

CITY of BEVERLY
Zoning Board of Appeals
January 28, 2026 at 6:00 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: Will Cosmas, Chairperson, Cory Farinella, Laura Meisenhelter and Benjamin Roy

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

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

Chairperson Will Cosmas began the meeting at **6:01pm**, introduced the Board members present, and thanked the non-applicant attendees for taking part in the civic business of the City, particularly on a cold and snowy evening.

CONTINUED PUBLIC HEARINGS

Keara Healy o/b/o Beverly Plaza LLC

requests a **Special Permit** to propose a new set of channel letters at Russell Cellular/Verizon with a square footage of 46.71' which is greater than what is currently allowed by the Zoning Ordinance. The property is located 19 Dodge Street, Unit 110 in the CG zoning district.

The applicant submitted a written request to continue the application for 19 Dodge Street, Unit 110 to the February 25, 2026, meeting.

MOTION: Mr. Roy moved to GRANT the request to continue the application at 19 Dodge Street, Unit 110 to the February 25, 2026, meeting, subject to signing the Waiver and Agreement. Mr. Farinella seconded the motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Jason Irving/21 Bridge Street LLC

request a **Variance** to subdivide the lot, retain the existing single family home and subdivide the existing lot to create a new second lot for the construction of an additional single family home. The addition of another single family home to the lot would be consistent with the general character and other lot sizes in the neighborhood. The property is located at 21 Bridge Street in the R10 zoning district.

The applicant submitted a written request to continue the application at 21 Bridge Street to the February 25, 2026, meeting.

MOTION: Mr. Cosmas moved to GRANT the request to continue the application at 21 Bridge Street to the February 25, 2026, meeting, subject to signing the Waiver and Agreement. Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Alexander & Femino o/b/o 46 Federal Street LLC

request a **Special Permit, Finding and Variance** to allow for the addition of 3 residential units to the existing single family residence which Beverly Historic Commission has found to be historically significant and preferably preserved. In the alternative the single family can be demolished and replaced by 6 residential units by right. The proposed requires a **Variance** for side and rear yard setbacks and a **Special Permit and Finding** for expansion of a legally pre-existing nonconforming dwelling. The property is located at 46 Federal Street in the RHD zoning district.

Thomas Alexander, Esq. (Alexander & Femino) addressed the Board and stated that the applicant has decided to withdraw the application at 46 Federal Street without prejudice. The applicant met with neighbors and has submitted a new application to be heard later this evening.

MOTION: Ms. Meisenhelter moved to GRANT the request at 46 Federal Street to withdraw the application without prejudice. Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Cellco Partnership d/b/a Verizon Wireless and the Towers, LLC

(To be heard no early than 7pm)

requests a **Special Permit** under §§300-42 (C)(1)(p) and 300-91 height and setback **Variances** from §300-25A to permit a wireless communications facility with a monopole 124 feet in height (including 4' lightning rod) and setback from the property line of approximately 52'. The property is located at 12 Tozer Road in the IR zoning district, Map 68, Parcel 25B.

Michael Giaimo, Esq. (Robinson & Cole) addressed the Board and stated that the applicants have submitted additional materials. On January 10, 2026, the applicants had a crane test conducted and held a community meeting. A team took photos about a half mile at various locations around the site and produced a report including those photos. Applicants have also submitted a report regarding the fall zone of the structure, a report on RF emission levels from different distances from the tower and generator specifications including sound data (64 decibels) at a distance of 23 feet. Atty. Giaimo stated that it is roughly the same sound emitted from a dishwasher for comparison and that noise dissipates from a distance. The generator is tested every week for 15-20 minutes. It won't run continuously and the Board can specify a time that will have the least impact. Applicants also submitted a property value report and an Affidavit from Chip Fredette, a site acquisition specialist for SAI Group, LLC, a company that works with Verizon Wireless,

summarizing his discussions with the City of Beverly in 2022 and 2023 which resulted in the RFP regarding the potential placement of a Verizon Wireless communications facility on Brimbal Hill water tower and his related interactions with the City through early April 2024.

Atty. Giaimo read into record the Affidavit submitted by Chip Fredette.

Atty. Giaimo reviewed the Photographic Simulation study of the crane test conducted on January 10th, which according to the applicants placed an image of the proposed tower from the top point of the crane as seen from each location.

Mark Correnti (Fairmarket Advisors), a certified appraiser, addressed the Board and provided an overview of the property valuation report that he prepared and the applicants submitted.

Mr. Cosmas asked if there are any cell towers that Mr. Correnti reviewed but did not include in the report. Mr. Correnti stated when preparing a report, he looks for cell towers that are the same height. The report took a long time to develop because he had to research sales that met the criteria similar to the closest houses to this proposed cell tower. Mr. Correnti stated that therefore there were no cell towers that he reviewed but omitted from the report.

Atty. Giaimo stated that the applicants meet both the state and local criteria for a Variance. The height of the tower needs to be tall enough to address the needs that Verizon is trying to alleviate. The minimum they can work with is 120'. The site is a commercial area. The trees aren't perfect but they do help provide screening. Atty. Giaimo stated that some courts in Massachusetts have held that the inability to fill a coverage capacity provides additional justification for a requested Variance.

Keith Vallente, an RF Engineer (C-Squared Systems) speaking on behalf of the applicants, stated the height of the tower is a critical element of the structure, it has to be above any buildings, structures, trees, etc. Mr. Vallente referred to the RF Report dated April 28, 2025 that was presented at the last meeting (Tab C).

Mr. Cosmas asked if transmitters from other cell phone companies on the same tower would create interference. Mr. Vallente stated there would not be interference from other co-locators as long as it is properly designed. Mr. Cosmas asked if Verizon plans to co-locate other antennas. Atty. Giaimo stated this tower would be built with that capability. It is common practice.

Ms. Meisenhelter asked Atty. Giaimo if there has been any response from the City as to why there was no response to the RFP a few years ago. Atty. Giaimo stated not to this knowledge.

Kathleen Feldman (Ward 5) stated she fully supports her constituent's opposition to this proposal. They are not denying the need for coverage in North Beverly. She feels they are here tonight because of a miscommunication. It is the City's desire for cell equipment to be installed on the existing water tower.

Cassie John, 9 Mark Road asked about the communications regarding the original water tower and if anything was sent by certified mail. There is no proof with email. Ms. John stated she believes that there is going to be 24-hour noise, not just from the generator running periodically but from whatever power source runs those at the base of the tower makes a lot of noise. It's going to be 24 hours a day. They are going to need cooling fans and that noise is going to travel. That droning hum goes right through you and you can't be outside or open your windows. She is located two houses down from the tower and stated it is an eyesore. The trees surrounding the site are old and they are falling. Once the tower is up there, its not going anywhere.

Sherri McNeilly, 12 Walden Street, stated that she was affiliated with the Tozer Road Neighborhood Association and provided a petition with 57 signatures opposing the tower. Ms. McNeilly would like to know what the distance of the closest house is to the tower. She believes its less than 200 feet. Ms. McNeilly asked what the hardship is that Verizon is relying on for this site.

Thomas Winslow, 6 Mark Road stated he is concerned about the risk of the tower. In the valuation report the comparisons showed towers in locations with very few houses, whereas this tower would be surrounded by 30 houses. Mr. Winslow stated they need to minimize the risk.

Marcus Bochman, 10 Walden Street stated he agrees that this is not happening at the water tower because of communication issues. Also, even if the property values aren't dropping, he personally wouldn't have bought a house with this tower right in the backyard.

Daniel Deangelis, 207 Brimbal Avenue stated he was not here at the last meeting because notification of an application of this magnitude is poorly done. You can take a thousand pictures where you don't see it but what matters is the 50 people who have signed the petition who will be able to see it. He stated many people in the neighborhood were unaware that that crane was simulating a tower, they thought a tree was coming down. Mr. Deangelis stated he thinks its disingenuous for the applicant to say that this crane is what the tower will look like, it is going to be much more than that. A slew of pictures was taken from Brimbal Avenue and it is just as prominent as it is on Mark Road. Mr. Deangelis asked the Board to empathize with them as if this was going in their own backyard. The fact that another option exists, this shouldn't even be on the table.

Walter Jankowski, 5 Mark Road stated he disagrees with the visibility photos, a lot of these pictures were taken strategically for Verizon.

Arthur Boris, 9 Walden Street stated he opposes this tower. The crane was put up at an angle, the trees aren't covering all of it, it's going to be a part of their neighborhood.

Connie Macdonald, 7 Kinsman Street stated it's a neighborhood that attracts families. Ms. MacDonald stated the photos shown of towers in other towns from Mr. Correnti's report were shown in rural areas, not in densely populated neighborhoods. She is also concerned that the tower will have lights on it. Ms. MacDonald is asking the Board to consider the quality of life of the residents and deny this request.

Alex, 1 Mark Road stated he is an abutter. He asked if the owner of 12 Tozer Road is here. They were not present. He is concerned with any glare coming from the tower. The data shown this evening involved 4 homes. That is a weak number of homes to show for data, he would like to see that number around 25.

Michael Dunn, 9 Mark Road stated if the water tower is an option, it is not necessary for his neighborhood to go through this.

Beatrice Hines, 17 Conant Street stated all the other towers shown are up on a highway, an industrial park and commercial locations. No one has mentioned that these towers emit magnetic fields. They would be putting this right in the middle of a neighborhood where people live 24/7. Ms. Hines asked why it can't go up at the city dump where the solar panels are if they can't do the water tower.

Fran Lucas, 10 Walden Street stated the photos that they showed with the tower was more in the country, there was grass and it was rural. Before the Board makes any decisions, they need to find out for sure what happened with putting it on the water tower. Ms. Lucas stated she does not want this here.

Atty. Giaimo requested to continue the application to the February meeting since only four board members were present. Atty. Giaimo stated there are also questions that have been raised but can't be answered tonight.

Ms. Meisenhelter asked Atty. Giaimo if the intent is to go back to Verizon and question revisiting the water tower location. Atty. Giaimo stated he thinks that they might be willing to do that with the comments made tonight.

MOTION: Mr. Roy moved to GRANT the request to continue the application at 12 Tozer Road to the February 25, 2026 meeting, subject to ample notification to abutters and subject to signing the Waiver and Agreement.

Ms. Meisenhelter seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

MODIFICATION REQUEST

Original Request – August 2024:

Alexander & Femino o/b/o Jesse Jalbert

request a **Special Permit/Finding** under Sections 300-76B and 300-85A.1 of the Zoning Ordinance to change the present use allowed by special permit on the premises to 560 square feet of commercial space on the first floor and five (5) one bedroom units and one (1) two bedroom residential unit to be located on the first and second floors. The use, as modified, will be accomplished within the existing building footprint and envelope. The property is located at 371

Cabot Street in the CN zoning district.

**** Glovsky & Glovsky o/b/o Jesse Albert** is requesting to amend Site Plan.

Conor Walsh, Esq. (Glovksy & Glovsky) moved to withdraw the application at 371 Cabot Street without prejudice.

MOTION: Ms. Meisenhelter moved to GRANT the request to withdraw the Modification application at 371 Cabot Street, without prejudice.

Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

NEW PUBLIC HEARINGS

Brian Norris & Marcie Sidman

request a **Special Permit** and a **Finding** to construct a 1,000 sq. ft. addition to be used as an ADU onto a nonconforming, single family dwelling exceeding 25% of the existing building volume. The property is located at 33 South Terrace in the R10 zoning district.

Bill Nolan (Savoie Nolan Architects) addressed the Board on behalf of the applicants and stated they are proposing to construct a new addition for an ADU. The house was built in 1931 with approximately 2,065 sq. ft. of living area. The front set back is nonconforming and the only feasible place to construct the addition is out to the side. The applicants are proposing to build the ADU 6.2' feet from the front property line, where the existing front setback is 3.5'. The addition will not be right on the street, it will be set 6.2' back. There are two driveways on the lot and this is the only spot for the ADU. The existing grade height to the first floor is of concern to the ADU occupant having to use exterior stairs. There are a lot of mature trees on the property that the applicants want to maintain as part of this design.

Mr. Nolan referred to the proposed ADU unit and indicated where most of the stairs were brought inside for safety. It will be an open concept living room/kitchen area. It is an accessible space. The square footage of the ADU is 1,000 sq. ft. in accordance with the Beverly ordinance and the existing house will remain the prominent structure.

Mr. Nolan stated they need a Special Permit to allow an ADU in an R10 zoning district with an existing nonconformity. They also need a Special Permit to expand an existing nonconforming dwelling more than 25%. A Finding is needed to construct an addition in a front yard setback in the R10 district.

Mr. Nolan submitted a letter in support of the application from the abutter at 54 South Terrace.

Mr. Nolan stated they are also going through the Conservation Commission process. There is conservation land near this property. Mr. Cosmas stated that any ZBA approval is subject to the plans submitted so any changes required by the Conservation Commission will have to be resubmitted to the Board.

Mr. Roy stated it is a very unique neighborhood with lots of nonconformities. Mr. Roy asked if they had any contact with the neighbor to the East.

Marcie Sidman stated she feels very lucky to have such lovely neighbors. Brian Norris stated that they are very happy to be able to do this and they have great supportive neighbors.

Ms. Meisenhelter stated it's a beautiful addition.
No one spoke in favor or against.

MOTION: Mr. Farinella moved to close the public hearing.
Mr. Roy seconded the Motion.
Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)
Motion carries.

Mr. Farinella stated it's a well thought out plan. Mr. Farinella asked for clarification as to the two Special Permits and Finding being requested.

MOTION: Ms. Meisenhelter moved to GRANT a **Special Permit** at 33 South Terrace to construct a 1,000 sq. ft. addition on a nonconforming single-story addition exceeding 25% of the existing square footage, subject to plans submitted and approval of the Conservation Commission. Mr. Roy seconded the Motion.
Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)
Motion carries.

MOTION: Mr. Cosmas moved to GRANT a **Special Permit** at 33 South Terrace to construct an accessory dwelling unit in a nonconforming structure, subject to the plans submitted and approval of the Conservation Commission.
Ms. Meisenhelter seconded the Motion.
Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)
Motion carries.

MOTION: Mr. Cosmas moved to **Find** at 33 South Terrace that the encroachment into the front set back is not detrimental to the neighborhood, subject to the plans submitted and approval of the Conservation Commission. Mr. Roy seconded the Motion.
Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)
Motion carries.

Matthew and Jane Vaselkiv

request a **Special Permit/Finding** to construct a second-floor addition above an existing 1-story portion of a lawful pre-existing nonconforming multi-family dwelling. The property is located at 100 Corning Street in the R10 zoning district.

Matthew Vaselkiv addressed the Board and stated they are looking to construct a second-floor addition. It's a legally nonconforming dwelling and they are staying within the building footprint. They are building a master bedroom and bath above the existing crawl space.

Mr. Vasselkiv provided two letters in support from abutters with the application.
Mr. Cosmas asked for clarification that their address is unit 1 per City records. Ms. Vasselkiv stated the home has two units; it is zoned as a multi-family.

No one spoke in favor or against.

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

Mr. Farinella seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Ms. Meisenhelter asked for clarification that they are using the existing crawl space and Mr. Vasselkiv confirmed and stated they are using that and building above it. The previous owners added the addition off the back, but nothing above it.

MOTION: Mr. Farinella moved to GRANT a **Special Permit** at 100 Corning Street to construct a second-floor addition above an existing 1-story portion of a lawful pre-existing nonconforming multi-family dwelling, subject to the plans submitted.

Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Gary and Robyn Cole

request a **Special Permit** to remove an existing garage and build a family room on the same footprint. The roofline will be 36" higher than existing garage roofline but will not exceed main house roof line. A front porch will be attached and meet setback requirements. A rear deck will also be added. The property is located at 21 Longview Drive in the R10 zoning district.

Gary and Robyn Cole addressed the Board and stated they are requesting a Special Permit to remove a nonconforming structure under 300-86C to construct a family room on the existing footprint. Mr. Cole stated there would be no additional stress to the neighborhood, no trees being removed or views obstructed.

Mr. Cole submitted 5 letters from abutters in favor of the project.

Mr. Roy stated it looks straightforward.

Mr. Cosmas asked what the increase of square footage is and Mr. Cole stated 336 sq. ft.

No one spoke in favor or against.

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

Mr. Farinella seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

MOTION: Ms. Meisenhelter moved to GRANT a **Special Permit** at 21 Longview Drive to remove an existing garage and build a family room on the same footprint. The roofline will be 36" higher than existing garage roofline but will not exceed main house roof line, subject to the plans submitted. Mr. Farinella seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Glovksy & Glovsky o/b/o Roy L. Ruff, M.D. and Myra Ruff, Trustees of the Myra Ruff Trust and of the Roy L. Ruff Trust

request a **Variance** to reduce side yard setback requirements from 20' to 13.4' and to increase maximum size from 100 sq. ft. to approximately 805 sq. ft. and maximum height from 10' to approximately 20', all to enable the construction of a detached 35'x23' garage as depicted on plans filed with the application. The property is located at 21 Beaver Pond Road in the R45 zoning district.

Conor Walsh, Esq. (Glovsky & Glovsky) addressed the Board and stated the applicants are not here tonight, they are overseas. The house is accessed by a private way. It is a fairly remote area in the R45 zoning district. They are looking to build an 800 sq. ft. detached garage 13.4' from the setback. This application is seeking relief for the size and height of the proposed garage due to it being in the side setback. Atty. Walsh stated that there is a pool in the rear of the property and the lot is relatively narrow. There are also wetlands in both the front and rear of the property restricting where they can build.

A letter from the abutters at 17 Beaver Pond Road in favor was submitted. Attorney Walsh stated that it is the house most impacted by this project.

Mr. Cosmas asked how this request is the minimum reasonable relief for a variance. Atty. Walsh stated the square footage of the garage would be allowed by right but because they are requesting to build it in the side setback they require relief.

Mr. Cosmas stated the photos in the application show an existing two car garage. Atty. Walsh confirmed and stated they are being used for cars and storage. Mr. Cosmas asked what the reason is for the 20' height and Atty. Walsh stated it is the height that made sense to keep with the line of the house.

No one spoke in favor or against.

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

Ms. Meisenhelter seconded the motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Mr. Cosmas asked for clarification as to what the applicants' hardship would be to justify a variance, in part due to the pre-existing 2-car garage. Atty. Walsh stated what exists is not adequate for their needs. The applicants feel they need additional storage on site. Ms. Meisenhelter stated she is also struggling with the minimum relief being requested, although the wetlands on site to limit where they can build.

Atty. Walsh requested to continue the application to the next meeting to discuss with the applicants.

MOTION: Ms. Meisenhelter moved to grant the request to continue the application at 21 Beaver Pond Road to the February 26, 2026 meeting. Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Alexander & Femino o/b/o John Jeremiah Vitale

request a **Variance** to allow for an additional single family residence between 2 existing residences owned by the applicant. The proposed lot (Parcel B-1) has 41.16' of frontage, 5,133 sq. ft. of area, would be set back 20' from the front lot line, 7.1' and 5.0' from the side lot lines (which it shares with the applicant's remaining land) and 25.0' from the rear lot line. The 2 remaining lots would accommodate the existing 2 houses and would have frontage of 50' and area of 5,000 sq. ft. for Lot 36(11 Fillmore St) and frontage of 100.83' and area of 9,064 sq. ft. for Lot A-1 (9 Fillmore Street). Lot 36 (11 Fillmore Street) would have a new 13.3' side yard setback. Parcel A-1 (9 Fillmore Street) would have a new side yard setback of 15' for the house and 45.5' for the garage. The present zoning for this district calls for 100' of frontage. 10,000 sq. ft. of area, side yard setbacks of 15', front yard setback of 20' and rear yard setback of 25'. The property is located at 9-11 Fillmore Street in the R10 zoning district.

Thomas Alexander, Esq. (Alexander & Femino) addressed the Board on behalf of the applicant and stated John Vitale has lived in the home for more than 20 years, and he is a veteran of the police force. Last July there was an application submitted for this property and the proposed plans have been significantly redesigned to lessen the Variances required. This property consists of two houses, with the addresses of 9 and 11 Fillmore Street. There is open space in between these two houses and that is where the proposed house lot would go. This subdivision was created in 1912. Many of the lots are 5,000 sq. ft. of area with 50' of frontage based on the 1912 subdivision plan. The lot that the applicant owns were four lots on the 1912 subdivision plan. On Fillmore Street, seven of the houses are built to the 1912 subdivision plan dimensions. This subdivision was largely built to accommodate modest housing.

Atty. Alexander provided a comparison of what has changed between this application and the one in July. Parcel B-1 is the new lot, Lot 36 is 11 Fillmore Street and Parcel A-1 is 9 Fillmore Street. Mostly what has changed has to do with the new lot (B-1). The lot area went down and is narrower, the front setback was 16' in the prior proposal, it is now 20' which eliminates the

need for a variance. The lot conforms in the rear. The proposed deck in the back of the property has also been removed to decrease impact to the neighbor.

Atty. Alexander reviewed the requirements for a Variance. The relief requested would not result in a detriment to the public good.

Atty. Alexander provided a map showing which abutters have signed a petition in favor of the application.

Mr. Cosmas asked if the application has a conflict with Section 300-78 of the Zoning Ordinance. Atty. Alexander provided a brief memo addressing this section of the ordinance and stated that it does not prevent the Board from granting a variance. Atty. Alexander also cited previous decisions by the Board that allowed the same or similar relief. Mr. Cosmas stated that the Board's decisions are not precedential.

Anita Walk, 13 Fillmore Street stated she has lived there for over 40 years, and this proposal doesn't impose on anyone's privacy. It should be allowed; it's another house that can be taxed and generate revenue for the City.

Jim Chase, 4 Fillmore Street stated he has been there for 36 years, and he lives in one of the small 5,000 sq. ft. lots. Mr. Chase stated he is in favor of the proposal.

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

Ms. Meisenhelter seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Ms. Meisenhelter asked for clarification where the proposed structure would go on the plans submitted with the application.

Mr. Cosmas stated, for the record, they did receive a letter in opposition to the application from Alise Marie Sinagra at 8 Lincoln Street, which is the rear abutter, and Mr. Cosmas read the letter into the record. Ms. Sinagra has a few concerns. Atty. Alexander provided the Board with a photo showing the retaining wall with shrubs/arborvitaes screening the rear of the property.

Mr. Cosmas asked Atty. Alexander to describe the applicant's hardship that would justify a variance. Atty. Alexander stated Mr. Vitale bought four subdivision lots. It has become difficult for modest people to buy houses in the City which is why the Planning Board has been favoring creating new lots. Atty. Alexander stated the hardship is that the applicant does not have the ability to realize the economic value that is present in the neighborhood.

Ms. Meisenhelter stated she has a desire for more housing in Beverly but the relief requested in the application seems like something more due to the creation of nonconforming lots.

Atty. Alexander stated his client would like to withdraw the application without prejudice.

MOTION: Mr. Cosmas moved to GRANT the request to withdraw the application at 9-11 Fillmore Street without prejudice. Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Alexander & Femino o/b/o The Goldberg Brother's Real Estate LLC

request a **Variance, Special Permit and Parking Waiver** to convert the third floor of the building at 299 Cabot Street, which currently has 2-bedrooms and a living area as part of the 4-bedroom unit encompassing the second and third floor, into a separate 2-bedroom unit. The proposed new third floor unit will be constructed within the existing footprint the volume of the building and has 2 interior accesses and egresses. Applicant seeks a parking waiver since there is no increase in the net floor area of the building and the number of bedrooms on site will remain the same. The property is located at 297-299 Cabot Street in the CC zoning district.

Thomas Alexander, Esq. (Alexander & Femino) addressed the Board on behalf of the applicant and stated this property has two 2-family homes, 297 Cabot Street and 299 Cabot Street. The 299 Cabot Street home is presently a 2-family unit. Altogether there are 6 bedrooms on the property, which was purchased in December from Monserrat College. It was previously used as a dormitory by the college. The applicant is seeking to take the 3rd floor and create a separate 2-bedroom unit. The number of bedrooms would remain the same, at 6. This will be a lesser use of the property than what previously existed for the last 31 years. There would be no change to the footprint or the envelope of the building. There are already 2 separate stairways and there is enough room to do the build out. They have also applied for a parking waiver under Section 300-85A. There is sufficient parking at nearby parking lots at Pond Street and Winter Street.

Prior to transferring the property to Goldberg Brother's Real Estate LLC the Methodist Church had been, over many years, using the driveway that went over their property and so an easement was granted.

Sheila Costello, 41 Federal Street stated she has watched a growing problem with the parking in the downtown area.

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

Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Mr. Cosmas asked if this was discussed with the Parking Traffic Commission and Atty. Alexander stated no.

MOTION: Mr. Farinella moved to GRANT a **Parking Waiver** at 297-299 Cabot Street due to the proximity off public parking lots available, subject to the plans submitted.

Ms. Meisenhelter seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

MOTION: Ms. Meisenhelter moved to GRANT a **Variance** at 297-299 Cabot Street from Section 300-83A(2) due to the narrow lot and the location of the two buildings creating a hardship, subject to the plans submitted. Mr. Farinella seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

MOTION: Mr. Roy moved to GRANT a **Special Permit** at 297-299 Cabot Street to convert an existing 2-unit structure to a 3-unit structure, subject to the plans submitted.

Mr. Farinella seconded the Motion

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Alexander & Femino o/b/o Robert and Stephanie Noyes

request a **Variance** to allow them to separate Parcel A, a 1,175 sq. ft. parcel of land and transfer it to their abutter at 93 Bridge Street so as to accommodate the abutter's driveway and garden area. The subdivision of land will result in the decrease in the applicant's land area from 10,568 sq. ft. which is less than the 10,000 sq. ft. which is required in this district. The property is located at 85-87 Bridge Street in the R10 zoning district.

Thomas Alexander, Esq. (Alexander & Femino) addressed the Board on behalf of the applicants and stated the applicants are seeking to cut off a piece of their property to give to 93 Bridge Street. The recipient at 93 Bridge Street has lived there since 1978 and when they moved in, they believed that the existing driveway and garden was theirs. Years later they realized that part of the lot was their neighbors.

Atty. Alexander stated the lot is unusually shaped.

Mr. Cosmas asked why the applicants didn't just convey an easement to the property owners at 93 Bridge Street. Atty. Alexander stated when you go to sell your property, not everyone is happy with an easement.

No one spoke in favor or against.

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

Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

MOTION: Ms. Meisenhelter moved to GRANT a **Variance** at 85-87 Bridge Street to allow them to separate Parcel A, a 1,175 sq. ft. parcel of land and transfer it to their abutter at 93 Bridge Street so as to accommodate the abutter's driveway and garden area on the bases of the oddly shaped lot creating a hardship. The subdivision of land will result in the decrease in the applicant's land area from 10,568 sq. ft. which is less than the 10,000 sq. ft. which is required in this district, subject to the plans submitted.

Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Alexander & Femino o/b/o David and Nancy Coletti

request a **Variance** and a **Special Permit** to build a single story addition on the back of their legally pre-existing nonconforming house to add a bedroom, bathroom and enlarge the existing kitchen to accommodate the homeowner's need for single floor living. The addition will be located 15' from the rear lot line, which is not as close as the existing deck, where current zoning provides for a 25' setback. The property is located at 11 Woodbury Drive in the R10 zoning district.

Thomas Alexander, Esq. (Alexander & Femino) addressed the Board on behalf of the applicants and stated they have owned this home since 2001. Mr. Coletti has some health issues that require a transition to one floor living. The proposed addition would be 15' from the rear lot line where zoning requires 25'. The applicants would be enlarging an existing nonconforming structure.

Atty. Alexander provided a petition and map of the abutters who have signed a petition in favor of the application. All direct abutters are in favor.

Atty. Alexander stated the lot is narrow, requiring the variance.

Mr. Farinella stated it looks like a good plan. Ms. Meisenhelter agreed.

No one spoke in favor or against.

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

Ms. Meisenhelter seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Mr. Cosmas stated it looks like a plan that makes a lot of sense and it doesn't request a lot of relief.

MOTION: Mr. Cosmas move to GRANT a **Variance** at 11 Woodbury Drive based on the narrow lot and the location of the existing house and garage creating a hardship, to build a single story addition on the back of their legally pre-existing nonconforming house to add a bedroom, bathroom and enlarge the existing kitchen to accommodate the

homeowner's need for single floor living. The addition will be located 15' from the rear lot line, which is not as close as the existing deck, where current zoning provides for a 25' setback, subject to the plans submitted. Ms. Meisenhelter seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

MOTION: Mr. Cosmas moved to GRANT a **Special Permit** at 11 Woodbury Drive as the proposed use will be in harmony with the neighborhood, subject to the plans submitted. Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Alexander & Femino o/b/o 46 Federal Street LLC

request dimensional **Variances** to build 5 new residential units that are allowed by right, but due to the narrow shape of the lot, will require front and rear yard setback dimensional variances. The existing building on site is set back 8.7' from the front lot line and the proposed new building will be set back 8.8', the existing side setback is 13.4' and the proposed is 11.0' and the rear setback will be 5'. The Zoning Ordinance provides for a front yard setback of 15', side yard setback of 10' (15' if building is over three stories) and rear yard setback is 20'. The property is located at 46 Federal Street in the RHD zoning district.

Thomas Alexander, Esq. (Alexander & Femino) addressed the Board on behalf of the applicant and stated the use is allowed in this location, which lies in the MBTA overlay district. The applicant is proposing to build five units, each with 2 parking spaces. In September, the Historic District Commission determined the existing building on the property should be preserved, which has delayed the demolition of the property for 12 months. Atty. Alexander stated that the previous design presented, which incorporated the existing building, was met with a lot of opposition and so the architect came up with a better design that still has five units but does not incorporate the existing building.

Mr. Cosmas asked for clarification on how the Historic District Commission decision weighs in on this. Atty. Alexander stated they can delay the demolition for 12mths which they did last September.

Dan Ricciarelli (Seger Architects) addressed the Board and provided an overview of the plans accompanying the application for a 4-story building which garages underneath. Unit 5 will have on grade parking. They will each be 3-bedroom units. There will be a landscape buffer down the lot line.

Atty. Alexander reviewed the dimensional variances they are requesting. The lot is very narrow.

Atty. Alexander provided a list of the abutters who have signed the petition in favor of the project.

Will Sprecher, 39 Federal Street stated these plans don't capture the scale of what is being

replaced. The original building is being torn down and an even larger structure would be put up in its place. Mr. Sprecher stated that the developer has solicited some feedback but he doesn't see anything incorporated.

Natalie Keller, 44 Federal Street stated she directly abuts 46 Federal Street. Her house is the twin in age and design of 46 Federal Street. It is one many of homes built for the worker community at the United Shoe Company which pre-existed Cummings Center. Her house has been renovated and brought up to date and she doesn't see why the applicant couldn't do the same 46 Federal Street couldn't do the same instead of tearing it down. The district requires 10' setback from her lot line and the plan shows 11' from her property line but that is 11' to the foundation of the new structure, which does not reflect the exposed landings and stairways.

Sheila Costello, 41 Federal Street addressed the Board and stated when she saw plans for a modern condominium situation, she was not happy. She has lived in Beverly for over 40 years. The building doesn't fit in with the neighborhood based on the height and style. She saw what happened with the project on the corner of Federal St. and Rantoul St. Before it was finished it changed hands five times. What was finally built was not what was approved. Most of the neighborhood is 1-2 family houses. It is very disappointing to her and she is concerned how her property value will be affected. Parking is already a problem but its particularly a problem on Federal Street. Many times, in the winter she can barely get out of her driveway. Ms. Costello stated she is deeply opposed to this request.

Meghan Wojkowicz, 33 Federal Street stated she is strongly against this. She is has lived in Beverly since 2017. She loves living on Federal Street and she loves her neighbors. Traffic is already an issue and adding a whole bunch of people in a sardine can isn't going to help that. She believes they need to protect these houses.

Christie Borazia, 48 Federal Street, Unit 501, stated she is very much in favor of the town houses. She has had many conversations with the applicant and he has listened to all of their concerns. It would be nice to look out her windows and see these nice townhouses and landscaping. She thinks it's a great new addition to the community.

David Porter, 48 Federal Street, Unit 306 stated the first proposal was a modern building and he definitely prefers this current plan. This seems to work much better.

Alex Prentakis, 48 Federal Street, Unit 205 stated he understands everyone's concerns. If given the choice of this over the initial plan that is allowed by right this is the better option.

Patricia, 19 Federal Street asked for information on what the previous plans looked like and if they were 2- or 3-bedroom units.

Vincent Orlando, the principal of the applicant, addressed the Board and outlined his proposal, his outreach efforts to abutters, and how the instant application differed from the previous application, based in part on feedback he received since the hearing on that application. He additionally proposed that the Board include a condition in the variance requiring the planting of

arborvitaes or other similar screening-type vegetation to hold him to what is set forth in the plans submitted intended to accommodate the concerns of the abutter at 44 Federal Street.

Will Sprecher stated he appreciates Mr. Orlando meeting with neighbors, but he does not appreciate the underlying threat that if the Variances aren't granted then a large, less attractive structure will be built by right.

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

Mr. Farinella Seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

Mr. Farinella stated he has concerns about the 5' buffer. He asked why the applicant can't just do 4 units.

Ms. Meisenhelter stated she understands the concern about tear downs but the property is part of the MBTA overlay district.

Mr. Cosmas stated he thinks it looks like a nice project compared to the alternative that the applicant would be able to build by right in the district.

MOTION: Ms. Meisenhelter moved to GRANT dimensional **Variances** at 46 Federal Street to build 5 new residential units that are allowed by right, but due to the narrow shape of the lot creating a hardship, will require front and rear yard setback dimensional variances. The existing building on site is set back 8.7' from the front lot line and the proposed new building will be set back 8.8', the existing side setback is 13.4' and the proposed is 11.0' and the rear setback will be 5'. The Zoning Ordinance provides for a front yard setback of 15', side yard setback of 10' (15' if building is over three stories) and rear yard setback is 20', with the condition that the developer include 12' columnar arborvitaes that provides screening as conceptional set forth and subject to the plans submitted. Mr. Roy seconded the Motion.

Votes in favor: 4-0 (Cosmas, Farinella, Meisenhelter, Roy)

Motion carries.

OTHER BUSINESS

- A. Approval of November 25, 2025 Meeting Minutes (Cosmas) [HELD]
- B. Approval of October 22, 2025 Meeting Minutes (Cosmas) [HELD]
- C. Approval of October 14, 2025 Meeting Minutes (Barone) [HELD]
- D. Approval of 2026 Meeting Dates (Harris) [HELD]
- E. Fee increase for ZBA applications (Butler) [HELD]

MOTION: Mr. Cosmas moved to adjourn the meeting at **12:36 a.m.** on January 29, 2026. Mr. Roy seconded the Motion.

All in favor.

Motion carries.

Leanna Harris, Administrative Assistant
Zoning Board of Appeals