



CITY OF BEVERLY
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**CITY of BEVERLY
Zoning Board of Appeals
January 26, 2022 at 7:00 pm**

These minutes are not a verbatim transcript of the public hearing of the Board of Appeals. Reviews of the Board's Decision or outcome of the public hearing should include an examination of the Board's decision for that hearing.

Members Present: Joel Margolis, Chairperson, Pam Gougian, David Battistelli, Jim Levasseur and Kevin Andrews, alt.,

Members Absent: Victoria Caldwell, Peggy O'Brien

Others Present: Kimberly Gagnon, Administrative Assistant
Leanna Harris, Administrative Assistant

Location: Council Chambers City Hall, 191 Cabot Street, Beverly

Joel Margolis, Chairperson began the meeting at **7:00 pm**

I. CONTINUED PUBLIC HEARINGS

A. Michael Henry

requests a **Variance** to raze existing detached one car garage and erect a 20'x24' two car garage with an 8'x10' breezeway attached to existing one family building. The property is located at 27 Woodbury Street in the R10 zoning district.

MOTION: Mr. Levasseur moved to allow the request to withdraw the application at 27 Woodbury Street without prejudice. Ms. Gougian seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

II. NEW PUBLIC HEARINGS

A. Tim and Carrie Dodge

request a **Special Permit** to construct 14' x 25' 2-story addition on the right side of a nonconforming dwelling. Addition will have a front setback of 14.9' where 20' is required and a rear setback of 11.4' where 25' is required. Addition will be no closer to property lines than the existing structure. The property is located at 33 Williams Street in the R10 zoning district.



Ron Roth (Fulcrom Architects) addressed the Board and provided a copy of abutter's signatures in favor. Ron provided an overview of the site and its setbacks. The existing building was constructed in 1920 and has very small rooms. They are asking to put a 14'x 23' addition.

The exterior is stucco from the 1950s and the inside is post and beam. The new layout will be open concept. The second level will have a master bedroom. They are taking one the small second floor bedroom and creating an additional bathroom. Mr. Roth stated this site meets all of the lot requirements other than the lot size, it is 19' short of 10,000. The home was one of the first built on the street and will continue to be one of the smallest. The stucco will be removed and replaced with clapboard New England style siding.

No one spoke in favor or against.

Mr. Margolis asked what the volume increase will be and Mr. Roth stated they are going from 1,364 sq. ft. to 2,149 sq. ft. which is less than 25%. Mr. Margolis asked for clarification on the type of clapboard.

Mr. Battistelli asked for confirmation that the neighbor in the rear signed the petition in favor. Mr. Andrews asked how close the rear neighbor is to the addition and Ms. Dodge stated where they are building is all open lot and trees.

MOTION: Mr. Levasseur moved to close the public hearing.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT a **Special Permit** to construct a 14' x 23' 2-story addition on the right side of a nonconforming dwelling. Addition will have a front setback of 14.9' where 20' is required and a rear setback of 11.4' where 25' is required, subject to the plans submitted. Mr. Andrews seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

B. Global Companies, LLC

request a **Special Permit** to install (2) Mobil logos on the existing overhead canopy. The property is located at 44 Dodge Street in the CG zoning district.

Carolyn Parker stated she is here on behalf of the applicant. They are seeking a Special Permit for the size of the canopy sign. The signs were approved by the Design Review Board on December 2nd.

No one spoke in favor or against.



MOTION: Ms. Gougian moved to close the public hearing.

Mr. Levasseur seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT a **Special Permit** at 44 Dodge Street to install (2) Mobil logos on the existing overhead canopy, as approved by the Design Review Board. Second by Mr. Battistelli.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

C. Batten Brothers o/b/o Eastern Bank

request a **Special Permit** to replace existing sign on north side of building with a new sign on the upper part of the north façade. The new sign will be identical in size and design to the sign on the south side of the building. The property is located at 33 Enon Street in the CG zoning district.

Mr. Batten addressed the Board and described the signs they would like to install. There is an existing sign on that side of the building that is about 2'x10' that is lower but faces the same direction. They will remove that sign if they receive approval for this request.

No one spoke in favor or against.

Mr. Andrews asked for confirmation that it is illuminated and what the hours would be. Mr. Batten confirmed and stated 10:30pm. It is not visible from any house. Mr. Margolis stated it does face an apartment building. Ms. Gougian stated 10:30pm is a little late and suggested 10pm. Mr. Andres and Mr. Margolis agreed.

MOTION: Mr. Levasseur moved to close the public hearing.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT a **Special Permit** at 33 Enon Street to replace existing sign on north side of building with a new sign on the upper part of the north façade, as approved by the Design Review Board. The illuminated sign will turn off at 10pm until 7am. Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

D. Alan and Christine Hoffacker

request a **Special Permit** to construct a 1-story addition on right side of nonconforming dwelling. Addition will have a rear setback of approximately 23' where 25' is required. Addition will not create a new nonconformity. The property is located at 36 Neptune Street in the R10 zoning district.



Veronica Hobson (Taproot Design) stated she is here on behalf of the applicants to construct a single level addition at the back right rear of the house. The house is oriented sideways so the front elevation actually faces the driveway. The project also includes new windows, roof, replacing trim, a pergola and a deck. The existing sitting room extends into the setback .6'.

They are looking to extend it out 15.10'. The room as it exists is quite small and so they don't have a room for family gatherings. Ms. Hobson provided an overview of the proposed plans. They are also proposing to add a rear porch that is an uncovered area. The addition will be set back from the street and is not encroaching on any of the neighboring homes. They will be removing an existing pergola and replacing with a new one. There is no change to the footprint of the second floor.

Ms. Hobson reviewed the elevations. The new total square footage of the house will be 2,018.

No one spoke in favor or against.

Mr. Battistelli stated there is a notation that the neighbor's shed is on part of the applicant's property and asked if it is causing a problem and Ms. Hoffacker stated it is not. Mr. Battistelli stated it is not a problem for the neighbors.

MOTION: Mr. Levasseur moved to close the public hearing.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT the **Special Permit** at 36 Neptune Street to build a 1-story addition with a rear 23' where 25' is required, based on the plans submitted. Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

E. Julio Gutierrez Pedroza

request a **Special Permit** to allow an accessory dwelling unit in a single-family dwelling. The property is located at 14 Scenna Road in the R15 zoning district.

Julio Gutierrez Pedroza addressed the Board. They are taking an existing garage and converting to in-law apartment for the applicant's mother-in-law. It will be 600 sq. ft.

No one spoke in favor or against.

Mr. Andrews stated it sounds like they have done their research on what is needed for an accessory building. Mr. Andrews asked if the heating will be separated and Mr. Gutierrez confirmed.



MOTION: Mr. Levasseur moved to close the public hearing.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Mr. Andrews moved to GRANT a **Special Permit** at 14 Scenna Road to allow an accessory building, subject to the plans submitted.

Ms. Gougian seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

F. Alexander & Femino o/b/o Jordan Ryan

request a **Special Permit** to building a 2nd story addition above an existing single story legally pre-existing house that is 8.4' from the side lot line where 15' is required. The property is located at 9 Roderick Avenue in the R10 zoning district.

Tom Alexander, Esq. (Alexander & Femino) addressed the Board on behalf of the applicant and stated the property is a 5,000 sq. ft. lot with 50' of frontage and is nonconforming under present zoning. This house is nonconforming because it is closer to the side yard setback than present zoning allows. The house was built in 1880 and it is in dire need of attention. Because the house is nonconforming and they are adding onto the nonconforming part they need a special permit. There is a single story part of the house in the rear where they are adding a second story that extends over an existing deck. The total addition of 285 sq. ft. The existing house has 1,260 sq. ft. The design keeps with the neighborhood and it will not overwhelm in any way.

Atty. Alexander provided signatures from immediate abutters in favor.

Atty. Alexander reviewed the criteria for a Special Permit.

No one spoke in favor or against.

Mr. Andrews stated this addition will bring this house more in line with others in the neighborhood. Mr. Andrews stated it is great they are following the lines of the house and keeping the porch.

Mr. Margolis stated it will be a great improvement.

Ms. Gougian asked what type of siding and the applicant stated vinyl siding.

MOTION: Mr. Levasseur moved to close the public hearing.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.



MOTION: Mr. Levasseur moved to GRANT a **Special Permit** at 9 Roderick Avenue to build a 2nd story addition above an existing single story legally pre-existing house that is 8.4' from the side lot line where 15' is required, subject to the plans submitted.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

G. Glen Witwicki

requests a **Special Permit** to construct a building addition. The property is located at 3 Pilgrim Heights in the R10 zoning district.

Bob Griffin (Griffin Engineering) addressed the Board and reviewed the plans and pictures of the existing residence. The residence currently does not have a garage but the addition will resolve that. The building is nonconforming but the lot is conforming. It is stuck in a corner of the lot with three odd setbacks. The 2-story addition will be fully conforming. They are constrained by a large sewer easement on the property. There is municipal drainage on the side of the property as well. The addition removes an existing deck. There is also a flood zone on the property. There are wetlands on the property and they will need to go before Conservation if this Board approves.

The addition will not be blocking any neighbor's views. There is a large tree that will be removed to construct the driveway. Mr. Griffin stated the environment will be improved because the applicant will be able to get his cars in the garage.

Mr. Griffin provided an email in favor from David Dines at 5 Pilgrims Heights.

No one spoke in favor or against.

Ms. Gougian asked where the existing pavement is and Mr. Griffin showed on the site plan. Ms. Gougian asked if they are covering all the existing pavement and Mr. Griffin confirmed.

MOTION: Mr. Levasseur moved to close the public hearing.

Mr. Andrews seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Ms. Gougian moved to GRANT a **Special Permit** at 3 Pilgrim Heights to construct a building addition with an increase of volume over 25%, subject to the plans submitted. Mr. Andrews seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.



H. Judith Owens

requests a **Special Permit** to allow a bed and breakfast establishment in accordance with the Zoning Ordinance 33-300(C)(6). The property is located at 688 Hale Street in the R15 zoning district.

Mr. Closson stated they have operated an airbnb for 5 years and have been a super host for 5 years, they average about 300 nights each year. Many of their guests eat out locally and take the train out to Boston or into Salem. This will be the third renewal.

No one spoke in favor or against.

Ms. Gougian asked if it needs to be renewed annually and Mr. Closson stated every two years.

MOTION: Mr. Levasseur moved to close the public hearing.

Mr. Andrews seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT a **Special Permit** at 688 Hale Street to allow an airbnb in accordance with the City Ordinance, subject to the existing use.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

III. OTHER BUSINESS

A. Planning Department - Discussion of ADU Ordinance Update Project

- Darlene Wynne addressed the Board and stated she is here to update them on the model ordinance for accessory units. It is accordance with their Master Plan and the City's goals. Darlene stated she is here to introduce this to the Board. They are going to have a public meeting in mid-March. Ms. Wynne stated they have people coming in to building accessory units and they are always family members. Ms. Wynne asked if it can be expanded to accommodate seniors to help them stay in their houses. They are looking to expand beyond family members. A data driven web tool is being developed that will allow them to assess the impact relative to parking and dwelling units. Ms. Wynne stated the Board's input is important. They are also looking at changing the various types, right now they have to be attached. Would they allow detached structures or additions on to detached garages.

Ms. Wynne invited the Board to the public forum in March.



Ms. Gougian asked how this will affect the zoning laws and will this then become a multi-unit dwelling and how does that effect the single-family zoning districts.

Mr. Battistelli stated this is the sort of thing that can cause problems because now you have a second story on top of a garage with people looking into other people's yards. Mr. Andrews stated he is in favor of this type of use because it increases density instead of developing a new piece of land.

Mr. Margolis stated he has a problem with this from a real estate standpoint. This will change the dynamics of a neighborhood.

B. Approval of 2022 ZBA meeting dates

MOTION: Mr. Margolis/Mr. Andrews approval of 2022 ZBA meeting dates. Second by
Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)
Motion carries

C. Approval of November 23, 2021 ZBA Minutes (Gougian)

MOTION: Ms. Gougian/Mr. Andrews
Votes in favor: 5-0 (Margolis, Gougian, Battistelli, Levasseur, Andrews)
Motion carries

D. MOTION: Mr. Margolis moved to adjourn the meeting at 8:55 pm

All in favor
Motion carries

Kim Gagnon, Administrative Assistant
Board of Appeals of the Zoning Ordinance