

CITY of BEVERLY
Zoning Board of Appeals
February 25, 2026 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: Will Cosmas, Chairperson, Michael Barone, 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

Will Cosmas began the meeting at **7:04pm** and introduced the Board members present.

NEW PUBLIC HEARING

Evan Mazzaglia

requests a **Variance** and a **Special Permit** to construct a new 187 sq. ft. addition with a connecting 131 sq. ft. deck that will require a Variance to encroach 21' upon the rear lot line where 25' is required. The home is nonconforming to the side yard setback with 9.9' to the side lot line requiring a Special Permit for the proposed addition to be 10.3' from the side lot line where 15' is required. The property is located at 16 Country Drive in the R10 zoning district.

Evan Mazzaglia addressed the Board and stated he is the homeowner and he is seeking a Variance and a Special Permit for his single family raised ranch built in 1965. The project includes constructing a 187 sq. ft. addition and removal of the existing wooden deck to make room for a new enlarged living space. The new 132 sq. ft. wooden deck will be off the west side of the new addition and leading to the backyard. Mr. Mazzaglia stated they have two young children and are looking to create more active living space.

Mr. Mazzaglia stated they are looking for a Variance under Section 300-34D(5). He stated that the proposed project is designed to stay as compact as possible while still giving their family the additional space they need.

Mr. Mazzaglia stated he met with their neighbors to discuss the plans with them. He provided a signed petition in support of the project.

Ms. Meisenhelter stated it looks like a lot of the properties in the area are similar and close to the lot lines.

No one spoke in favor or against.

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

Ms. Meisenhelter seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

Mr. Farinella stated it looks like a reasonable request and they are keeping the addition as small as possible.

Mr. Roy stated he appreciates the very thorough application they have submitted. Mr. Roy asked how they are going to heat the additional space. Mr. Mazzaglia stated likely electric baseboard. The existing home has duct work and forced hot air. It will be on sonar tube foundation.

Mr. Barone stated he thinks it's a fair request. The applicant is stuck with only 80' of depth where 100' is required, otherwise the project would be within the setbacks. The proposed project would result in a very minor encroachment.

Mr. Barone asked Mr. Butler what section of the ordinance the Special Permit is seeking relief from.

MOTION: Mr. Barone moved to GRANT a **Variance** at 16 Country Drive to construct a rear addition and proposed deck, encroaching 4' into the rear lot line where 25' is required on the basis that a hardship is created by both the nonconforming lot and the existing location of the house on the lot, subject to the plans submitted.

Mr. Farinella seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

MOTION: Mr. Farinella moved to GRANT a **Special Permit** at 16 Country Drive to construct an addition to be 10.3' from the side lot line where 15' is required, subject to the plans submitted. Ms. Meisenhelter seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

MODIFICATION

Original Request:

Glovsky & Glovsky o/b/o Vittori-Rocci Post 56 and Italian American War Vets

In a petition for a request for a **Special Permit/Finding** to authorize a 3 story, 13,158 sq. ft. addition to an existing nonconforming building in the IR/IR Overlay District. The existing nonconforming situation includes a 1.25 acre lot where 2 acres is required, a 19.4 foot front yard setback where 30 feet is required, an 18 foot setback where 20 feet is required and a lot coverage ratio (building and impervious surface) of 85.9% where 60% is the maximum allowed. The new

addition will comply with all applicable setback and height requirements. The property is located at 143 Brimbal Avenue in the IR and IR Overlay District.

**** Applicant is seeking a Minor Modification**

Conor Walsh, Esq. (Glovsky & Glovsky) stated the applicant is seeking a modification of the approved plans related to the relief granted by the Board in 2021.

MOTION: Mr. Barone moved to table this application and move it to the end of the agenda. Mr. Roy seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

[5 minute recess]

Conor Walsh, Esq. (Glovsky & Glovsky) stated this Board granted a Special Permit dated September 30, 2021 allowing a change of use to a new retail use and to authorize the expansion of the nonconforming structure with an approximate 12,000 sq. ft. addition. The Board had concluded that the change in use satisfied the Special Permit criteria. However, a nearby property owner appealed that decision and the litigation resulted in the favor of the applicant. The deadline for this 2021 Special Permit tolled during that litigation.

Atty. Walsh stated that the applicant now seeks a minor modification based on a reduction in the scale of the project. The minor modification concerns a proposed 400 sq. ft. loading dock. According to Atty. Walsh, the parking area has been revised and there will be more than the required parking at the premises. He stated that the applicant revised its plans because construction costs have risen considerably since 2021 and the applicant also has spent hundreds of thousands of dollars in litigation related to the 2021 Zoning Board decision.

Mr. Barone asked if the building is currently being used for retail and Mr. Arcari stated it is being used for storage of rugs.

Mr. Farinella asked who appealed the Zoning Board decision and Atty. Walsh stated 133 Brimbal Ave.

Mr. Barone questioned if the use is ongoing and the development of the addition is only 400 sq. ft. wouldn't it just require a building permit since 400 sq. ft. is definitely less than 25% of the building square footage. Atty. Walsh stated the decision was subject to the plans submitted in 2021 and now those plans have changed.

No one spoke in favor or against.

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

Mr. Barone seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

Thad Siemasko (SV Design) addressed the Board and provided an overview of the plans. Mr. Siemasko stated that the applicant is not adding any volume to the existing building, and the second floor has been removed from the plans.

Mr. Barone stated the revised plans are minor since it is a reduction in scale. The nature of the use would not be changing.

MOTION: Mr. Barone moved to the Board to find that the proposed change in plans, based on the plans submitted, is a minor modification. Mr. Roy seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

MOTION: Mr. Barone moved to GRANT the requested Minor Modification at 143 Brimbal Ave. on the basis that the modified plans are not substantially more detrimental than the originally proposed and approved plans, subject to the plans submitted.

Ms. Meisenhelter seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

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.

Ryan Fisher addressed the Board on behalf of the applicant and stated the applicant has received a letter of recommendation from the Design Review Board dated February 6, 2026 approving the applicant's proposal. The applicant is proposing just over 46 sq. ft. for signage. Mr. Fisher stated that there are two other businesses in the same shopping plaza with similar sized signage. The existing Verizon sign will be filled in with the new signage that is the same size, the proposed letters just will be larger than what is allowed.

Mr. Cosmas stated that the Board's decisions are not precedential. Mr. Cosmas asked if this is to match Verizon's change in branding and Mr. Fisher confirmed. Mr. Cosmas asked if the sign panel is the same size. Mr. Fisher confirmed and stated it is just the letters that are larger.

No one spoke in favor or against.

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

Mr. Farinella seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

Mr. Barone stated this application was well received by the Design Review Board (DRB). He added that the consensus of the DRB is that the zoning ordinance allowance doesn't match the size of the frontage of the stores

MOTION: Mr. Roy moved to GRANT a **Special Permit** at 19 Dodge Street, Unit 110 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, subject to the plans submitted and as approved by the Design Review Board.

Ms. Meisenhelter seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, 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.

Lisa McGloin, Esq. submitted a written request to continue the meeting to the March 25, 2026, meeting, together with the signed applicant waiver.

MOTION: Ms. Meisenhelter moved to GRANT the request to continue the application at 21 Bridge Street to the March 25, 2026 meeting. Mr. Roy seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, 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) stated the applicants are still overseas and are unable to join the meeting tonight. The application seeks a Variance for a detached garage. Atty. Walsh stated that the subject property is the last house accessed by the private way. According to Atty. Walsh, the applicant and the design team have reconfigured the plans where the garage now meets the 20' side set back requirement and therefore the applicant no longer needs a variance for the size of the proposed garage. The applicants now seek a Variance for the structure to be 20' high where 15' is the maximum height allowed. Atty. Walsh stated that the property has wetlands in both the front and rear of the property as well as a pool and a septic system. Atty. Walsh stated, at the last meeting, the Board had inquired for the need of an additional garage, and

he informed the Board that the applicant collects classic cars. The architect has designed the garage to have 20' of height to stylistically match the house and also for the potential installation of solar panels.

Atty. Walsh stated the immediate abutter had submitted a letter in favor of the project at the January meeting.

Mr. Barone stated he has reviewed the minutes from the January 28, 2026 meeting.

Mr. Roy stated he appreciates the revised plans. Ms. Meisenhelter agreed and thanked him for making the changes. Mr. Cosmas stated applicants who use continuances to work with the Board's feedback should be applauded.

Mr. Barone stated, seeing the revised plans, the first thing that caught his attention was the existing septic location and all the wetlands. There really isn't another place to put a garage. Mr. Barone further stated he doesn't find a 20' garage offensive.

MOTION: Mr. Cosmas moved to GRANT a **Variance** at 21 Beaver Pond Road to construct a garage that is 20' tall where 15' is allowed due to the shape and topography of the land and a literal enforcement of the zoning ordinance would cause substantial hardship to the applicant, subject to the revised plans submitted dated 2/12/2026.

Mr. Farinella seconded the motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

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

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.

The applicant has submitted a written request to continue the meeting to the April 22, 2026, meeting, together with the required applicant waiver.

MOTION: Mr. Cosmas moved to GRANT the request by the applicants to continue the application concerning the property at 12 Tozer Road to the April 22, 2026 meeting. Mr. Farinella seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

OTHER BUSINESS

A. Approval of January 28, 2026 Meeting Minutes (Cosmas)

MOTION: Mr. Farinella moved to approve the January 28, 2026 meeting minutes, as

written. Ms. Meisenhelter seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

B. Approval of November 25, 2025 Meeting Minutes (Cosmas)

MOTION: Mr. Roy moved to approve the November 25, 2025 meeting minutes, as written. Mr. Barone seconded the Motion.

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

Motion carries.

C. Approval of October 22, 2025 Meeting Minutes (Cosmas)

MOTION: Ms. Meisenhelter moved to approve the October 22, 2025 meeting minutes, as written. Mr. Farinella seconded the Motion.

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

Motion carries.

D. Approval of October 14, 2025 Meeting Minutes (Barone)

MOTION: Mr. Barone moved to approve the October 14, 2025 meeting minutes, as written. Mr. Cosmas seconded the Motion.

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

Motion carries.

E. Approval of 2026 Meeting Dates (Harris)

MOTION: Mr. Roy moved to approve the proposed 2026 meeting dates.

Mr. Farinella seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

F. Approval of fee increase for ZBA applications (Butler)

MOTION: Ms. Meisenhelter moved to approve the proposed application fee increase to \$200 for regular applications and \$250 for administrative appeals.

Mr. Roy seconded the Motion.

Votes in favor: 5-0 (Cosmas, Barone, Farinella, Meisenhelter, Roy)

Motion carries.

MOTION: Ms. Meisenhelter moved to adjourn the meeting at **8:45pm.**

Mr. Barone seconded the Motion.

All in favor.

Motion carries.

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