



**City of Beverly
Zoning Board of Appeals
January 27, 2021 at 7:00 pm**

CITY OF BEVERLY
RECEIVED AND RECORDED
CITY CLERKS OFFICE

2021 JUL -6 A 9:13

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, Victoria Caldwell, Pamela Gougian, David Battistelli, Jim Levasseur, Kevin Andrews, alt.

Members Absent: Margaret O’Brien, alt., Stefano Basso, alt.

Others Present: Steve Frederickson, Building Commissioner
Leanna Harris, Zoning Board Administrative Assistant

Location: Remote

Mr. Margolis began the meeting at **7:00 pm.** and as a preliminary matter, stated the following:

Before beginning the meeting, I am confirming that all members and persons anticipated on the agenda are present and can hear me.

- Members, when I call your name, please respond in the affirmative.
- Staff, when I call your name, please respond in the affirmative.
- Anticipated speakers

I. CONTINUED PUBLIC HEARING

A. Glovsky & Glovsky o/b/o The Long Game, LLC

In a petition for a request to **Amend a Variance** to allow a change in use from a mixed-use motel containing 20 motel suites, 2 apartments and 22 parking spaces to a 22-unit apartment building with 22 parking spaces. The property is located at 5 Lakeview Avenue in the R10 zoning district.

Conor Walsh, Esq. (Glovsky & Glovsky stated they are withdrawing their application.

MOTION: Ms. Caldwell move to approve the withdrawal without prejudice.

Ms. Gougian seconded the Motion:

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

Motion carries.



II. EXTENSION REQUEST

A. Mary Beth Bullock

Original request: June 26, 2019: In a petition for a request for a **Special Permit** to replace an existing nonconforming metal garage with an 18' high wood framed garage with a side setback of 1.6', where 15' is required and a rear setback of 5', where 25' is required. The property is located at 9 Woodbury Street in the R10 zoning district.

*applicant seeking extension of Special Permit.

Mary Beth Bullock addressed the Board and stated she is requesting an extension due to Covid causing supply prices to skyrocket and it has been difficult to get people to do the work. Ms. Bullock stated she would like to wait another year or two. Mr. Frederickson stated the Special Permit is good for two years and only one year has lapsed so it is a good for another year. Ms. Bullock stated she would like an extension of the Special Permit for one year past the expiration date which would be into the year 2022.

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

Ms. Gougian seconded the Motion.

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

Motion carries.

MOTION: Mr. Andrews moved to GRANT the request for a one year extension of the Special Permit at 9 Woodbury Street to expire one year from the original expiration date which would be June 30, 2022. Ms. Gougian seconded the Motion.

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

Motion carries.

III. MINOR MODIFICATION

A. Brian Caponigro/N.E. Ambulance Service, Inc.

Original request: June 24, 2014: In a petition for a request for a **Variance** to operate an ambulance depot at 128 Park Street. The property is located at 128 Park Street in the IG zoning district.

Brian Caponigro addressed the Board and stated they have been in their current unit since 2014 and some available space has opened up in a different unit that is twice the size. There will be no operational changes, it is just very tight where they are right now

Mr. Battistelli asked if they will be servicing the same area and Mr. Caponigro confirmed.

No one spoke in favor or against.



MOTION: Ms. Gougian moved to close the public hearing.
Ms. Caldwell seconded the Motion.
Votes in favor: 5-0 (Margolis, Caldwell, Gougian, Levasseur, Battistelli)
Motion carries.

MOTION: Ms. Caldwell moved to find this request for 128 Park Street is a minor modification and allow it as such. Mr. Battistelli seconded the Motion.
Votes in favor: 5-0 (Margolis, Caldwell, Gougian, Levasseur, Battistelli)
Motion carries.

IV. NEW PUBLIC HEARINGS

A. David and Stephanie Peters

In a petition for a request for a **Special Permit** to replace a detached 1-car garage with rear setback of 4.3' where 25' is required and a side setback of 5.4' where 15' is required. New structure will be same size and in same location as previous structure. The property is located at 515 Cabot Street in the R10 zoning district.

Vincent Kelly (Contractor) addressed the Board and stated this was supposed to be a repair but the wall that was supposed to remain standing blew over due to its rotted condition. They tried to keep it standing with temporary braces but a wind storm blew it over and it now has to be rebuilt. Mr. Kelly stated it will be built within the same footprint and it will be the same height.

No one spoke in favor or against.

Mr. Battistelli asked what the original height of the garage was and Mr. Kelly stated 15'. Mr. Battistelli asked if they were given a stop work order and Mr. Kelly confirmed.

Ms. Gougian asked if they are putting a foundation in and Mr. Kelly stated it was redone. Ms. Gougian asked if it was done before or after the wall blew over and Mr. Kelly stated they did three sides.

Ms. Caldwell stated they are rebuilding a garage in the same spot with the same dimensions and by law they have to go through this process. Ms. Caldwell stated the plans look good and she doesn't have a problem with them.

MOTION: Ms. Gougian moved to close the public hearing.
Mr. Levasseur seconded the Motion.
Votes in favor: 5-0 (Margolis, Caldwell, Gougian, Levasseur, Battistelli)
Motion carries.



MOTION: Mr. Levasseur moved to GRANT the **Special Permit** at 515 Cabot Street to replace an existing garage with a same size structure within the original footprint, based on the plans submitted. Mr. Battistelli seconded the motion.

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

Motion carries.

B. Thomas and Ann Wilder

In a petition for a request for a **Variance** to construct a 12'x16' screen covered patio with a rear setback of 22.7' where 25' is required. The property is located at 6 Gary Avenue in the R10 zoning district.

Tom Wilder addressed the Board and stated they are looking to build a screened in patio and one side is 2.3' longer than is allowed.

Mr. Margolis asked Mr. Wilder to explain the hardship. Mr. Wilder stated the shape of the lot creates their hardship.

No one spoke in favor or against.

Mr. Andrews stated it looks like the screened in area will be on an area that is already concrete and Mr. Wilder confirmed. Mr. Andrews stated it won't be changing absorption of water.

Ms. Caldwell noted the shape of the lot is slanted.

Mr. Margolis asked how the roof will tie into the house and Ms. Wilder explained it will continue on downward to the end. Mr. Margolis asked Mr. Frederickson if that is sufficient and Mr. Frederickson confirmed and stated it is a shed roof.

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

Mr. Battistelli seconded the Motion.

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

Motion carries.

MOTION: Mr. Battistelli moved to GRANT the **Variance** to add a 12' x 16' screened in covered patio 2.3' feet into the set back due to the shape of the lot creating a hardship, subject to the plans submitted. Ms. Caldwell seconded the Motion.

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

Motion carries.

C. Todd and Laurie Callaghan

In a petition for a **Special Permit** to construct a 14.9' x 6.61' one story rear addition with a left side setback of 11.3' where 15' is required. Addition will be no closer to left side property line than the existing structure. The property is located at 9 Clark Avenue in the R10 zoning district.



Todd Callaghan addressed the Board and stated they are looking to extend their mudroom toward the back of the property in line with the existing western wall of the house. The existing house is nonconforming and requires a special permit.

No one spoke in favor or against.

Mr. Andrews asked for information on how they will implement the plumbing for the addition. Mr. Callaghan stated there will be no basement plumbing it will be in the floor of the addition.

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

Mr. Andrews seconded the Motion.

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

Motion carries.

MOTION: Mr. Battistelli moved to GRANT the **Special Permit** at 9 Clark Avenue to construct a 14.9' x 6.61' one story rear addition with a left side setback of 11.3' where 15' is required, subject to the plans submitted. Mr. Levasseur seconded the Motion.

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

Motion carries.

D. Glovksy & Glvosky o/b/o Joseph and Diane Gill

In a petition for a request for a **Special Permit/Finding** to authorize an approximately 403 sq. ft. single story addition to an existing nonconforming single family home, which will reduce the side setback from 10.9' to approximately 6.9', where 15' is required. The property is located at 43 Cross Street in the R10 zoning district.

Conor Walsh, Esq. (Glovksy & Glvosky) addressed the Board on behalf of the owners at 43 Cross Street and stated the Gills have lived at this property since 1979, it is a two story home with a garage. They are looking to build a single story addition off to the side of the existing home. It will reduce the side set back by 4'. The Gills have significant neighborhood support.

Thad Siemasko provided a brief overview of the project.

Doug Marquart, 47 Cross Street stated they are an abutters and they have reviewed the plans. Mr. Marquart stated very supportive of the Gills and this project.

Ms. Caldwell stated the design is tasteful and it will be an attractive addition to the neighborhood.

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

Ms. Caldwell seconded the Motion.

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

Motion carries.



Mr. Battistelli stated what is left after the addition is on the edge of what he would normally support.

MOTION: Ms. Caldwell moved to GRANT a **Finding** at 43 Cross Street to construct a 403 sq. foot one story addition to the existing nonconforming single family home to include a first floor master bedroom and bath finding it is not more detrimental to the neighborhood, subject to the plans submitted. Mr. Levasseur seconded the Motion.

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

Motion carries.

E. Works by JD o/b/o William and Jeanne Commette

In petition for a request for a **Special Permit** to construct a 12' x 16' 1-story right side addition with a rear setback of 15.7' where 25' is required. Addition will be no closer to rear property line than the existing structure. The property is located at 33 East Corning Street in the R10 zoning district.

Mike Works addressed the Board on behalf of the applicants and stated they are seeking to create an addition for the purpose of aging in place. They are looking to build a one story right side addition no closer to the rear property line and they have their neighbors support.

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

Ms. Gougian seconded the Motion.

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

Motion carries.

Mr. Battistelli asked if 17 Oceanside Drive is in support the project and Bill Commette stated he has spoken to their abutter and they are 100% in favor of the project. Mr. Commette stated they have spoken to at least 12 abutters and they are all in favor.

MOTION: Ms. Caldwell moved to GRANT the **Special Permit** at 33 East Corning Street to construct a 12' x 16' 1-story right side addition to add a bedroom and a half bath to the existing nonconforming home, finding that it is not more detrimental to the neighborhood, subject to the plans submitted. Ms. Gougian seconded the Motion.

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

Motion carries.

F. Mark and Jaelyn Braatz

In a petition for a request for a **Variance** to replace a rear addition and deck with a 1-story addition and to add a 3rd story to an existing nonconforming dwelling with a right side setback less than 1/2 of what is required. Additions will be no closer to the property lines than the existing structure. The property is located at 37 Crescent Avenue in the R10 zoning district.

Mark Braatz addressed the Board and stated they are looking to increase their living space and to add a bathroom as well.



Tom Frangos stated the third floor addition would be going directly over the second floor and the overall height would remain under 35'. The hardship is the size of the lot and the position of the existing house which was built about 4' from the right lot line in the 1920s.

Ms. Caldwell asked if the Variance was for the bump out and not for the height. Mr. Frederickson stated the Variance has to do with the setback to the side line because they have less than half of what is required.

Ms. Caldwell asked if there is a house behind the property and Mr. Braatz confirmed.

Mr. Andrews stated the addition is substantial and he isn't sure if it blends in with the neighborhood, it looks too big. Ms. Gougian agreed and stated it looks like a quick fix to get some additional space. Ms. Gougian stated she doesn't feel it will be a credit to the neighborhood. Ms. Braatz stated they don't want to do something aesthetically out of keeping with the neighborhood. Ms. Gougian stated it looks like the house has had previous exterior changes. Mr. Andrews stated it looks like a layer on top of the house.

Mr. Battistelli asked why the applicants didn't get signatures from neighbors. Ms. Braatz stated this process is new to them and they did casually talk to neighbors but they didn't think they needed signatures. Mr. Battistelli stated they have his support for this addition, going up is always better than going out. Ms. Caldwell agreed and stated they don't have many options.

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

Mr. Levasseur seconded the Motion.

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

Motion carries.

MOTION: Ms. Caldwell moved to GRANT the **Variance** at 37 Crescent Avenue to replace a rear addition and deck with a 1-story addition and to add a 3rd story with the height to remain 35' or less due to a hardship created by the size of the lot and position of the existing house, subject to the plans submitted. Mr. Battistelli seconded the Motion.

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

Motion carries.

G. John and Amanda Stefanik

In a petition for a request for a **Special Permit** to construct a rear and right side addition with a left side setback of 3.4' where 10' is required. Addition will be no closer to left side property line than the existing structure. The property is located at 91 Haskell Street in the R6 zoning district.

Ryan McShera (Red Barn Architecture) addressed the Board on behalf of the applicants and stated they are seeking to construct a rear and right side addition. The garage is beyond repair and they are proposing to tear it down and build an addition. They are improving the nonconformity on the right side. They are also proposing to enclose a front porch that is currently roofed over.



No one spoke in favor or against.

Mr. Margolis asked if it is accurate that they are increasing the volume by 75% and Mr. McShera confirmed.

Mr. Battistelli stated the plans look good and he can support this. Mr. Andrews agreed and stated it is a nice design and it will be an improvement. Ms. Gougian stated it is a large addition but it is well hidden behind the house and what you do see matches the overall architecture of the house. Ms. Caldwell stated it keeps the neighborhood feel.

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

Mr. Battistelli seconded the Motion.

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

Motion carries.

MOTION: Mr. Andrews moved to GRANT a **Special Permit** at 91 Haskell Street to construct a rear and right side addition increasing overall volume by 75%, subject to the plans submitted. Mr. Battistelli seconded the Motion.

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

Motion carries.

H. Peter and Anna Langstaff

In a petition for a request for a **Variance** to construct a right side and rear addition with a right side setback of approximately 3' where 15' is required. The property is located at 47 Williams Street in the R10 zoning district.

David Jaquith, Architect addressed the Board and stated he is here on behalf of Peter and Anna Langstaff. They have talked to all of the neighbors and have submitted a signed petition. They are adding a portico over the front door and a gable over the present garage. They are no more interfering with the side setback and the hardship is the position of the existing house.

No one spoke in favor or against.

Mr. Battistelli asked if the applicants are aware that they will have to go through the Conservation Commission and Mr. Jaquith confirmed.

Mr. Andrews stated it looks like a nice design and it's nice that people are trying to stay with and support their families.

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

Ms. Gougian seconded the Motion.

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

Motion carries.



MOTION: Ms. Caldwell moved to GRANT a **Variance** at 47 Williams Street to construct a right side and rear addition that will encroach on the right side setback with a finding that hardship is the position of the existing home on the lot, subject to the plans submitted. Mr. Battistelli seconded the Motion.

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

Motion carries.

V. **OTHER BUSINESS**

Approval of November 24, 2020 ZBA Minutes (O'Brien)

MOTION: Ms. O'Brien moved to approve the Minutes from the November 24, 2020 meeting. Ms. Caldwell seconded the Motion.

Votes in favor: 5-0 (Margolis, Caldwell, Gougian, Battistelli, O'Brien)

Motion carries.

Leanna Harris, Administrative Assistant
Board of Appeals of the Zoning Ordinance