

CITY of BEVERLY
Zoning Board of Appeals
April 27, 2022 at 7:00 pm

CITY OF BEVERLY
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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: Kevin Andrews, David Battistelli, Jim Levasseur, and Pam Gougian

Members Absent: Peggy O'Brien (alternate)

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

Location: Council Chambers at 191 Cabot Street, Beverly MA

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

I. NEW BUSINESS

A. 32-34 Swan Street LLC By Its Attorney Thomas J. Alexander

requests a **Variance** to allow the resubdivision of 32-34 Swan Street into 2 lots of 6,387 s.f. (Lot A) and 6,380 s.f. (Lot B) where the zoning district provides for 8,000 s.f. per lot. The resulting new Lot A would have a 2 family duplex that conforms with all zoning setbacks. The existing house on Lot B would be renovated into a two family, with the addition conforming to all zoning setbacks. The property is located at 32-34 Swan Street in the RMD zoning district.

Atty. Alexander addressed the Board and asked for a continuance to the May 25, 2022 meeting in order to meet with neighbors and discuss their concerns regarding this application.

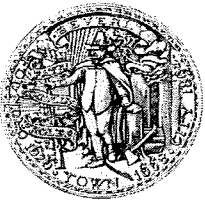
MOTION: Mr. Levasseur moved to grant the request to continue the request for a **Variance** at 32-34 Swan Street to the May 25, 2022 meeting.
Mr. Battistelli seconded the Motion.

Votes in favor: 4-0 (Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

B. Wayne E. Johnson Jr.

requests a **Special Permit** to construct a 13'x18.7' rear 2-story addition to nonconforming house. Addition will have a left side setback of 12.8' where 15' is required. Addition will be no closer to left side lot line than existing house. The property is located at 8 Walnut Avenue in the R-10 zoning district.



Mr. Johnson addressed the Board, he stated that due to a house fire, there is water damage to the home and they would like to demolish the existing structure. They will be staying within the existing footprint of the house.

Mr. Battistelli believes that this will not impact the neighbors adversely so he is in favor.

No one spoke in favor or against

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

Mr. Battistelli seconded the Motion.

Votes in favor: 4-0 (Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Ms. Gougian moved to GRANT the **Special Permit** at 8 Walnut Avenue to construct a 13'x18.7' rear 2-story addition to nonconforming house based on the plans submitted. Addition will have a left side setback of 12.8' where 15' is required.

Addition will be no closer to left side lot line than existing house.

Mr. Battistelli seconded the Motion.

Votes in favor: 4-0 (Gougian, Battistelli, Levasseur, Andrews)

Motion carries

C. Mark B. Glovsky o/b/o Steven and Jennifer Walsh

request a **Variance** to reduce rear yard from 25' to 6', side yard from 15' to 3'5" and to increase maximum size from 100 sq. ft. to 600 sq. ft. and maximum height from 10' to 15'10", all to enable construction of a 25' x 24' garage as depicted on Plans filed with the Application. The property is located at 141 Lothrop Street in the R-10 zoning district.

Attorney Glovsky addressed the Board on behalf of Steven and Jennifer Walsh who were present. They bought the property one year ago, at the intersection of Hale and Lothrop Street. The property is a 2 ½ story single family built in 1850, and was recently converted from a two family to a single family. They have been renovating the interior and want to improve the outside of the property.

The driveway is narrow and due to location it makes parking very tight and they need to exit the driveway rear end first. The new garage will allow the cars to enter and exit more safely.

The garage design is compatible with the 1850 home design.

Mr. & Mrs. Walsh submitted a petition signed by 8 neighbors on Lothrop and Hale Street in support of this application.

Their hardship is the irregular shaped corner lot and unusual conditions regarding access to the property.

No one spoke in favor or against



Mr. Battistelli said that the placard says 1808
Attorney Glovsky got the date from Accessor records

Mr. Battistelli drove by the property and he feels that the garage would not impact anyone else in the neighborhood adversely. He feels that the proposal is reasonable and thanked the homeowners for caring for this historical home.

Mr. Andrews agrees with Mr. Battistelli.

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

Mr. Battistelli seconded the Motion.

Votes in favor: 4-0 (Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT the **Variance** at 141 Lothrop Street to reduce rear yard from 25' to 6', side yard from 15' to 3'5" and to increase maximum size from 100 sq. ft. to 600 sq. ft. and maximum height from 10' to 15'10", all to enable construction of a 25' x 24' garage as depicted on Plans filed with the Application. Addition will have a left side setback of 12.8' where 15' is required. Addition will be no closer to left side lot line than existing house. Their hardship is the size, shape and topography of the property.

Mr. Battistelli seconded the Motion.

Votes in favor: 4-0 (Gougian, Battistelli, Levasseur, Andrews)

Motion carries

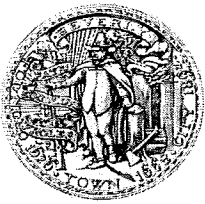
D. Edward Batten o/b/o Batten Bros. Signs

requests a **Special Permit** to install a non illuminated roof sign on each side of the building and to install an internally illuminated roof sign on the front of the building, where roof signs and internally illuminated signs are not allowed by right. The property is located at 385 Cabot Street in the CN zoning district.

Mr. Batten addressed the Board

They are proposing 3 signs, one internally illuminated roof sign over the main entrance and two additional signs (non-illuminated) on East and West roof of the building. They have already gone before the Design Review Board who voted to recommend the Zoning Board of Appeals approve the special permit for the proposed signage as show on the plans submitted.

The business is in an intersection in a high traffic area next to train tracks. It is a dark area with not a lot of lights.



They would like the additional signs for visibility for the oncoming traffic
The signs go with architecture of the building

Mr. Levasseur does not have a problem with front illumination.
No signs face residential neighborhoods.

Mr. Andrews would be ok with lights on until 10 pm.

Ms. Gougian asked if signs should be directional not for advertising.
Ms. Gougian stated that the lights should go out 1 hour after closing.

No one spoke in favor or against.

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

Mr. Levasseur seconded the Motion.

Votes in favor: 4-0 (Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT the **Special Permit** at 385 Cabot to install a non illuminated roof sign on each side of the building and to install an internally illuminated roof sign on the front of the building, where roof signs and internally illuminated signs are not allowed by right. Signs will shut off 1 hour after closing not to exceed 10pm. Subject to the approval from sign review board.

Mr. Battistelli seconded the Motion.

Votes in favor: 4-0 (Gougian, Battistelli, Levasseur, Andrews)

Motion carries

E. Edward Roaf II

requests a **Section 6 Finding** to construct a 2-story right side and rear addition to a nonconforming structure and to expand the area of a nonconforming 4-family dwelling in a 2-family zone. Addition will be no closer to the side property line than the existing structure. Also, a finding to demolish and rebuild a nonconforming 1-story, 3-car garage and replace it with a 1 ½ story 3 car garage on the same footprint. The property is located at 98-100 Lovett Street in the R-6 zoning district.

Edward Roaf II spoke on his own behalf as his architect was running late.

Mr. Roaf spoke with his neighbors and brought a petition signed by 5 neighbors who support the project.

His wife has health issues that make stairs difficult so they would like to create more usable space for her.



Neighbor, Paul Rogers spoke, he just moved to 58 Dane Street two months ago. He is a few houses down from the applicant and he is in support of the project.

Mr. Roaf would like to have a workshop, to make maple syrup, with a half bathroom. This will be a prefab structure.

Mr. Andrews asked what kind of siding will be on the garage?
Mr. Road replied – siding will be cedar shingles

Ms. Gougian asked about the cinder block retaining wall behind the garage?
Mr. Roaf replied that will all be removed, and the trees will remain.

MOTION: Mr. Battistelli moved to close the public hearing.
Mr. Levasseur seconded the Motion.

Votes in favor: 4-0 (Gougian, Battistelli, Levasseur, Andrews)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT the **Section 6 Finding** at 98-100 Lovett Street to construct a 2-story right side and rear addition to a nonconforming structure and to expand the area of a nonconforming 4-family dwelling in a 2-family zone. Addition will be no closer to the side property line than the existing structure. Also, a finding to demolish and rebuild a nonconforming 1-story, 3-car garage and replace it with a 1 ½ story 3 car garage on the same footprint. Subject to the plans submitted. The addition will be no more detrimental to the neighborhood,

Mr. Battistelli seconded the Motion.

Votes in favor: 4-0 (Gougian, Battistelli, Levasseur, Andrews)

Motion carries

II. OTHER BUSINESS

A. Approval of March 23, 2022 Meeting Minutes (Battistelli)

MOTION: Mr. Battistelli moved to approve the minutes.
Mr. Levasseur seconded the Motion.

Votes in favor: 4-0 (Battistelli, Levasseur, Andrews, Gougian)

Motion carries

B. Nomination of representative to the Design Review Board



MOTION: Mr. Andrews moved to appoint Pam Gougian as a representative to the Design Review Board

Ms. Gougian accepted the nomination

C. **MOTION:** Mr. Levasseur moved to adjourn the meeting at 8:04p.m.

Votes in favor : 4-0 (Battistelli, Levasseur, Andrews, Gougian)

Motion carries

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