

CITY OF BEVERLY  
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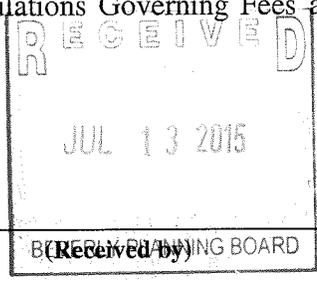
**CITY OF BEVERLY, MASSACHUSETTS  
BEVERLY PLANNING BOARD  
FORM C**

**DEFINITIVE PLAN  
APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN  
OR MODIFICATION OF DEFINITIVE PLAN**

*(please type or print clearly)*

File one completed form with the Beverly Planning Board together with the originals, one reproducible copy and twelve (12) copies of the plan in question, ten (10) additional copies of plans, size 11" x 17", and file a copy of Form C with the City Clerk in accordance with Section III, C-1. See attached "Regulations Governing Fees and Fee Schedules."

See Form R for applicant signature information.  
This form is to be accompanied by Forms D and E.



\_\_\_\_\_ 20\_\_\_\_ (Date of Filing) \_\_\_\_\_ 20\_\_\_\_  
B (Received by) BEVERLY PLANNING BOARD

To the Beverly Planning Board:  
The undersigned, being present record owner of all land included within a proposed subdivision shown on the accompanying plan entitled  
Beverly, Massachusetts Subdivision of Land Prepared For: RFR Development, Inc., 13 Swan

Street, Parcel ID: 30-148 Section: \_\_\_\_\_ Sheets: 1

by Reid Land Surveyors dated: July 8, 2015

Being land bounded as follows: Northerly by Swan Street; Westerly by Land N/F Raymond & Susan Page; Southerly by Land N/F Janet Russell; Easterly by Land N/F Carrie Ellen Tracey

Hereby submits said plan as a DEFINITIVE Subdivision Plan in accordance with the Rules and Regulations of the Beverly Planning Board and makes application to the Board of Approval of said plan.

The undersigned's title to said land is derived from High View Group LLC

By deed dated October 24, 2014 and recorded in the Essex South District Registry of Deeds Book 33629 Page 159 registered in the Essex South District Land Court, Certificate of Title No. \_\_\_\_\_ and shown on City of Beverly Assessor's Map

Number: \_\_\_\_\_ Parcels: \_\_\_\_\_ and said land is free of encumbrances except for the following:  
Mortgage to Sky Capital LLC in the original principal amount of \$309,000.00

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Said plan has (  ) has not (  ) evolved from a Preliminary Plan submitted to the Board on \_\_\_\_\_ 20 \_\_\_\_ and approved (  ) with modifications (  ) disapproved (  ) on \_\_\_\_\_ 20 \_\_\_\_.

Total Area of Land: 10,981 sq. ft.

The undersigned hereby applies for the approval of said DEFINITIVE Plan by the Board and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations. The undersigned hereby further covenants and agrees with the City of Beverly upon approval of said DEFINITIVE Plan by the Board:

1. To install utilities in accordance with the Rules and Regulations of the Beverly Planning Board, the Public Works Department, Fire Department and Police Department and all general as well as Zoning Ordinances of said City, as are applicable to the installation of utilities within the limits of ways and streets;
2. To complete and construct the street or ways shown thereon in accordance with Section V of the Rules and Regulations of the Beverly Planning Board and the approved DEFINITIVE plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole part of said land, and assigns of the undersigned; and
3. To complete the aforesaid installations and construction within two (2) years from the date of approval.

Has the person, corporation, or other legal entity making this application ever, within the ten (10) years preceding the date of this application:

1. Been convicted of a crime related to the construction or development of real property?  
Yes \_\_\_\_\_ or No  \_\_\_\_\_
2. Suffered the suspension or revocation of any construction or development related permit or license?  
Yes \_\_\_\_\_ or No  \_\_\_\_\_

3. Been subjected to a fine or other penalty for any construction or development related offense?  
Yes \_\_\_\_\_ or No  \_\_\_\_\_

If the answer to any of the above questions above is "yes", any member of the Beverly City Council may request that the applicant explain the circumstances of any such conviction, suspension, revocation, fine, or penalty at a public hearing called for that purpose in accordance with City Council Order #14 of 1999.

Name of Applicant (*please print*) RFR Development, Inc.

Signature of Applicant:   
Robert F. Rogers, President

Address: 26 Wildwood Road, Danvers, MA 01923

Name of Owner if not the Applicant (*please print*) same

Signature of Owner if not the Applicant: \_\_\_\_\_

Address: \_\_\_\_\_



(FOR OFFICE USE ONLY)

Action taken: \_\_\_\_\_

\_\_\_\_\_  
(date)

Signed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date and action of Board of Health: \_\_\_\_\_

The petitioner is required to bring to the Board a lien certificate indicating that there is no indebtedness to the City of Beverly at the time of filing said application.

CITY OF BEVERLY, MASSACHUSETTS  
BEVERLY PLANNING BOARD

FORM A-1: WAIVER OF FRONTAGE

APPLICATION FOR WAIVER OF FRONTAGE REQUIREMENT

This form to be accompanied by Form C.  
(please type or print clearly)

Filing Fee: \$100.00

TO THE PLANNING BOARD:

The undersigned represent(s) that he/she is (are) the owner(s) of a certain parcel of land located at 13 Swan Street which he/she propose(s) to divide into 2 lot(s), as depicted on the accompanying plan; and hereby petitions the Planning Board to waive, to the extent shown on the submitted plan, the frontage requirements of the City of Beverly Zoning Ordinance and Planning Board's Subdivision Rules and Regulations pursuant to the authority of M.G.L. Chapter 41, Section 81-R for the following reason(s):

The City of Beverly Zoning Board of Appeals granted a variance allowing the subdivision of the subject property into two lots each with less frontage than is required by the applicable zoning district - Zoning District RMD. The variance is recorded at Book 34198, Page 469 of the Essex South Registry of Deeds, and a copy is attached.

Name of owner(s): RFR Development, Inc.

Address of owner(s): 26 Wildwood Road, Danvers, MA 01923

Telephone number: 617-680-3358

Name of surveyor: Ralph William Reid 29422  
(registration #)

Surveyor's address: 365 Chatham Street, Lynn, MA

Deed of property recorded in Essex South District Registry of Deeds,

Book & Page#: Book 33629, Page 159

Location of property: 13 Swan Street, Beverly, MA

Assessor's Map/Lot#: 30/148

Zoning Designation(s): RMD

Date of filing: July 13, 2015

Signature of owner(s) or representative By: RFR Development, Inc.  
Robert F. Rogers, President

Form A-1: Frontage Waiver  
Plan Requirements

1. Identification of the plan by name of owner of record, and location of the land in question, cross-referenced to page and parcel number of the assessors maps.
2. A locus plan at eight hundred feet (800') to the inch shall be included on the plan.
3. Zoning classification and location of any zoning district boundaries that may lie within the locus.
4. Notice of any decision of the Zoning Board of Appeal, including but not limited to variances and exceptions regarding the land or any buildings thereon.
5. Distance to the nearest road or other permanent monuments.
6. Location of all existing buildings, including setback and side and rear yard designations.
7. The scale, date, and name of the engineer or surveyor who prepared the plan (plan must also include registration stamp).
8. Location of nearest fire hydrant(s).
9. Metes and bounds of all existing and proposed boundary lines.
10. The statement "Approved Under the Subdivision Control Law M.G.L. Chapter 41, Section 81-R" and sufficient space for the date and signatures of the majority of the Board.
11. Location, size, and identity of all utilities servicing the lots.



**CITY of BEVERLY**  
**ZONING BOARD OF APPEALS**

*Mailing Address: 191 Cabot Street*

*Office Address: 502 Cabot Street*

*Beverly, Massachusetts 01915*

*Phone (978) 921-6025*

*Fax (978) 921-8580*

*Mayor*

*Michael P. Cahill*

*Chair*

*Joel Margolis*

*Administrative Assistant*

*Leanna Harris*

CITY OF BEVERLY  
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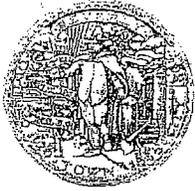
**Decision on Petition for a Variance**  
**Requested by RFR Development, Inc.**

A public meeting of the Zoning Board of Appeals (the "Board") was held on Tuesday, May 26, 2015 at 7:00 p.m. at Beverly City Hall, 191 Cabot Street, Beverly, Massachusetts. The Agenda included a petition by RFR Development, Inc. for a Variance to allow the subdivision of 13 Swan Street into two Lots, one to contain the existing single family house and the other to have a new single family house conforming to all required setbacks, each Lot having 50' of frontage where 60' is required and the remaining Lot with the existing single family house on it, having 5,384 s.f. of area, and the Lot with the new single family house having 5,597 s.f. of area where 8,000 s.f. is required. If attached housing, the Lot could by right accommodate two dwelling units. The property is located at 13 Swan Street in the RMD zoning district.

The public meeting was called to order by Chairperson Joel Margolis. The following five members of the Board were present: Full Members Joel Margolis, David Battistelli, Victoria Caldwell, Pamela Gougian, and Alternate Members Jim Levasseur and Margaret O'Brien.

The public hearing on this application started with Ms. Caldwell reading the application request to the public and the Board members reviewing the application material.

Thomas Alexander, Alexander & Femino, One School Street in Beverly addressed the Board. Attorney Alexander stated, by right, the Lot could accommodate two attached dwellings, rather than three as had been stated in the application. Attorney Alexander further stated that the house was built on a very old Lot as shown in the Plan recorded in the early 1900s. Most of the houses on the street have been built with 50' of frontage and are approximately 5,000 sq. feet. Even though it is in the RMD district, the assessor's records show there are 24 single family homes out of 25 houses. There is only one three-family house. Attorney Alexander asserted that the zoning does not fit the neighborhood and provided the Board with the Assessor's field cards to review. Attorney Alexander stated the hardship is the building out of this dwelling because if the unit was attached it would not really make economic sense creating an economic hardship. It currently looks like a vacant lot and the existing house had previously been in foreclosure. The



current owner has been doing work on the existing house. It would be an upgrade to the neighborhood to have another single family house rather than a two-family. The variance they are seeking is to have two detached units instead of two attached units. This project would be in harmony with the neighborhood and the zoning ordinance. The Special Permit test, which is required, is whether the specific use is appropriate and the answer is yes. There is no evidence that property values would be adversely affected. It would increase the value with a new house conforming to the setbacks. There will be plenty of parking on site for each individual unit and there are adequate and appropriate utilities and city services. Attorney Alexander provided to the Board a copy of the Assessor's Plan where he highlighted the property in green and in yellow the various abutters who have signed off on a petition in favor of this proposal.

Mr. Rogers, the owner of the property addressed the Board and stated that the house was in poor condition but he has renovated it and nearly everything in the house has been replaced.

Mr. O'Neil, a neighbor spoke regarding the petition. Ms. O'Brien asked Mr. O'Neil now that he heard it is only going to be one house, how does he feel about this proposal and Mr. O'Neil responded that he is okay with it as long as the houses aren't going to be crammed in together.

Ms. Gougian stated if her calculations are correct, it would be one of the smaller Lots and Attorney Alexander showed her on the Map several Lots that are smaller. Ms. Gougian asked how many square feet the house will be and Mr. Rogers responded 1,650 square feet. Ms. Gougian asked if the height will be comparable to the existing house and Mr. Rogers confirmed.

After careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, the Board made the following findings related to consideration of special permit factors associated with granting a variance: (1) that the specific site is an appropriate location for the proposed use, and that the character of the 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 unreasonable hazard will result; (4) that adequate and appropriate facilities will be provided for the proper operation and maintenance; (5) that there are no valid objections from abutting property owners based on demonstrable fact; and (6) that adequate and appropriate City services are or will be available.

The Board then made the following additional findings related to granting the variance: (1) that there are special circumstances (the size of the lot and the predominance of single family homes on the particular street) that are peculiar to the Parcel but not affecting generally the zoning district in which it is located; (2) that the request is the minimum one that could be granted and still allow the petitioner a reasonable use; and (3) that based upon the above mentioned factors, allowing the project would not result in a material, detrimental impact in the neighborhood or be inconsistent with the intent of the zoning ordinance. This approval is subject to



(strict/substantial) compliance with the drawings labeled: (1) Plot Plan dated October 21, 2014, Scale: 1" = 20' drawn by Reid Land Surveyors; (2) Front Elevation dated March 25, 2015, Scale:

1/4" = 1' drawn by David C. Wyckoff; (3) Right Side dated March 25, 2015, Scale: 1/4" = 1' drawn by David C. Wyckoff; (4) Left Side dated March 25, 2015, Scale: 1/4" = 1' drawn by David C. Wyckoff; which are attached hereto and incorporated herein by reference.

Following the questioning and discussion, a motion was made by Ms. O'Brien to **GRANT** the Variance. This approval is subject to (strict/substantial) compliance with the drawings labeled: (1) Plot Plan dated October 21, 2014, Scale: 1" = 20' drawn by Reid Land Surveyors; (2) Front Elevation dated March 25, 2015, Scale: 1/4" = 1' drawn by David C. Wyckoff; (3) Right Side dated March 25, 2015, Scale: 1/4" = 1' drawn by David C. Wyckoff; (4) Left Side dated March 25, 2015, Scale: 1/4" = 1' drawn by David C. Wyckoff; which are attached hereto and incorporated herein by reference.

Ms. Caldwell seconded the motion. The motion carried 5-0 (Caldwell, Battistelli, Gougian, Margolis, and Levasseur in favor).

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 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  
Zoning Board

jm/lh

Twenty days elapsed since this decision has been  
filed with the City Clerk and no appeal has been taken.  
Attest:  
