

CITY of BEVERLY
Zoning Board of Appeals
May 27, 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 7pm and introduced the members present.

NEW PUBLIC HEARINGS

Albert Turner

requests a **Variance** to construct a new detached single-car garage with storage above, in accordance with Sections 300-27 E-2, E-3, E-4 of the Beverly Zoning Ordinance. The property is located at 26 Mason Street in the RMD zoning district.

Bill Nolan (Savoie Nolan) addressed the Board on behalf of the applicant and stated this is their third meeting before the Zoning Board. At the last meeting there was a clerical issue that resulted in having them to resubmit the application. There is nothing new for them to present tonight. They are proposing to build a garage. The previously proposed ADU has been removed from the plans. At the last the meeting they did have quite a few neighbors who provided letters in favor that the applicant didn't submit. Mr. Nolan submitted them to the Board. Based on feedback from the neighbors, the plans were largely changed to be an oversized one car garage with storage above. There will be no rear or side windows. It is gambrel style with one window facing the street.

Mr. Roy asked if the rear abutter submitted a letter in support and Mr. Nolan confirmed.

Mr. Nolan stated the deck has also been removed from the plans and the overall garage height has been shrunk a little bit. The owner works on cars and would like the space above for storage.

Mr. Nolan stated the existing garage foundation is smaller than the proposed oversized one car garage to accommodate today's vehicles.

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, Farinella, Barone, Meisenhelter, Roy)

Motion carries.

Mr. Cosmas stated the applicant has been very good with following up with neighbors and addressing their concerns. Mr. Cosmas stated he appreciates the applicant's patience with having to come back before the Board.

MOTION: Mr. Farinella moved to GRANT a **Variance** at 26 Mason Street to construct a new detached single-car garage with storage above, in accordance with Sections 300-27 E-2, E-3, E-4 of the Beverly Zoning Ordinance due to the topography and shape of the lot creating a hardship, subject to the plans submitted. Mr. Roy seconded the Motion.

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

Motion carries.

Julianna Newmeyer

requests a **Variance** under §300-37 D(8) of the Zoning Ordinance to allow the demolition and reconstruction of a pre-existing, nonconforming accessory structure as an accessory dwelling unit, resulting in a rear yard setback encroachment. The property is located at 20 Roundy Street in the RHD Zoning district.

Julianna Newmeyer addressed the Board and introduced her husband, Colin. Ms. Newmeyer stated they are proposing to demolish an existing detached garage and replace it with an attached 2-car garage with a small Accessory Dwelling Unit above it. The existing garage is small and already nonconforming in relation to the side and rear setbacks. The proposed garage would be moved to comply with the 10' side setback. Ms. Newmeyer stated the relief they are requesting tonight is for the rear setback. It would be encroaching approximately 7' into the 20' required setback due to the lot configuration and the location of the existing structures. They are eliminating the side nonconformity. Ms. Newmeyer stated that they are not dramatically increasing the overall footprint and the request is consistent with the Commonwealth's ADU guidelines.

Mr. Cosmas asked if there is a better copy of the Site Plan than what was submitted. The applicant provided a copy and Mr. Cosmas shared it with the Board members.

Mr. Cosmas asked for confirmation that they are requesting to demolish an existing structure on the property and replace it with another structure that would have an ADU and would encroach on the rear setback. The applicants confirmed. Mr. Cosmas asked if the existing structure is falling down and Mr. Newmeyer stated its not but it is in disrepair, it's from the 1800s.

Mr. Barone if they spoke with the neighbor behind them. Ms. Newmeyer stated they sent him a letter but they did not hear back.

Mr. Barone stated he appreciates that they are getting rid of the nonconforming setback. His biggest concern is the overall height with the ADU on top. They are already close to the lot line. Mr. Barone stated they are in a unique position due to the unique position of the lot.

Mike Orlando, 18 Roundy Street stated he is a new Beverly resident as of March. He has been exchanging emails with the applicant regarding the project they are proposing. Mr. Orlando stated he is on board with the project and he would like to see it move forward.

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

Mr. Farinella seconded the Motion.

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

Motion carries.

Mr. Barone asked if they explored putting the garage where the existing structure is. Mr. Newmeyer stated anywhere they tried to put it with the site conditions they were going to not be in compliance with the setbacks.

Mr. Cosmas asked for clarification that in the application they stated they aren't finished with the plans yet because they are waiting for approval before investing the funds to get a complete rendering. Mr. Cosmas stated the location specified on the Site Plan has to remain the same. If there are any changes they would need to come back before the Board.

Mr. Roy asked what side the ADUs windows would be facing. Mr. Newmeyer stated there would be none on the Roundy Street side, they are facing their house.

MOTION: Mr. Roy moved to GRANT a **Variance** at 20 Roundy Street under §300-37 D(8) of the Zoning Ordinance to allow the demolition and reconstruction of a pre-existing, nonconforming accessory structure as an accessory dwelling unit, resulting in a rear yard setback encroachment, due to the shape of the lot and the location of the existing structure creating a hardship, subject to the plans submitted. Ms. Meisenhelter seconded the Motion,

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

Motion carries.

Matthew Hergott

requests a **Variance** from Section 300-27 E-2, 3, and 4 of the Beverly Zoning Ordinance to raze and reconstruct a pre-existing nonconforming detached garage. The applicant seeks relief from the rear-yard setback and the maximum height requirements for accessory structures to allow for the construction of a two-story garage on the existing footprint. The proposed structure will maintain nonconforming rear-yard setbacks of approximately 2.7 feet to 2.8 feet along the property boundary. The project includes a height increase to accommodate a second-story home office. The property is located at 140 Essex Street in the R10 Zoning District.

Mr. and Mrs. Hergott addressed the Board and stated they are seeking a Variance to rebuild their detached garage on the existing footprint. Last summer the garage was damaged in a fluke microburst storm when their neighbor's tree fell on it. It would cost more to repair the garage

than to rebuild it. Ms. Hergott state they want to build up and add a second floor for their office and a half bathroom.

Mr. Butler stated this is not a home business, they just work from home. There are no clients coming to the home. It is just a home office.

Mr. Cosmas asked how tall the structure would be. Mr. Butler stated on the elevation plans it shows 23.0' to the peak.

Ms. Hergott stated two abutters behind them are 3-story, 2-family homes.

Mr. Barone asked if there is a particular reason why they are rebuilding it in the existing location and not moving it forward to make it conforming. Mr. Hergott stated it is currently a cinder block foundation and there is no telling how far it goes down or if it is filled with concrete. Ms. Hergott stated this house was a major fixer upper and they have spent a lot of money to rebuild the patio. They like the open flow from the garage to the patio. Ms. Hergott stated it would take a lot of time and money to rebuild that space.

Mr. Barone stated he is having difficulty finding what the hardship is. There are certain criteria that has to be met for the Board to grant a Variance. Mr. Barone stated his concern is that they have plenty of space to relocate the garage, more so since they aren't using the existing foundation. It could be made to be conforming in both dimensional requirements. The existing location is 3' off the lot line when they do have adequate space to build it elsewhere on the lot.

No one spoke in favor or against.

Ms. Hergott stated they have spoken with their neighbors and there are no concerns there.

Mr. Cosmas stated the applicants do have a decent sized lot and there are places the garage could go. Ms. Hergott stated they would have to take trees down and move gardens and reconstruct their driveway if they were to move it to the open green space.

Mr. Barone stated he is concerned that the hardship is self-created. The applicants have the ability to address two of the three variances simply by moving the location. Mr. Barone stated the hardship is tied to the lot.

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

Mr. Barone seconded the Motion.

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

Motion carries.

Mr. Cosmas read the Variance requirements from the Beverly Zoning Ordinance.

Ms. Meisenhelter stated it's a double lot which adds to the difficulty. Meisenhelter stated to her what they are proposing is creating the least amount of change to the lot and the neighborhood.

Mr. Cosmas reviewed the options available to the applicants as far as moving forward for a vote tonight.

The applicants requested a continuance to the July meeting.

MOTION: Mr. Barone moved to GRANT a continuance to the July 22, 2026 meeting. Mr. Roy seconded the Motion.

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

Motion carries.

Alexander & Femino o/b/o Richard Healey

requests a **Variance** to build an additional floor on the existing legally nonconforming two family house to enlarge the one bedroom second floor unit. The additional floor will be built within the footprint of the existing house and the resulting height of the house as renovated will be 5 feet less than what is allowed in this zoning district. The property is located at 26 Vine Street in the R10 zoning district.

Tom Alexander, Esq. (Alexander & Femino) addressed the Board on behalf of the applicant and stated it is a 2-family dwelling, the first floor has one bedroom and the second floor also has one bedroom. The house is owned and occupied on the second floor by Richard Healey. Mr. Healey's parents live on the first floor. Atty. Alexander stated according to the Assessor's records the house was built in 1905. The lot is really narrow, it is 32.8' in the front and 39.2' in the rear. The building on site takes up most of the lot. The lot size area is 1,616 sq. ft. The existing height is 23' to the peak. The applicant is looking to add a floor to the property so he can expand the second floor to a 3-bedroom unit. The increase in height would be 7' which is still below the height restriction in this zone. The maximum height allowed is 35'. The third floor addition would be within the existing footprint, its set in a little bit. In the rear its 11.8' within the footprint and on the side it is 1.1' within the footprint. The front its 2.8' within the footprint. This house abuts Beverly Farms Public Library on the left and it abuts the Beverly Fire Department in the rear.

Atty. Alexander stated they are looking for a Variance due to the shape of the narrow lot and also the building location is a limiting factor. In that neighborhood there are eight houses that are already 3-stories.

Atty. Alexander distributed a map and signed petition from neighbors who have signed in favor.

Mr. Cosmas asked if the proposal is increasing the nonconformity and Atty. Alexander stated it is not. The building volume is being increased, but the footprint is not.

Mr. Barone asked what the total increase in square footage would be. Atty. Alexander stated it is approximately 50%. The architect stated it is less than 50% because the addition is recessed from the footprint.

Mr. McGinnis, 23 Vine Street stated he lives across the street and he doesn't have an issue with this proposal. The applicant is a good neighbor.

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

Ms. Meisenhelter seconded the Motion.

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

Motion carries.

Mr. Cosmas stated this requests better aligns with a Variance than other applications they have heard.

MOTION: Mr. Barone moved to GRANT a **Variance** at 26 Vine Street to build an additional floor on the existing legally nonconforming two family house to enlarge the one bedroom second floor unit. The additional floor will be built within the footprint of the existing house and the resulting height of the house as renovated will be 5 feet less than what is allowed in this zoning district based on the narrow lot and the position of the existing structure on the lot creating a hardship, subject to the plans submitted.

Mr. Farinella seconded the Motion.

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

Motion carries.

Timothy Harney

requests a **Special Permit** to construct and replace existing garage with new garage. The property is located at 6 Berkeley Avenue in the R10 zoning district.

Mr. Roy discussed recusing himself.

Tim Harney addressed the Board and stated they are looking to rebuild a garage on the same footprint. Mr. Harney stated it is currently being held up by what is in it.

No one spoke in favor or against.

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

Mr. Roy seconded the Motion.

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

Motion carries.

Mr. Harney submitted letters in favor from abutters.

Mr. Barone stated this request is straight forward, it makes a lot of sense. It's just going to be nicer and newer. Mr. Cosmas stated he agrees that it's a reasonable request.

MOTION: Mr. Barone moved to GRANT a **Special Permit** at 6 Berkeley Avenue to construct and replace existing garage with new garage, subject to the plans submitted. Mr. Cosmas seconded the Motion.

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

Motion carries.

824 Hale Street LLC

requests a **Variance** from Section 300-34 D(5) to construct a rear addition onto an existing nonconforming dwelling encroaching into the rear setback. The property is located at 824 Hale Street in the R10 zoning district.

John Harden (Olson Lewis & Architects) addressed the Board on behalf of Nic and Whitney Savignano and stated this is an exciting little project. It has turned into something that is pretty special in many ways. Mr. Harden stated they had a great meeting with the Historic Commission and documentation has been submitted.

The two houses at 820 Hale Street and 824 Hale Street are very close together on one lot.

The applicants would like to retain as much of the original house. They are seeking to remove the back portion of the home and reconstruct in a way that is more 21st century and has better flow within the house.

The applicants are before the Board today to request a Variance because it is a pre-existing nonconforming structure.

Mr. Harden reviewed the plans. 824 Hale Street is situated awkwardly on the site. It is encroaching into the front and rear setbacks. This building was constructed long before zoning or before anything else was there. It faces exactly south which historically is how houses were built.

The goal is to update the house but to also make the back area and garage functional. Several drawings were submitted. Mr. Harden reviewed the site plan for the 824 Hale Street property. Mr. Harden stated that they did learn from the Historic Commission that the house was built in 1701. Mr. Harden reviewed the different structures on the site and the order in which they were built. They believe sometime in the 1950s the rear piece was built. In the Historical Commission meeting the applicant proposed that they keep the front pieces but demolish the rear piece and create a more modern addition. The barn is currently disconnected, it is located in the upper left corner where at some point a screen porch was added. The porch doesn't have much value but the barn is historic so they are proposing to move the barn to the adjacent property at 820 Hale Street. This would also provide more room to do the project while maintaining a historic piece in a relatively close location. This is what triggered the second application for 820 Hale Street.

Ms. Meisenhelter asked what the reason is that the barn can't stay at the existing location. Mr. Harden stated their addition will sit in that approximate location. Ms. Meisenhelter asked what the date of the barn is. Mr. Harden stated the barn is old, it has been reenforced over the years. The wood is soft cut so it is older than this century.

Mr. Harden stated they are sort of filling in what will be the new two car garage and the oldest part of the existing house. There will be a new kitchen, dining area, laundry and access to the yard. The old beams and joints will be worked with. There are a bunch of bedrooms so hopefully a young family will grow up in this house. Both of the front and rear stairs are unsafe so new stairs are in the plans. The master suite will be on the second floor. There is a third floor in the oldest part of the house but they don't expect to do much with that.

Mr. Harden reviewed the elevations and views from each side.

Mr. Harden stated they are using the back corner of the porch as a starting point so the addition will be no closer than what currently exists.

Mr. Cosmas asked if the rear setback will be the same as the screened porch that is being removed. Mr. Butler confirmed. Mr. Harden also confirmed and stated it is encroaching 4.3' into the setback.

Mr. Barone stated the plans are very commendable, they are preserving the history of the site. Mr. Barone stated he greatly appreciates that they aren't going any further than what the current setbacks are.

Mr. Roy stated it is a very thoughtful plan.

Ms. Meisenhelter stated she is so happy they are maintaining so much of the history.

No one spoke in favor or against.

Letters in favor were submitted.

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

Ms. Meisenhelter seconded the Motion.

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

Motion carries.

MOTION: Mr. Barone moved to GRANT a **Variance** at 824 Hale Street from Section 300-34 D(5) to construct a rear addition onto an existing nonconforming dwelling encroaching into the rear setback due to the size of the lot and the existing structures on the lot creating a hardship, subject to the plans submitted.

Mr. Cosmas seconded the Motion.

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

Motion carries.

820 Hale Street Realty Trust

requests a **Variance** to from Section 300-27, E (3) to allow for an accessory building height of 16.94' where 15.2' is allowed. The property is located at 820 Hale Street in the R10 zoning district.

Mr. Cosmas noted that the properties at 820 Hale Street and 824 Hale Street are owned by different entities but related owners. There are no merger issues for zoning purposes.

Mr. Harden stated in the rear of the property is a dogleg shape that extends behind 824 Hale Street. In that dogleg shape is a pool with a patio around it and a pergola that sits at the right hand end of the pool. The historic barn could likely be deconstructed and passed through the wall of arborvitaes and reconstructed on the other side taking the place of the pergola. There would be a small bathroom addition to the side of the barn.

Mr. Harden stated the height for an accessory structure is calculated as one half the distance to the property line which would allow for the barn to be 15.2' high. The original height of the barn is 17' high so they are requesting a 1.8' height variance. They would like to keep the barn the size that it is.

Mr. Butler stated he drove by the property, it is well hidden.

Mr. Barone stated that he would be comfortable conditioning this approval that if for some reason they determine that the barn cannot be used or reconstructed that any other structure going in there would have to be reviewed by the Zoning Board.

No one spoke in favor or against.

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

Mr. Farinella seconded the Motion.

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

Motion carries.

Mr. Cosmas stated he likes that proposed condition to the Variance that to the extent moving the barn is not feasible, there cannot be another structure built there without further review from this Board.

MOTION: Mr. Farinella moved to GRANT a **Variance** at 820 Hale Street to from Section 300-27, E (3) to allow for an accessory building height of 17' where 15' is allowed. This Variance has special conditions to this particular barn, if this barn were not to be erected the Variance would not stand, subject to the plans submitted. Mr. Barone seconded the Motion.

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

Motion carries.

Will – what was the hardship?

OTHER BUSINESS

A. Approval of April 22, 2026 Meeting Minutes (Cosmas)

Mr. Cosmas stated after reviewing the Minutes he noticed that they stated the applicants for 12 Tozer Road had submitted a request to continue the application to the May 27, 2026 meeting

where the letter they submitted actually stated the June 24, 2026 meeting.

Mr. Cosmas read into the record the written request received asking to continue their application to the June 24, 2026 meeting.

Mr. Barone reviewed the Waiver and Agreement language.

Mr. Cosmas noted that there is an email from the applicant's attorney to abutters notifying them of continuance to the June 24, 2026 meeting.

MOTION: Ms. Meisenhelter stated the Zoning Board of Appeals acknowledges their error in the April 22, 2026 meeting concerning the application for 12 Tozer Road requesting a continuance. The date should have been June 24, 2026 not May 27, 2026.

Mr. Barone seconded the Motion.

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

Motion carries.

MOTION: Ms. Meisenhelter moved to approve the request to continuance the application at 12 Tozer Road to the June 24, 2026 meeting

Mr. Cosmas seconded the Motion.

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

Motion carries.

MOTION: Mr. Cosmas moved to table the approval of the Minutes from the April 22, 2026 meeting to the June 24, 2026 meeting.

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

Motion carries.

MOTION: Ms. Meisenhelter moved to adjourn the meeting.

Mr. Farinella seconded the Motion.

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

Motion carries.

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