



CITY OF BEVERLY  
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**CITY of BEVERLY  
Zoning Board of Appeals  
March 23, 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.

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**Members Present:** Kevin Andrews, David Battistelli, Jim Levasseur, Pam Gougian and alternate member Peggy O'Brien

**Members Absent:**

**Others Present:** Kimberly Gagnon, Administrative Assistant  
Steve Frederickson, Building Commissioner

**Location:** Remote

Mr. Andrews called the meeting to order at 7:00pm

**I. NEW BUSINESS**

**A. Janick Company, LLC by its attorney Thomas J. Alexander**

request a **Special Permit/Finding** to allow the demolition of a legally pre-existing nonconforming commercial building set back from the side lot line 2.9 feet, 2.3 feet from the rear lot line and .9 feet from the front lot line with a less nonconforming 2 family duplex conforming with the side yard and front yard setbacks of 10 feet (conforming) and 20 feet (conforming) respectively and having a 10.8 feet rear yard setback where 20 feet is required. The property is located at 397 Cabot Street in the CN zoning district.

**MOTION:** Ms. O'Brien moved to GRANT the request to continue the request for a **Special Permit/Finding** at 397 Cabot Street to the May 25, 2022 meeting.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Andrews, Gougian, Levasseur, O'Brien, Battistelli)

**Motion carries**

**B. Thomas J. Alexander o/b/o 386 Cabot Street, LLC and Janick Company, LLC**

request a **Variance** to build an addition to the existing retail building on site which would accommodate 12 residential units. The addition would be 3.8 feet from the side lot line (existing building has 0 ft side yard setback) where the zoning ordinance calls for 10 feet, there are 19 parking spaces on site where 26 are required, and the lot area provided per unit is 1,960 s.f. where 4,000 s.f. is required. There is a bus stop for MBTA Bus #451 located on the curb in front of 386 Cabot Street. The property is located at 386 Cabot St. and 16 Bennett St. in the CN and RMD zoning district.



**MOTION:** Ms. O'Brien moved to GRANT the request to continue the request for a **Variance** at 386 Cabot Street and 16 Bennett St. to the May 25, 2022 meeting.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Andrews, Gougian, Levasseur, O'Brien, Battistelli)

**Motion carried**

**C. Steven and Valerie Wilson**

request a **Variance** to construct an in-ground pool partially in the front yard and the side yard setback of the property. The property is located at 4 Old Farm Rd. in the R-10 zoning district.

Bob Griffin from Griffin Engineering Group LLC spoke on behalf of Mr & Mrs Wilson. Mr. Griffin stated that because of the odd shape of the lot, the only viable location for the in-ground pool would be on the south side of the house which puts the pool in the front yard and in the side yard of the residence. The pool will be approximately 6' off the west side line and about 15' from the front line. The pool will be connected to the screen porch and will be surrounded by a fence. The existing deck will be removed as part of this construction.

The Wilsons did go out and speak with their neighbors and they provided a list of 12 signatures in favor of the project.

No one spoke in favor or against

Ms. O'Brien asked how high the fence will be, will it block the view from the street?

Mr. Griffin did say that there is a requirement of a 4' fence for security reasons. He does not see the fence as an issue due to the traffic flow on the street.

Mr. Battistelli asked for the primary reason for location of pool.

Mr. Griffin's response is that it is because of the convenience of access to the pool.

Ms. Gougian asked about the height of the fence.

Mr. Griffin stated that it will be a 6' vinyl fence which will match the neighboring fence.

Ms. Wilson addressed the Board, introduced her husband Steven and thanked the Board for hearing their application. She said that Mr. Griffin has done a great job describing their request and the piece of property they have to work with. She is hoping that the Board feels that this is a good proposal.

Ms. O'Brien agrees that there is a hardship due to size and shape of the lot and the location of the house.

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

Ms. O'Brien seconded the Motion.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries**

**MOTION:** Ms. O'Brien moved to GRANT a **Variance** at 4 Old Farm Rd. to construct an in-ground pool partially in the front yard and the side yard setback of the property. Subject to the plans submitted.



Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries**

**D. Gavin Walsh**

requests a **Special Permit** to add a 3-season room on existing rear deck of a nonconforming dwelling. The property is located at 1 Aston Way in the R-15 zoning district.

Gavin Walsh spoke on his own behalf.

He explained that they are looking to add up on their existing deck.

They want to create a 3-season porch on the existing deck so that the deck will be more usable.

Mr. Andrews asked if they have spoken to their neighbors.

Mr. Walsh said that they have explained the project to their neighbors and they did not have any objections. He did not get anything in writing from any neighbors just verbal conversation.

No one spoke in favor or against.

Mr. Battistelli asked what the current nonconformity is.

Mr. Frederickson stated that the rear setback would not comply.

Ms. O'Brien asked if they are considering adding another deck off of this 3 season room.

Mr. Walsh stated that they would not as they do not feel that it would make sense given the space.

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

Ms. O'Brien seconded the Motion.

Votes in favor: 4-0 (Battistelli, Levasseur, Andrews, O'Brien)

**Motion carries**

**MOTION:** Ms. O'Brien moved to GRANT a **Special Permit** at 1 Aston Way to add a 3-season room on existing rear deck of a nonconforming dwelling. Subject to the plans submitted.

Mr. Battistelli seconded the Motion.

Votes in favor: 4-0 (Battistelli, Levasseur, Andrews, O'Brien)

**Motion carries**

**E. Christopher Ganey**

requests a **Special Permit** to add a 2-car garage with finished space above, a breezeway and porch to the right side of a nonconforming dwelling. Additions will comply with all required setbacks. The property is located at 6 Ellsworth Ave. in the R-10 zoning district.

Mr. Ganey spoke on his own behalf.



He is requesting to add a 28' x 34' garage with a 10' x 13' breezeway to the right side of his property. The left side of the lot is nonconforming. The setbacks on the proposed structure will meet setback requirements.

Pete Knowlton of 74 Conant Street spoke that he is in favor of the project. He lives on the corner of Ellsworth.

Mr. Battistelli commented that the drawing looks like the addition is slightly higher than the house.

Mr. Ganey said that it is slightly higher by a couple of feet.

Mr. Battistelli said that he thinks it will add value to the neighborhood.

Mr. Andrews asked if they plan to turn this into a rental space in the future?

Mr. Ganey stated no, just add more living space.

Ms. Gougian asked why he needs a special permit?

Mr. Frederickson stated that because the existing house is nonconforming, they need a Special Permit to increase the space by more than 25%.

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

Ms. O'Brien seconded the Motion.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries.**

**MOTION:** Ms. O'Brien moved to GRANT a **Special Permit** at 6 Ellsworth Ave. to add a 2-car garage with finished space above, a breezeway and porch to the right side of a nonconforming dwelling. Subject to the plans submitted. Additions will comply with all required setbacks.

Ms. Gougian seconded the Motion.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries**

#### **F. Genna & Dana Valeri**

request a **Special Permit** to add a 12' x 20' extension to existing rear deck. Extension will have a right side setback of approximately 13' where 15' is required. The property is located at 36 Northern Ave. in the R-10 zoning district.

Dana Valeri addressed the board and stated that they have an existing deck that is 10'x10' off the rear of their home. The home is existing nonconforming.

Their addition request is for a 12'x20' extension to existing deck.



The addition will not bring the deck closer to any of their neighbors.

They would like more space for their family and do not want to go any larger. Their yard is a rocky hill so this additional will allow them they to enjoy more of their yard. They did speak with neighbors and do have their support

No one spoke in favor or against.

Mr. O'Brien stated that it does not encroach further on any nonconformity so she stated that she is in favor.

Ms. Gougian asked them to clarify the size of the deck.

Mr. Valeri stated that the current deck is 10'x10' and the new deck addition will be 12' x 20'.

**MOTION:** Ms. O'Brien moved to close the public hearing.

Mr. Levasseur seconded the Motion.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries.**

**MOTION:** Mr. Levasseur moved to GRANT the **Special Permit** at 36 Northern Ave. to add a 12' x 20' extension to existing rear deck. Extension will have a right side setback of approximately 13' where 15' is required. Subject to the plans submitted.

Mr. Battistelli seconded the Motion.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries.**

**G. Conor F. Walsh, Esq., o/b/o Beverly Restaurant Associates LLC**

requests a **Special Permit** to allow a total of five (5) wall signs to be erected on the north and south facades of the Mission Boathouse restaurant to be located at 1 Water Street, where the proposed signs, while not harmful to the public or contrary to the purpose and intent of the Beverly Zoning Ordinance, do not strictly comply with the requirements of the Zoning Ordinance as it relates to the number, size, style, location and illumination of some or all of the proposed signs. The property is located at 1 Water Street in the BHD zoning district.

Atty. Conor Walsh spoke on behalf of the applicant he was joined by Mr. Kevin Fortin of Thrifty Sign and Awning, who is the sign design and engineering consultant for this project. Also present is Mr. Marty Bloom who is the principal of the restaurant.

The request is for 5 wall signs to be installed on the north and south facing facades of the restaurant.

Of the 5 signs, two are proposed to be 3'x33' signs depicting the name Mission Boat House. These will be on both the north and south facade. And also two 42" diameter circular signs depicting the business logo of MB. These will be placed towards the eave of the building. The



fifth sign will just be on the north facade and that would be portraying blue and gray sailboats made of aluminum that would be illuminated.

Mr. Fortin spoke regarding the design of the signs.

The 42" diameter logos and the copy Mission Boathouse are called a reverse channel letter. They are aluminum and the face of the letter is aluminum, the back is clear plastic, embedded with LED lighting. The back creates a halo, or soft effect so that you can read the letters on the building at night. The sailboats are to be made of aluminum and will be designed so that the light is projected down and inward and does not go out at all into the neighborhood or into the parking lot except for a little reflection that creates ambient lighting. The idea is to be able to light it up at night but keep it relatively unobtrusive.

Atty. Walsh stated as to the Special Permit aspect of this application:

The building is located in the BHD zoning district which allows for 1 wall sign to be affixed to a building's primary facade so long as it does not exceed 20 sq. ft. As such these signs do deviate from the requirements of the zoning ordinance as it relates to the total number of signs, three of the signs would exceed 20 sq. ft., each would be located more than 15' above grade. The sailboat signs are a bit of a departure for typical signage, but they are intended to be an identifying feature of the restaurant. And finally the use of halo illumination is a departure from the requirements of the zoning ordinance.

Ms. O'Brien thinks it really looks nice and will be good visibility. The sailboat motif suits the building.

Ms. Gougian asked about the hours of lighting.

Atty. Walsh said that has not been settled yet.

Mr. Battistelli asked that they make a suggestion for hours of lighting.

Mr. Marty Bloom suggested 1:00am as that is when they are required to close.

Mr. Andrews stated that they usually require lights to be off at 10 or 11pm.

Mr. Bloom stated that they would need them to be on later than that.

Ms. Gougian stated that there is other lighting in that area.

Ms. O'Brien stated that they should be off 1 hour after closing.

Mr. Andrews stated that lights can be on up to 1 hour after closing not to exceed 1:15am

Mr. Andrews stated that the Board appreciates your design they are just concerned about the hours that they lights will remain on.

Ms. Gougian stated that there are many residents in that area who will appreciate this restaurant.



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

Ms. O'Brien seconded the Motion.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries**

**MOTION:** Ms. O'Brien moved to GRANT a **Special Permit** at 1 Water Street to allow a total of five (5) wall signs to be erected on the north and south facades of the Mission Boathouse restaurant to be located at 1 Water Street, where the proposed signs, while not harmful to the public or contrary to the purpose and intent of the Beverly Zoning Ordinance, do not strictly comply with the requirements of the Zoning Ordinance as it relates to the number, size, style, location and illumination of some or all of the proposed signs. The signs may remain on 1 hour after closing not to exceed 1:15am.

Mr. Lavasseur seconded the Motion.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries**

## II. OTHER BUSINESS

### A. Approval of February 23, 2022 Meeting Minutes (Levasseur)

**MOTION:** Mr. Levasseur moved to approve the minutes.

Ms. O'Brien seconded the Motion.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries**

### B. **MOTION:** Mr. Andrews moved to adjourn the meeting at 8:17 p.m.

Votes in favor: 5-0 (Battistelli, Levasseur, Andrews, Gougian, O'Brien)

**Motion carries**

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