single family zoning district. That district requires a lot to have 20,000 square feet of area, and the home to have 20-foot wide side yards.**

**However, as you can see from the assessor's map, which is attached to our application, all of the lots in this area of Bartholomew Street are significantly smaller than 20,000 square feet.**

**As you can further see from the assessor's map, the applicants' home is situated at the narrowest section of Bartholomew Street, where all of the immediate dwellings have nominal front yard and side yard setbacks.**

**In essence, due to the size and configuration of their lot, along with the location of their existing home, it is impossible to construct any meaningful addition without some form of variance relief, which creates a substantial hardship to the applicants.**

**IV. As I stated in the application, the proposed addition will have a larger right-side yard than what previously existed prior to the demolition of the garage,**

**and the left side yard will remain as it currently is, so that the requested relief can be granted without any adverse effect to any of the abutting properties.**

**As I stated earlier, the applicants have been long term Peabody residents. The desire to remain here during their retirement years, and are just looking to improve and modernize their home, with improvements that will benefit the value of all the abutting properties.**

**I do have the applicants with me this evening, and together we will try to answer any questions that the Board or the public may have.**

**Thank you.**



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March 11, 2021

Peabody Zoning Board of Appeals  
24 Lowell Street  
Peabody, MA 01960

Dear Chairperson:

As you may be aware, Citizens' Housing and Planning Association (CHAPA) is the monitoring agent for one Chapter 40B development in Peabody called Juniper Village. CHAPA is a statewide non-profit organization based in Boston. We were designated by the Zoning Board of Appeals and MassHousing to serve in this capacity.

The purpose of this letter is to provide the Zoning Board of Appeals with an annual update on the status of the Town's Chapter 40B developments.

**Juniper Village:** Juniper Village is a New England Fund Chapter 40B project and has 15 affordable units. As the monitoring agent, CHAPA reviewed and approved the marketing and lottery plan, oversaw the lottery process, and verified that the applicants for the affordable units have household income that is at or below 80% of the area median income, as established by HUD, for Peabody and have assets within the established limit. We have certified 16 households as income-eligible. We understand that the project is substantially complete and have sent the developer a request for the cost certification to determine compliance with the 20% profit limitation under Chapter 40B. The Cost certification continues to be overdue and will be required prior to the developer participating in additional 40B programs and they are currently noted on the Interagency Watch List.

As the monitoring agent, CHAPA reviews refinance requests from affordable unit owners and coordinates any resales of affordable units. There was one resale and two refinance requests in the Peabody developments in 2020.

If you have any questions regarding our role as a monitoring agent please contact Carol Marine at CHAPA or at 617-690-8603 at [cmarine@chapa.org](mailto:cmarine@chapa.org).

Sincerely,

Karen Wiener  
Chief Operating Officer