

City of Beverly
Chairperson - Zoning Board of Appeals
191 Cabot St
Beverly MA 01915

12/01/21

Dear Chairperson,

It just came to our attention that the Special Permit for Bed & Breakfast establishment in accordance with Zoning Ordinance 300-33c (6) located at 688 Hale St Beverly, needs to be renewed before January 23, 2022. We request to have the Special Permit renewed for another two-year period.

The previous Special Permit provisions for the property at 688 Hale St Beverly were as follows:

- Rental for one group of not more than four people
- There are no visible signs from the street
- All bookings shall have one designated parking space.

Since the last renewal in 2019, we have abided by all these provisions, have maintained good relationship with our neighbors, and have followed State regulations. Attached is the 2019 ZBA decision.

Please let us know if we should appear before the ZBA if it is required for renewal.

Sincerely



Judith Owens

Thad Closson – aclosson34@gmail.com

688 Hale St, Beverly MA 01915
Homeport- Airbnb - <https://www.airbnb.com/rooms/12963214?preview>



CITY OF BEVERLY ZONING BOARD OF APPEALS

Mailing Address: 191 Cabot Street

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Mayor

*Michael P. Cahill
Chair*

*Joel Margolis
Administrative Assistant
Leanna Harris*

CITY OF BEVERLY
MAILED AND RECORDED
CITY CLERKS OFFICE

2019 FEB -6 A 10:01

Decision on Special Permit Requested by Judith A. Owens 688 Hale Street

A public meeting of the Zoning Board of Appeals (the "Board") was held on January 23, 2019 at 7:00 p.m. at Beverly City Hall, 191 Cabot Street, Beverly, Massachusetts. The Agenda included a petition for a request for a **Special Permit** to allow for a Bed & Breakfast establishment in accordance with Zoning Ordinance 300-33(C)(6). The property is located at 688 Hale Street in the R15 zoning district.

The public meeting was called to order by Chairperson, Joel Margolis. The following members of the Board were also present: Victoria Caldwell, Pamela Gougian, David Battistelli and alternate members Kevin Andrews and Stefano Basso.

Thad Claussen addressed the Board and stated his wife is Judith Owens. In July 2017 they received a Special Permit for a one-year period. Mr. Claussen stated, as an oversight he realized in November 2018 that he had missed the one year expiration deadline. Mr. Frederickson stated it has to be a new Special Permit because the original one expired, a new one must be requested and issued.

Ms. Caldwell read the letter from abutter, Bradford Rowell, 693 Hale Street into record regarding concerns regarding lighting.

Peter Johnson, 677 Hale Street, stated he spoke at the original hearing for the Special Permit to run the airbnb. They are located across from the house, three houses down. Mr. Johnson stated he has never seen anything objectionable regarding parking or traffic. Mr. Johnson stated he fully supports the use of the house for this purpose. The applicants have done a lot to improve the property, it's a lovely house and they are good neighbors.

Mr. Margolis stated there is an ongoing concern regarding the lighting and the effect it has on the neighbors. Mr. Claussen stated there is a door that they use that has two lights on either side of the door with 25 watt LED bulbs housed in a very classic New England type lamp. Ms. Gougian asked if the lights are on all night and Mr. Claussen confirmed and stated they are left on for safety. Mr. Battistelli asked why they can't be on a motion sensor. Mr. Claussen stated there is a large hedge that runs along Hale Street and it is difficult to see their property.

Ms. Gougian stated Mr. Rowell is concerned there are lights on all night that are lighting up his bedroom. Mr. Frederickson stated the Building Department has not received any complaints.

Mr. Claussen stated he is in favor of the new state regulations for Airbnbs and he just registered for commercial insurance that is required.

A Motion was made by Ms. Gougian to close the public hearing. Mr. Battistelli seconded the Motion. The Motion carried 5-0 (Margolis, Caldwell, Gougian, Battistelli, Andrews).

The Ordinance requires that the Board only grant a Special Permit where the applicant can establish that the following conditions set forth in the Ordinance would be met if it were granted: (1) that the specific site is an appropriate location for the proposed use and that the character of adjoining uses will not be adversely affected; (2) that there is no evidence that property values in the district will be adversely affected; (3) that no undue traffic, nuisance or hazard will result; (4) that adequate and appropriate facilities will be provided for the proposed use; (5) that there are no valid objections from abutting property owners based upon demonstrable fact; and (6) that adequate City services are or will be available for the proposed use. In the petition and public presentation, the petitioner demonstrated that their proposed addition meets this standard.

Following the questioning and discussion, and adopting the facts and findings as stated in the petition, a Motion was made by Ms. Caldwell to Grant the **Special Permit** through January 23, 2022 provided the rental is for one individual group of not more than four people, there are no visible signs from the street and all bookings be noted as having one parking space. Mr. Andrews seconded the Motion. The Motion carried 5-0 (Margolis, Caldwell, Gougian, Battistelli, Andrews)

Appeals from the Board's decision on this petition may be filed in accordance with the provisions of M.G.L. Chapter 40A, Section 17, within twenty (20) days of the date and filing of this decision with the City Clerk. This decision shall not be valid unless recorded at the Essex County Registry of Deeds in Salem, Massachusetts after the twenty-day appeal period has passed without an appeal being filed.

Respectfully,



Joel Margolis, Chairperson
Zoning Board

JM/lh



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Administrative Assistant

Leanna Harris

Attached is a copy of our recent Zoning Board of Appeals decision. The following steps are required before the decision is final and a building permit application (if applicable) can be submitted:

1. There is a 20-day appeal period from the date that the decision is filed (stamped date) with the City Clerk.
2. After the 20 day appeal period has passed, if no appeal has been filed, you must obtain a certified copy of the decision from the City Clerk's office located at City Hall at 191 Cabot Street.
3. This certified copy of the decision must then be filed with the Essex South Registry of Deeds located at 45 Congress Street, Suite 4100, Salem, MA. There is a filing fee.
4. If your Board of Appeals decision was a prerequisite for a building permit application, the decision that was filed with the Registry of Deeds must be submitted with the application. This copy will show the Registry's Book and Page number stamped on the first page of the Decision.
5. When the building permit has been issued:
 - a. A Special Permit expires if construction/substantial use has not begun within two years after the date of the Decision (except for good cause or if another date is specified in the Decision).
 - b. A Variance expires if rights granted by the Variance are not exercised within one year after the date of the Decision (this can extend for up to an additional 6 months by written agreement between the Zoning Board & Petitioner, if Petitioner applies for an extension before the end of the 1 year period of validity).

Leanna Harris
Administrative Assistant
Zoning Board of Appeals