

CITY of BEVERLY
Zoning Board of Appeals
August 25, 2021 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, Pamela Gougian, David Battistelli, Jim Levasseur, Kevin Andrews, alt., Margaret O'Brien

Members Absent: Victoria Caldwell

Others Present: Leanna Harris, Zoning Board Administrative Assistant

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

Joel Margolis, Chairperson began the meeting at **7:01 pm.** and as a preliminary matter, stated the following:

I. NEW PUBLIC HEARINGS

A. Alexander & Femino o/b/o RFR Development

request a **Variance** to authorize division of an existing parcel having 2 addresses and 2 lots as shown on the City of Beverly's Assessor's Map; taxed as 2 separate lots, and shown on the plan creating this neighborhood as 2 separate lots. One lot has 87.43 feet of frontage and 4,401 sq. ft. of area and the other lot would have 50.10 feet of frontage and 4,804 sq. ft. of area where present zoning requires 100 feet of frontage and 10,000 sq. ft. of area. In addition, the proposed house would be 10.1 feet from the side lot lines and the existing house is 5.0 feet from the existing side lot line where current zoning requires 15 feet. This property is located at 341 and 343 Elliot Street in the R-10 zoning district.

MOTION: Mr. Battistelli moved to accept the request to withdraw without prejudice the application at 341 and 343 Elliot. Mr. Levasseur seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Battistelli, Levasseur, O'Brien)

Motion carries.

B. Mark Theriault

requests a **Special Permit** to add an accessory apartment to a single family home. This property is located at 28 Newbury Street in the R-10 zoning district.

MOTION: Mr. Battistelli moved to accept the request to withdraw the application for a Special Permit. Mr. Levasseur seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Battistelli, Levasseur, O'Brien)

Motion carries.



C. Nicholas Masotta

requests a **Special Permit** to construct an addition on right side of non-conforming structure. Addition will have a front setback of 28.2' where 30' is required. This property is located at 31 Foster Street in the R-22 zoning district.

Nicholas Masotta addressed the Board and stated they purchased the house in August 2020. The original house is 17.5' from the road where 30' is required and so the proposed addition is offset as much as possible. The property abuts wetlands which limits how far they can build the addition. They have already received an Order of Conditions from Conservation.

Mr. Masotta reviewed the plans involving the hallway.

No one spoke in favor or against.

Chett Walsh, 29 Foster Street, submitted a letter in favor.

Mr. Battistelli stated the encroachment is a modest request and the existing structure already encroaches more than the request.

Ms. O'Brien stated there is quite a bit of land, the addition won't disturb anyone.

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

Mr. Andrews seconded the Motion.

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

Motion carries.

MOTION: Mr. Levasseur moved to GRANT a **Special Permit** at 31 Foster Street for a right side addition on an existing non-conforming structure with a setback of 28.2' where 30' is required, based on the plans submitted.

Mr. Battistelli seconded the Motion.

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

Motion carries.

D. Joseph Mari

requests a **Special Permit** to replace an existing non-conforming 8'x12'shed with a 12' x 16' shed. Existing shed has a rear setback of approximately 1'. New shed will be no closer to the rear lot line than existing shed. This property is located at 55 Sturtevant Street in the R-10 zoning district.

Joseph Mari addressed the Board and stated he was going to replace an existing shed with a new



one that he purchased and had arranged to have delivered before he found out a Special Permit is needed. The shed is no different than any house in the neighborhood where almost every home has a shed or garage that abuts to the property behind them which is where his current shed is.

Mr. Mari stated the new shed will be 4'x4' bigger than what is there and it won't block anyone's views.

Mr. Mari submitted a letter in favor from an abutter.

Mr. Mari stated they moved the delivery date back and if he doesn't take delivery in the next 2 or 3 weeks it is going to cost him about \$5,000 more due to the cost of lumber today.

Deborah Overberg 50 Sturtevant Street stated she is in favor of the new shed and submitted a letter in favor.

Timothy Ackerman also stated he is in favor of the new shed.

John Klinetob, 53 Sturtevant Street submitted a letter opposing the application.

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

Mr. Levasseur seconded the Motion.

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

Motion carries.

MOTION: Mr. Levasseur moved to GRANT the **Special Permit** at 55 Sturtevant Street to install a shed, the shed will be no closer than 10; to the right side set back subject to the plans submitted. Mr. Andrews seconded the Motion.

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

Motion carries.

E. Benjamin Galuardi and Kaori Sato

request a **Special Permit** to add a shed dormer on right side of nonconforming house. The dormer will have a front setback of 18.8 feet where 20' is required. This property is located at 97 Odell Street in the R10 zoning district.

Mr. Galuardi addressed the Board and stated they are trying to do an attic renovation that includes a small dormer. The front setback will be 18.8' where 20' is required so they are requesting 1.2'. Mr. Galuardi stated the dormer is to add headspace for a stairway that goes up to the attic. The house is nonconforming to the current zoning.

No one spoke in favor or against.

Ms. O'Brien stated it is a minimal change.



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

Ms. O'Brien seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Battistelli, Levasseur, O'Brien)

Motion carries.

MOTION: Ms. O'Brien moved to GRANT a **Special Permit** at 97 Odell Avenue to add a shed dormer on the right side of a nonconforming house. The dormer will have a front setback of 18.8' where 20' is required, subject to the plans submitted.

Mr. Levasseur seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Battistelli, Levasseur, O'Brien)

Motion carries.

F. Chet Campbell

requests a **Variance** to replace a rear deck with a one story addition with roofed deck above. Addition will have a rear setback of 16.3' where 25' is required. This property is located at 15 Wentworth Drive in the R15 zoning district.

Mr. Battistelli recused himself.

Mr. Campbell addressed the Board and stated they purchased the home 3 years ago with an existing deck. Currently the foundation has cracks and the railing are coming off. They are looking to rebuild the deck and add a 1-story addition with a roofed deck above. The current deck is already within the setback requirement.

Mr. Andrews asked if the shape of the lot effects the encroachment and Mr. Campbell confirmed and stated there is a hardship due to the setback line and how the house sits on the lot. Mr. Campbell stated the front of their house is actually on Pillow Lace Lane.

No one spoke in favor or against.

Mr. Campbell presented a letter in favor from the direct abutter Joanna Wall at 17 Wentworth Drive.

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

Mr. Levasseur seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Andrews, Levasseur, O'Brien)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT a **Variance** at 15 Wentworth Drive to replace an existing deck with a one story addition with a roofed deck above due to a



hardship caused by the position of the house on the lot, subject to the plans submitted.
Mr. Andrews seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Andrews, Levasseur, O'Brien)

Motion carries.

G. Old Planter's Brewing

requests a **Special Permit** to install 2 wall signs on the building façade that exceed the permitted 25 square feet. This property is located at 232 Rantoul Street in the CC zoning district.

Matthew Sullivan addressed the Board and stated they are looking to add extra signage by painting letters on the building. They have received Design Review Board approval.

Mr. Andrews stated he thinks all the new signs on Rantoul Street are fantastic and he would be in favor of this request. He thinks it makes it easy to find restaurants in the area.

Ms. Gougian asked how much larger the sign is than what is permitted and Mr. Sullivan stated its about 15 feet for both signs together.

Ms. O'Brien stated it's a busy street and she think it suits the building. Mr. Margolis stated it is not an illuminated sign too. Ms. Gougian stated she has no issue with the sign at all.

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

Mr. O'Brien seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Battistelli, Levasseur, O'Brien)

Motion carries.

MOTION: Mr. Levasseur moved to GRANT a **Special Permit** at 232 Rantoul Street for two wall signs based on the design approved by the Design Review Board and subject to the design submitted. Mr. Battistelli seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Battistelli, Levasseur, O'Brien)

Motion carries.

H. Sign Art o/b/o Boston Restaurant Associates, Inc.

requests a **Special Permit** to install an internally illuminated projecting sign on the 800 Building for Pizzeria Regina. The sign will not be visible from a public way. This property is located at 181 Elliot Street in the IG zoning district.

Ed Spinney (Sign Art) addressed the Board and stated they are requesting a blade design that will be located in the back of the facility and will not be seen from anywhere except from when you enter the facility. It cannot be seen from a residential setting. The sign will help people locate the restaurant since they are located way in the back. They have received Design Review Board approval. It is their signature sign.

Ms. O'Brien asked what hours the restaurant will be open. Mr. Spinney stated from 11am to 10pm. and depending on foot traffic it may close a little earlier. The sign would be turned off an



hour after closing.

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

Mr. Levasseur seconded the Motion.

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

Motion carries.

MOTION: Mr. Andrews moved to GRANT a **Special Permit** at 181 Elliot Street for a new projecting sign that is 15.9' that will not be visible to a residential area, subject to Design Review Board approval and design submitted.

Mr. Levasseur seconded the Motion.

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

Motion carries.

I. Robert Buhlman

requests a **Special Permit** to remove and replace a nonconforming garage with new garage having same dimensions and same setbacks. This property is located at 811 Hale Street in the R10 zoning district.

Mr. Battistelli recused himself.

Mr. Accomondo (Battistelli Construction) addressed the Board on behalf of the applicant and stated they are looking to replace an existing garage. It will be the same size on the same footprint. It will have 3 windows and a people door in addition to the 2 garage doors. They would like to keep it the same location so that it won't take up green space. The unit directly behind the property is 3 to 4 times the size and the living quarters is not near the garage.

Lindsey Bergeron, Unit 2 at 811 Hale Street stated she has spoken to their adjoining neighbors and they do not have any objection.

Ms. O'Brien stated if the garage was moved forward it would start encroaching so it looks like a good location for it. Ms. Gougian asked if the new garage will be higher than the existing and Mr. Accomondo stated it will not be.

Mr. Andrews stated the new building matches the neighborhood.

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

Ms. O'Brien seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Andrews, Levasseur, O'Brien)

Motion carries.

MOTION: Ms. Obrien moved to GRANT a **Special Permit** at 811 Hale Street to



remove and replace a nonconforming garage with a new garage with the same dimensions and setbacks, subject to the plans submitted. Mr. Levasseur Seconded the Motion.

Votes: 5-0 (Margolis, Gougian, Andrews, Levasseur, O'Brien)

Motion carries.

J. Glovsky & Glovsky o/b/o The Trustees of the Marcheterre Family 2012 Realty Trust

request **Variations** to authorize a new lot division line separating the properties located at 93 and 95 Corning Street to be consistent with the apparent lot division line existing on the ground in a manner that will render the two lots, as a whole, closer to conformity than they presently are, but will require two dimensional Variations: (1) to reduce the lot area at 93 Corning Street to 6,331 sq. ft. where 10,000 sq. ft. is required, and (2) reduce the frontage at 93 Corning Street to 79.90 feet where 100 feet is required. This property is located at 93 & 95 Corning Street in the R10 zoning district.

MOTION: Mr. Battistelli moved to approve the request to continue to the September 2021 meeting. Mr. Levasseur seconded the Motion.

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

Motion carries.

II. CONTINUED PUBLIC HEARINGS

A. Anchor Sign o/b/o Dollar Tree

requests a **Special Permit** to install two 60" raceway mounted LED store logo disks to the front southeast and right northeast building elevations. This property is located at 50 Dodge Street, a/k/a 48 Dodge Street in the CG zoning district.

MOTION: Mr. Andrews moved to approve the request to continue to the September 22, 2021 meeting. Second by Mr. Levasseur.

Votes: 5-0 (Margolis, Gougian, Battistelli, Levasseur, O'Brien)

Motion carries.

III. OTHER BUSINESS

Approval of June 23, 2021 ZBA Minutes (Levasseur)

MOTION: Mr. Levasseur move to approve the Minutes from the June 23, 2021 meeting. Mr. Battistelli seconded the Motion.

All in favor.

Motion carries.

Approval of April 28, 2021 ZBA Minutes (Andrews)



MOTION: Mr. Andrews move to approve the Minutes from the April 28, 2021 meeting.
Mr. Battistelli seconded the Motion.
All in favor.
Motion carries.

MOTION: Mr. Margolis moved to adjourn the meeting at **8:10pm.**
Mr. Levasseur seconded the Motion.
All in favor.
Motion carries.

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