

**CITY of BEVERLY**  
**Zoning Board of Appeals**  
**May 24, 2023 at 7:00 pm**

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

---

**Members Present:** Kevin Andrews, Chairperson, Pam Gougian, Jim Levasseur, Will Cosmas, Margaret O'Brien, alt., and Cory Farinella

**Others Present:** Jim Butler, Building Commissioner  
Leanna Harris, Administrative Assistant

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

---

Kevin Andrews, Chairperson began the meeting at **7:03 pm.** and introduced the Board members present.

**I. NEW PUBLIC HEARINGS**

**Poblocki Sign Company o/b/o Beth Israel Lahey Health**

requests a **Special Permit** to replace 4 wall signs and 13 freestanding signs. The property is located at 85 Herrick Street in the HD zoning district.

Jason Parillo (Poblocki Sign Company) addressed the Board and stated they are looking to replace 4 wall signs and 13 freestanding signs. Some of the sign sizes will be increased and some will be decreased. The purpose of the new signage is to rebrand the hospital and help to direct people to the buildings on this large property.

Paula McCarthy, 14 Woodland Road addressed the Board and stated she directly abuts Beverly Hospital and she is here to find out where the signs will be located and if they will encroach on her property. Ms. McCarthy requested to see a map of where the signs are going. Mr. Parillo stated there are no new signs, they are just replacing what is already there.

Mr. Andrews asked if any of the signs will be illuminated. Mr. Parillo stated only the letters on some of the signs will be lit, so no additional light will be cast.

Ms. Gougian stated these signs went before the Design Review Board and were approved. The signs are being changed to reflect the hospital name change and new logo. Ms. Gougian asked if the signs will be lit all the time and Mr. Parillo confirmed and stated they will be on all the time, it's a hospital.

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

Ms. Gougian seconded the Motion

Votes in favor: 5-0 (O'Brien, Farinella, Levasseur, Gougian, Cosmas)

**Motion carries.**

Mr. Cosmas stated it makes sense for a hospital to have well-lit signs.

**MOTION:** Mr. Levasseur moved to GRANT a **Special Permit** at 85 Herrick Street to replace 4 wall signs and 13 freestanding signs, subject to the plans submitted and as approved by the Design Review Board. Ms. O'Brien seconded the Motion.

Votes in favor: 5-0 (O'Brien, Farinella, Levasseur, Gougian, Cosmas)

**Motion carries.**

**Shamus and Caroline Mruk**

request a **Special Permit** to construct a shed dormer to the right side of an existing nonconforming house. The property is located at 14 Columbus Avenue in the R10 zoning district.

Shamus Mruk addressed the Board and stated they would like to put a shed dormer on one side of the attic to make that space more usable. It will not go outside the original footprint of the house. Mr. Mruk stated he did have his neighbors sign off on the plans stating they have no issues with it.

No one spoke in favor or against.

Ms. Gougian asked if the signatures are from all the abutters and Mr. Mruk stated there was one neighbor across the street, a little ways up, that was not home but all the direct abutters have signed off.

Mr. Cosmas asked how much more square footage this will add to the home. Mr. Butler stated they aren't going over the 25%.

Mr. Andrews stated this looks like a typical dormer request to him. Mr. Cosmas agreed that it looks like a straight forward Special Permit application.

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

Mr. Levasseur seconded the Motion.

Votes in favor: 5-0 (Andrews, Farinella, Levasseur, Gougian, Cosmas)

**Motion carries.**

Mr. Andrews asked if they will be changing the siding and Ms. Gougian stated she hates to see the design of these houses compromised.

**MOTION:** Mr. Cosmas moved to GRANT a **Special Permit** at 14 Columbus Avenue to construct a shed dormer to the right side of an existing nonconforming house, subject to the plans submitted. Mr. Levasseur seconded the Motion.

Votes in favor: 5-0 (Andrews, Farinella, Levasseur, Gougian, Cosmas)

**Motion carries.**

**Christopher and Jennifer McKernan**

request a **Special Permit** to remove an existing three season porch and replace the structure with an extended kitchen space and additional second floor bedroom. The property is located at 13 Rezza Road in the R45 zoning district.

Christopher McKernan addressed the Board and stated they are planning to remove the 3-season porch to extend their kitchen space and they are also looking to also add a mudroom and 2<sup>nd</sup> floor bedroom. The square footage will increase by 260 sq. ft.

No one spoke in favor or against.

Mr. Cosmas asked if they provided a plan with their application that shows the addition with the plot dimensions. Mr. Butler stated he requested the applicant change the plot plan but they were unable to get the surveyor to do that. Mr. Butler stated it meets the front setback, the side setback is the issue. Mr. Cosmas asked how much further into the side setback it will go. Mr. McKernan stated they are staying in line with what the 3-season porch is. The house has a pre-existing nonconformity down the right side, but it will not be increased.

Ms. Gougian asked why they don't go out the back and Mr. McKernan stated there isn't enough space.

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

Ms. O'Brien seconded the Motion.

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

**Motion carries.**

Mr. Cosmas asked if there is a way to grant the motion subject to providing an updated plot plan.

**MOTION:** Ms. Gougian moved to GRANT a **Special Permit** at 13 Rezza Road to remove an existing three season porch and replace structure with an extended kitchen space and additional second floor bedroom with the condition that a Plot Plan by a certified land surveyor be submitted that reflects the setbacks and the new construction before the building permit is issued, subject to the plans submitted.

Mr. Levasseur seconded the Motion.

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

**Motion carries.**

**Charles Wall and Tara Duffy**

request a **Variance** to demolish an existing covered porch at the rear of the house on a nonconforming lot and construct a new 195 square foot covered porch in the same area. The property is located at 28 Whitney Avenue in the R10 zoning district.

Charles Wall addressed the Board and stated the existing porch is in rough shape and they are looking to replace it with a new screened in porch in the same location. There are letters of support from neighbors that were submitted with the application.

No one spoke in favor or against.

Mr. Cosmas asked for clarification as to why this is a Variance and not a Special Permit. Mr. Cosmas stated when he reviewed the application it looked like something that would require a Special Permit not a Variance.

Mr. Andrews asked if the enclosed porch will be the same size and Mr. Wall stated it will be larger but it won't encroach any closer to the setback.

After the Board and Mr. Butler discussed the application, they determined the request to be for a Special Permit.

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

Ms. O'Brien seconded the Motion.

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

**Motion carries.**

**MOTION:** Ms. Gougian moved to GRANT a **Special Permit** at 28 Whitney Avenue to demolish an existing covered porch at the rear of the house on a nonconforming lot and construct a new 195 square foot covered porch in the same area, subject to the plans submitted and revised application. Ms. O'Brien seconded the Motion.

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

**Motion carries.**

**Jason and Kerri Consalvo**

request a **Variance** to construct a two-story addition to the rear of a nonconforming dwelling. Addition will have a side yard setback of 5.6' where 15' is required. Addition will not create a new nonconformity. The property is located at 35 Ellsworth Avenue in the R10 zoning district.

Jason Consalvo addressed the Board and stated he is requesting to extend a Variance he received at the 2/23/2022 hearing that has lapsed. Mr. Consalvo stated it was difficult to track down a builder in 2022.

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

Ms. O'Brien seconded the Motion.

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

**Motion carries.**

**MOTION:** Ms. O'Brien moved to reissue a **Variance** at 35 Ellsworth Avenue to construct a two-story addition to the rear of a nonconforming dwelling. Addition will have a side yard setback of 5.6' where 15' is required. Addition will not create a new nonconformity as the old one expired due to not being able to get a contractor, subject to the plans submitted. Mr. Levasseur seconded the Motion.

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

**Motion carries.**

**Glovsky & Glovsky o/b/o Daniel and Daniella Mammola**

request **Variances** from the requirements of Section 300-27 to permit construction of an accessory garage in the "front yard", to reduce front yard setback from 20' to 8', side yard setback from 15' to 7' and to allow height of 22 1/2' and maximum size of 816s.f. (vs. 10' height limit and 100 s.f. size when located within the side yard). The property is located at 91 Lothrop Street in the R-10 zoning district.

Mark Glovsky, Esq. (Glovsky & Glovsky) addressed the Board and stated this property is on the southeasterly corner of Lothrop St. and Ocean St. The house was built in 1868 and it is about 5,000 sq. ft. This house was built 35 years before the automobile and during that time homes were served by carriage houses. Currently there is an 8' garage in the basement of the house down a steep driveway. The site is elevated above the abutting streets and supported by a historic granite wall. The parking area is in the front of the house and it is accessed by a 12' wide driveway. The rear of the property slopes down to the ocean. In the rear of the house is a swimming pool and pool house. Atty. Glovsky stated the front yard is the only place where one could build a garage which is further limited by existing improvements and the driveway entrance. In order to maximize the use of the garage it is necessary to push the proposed garage towards Dane Street. The proposed garage being located in the setback is what causes Zoning Ordinance Section 300-27 to kick in and limit the height and size. Atty. Glovsky stated the Zoning Board has authority to grant relief from the maximum size and height requirements. There are special conditions that relate to this property and that are peculiar to this property and applying the strict rules of the Zoning Ordinance would cause the applicant to be deprived of reasonable use of his property.

Atty. Glovsky stated Mr. Mammola has talked to most of the immediate neighbors and submitted a petition signed by 8 abutters supporting this application.

Mr. Cosmas stated the request is for a 3-car garage that is double the height allowance and asked how this is the minimum relief being requested. Atty. Glovsky stated if you look at the size and scale of the house which has 8-bedrooms and is 5,000 square feet the size of the garage fits. Mr. Cosmas stated what they are building is rather large and he isn't sure it's the minimum relief required.

Atty. Glovsky stated the requirements for a Variance further reference the Special Permit criteria and the ordinance directs the Board to consider that as well. It is possible to attach a garage to the house and pull out of the setback and go significantly higher than this garage and be more than 3-cars. If it were attached to the house, it would limit the view corridor along Dane Street beach. If the Board grants the relief there are some significant trees that would have to come down which would enhance the view.

Bob Macintosh, 29 Atlantic Avenue stated they live a block away from the proposed project. Mr. Macintosh stated this application request is extraordinary. There are four issues, the front setback, the side setback, the height and that no building can be in the front of the lot. Looking up the hill from Dane Street and Lothrop Street it is going to be a towering building. The written application says 8' to the curb, the site plan says 5'. The application fails to mention there is a driveway off of Ocean Street. Mr. Macintosh stated there wasn't a topography issue when the applicant constructed the pool and pool house. If there is any hardship here it is self-imposed. Mr. Macintosh submitted, for the record, his written opposition.

Isabelle Spalding, 30 Atlantic Avenue addressed the Board and stated she is an abutter within 300' of the property and expressed her opposition to the request. Isabelle stated the application does not meet all four of the criteria in 40A Section 10 and this hardship is self-created. Granting the proposal would decrease area resident's enjoyment of their property and it would be out of character for the neighborhood and surrounding area. Ms. Spaulding asked what the proposed elevation would be.

Chris Essler Lothrop Street stated his views will be negatively affected by this monstrosity. A 22' high garage is not a garage, it's a single-family home. The applicant is essentially building a single-family home in front of everyone's views.

Diane Mattesen, 38 Ocean Street stated she rents the first floor of that house directly across the street and her whole reason for renting in Beverly is for the Ocean. Lothrop Street is one of the most beautiful streets in the City. Beverly is much more than one particular house, we are a community and something this huge would affect the community and that's where the laws and restrictions come in.

Dan Mammola, 91 Lothrop Street, stated there isn't anything that anyone said tonight that is wrong. Mr. Mammola stated he reached out to an architect and by right he can put a larger building to the left side of the house and he said he took one look at it and said they are not putting that in front of the house. Mr. Mammola stated they then looked at constructing a carriage house.

Atty. Glovsky stated the applicant has heard what neighbors have had to say and they need the opportunity to review that. They need to consider what people have said tonight and until today they hadn't heard of any opposition. Atty. Glovsky is requesting a continuance so they can go back to the drawing board and address the concerns they have heard tonight.

**MOTION:** Ms. O'Brien moved to GRANT the request to continue the application at 91 Lothrop Street to the June 28, 2023 meeting, subject to signing the Waiver Agreement. Mr. Levasseur seconded the Motion.

Votes in favor: 5-0 (Farinella, O'Brien, Levasseur, Gougian, Cosmas)

**Motion carries.**

## **II. CONTINUED PUBLIC HEARINGS**

### **Alexander & Femino o/b/o Carlos Delgado**

requests a **Variance** to construct 3 new dwelling unit buildings on a 3,473 sq. ft. lot in the RHD district which is 1,158 sq. ft. per dwelling unit where the zoning ordinance calls for 3,000 sq. ft. per unit. The front yard setback which is currently 8.2' would be maintained where the zoning ordinance calls for 15' and the parking would be within the required 5' setback. The property is located at 28 Bow Street in the RHD zoning district.

Tom Alexander, Esq. (Alexander & Femino) stated the applicant will likely be filing a new application before November and they would like to request to withdraw the application without prejudice.

Mr. Andrews requested that Tom Alexander, Esq. (Alexander & Femino) speak to his client about securing the building and make it less derelict to the neighborhood.

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

Ms. O'Brien seconded the Motion.

Votes in favor: 5-0 (Farinella, O'Brien, Levasseur, Gougian, Cosmas)

**Motion carries.**

**MOTION:** Ms. Gougian moved to GRANT the request at 28 Bow Street to withdraw the application without prejudice. Ms. O'Brien seconded the Motion.

Votes in favor: 5-0 (Farinella, O'Brien, Levasseur, Gougian, Cosmas)

**Motion carries.**

### **Alexander & Femino o/b/o 9 Swan Street, LLC**

requests a **Special Permit/Finding** and a **Variance** to rehab and repair a single family structure rendered uninhabitable by fire damage and add to it by constructing an addition that is 5' from the side lot line, where the preexisting legally existing structure is 4.1' from the side lot line and zoning provides for a 10' side yard setback and a dimensional variance to allow for 3 residential units at 1,977 sq. ft. of land per unit, where the zoning ordinance provides for 4,000 sq. ft. per unit. The property is located at 9 Swan Street in the RMD zoning district.

Tom Alexander, Esq. (Alexander & Femino) addressed the Board and provided updated plans and requested a continuance to the June 28, 2023 meeting.

**MOTION:** Mr. Levasseur moved to GRANT the request to continue the application at 9 Swan Street to the June 28, 2023 meeting, subject to signing the Waiver Agreement.

Ms. O'Brien seconded the Motion.

Votes in favor: 5-0 (Farinella, O'Brien, Levasseur, Andrews, Cosmas)

**Motion carries.**

**Stephen Capodilupo**

requests a **Special Permit/Finding** to add a dormer to existing nonconforming 2-family dwelling and replace existing 2-car garage with 4-car connected carriage house with living space above. Also requesting a **Variance** to add two 1-bedroom units to multi-family property. The property is located at 15 Liberty Street in the R10 zoning district.

Stephen Capodilupo provided a written request to continue the application to the June 28, 2023 meeting.

**MOTION:** Ms. O'Brien moved to GRANT the request at 15 Liberty Street to continue the application to the June 28, 2023 meeting, subject to signing the Waiver Agreement.

Mr. Levasseur seconded the Motion.

Votes in favor: 5-0 (Farinella, O'Brien, Levasseur, Gougian, Cosmas)

**Motion carries.**

**III. OTHER BUSINESS**

**A.** Approval of April 26, 2023 Meeting Minutes (Gougian)

**MOTION:** Ms. Gougian moved to accept minutes as written from the April 26, 2023 meeting. Mr. Farinella seconded the Motion.

Votes in favor: 5-0 (Farinella, O'Brien, Levasseur, Gougian, Cosmas)

**Motion carries.**

**MOTION:** Mr. Levasseur moved to adjourn the meeting at **9:01 pm.**

Mr. Cosmas seconded the Motion.

All in favor.

**Motion carries.**

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