

MINUTES
Danvers Board of Appeals

#17-4678

February 6, 2017

Present: Robert Pariseau, Rebecca Kilborn, John Boughner,
Jeffrey Sauer, Kenneth Scholes

Also Present: Building Inspector, Richard Maloney
Secretary, Marybeth Burak-Condon

ANDREW S. BROWNING (#17-4678) Requesting a modification to
variance and finding granted on 1-9-17 for the construction of a
new garage at **9A SPRUCE STREET**

Andrew S. Browning said had I known that my abutter would have
an issue with the rear setback I would have changed it from the
beginning. All I ever wanted was 15 feet anyway. I tried to
amend my plans the day after the meeting, I also wrote a letter
to the attorney's client.

John Boughner said it looks like we have an updated drawing
which shows that you will meet the rear setback of 15 feet and
we have a dimension of 15½ feet by 21 feet.

Kenneth Scholes said the dimensions before were 15½ feet by 28
feet? Mr. Browning said yes. Mr. Scholes said and now they
will be 15.5 X 21.

John Boughner said the side setback does not change at 5 and a
half feet? Mr. Browning said no.

AUDIENCE COMMENTS

Peter Nechtem said I represent Ernie Tremblay, 107 Pine Street
and as Mr. Browning told you he graciously reached out to us and
agreed to bring the rear setback to 15 feet. I did have to file
an appeal last week to preserve Mr. Tremblay's rights just
because the regular scheduled meeting was canceled. I do plan
on dismissing that appeal. I would just ask that whatever
decision you issue on this request that it reflects any relief
that was granted in the prior order is inconsistent with the new
order which is null and void.

Richard Maloney said you could say that the previous relief granted for the rear setback of 10 feet is null and void and there is no relief given on the rear setback.

The board members all stated they are in favor of this modification.

Rebecca Kilborn moved the board to grant the modification to the variance which was previously issued on 1-9-17 for the construction of the new garage. The previous relief granted for the rear setback of 10 feet is null and void and there is no relief given on the rear setback as the applicant is changing the rear setback for the proposed structure to 15 feet. Kenneth Scholes seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS
DANVERS, MASSACHUSETTS 01923

Office at
TOWN HALL
Telephone 777-0001

DECISION

DOCKET NO.17-4678

TYPE VAR./MODIF.

APPLICANT'S NAME Andrew S. Browning

SUBJECT ADDRESS 9A Spruce Street

MAP 50 LOT 32 ZONE RII

DATE

APPLICATION FILED	12-14-16
BOARD OF APPEALS HEARING(S)	1-9-17 (Var/Find Granted)
APPEAL	2-1-17
BOARD OF APPEALS HEARING (S)	2-6-17 (Modification)
DECISION FILED	2-8-17

PRESENT/VOTING MEMBERS: ROBERT PARISEAU, JOHN BOUGHNER, REBECCA KILBORN, JEFFREY SAUER, KENNETH SCHOLES

DECISION: Rebecca Kilborn moved the board to grant the modification to the variance which was previously issued on 1-9-17 for the construction of the new garage. The previous relief granted for the rear setback of 10 feet is null and void and there is no relief given on the rear setback as the applicant is changing the rear setback for the proposed structure to 15 feet. Kenneth Scholes seconded. All in favor.

MOTION(S)MADE BY Rebecca Kilborn **SECONDED** Kenneth Scholes
ALL IN FAVOR

ANDREW S. BROWNING (#17-4678) Requesting a modification to variance and finding granted on 1-9-17 for the construction of a new garage at **9A SPRUCE STREET**

The applicant was granted a variance and finding to erect a new garage on 1-9-17. The applicant was notified through the abutter's attorney that they opposed the 10 foot setback that was approved. On 2-6-17 the applicant returned to the zoning board and requested a 15 foot rear setback and reduced the size of the garage to 15.5 X 21 feet. After brief discussion the board voted in favor of the new setback, plans were submitted with the new dimensions.

DATE OF DECISION February 6, 2017

IN FAVOR:

BY

[Signature]
John P. Boughner
[Signature]

[Signature]
[Signature]

Appeals of this decision, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17 and must be filed with the Court within twenty (20) days after this decision is filed with the Town Clerk. No decision shall take effect until a copy of this decision, certified by the Town Clerk as to the lapse of the appeal period, has been recorded in the Registry of Deeds.

Filed with the Town Clerk and Planning Board, Danvers, MA on February 8, 2017.

POSTED

FEB 08 2017

TOWN CLERK DANVERS

MINUTES
Danvers Board of Appeals

#17-4680

February 6, 2017

Present: Robert Pariseau, Rebecca Kilborn, John Boughner,
Jeffrey Sauer, Kenneth Scholes

Also Present: Building Inspector, Richard Maloney
Secretary, Marybeth Burak-Condon

ZARRINEH REALTY TRUST (#17-4680) Requesting a variance to allow signage to be located on the façade of another adjacent condominium unit in accordance with Section 37.6.2 (c) and (e) of the Danvers Zoning Bylaws at **140 COMMONWEALTH AVE**

Kamran Zarrinch said my wife has a dentist office at this office and we would like to get permission to erect a sign on the side façade. Our unit is in the back of the building and we need something to identify us. Sometimes people come and see other signs and they think that we are no longer in the building, they either leave or they call us. We have permission from the trustees of the building, we have permission from the owner of the building. Our sign is going to be on the same side as our unit, our unit is about 10 feet inside the building, and we want it to be on the parking lot side.

Rebecca Kilborn said my question is for the building inspector I think that the way to calculate it and I wasn't sure that they are measuring each section rather than a square is this okay the way it is calculated. Mr. Maloney said they are asking for a variance, what I couldn't do is issue a permit for them, the signage is based on their leased façade and they are at the back of the building so they don't get any signage on the front and this is condos. Bob Burr was in my office and they got signs to identify the property with two freestanding signs. Ms. Kilborn said so is this within the 10% that they would be allowed if they had their own unit? Mr. Maloney said I am not sure what their leased façade is. Mr. Zarrinch said the facade is 30 X 13 feet and in the back we have about 50 X 13 feet, the condo is a little bit more than 1100 square feet. Mr. Maloney said it is 10% of one of their facades. Ms. Kilborn said it looks like everyone is putting their name on there.

Robert Pariseau said how do you differentiate between a condo and a building? Mr. Maloney said not really it is on the leased façade so it is tough on these multi-tenant buildings when their façade is not facing the front, and this is one instance. Mr. Zarrinch said with the new renovations they have done to the building they have cut off the back access to the building.

Kenneth Scholes said I think this is pretty straight forward and everyone signed off on this.

John Boughner said the sign as calculated, 37.9 five square feet and I guess we would calculate that through a box.

There were no questions or comments from the audience.

Rebecca Kilborn said I am okay with this I don't particularly like signs plastered all over the building but I understand your desire to have people know where you are so I would vote for this.

Robert Pariseau said I would vote favorably for this.

Jeffrey Sauer said I would vote for this.

Kenneth Scholes said I would vote for this I would rather see this than a freestanding sign.

John Boughner said I agree.

Robert Pariseau motioned to grant the variance for the signage as proposed by the applicant, the hardship is the shape and topography of the land; this condition does not affect other [properties or structures] in the same zoning district; a literal enforcement of the zoning bylaws would involve a substantial hardship to the applicant; and granting this variance will not create a substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the zoning bylaws. Kenneth Scholes seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS

DANVERS, MASSACHUSETTS 01923

Office at

TOWN HALL

Telephone 777-0001

DECISION

DOCKET NO.17-4680

TYPE VARIANCE

APPLICANT'S NAME Zarrineh Realty Trust

SUBJECT ADDRESS 140 Commonwealth Ave

MAP 062

LOT 176/209

ZONE CIII

DATE

APPLICATION FILED	1-11-17
BOARD OF APPEALS HEARING(S)	2-6-17
DECISION FILED	2-16-17

PRESENT/VOTING MEMBERS: ROBERT PARISEAU, REBECCA KILBORN, JOHN BOUGHNER, JEFFREY SAUER, KENNETH SCHOLES

DECISION: Robert Pariseau motioned to grant the variance for the signage as proposed and submitted on the plans by the applicant, the hardship is the shape and topography of the land; this condition does not affect other [properties or structures] in the same zoning district; a literal enforcement of the zoning bylaws would involve a substantial hardship to the applicant; and granting this variance will not create a substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the zoning bylaws. Kenneth Scholes seconded. All in favor.

MOTION(S) MADE BY Robert Pariseau **SECONDED** Kenneth Scholes
ALL IN FAVOR

ZARRINEH REALTY TRUST (#17-4680) Requesting a variance to allow signage to be located on the façade of another adjacent condominium unit in accordance with Section 37.6.2 (c) and (e) of the Danvers Zoning Bylaws at **140 COMMONWEALTH AVE**

The applicants discussed the need for signage to locate the dentist office at this property, the unit is in the back of the building and clients sometimes cannot find the office. The applicant stated that the owner of the adjacent unit and

the condo Trustees have given their written approval for the location of the sign. The board members asked the building inspector about the dimensions of the requested signage and if it was calculated properly. After brief deliberations the board members all voted in favor of this application.

DATE OF DECISION February 6, 2017

IN FAVOR:

BY _____

Appeals of this decision, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17 and must be filed with the Court within twenty (20) days after this decision is filed with the Town Clerk. No decision shall take effect until a copy of this decision, certified by the Town Clerk as to the lapse of the appeal period, has been recorded in the Registry of Deeds.

Filed with the Town Clerk and Planning Board, Danvers, MA on February 16, 2017.

MINUTES
Danvers Board of Appeals

#17-4679

February 6, 2017

Present: Robert Pariseau, Rebecca Kilborn, John Boughner,
Jeffrey Sauer, Kenneth Scholes

Also Present: Building Inspector, Richard Maloney
Secretary, Marybeth Burak-Condon

SUSAN R. LEE (#17-4679) Requesting a special permit for a kennel for up to six (6) dogs in accordance with Section 30.2.1 of the Danvers Zoning Bylaws at **3 CEDAR HILL DRIVE**

Susan Lee said I don't really want to run a kennel but I think that I need a license. I volunteer for two animal rescues as a dog foster mother to keep them out of the high kill shelter. It is one dog at a time and when they find a foster to take them we keep them in our homes until they find their adopted permanent family. I just had two puppies from the same litter, I have been doing this for two years, I have had seven in my home and they have all been successfully adopted.

John Boughner said by right any resident can have up to three dogs and if they have more than three dogs they require a special permit. Mr. Maloney said it is in the definition section under kennel any more than three dogs on any premises for any reason is considered a kennel. Ms. Lee said they take them out of the high kill shelters in New York City and in Georgia and they are taken on the day they are to be euthanized neither one of the rescues has a facility so if they don't have a foster the dogs die. They send us out emails and if we have availability they can take them, I don't take any dogs that are more than 20 pounds because mine are little, they have to be good with kids because I have my grandchildren over. I have a six foot chain link fence that I put in to accommodate the dogs. Mr. Boughner said so from the outside world nothing has changed on your property.

Rebecca Kilborn said I went out to the property and you don't have anybody directly behind you so I guess it is not unusual to do this but I would want to know if there are any neighbors here who have comments.

Robert Pariseau said what is the purpose of that enclosed area out in front of your house? Ms. Lee said the purpose is to sell it on Craigslist because I bought it before I installed the fence and we had to drag it to the front of the house. Mr. Pariseau said who would maintain these dogs while you are at work? Ms. Lee said I work 8-1 and 2-7 three days a week and two weekends every six days, I come home at lunch and let them out and they are only outside when I am outside. Mr. Pariseau said you have indicated in the past that you have kept a number of dogs 5-6? Ms. Lee said it is one at a time but I own three and I have two grand dogs too, my two daughters have a dog. Mr. Pariseau said did you in the past have any problems with having five dogs on site? Ms. Lee said not since I have put up the fence, prior to that one of my dogs would chase people so I did have to put the fence up. Mr. Pariseau said do you have any complaints from your neighbors about noise? Ms. Lee said no I don't think so they are in the house when I am at work and they are only outside when I am, they will bark when people come to the door. Mr. Pariseau said how do you dispose of animal waste? Ms. Lee said I bury it and the whole back property is surrounded by woods.

Jeffrey Sauer said you don't anticipate having more than 5-6 dogs at a time? Ms. Lee said no, ordinarily I only take one foster at a time.

Kenneth Scholes said so basically when you let the dogs out they are in the backyard and that is it, they are never out front? Ms. Lee said no not since I put up the fence.

John Boughner said how long do you keep the foster dogs? Ms. Lee said usually only a couple of weeks they want to turn them over quick, if they don't have any small dogs then I don't have any. Mr. Boughner said do you have any incidents where they got loose. Ms. Lee said yes once a foster dog chased my neighbor and that is when I put the fence up. Mr. Boughner said so if we issue a special permit that will go with the property but I would ask that this reside with you and then if there were a change of ownership of the property, so you would take a condition on that? Ms. Lee said yes.

AUDIENCE COMMENTS

Bob Wilson, 5 Cedar Hill Drive, said I was the neighbor being chased, we have been neighbors for 28 years I am reluctant to

speak in opposition to this because Susan is one of my neighbors and we have a live and let live policy but to me having that number of dogs in a residential neighborhood even on a short term basis is really not a good precedent to set. This is a quiet street and we have 12-13 dogs on the street now which 3 are Susan's so to me it is too many dogs. So I am opposed to this.

Mike Powers, 8 Cedar Hill Drive, said Sue has been a great dog owner and I have been on that street for 30 years, with the three dogs that Sue has had at different times it has been hectic, the fence has made an improvement and over the last couple of years I cannot say there have been any problems. My concern is the concept of the rule that you allow up to 6. Mr. Boughner said it sounds like you would be okay if some number were put on this say 4 dogs? Mr. Powers said yes keep it from becoming a full blown transient dog house.

Bill Ciesinski, 9 Cedar Hill Drive said I have been in the neighborhood for 12 years and I am a dog owner I am opposed of having this permit issued, I love the neighborhood we purchased this house because it is quiet, I would have to think about reducing the number of dogs, but I am opposed to this.

Ms. Keefe, 1 Cedar Hill Drive said it is very noisy and today I counted 5 dogs in the yard, in the summer time it is worse and it is very noisy, I have grandchildren visit and before the fence went up we couldn't go out in the yard because of the dogs and finally I said something about it since it was a scary situation. I feel bad saying this that I am opposed but what happens to the real estate value when this is next door.

Marie Diorio, 2 Cedar Hill Drive, said I have a very sick husband and sometimes the dogs are barking but I am concerned about selling the property sometime soon and with the dogs around and I'm afraid that the property value would be impacted.

John Boughner said there is a condition with the special permit to allow you one additional dog is that something that you would agree with. Ms. Lee said yes.

Rebecca Kilborn said so the problems with the neighbors are these problems with your dogs or just with the foster dogs? Ms. Lee said probably both. We are outside with the dogs all day in the summertime and if someone walks by they are going to bark.

Richard Maloney said all over town you can have up to three dogs, we don't allow the kennels in Res. I because the lots are so much smaller. Ms. Kilborn said after hearing from the neighbors it is very difficult to approve this. I think that the best thing to do is to try and control the situation and try to improve it, obviously there are issues because all of these neighbors wouldn't be here. We have to listen to the neighbors, maybe come back in a year.

Robert Pariseau said I think that it is admirable that you are taking in these dogs, we are here for a special permit and the dogs are maintained for the personal pleasure of the residents of the premises and this is not what you are telling us is happening so I would not be in favor of granting this at this time.

Jeffrey Sauer said I would also like to commend the applicant for her work it is admirable work but we have to defer to the neighbors and I would also be in favor of seeing you again in a year or so and issuing a special permit for not more than 4 dogs. But at the moment right now in deference to your neighbors we need to defer you at this point.

Kenneth Scholes said I agree. I think that it is great what you are doing but we don't want to start world war three up on Cedar Hill but I agree with the members maybe come back in a year or so and have the neighbors come back and see if it is okay, but I would not be in favor of this.

John Boughner said I commend you and if I heard your neighbors correctly they love you as a neighbor but there have been some incidents there are have been some dogs that have gotten loose, you have a neighbor that may be considering a sale and she worries about the value of her home. You have options you can withdraw or we could vote but it looks like you do not have the votes right now.

Ms. Lee said I wish to withdraw.

Robert Pariseau moved the board to allow the applicant to withdraw without prejudice. Jeffrey Sauer seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS
DANVERS, MASSACHUSETTS 01923

Office at
TOWN HALL
Telephone 777-0001

DECISION

DOCKET NO.17-4679

TYPE SPEC PERMIT

APPLICANT'S NAME Susan R. Lee

SUBJECT ADDRESS 3 Cedar Hill Drive

MAP 21 LOT 93 ZONE RIII

DATE

APPLICATION FILED	1-10-17
BOARD OF APPEALS HEARING(S)	2-6-17
DECISION FILED	2-16-17

PRESENT/VOTING MEMBERS: ROBERT PARISEAU, REBECCA KILBORN,
JOHN BOUGHNER, JEFFREY SAUER, KENNETH SCHOLES

DECISION: Robert Pariseau moved the board to allow the applicant to withdraw without prejudice. Jeffrey Sauer seconded. All in favor.

MOTION(S)MADE BY Robert Pariseau **SECONDED** Jeffrey Sauer
ALL IN FAVOR

SUSAN R. LEE (#17-4679) Requesting a special permit for a kennel for up to six (6) dogs in accordance with Section 30.2.1 of the Danvers Zoning Bylaws at **3 CEDAR HILL DRIVE**

The applicant discussed the request to allow for a kennel for up to 6 dogs on this property. She stated that she volunteers as a dog foster mother to keep the animals out of the high kill shelters. She has installed a new 6 foot chain link fence to keep the dogs contained. The board members asked if the neighbors had any comments, how are the dogs maintained when the owner is at work, how is animal waste disposed, will there be more than 5-6 dogs and how long does the owner keep the dogs. The neighbors commented that they were opposed to a kennel at this property. After brief deliberation the board members stated their disapproval of this request based on the neighbors comments. The applicant requested to withdraw.

DATE OF DECISION February 6, 2017

IN FAVOR:

BY

Appeals of this decision, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17 and must be filed with the Court within twenty (20) days after this decision is filed with the Town Clerk. No decision shall take effect until a copy of this decision, certified by the Town Clerk as to the lapse of the appeal period, has been recorded in the Registry of Deeds.

Filed with the Town Clerk and Planning Board, Danvers, MA on February 16, 2017.

MINUTES
Danvers Board of Appeals

#17-4682

February 6, 2017

Present: Robert Pariseau, Rebecca Kilborn, John Boughner,
Jeffrey Sauer, Kenneth Scholes

Also Present: Building Inspector, Richard Maloney
Secretary, Marybeth Burak-Condon

THIBEAULT, LEO C. JR. TRUSTEE (#17-4682) Requesting a variance to allow a freestanding sign and a wall sign in accordance with Section 37, 5.4.a of the Danvers Zoning Bylaws at **18 CHERRY HILL DRIVE**

A representative for the applicant said we are here to request a wall sign and a monument sign. The existing building is being remodeled, there were several tenants in the building at one time and the building is being remodeled for a single tenant. So there have been several signs on the building in the past and there is a monument sign with multiple tenants. All of those signs will be removed and the request before the board is to install a wall sign on the building at 24 square feet which will be internally illuminated, the site plan shows where on the property these signs will be located. The existing wall sign is on the left side of the building and that will be removed and the new wall sign will be placed where the new entrance will be. The monument sign will be replaced in a similar location, the existing foundation will be removed and it will be replaced with a 28 square foot internally illuminated sign. The two signs do conform to the size allowed by the bylaw and the request before the board is to allow the two signs in total.

The building inspector said you are allowed one or the other when you are a single tenant property. This building has doubled in size they have remodeled it, the freestanding sign is already there and they have a huge sign on their façade and now that they are taking over the building this is different, usually you have a multi-tenant building where each tenant gets a sign and you share a free standing sign. They came into change it and we were stuck in between and its best to come before the board and clean it up. Mr. Boughner said the freestanding sign what are the changes you are looking to do

here? The representative said the existing sign will be removed entirely and it will be replaced with a monument sign.

Kenneth Scholes said so the wall signs now are they not lighted at all? The representative said the existing one I believe it is externally illuminated. Mr. Scholes said and now it will be lit behind each letter? The representative said yes. Mr. Scholes said and the setback is? The representative said 10 foot setback.

Jeffrey Sauer said normally by right when there is already approved signage on the lot a new tenant can assume that sign. Mr. Maloney said this is a strange one where we are going from a multi-tenant to a single tenant. They wanted their entry which was down on the side, and now that they are taking over the building they want it in the front, so moving their sign and doing the freestanding sign brought this quandary up. Mr. Sauer said my question is if they wanted to re-face the existing monument sign they could do that by right? Mr. Maloney said correct. Mr. Sauer said so by right they could keep this ugly monument sign but they are proposing a nicer looking lower sign. Mr. Maloney said right they could change the graphics on the existing sign that would be considered pre-existing, and they could change the graphics where they were out in the back where their entry was. So moving that and ripping down the monument sign that was up to the zoning board. Mr. Sauer said so in this drawing with the little red box that says existing wall sign that is the old entrance? The representative said yes. Mr. Sauer said is that sign staying? The representative said no. Mr. Sauer said so that one is going away and it's basically getting moved to the front corner of the building. The representative said yes. Mr. Sauer said and the monument sign that you could have re-faced by right you are going to get rid of because you want to change the look. The representative said yes.

Robert Pariseau said the drawing that you gave us which has that green spot that is on the same fascia as the sign that is there now? The representative said the green spot is the new free standing sign. She discussed the site plan and confirmed the locations of existing signage and the new proposed signage. Mr. Pariseau said have you given any thought to not having a sign in the front of the building as such and with the snow covering the monument sign? The representative said they would like to maintain the two signs that they have. Mr. Pariseau said I am

not objecting to the sign but I think that the location and the visibility of the sign and traffic going by on Cherry Hill Drive, if someone were coming in the other way would they be able to see it? The representative said it is a double faced sign they will be able to see it, and they will have to maintain it when it snows.

Rebecca Kilborn said I would like to know the square footage of the old freestanding signs versus the square footage of the new freestanding sign, and what is the height? The representative said the monument sign is 38 inches overall height, so 3 foot 2 inch, 28 square footage. Mr. Maloney said I believe the existing monument sign is 100 square feet, 8 feet high? They discussed the dimensions of the existing wall mounted sign. The representative said the new wall mounted sign will be 24 square feet, 2 feet by 10 feet. Mr. Maloney said you draw a rectangle around the whole thing. Ms. Kilborn said how many feet apart are the wall sign and the monument sign approximately, do we really need two signs that are that close together? The representative said the purpose of the wall sign is really in particular to identify the new entrance because the building is being remodeled so now that there is only one tenant that is the identification to the entrance of the building. Ms. Kilborn said I drove around through the park and people typically have either a sign on the front of the door or a wall sign, I am just trying to get a sense of if they are that close together why do you need both. A sign representative and a representative from Abiomed discussed in further detail the location and size of the signage. Ms. Kilborn said are you going to have other signs to identify other places to come into the building? The representative for Abiomed said no we want everyone to come to that front entrance.

Kenneth Scholes said if I were coming down the street would I be able to see the wall sign and when there are leaves on the trees will you be able to see the monument sign?

There were no questions or comments from the audience.

Kenneth Scholes said I have no problem with this.

Jeffrey Sauer said I will vote for this I think the new signs will look a lot better.

Robert Pariseau said I think this looks a lot better.

Rebecca Kilborn said I would vote for this.

John Boughner said I would too vote for this.

Richard Maloney said they have gotten the address changed by the town accessor this address is 22 Cherry Hill Drive.

Robert Pariseau moved the board to grant the variance for new signage, one wall sign located at new entrance on the building, and a new monument sign located on Cherry Hill Drive according to plans submitted, the hardship is the size and location of the structure; this condition does not affect other [properties or structures] in the same zoning district; a literal enforcement of the zoning bylaws would involve a substantial hardship to the applicant; and granting this variance will not create a substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the zoning bylaws. Also for the record the new address for this building is 22 CHERRY HILL DRIVE. Kenneth Scholes seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS
DANVERS, MASSACHUSETTS 01923

Office at
TOWN HALL
Telephone 777-0001

DECISION

DOCKET NO.17-4682

TYPE VARIANCE

APPLICANT'S NAME Thibeault Leo C. Jr. Trs.

SUBJECT ADDRESS 18 Cherry Hill Dr.
Future New Address - 22 Cherry Hill Dr.

MAP 34 LOT 4 ZONE I-II

DATE

APPLICATION FILED	1-12-17
BOARD OF APPEALS HEARING(S)	2-6-17
DECISION FILED	2-16-17

PRESENT/VOTING MEMBERS: ROBERT PARISEAU, REBECCA KILBORN,
JOHN BOUGHNER, JEFFREY SAUER, KENNETH SCHOLES

DECISION: Robert Pariseau moved the board to grant the variance for new signage, one wall sign located at new entrance on the building and a new monument sign located on Cherry Hill Drive according to plans submitted, the hardship is the size and location of the structure; this condition does not affect other [properties or structures] in the same zoning district; a literal enforcement of the zoning bylaws would involve a substantial hardship to the applicant; and granting this variance will not create a substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the zoning bylaws. Also for the record the new address for this building is 22 CHERRY HILL DRIVE. Kenneth Scholes seconded. All in favor.

MOTION(S)MADE BY Robert Pariseau **SECONDED** Kenneth Scholes
ALL IN FAVOR

THIBEAULT, LEO C. JR. TRUSTEE (#17-4682) Requesting a variance to allow a freestanding sign and a wall sign in accordance with Section 37, 5.4.a of the Danvers Zoning Bylaws at **18 CHERRY HILL DRIVE**

DATE OF DECISION February 6, 2017

Representative for the applicant discussed the remodel of the building, that there were several tenants in the building at one time and now it is being remodeled for only one tenant, Abiomed. They stated their request to install a wall sign on the building located at the new entrance of the building, at 24 square feet. The monument sign will be replaced and installed in a similar location at 28 square feet, in accordance with the plans submitted. The board members if the signs will be internally lit, what is the setback on the monument sign, they discussed the location of the existing signage and the location of the new signage on the site plan and the dimensions of the existing signage versus the new signage. After brief deliberations the board members voted in favor of this application.

IN FAVOR:

BY

Appeals of this decision, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17 and must be filed with the Court within twenty (20) days after this decision is filed with the Town Clerk. No decision shall take effect until a copy of this decision, certified by the Town Clerk as to the lapse of the appeal period, has been recorded in the Registry of Deeds.

Filed with the Town Clerk and Planning Board, Danvers, MA on February 16, 2017.

MINUTES
Danvers Board of Appeals

#16-4603
February 6, 2017

Present: Robert Pariseau, Rebecca Kilborn, John Boughner,
Jeffrey Sauer, Kenneth Scholes

Also Present: Building Inspector, Richard Maloney
Secretary, Marybeth Burak-Condon

WILLIAM R. ANNESE, TRUSTEE RIVERSIDE REALTY TRUST (#16-4603)

Requesting a six (6) month extension of time to exercise previously approved variance for a building and for a contractors yard pending special permit from the planning board, pursuant to M.G.L. ch. 40A Section 10 at **4 EAST COAST ROAD**

Attorney McCann said I have submitted a letter for a six month extension on this application prior to expiration of the variance that was in place on this property and that could have been heard tonight. In the interim I have filed an application requesting a new variance based on a new site plan that we want to go forward with, I have discussed this with the building inspector and have submitted a letter requesting to continue this case so that it could be heard at the same time as the new variance.

John Boughner said I would like some clarification. A letter was read from Attorney McCann requesting a six month extension to exercise the variance, the applicant is moving forward with the designs and would like to start construction within the next six months. Mr. Boughner said you are asking for an extension on something that has already been approved but you are going to come before us at our next meeting with a new plan to wipe this one out? Attorney McCann said I am requesting to continue the discussion on the request for an extension and so we discuss that at the same time that we discuss the new variance because if you read the new variance we do not need this extension and the new application would discuss the entire site.

Rebecca Kilborn said when was this approved? Attorney McCann said 1/20/16. Ms. Kilborn said you don't even want to know what I have to say about this property. Attorney McCann said that is why I want to have the new plan before you, it has a different

building, a different configuration and an update on where we are on this. Rebecca Kilborn said I have no confidence that anything will ever be done with this property, with this owner or this tenant.

Robert Pariseau said is it being re-designed. Attorney McCann said the building design has been made it is shorter and a slightly different design, but what has taken place is the sewer connection has been resolved with the town. When we came before you a year ago the septic design was for a holding tank and routine pumping which was not the best process. Hancock Engineering has been working with the town engineer and with the health department and has now received approval to allow this site to be connected into the town sewer system which is far superior design than what we have. The applicant is now in a financial position to be able to go forward to purchase this property, the applicant does not currently own the property but does intend to buy the property, so the applicant will not be a tenant any longer. The applicant will purchase the property and re-develop with the new building with access off of East Coast Road and connection into the sewer system.

Kenneth Scholes said I thought that they were not allowed to connect to the town sewer. Attorney McCann said that is right but they worked with the town engineer and were able to do it.

John Boughner said my question is that I really hope that we are going to come to some resolution with this so if the goal by extending this is going to get us there then my question is why we are waiting until the eleven hour to ask for the extension. Attorney McCann said that is not uncommon that you use up the time that you have hoping that you can move forward. I think you will find that at the next hearing with the new application that you will not even act on this, we will hopefully be going with a new design.

There were no questions or comments from the audience.

Rebecca Kilborn said I am definitely not extending this, I would not vote in favor of this, I understand the sewer issue and I think that is wonderful that they can attach to the sewer but we were given a whole bill of goods that this whole property would be cleaned up and all the cleanup has nothing to do with the sewer the property looks horrible and I am definitely not in

favor of giving any more time. I would ask the building inspector to enforce cleanup.

Robert Pariseau said I am also not in favor of this application, it's over a year and they have not done a damn thing, just basically cleaning up the front of the property I think they have thumbed their nose at us, I am not in favor of continuing it.

Attorney McCann said I understand your position, the applicant and the owner are two different entities, I represent the applicant and the applicant only has control over 4 East Coast Road which is not the parcel in the front, I just want to make the clarification. Mr. Pariseau said I would like to see something change either the applicant or the owner, it's about time.

Jeffrey Sauer said suppose this applicant purchases this piece of property what happens to the other piece that is still a mess, we have no leverage over the front parcel. Attorney McCann said you would have no more or no less it is a separate parcel. I did not know there was a condition on that front parcel with regard access to the back piece, we are taking steps to address that. Mr. Sauer said I am not in favor of extending the variance but I am in favor of moving it to the next meeting.

Rebecca Kilborn said so why can't you just come in here with the new request, so we will get rid of this and you can come in with the new application. John Boughner said what is the value in this? Attorney McCann said because if you didn't like the new application you could deny that variance and we would still have the request to keep the one that you already approved alive for another six months.

Rebecca Kilborn moved to deny the request for a six month extension on this application. Jeffrey Sauer seconded. John Boughner opposed. Vote 4-1.



TOWN OF DANVERS

BOARD OF APPEALS
DANVERS, MASSACHUSETTS 01923

Office at
TOWN HALL
Telephone 777-0001

DECISION

DOCKET NO.16-4603

TYPE VARIANCE
(6 Mos. Ext.)

APPLICANT'S NAME William R. Annese, Tr. Riverside Realty Tr.

SUBJECT ADDRESS 4 East Coast Road

MAP 54 LOT 5 ZONE High. Corr.

DATE

APPLICATION FILED (Letter Request) 1-23-17
BOARD OF APPEALS HEARING(S) 2-6-17
DECISION FILED 2-16-17

PRESENT/VOTING MEMBERS: ROBERT PARISEAU, REBECCA KILBORN,
JOHN BOUGHNER, JEFFREY SAUER, KENNETH SCHOLES

DECISION: Rebecca Kilborn moved the board to deny the request for a six month extension on this application. Jeffrey Sauer seconded. John Boughner opposed. Vote 4-1.

MOTION(S) MADE BY Rebecca Kilborn **SECONDED** Jeffrey Sauer
IN FAVOR: Rebecca Kilborn, Robert Pariseau, Jeffrey Sauer,
Kenneth Scholes. **OPPOSED:** John Boughner. **VOTE:** 4-1.

WILLIAM R. ANNESE, TRUSTEE RIVERSIDE REALTY TRUST (#16-4603) Requesting a six (6) month extension of time to exercise previously approved variance for a building and for a contractors yard pending special permit from the planning board, pursuant to M.G.L. ch. 40A Section 10 at **4 EAST COAST ROAD**

Representation for the applicant requested a six month extension to exercise the previously approved variance, the applicant would like to start construction within the next six months. The board members asked for further information regarding this property, they discussed the plans to receive septic system connection into the town system, the applicant plans to purchase the property, the building has been re-designed and a new application has been submitted to be heard on 2-27-17. The board members and the representative discussed the new plans and the changes that are proposed.

After brief deliberations the board voted 4-1 to deny the request for a six month extension.

DATE OF DECISION February 6, 2017

IN FAVOR:

BY _____

OPPOSED: _____

Appeals of this decision, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17 and must be filed with the Court within twenty (20) days after this decision is filed with the Town Clerk. No decision shall take effect until a copy of this decision, certified by the Town Clerk as to the lapse of the appeal period, has been recorded in the Registry of Deeds.

Filed with the Town Clerk and Planning Board, Danvers, MA on February 16, 2017.

MINUTES
Danvers Board of Appeals

#16-4616
February 6, 2017

Present: Robert Pariseau, Rebecca Kilborn, John Boughner,
Jeffrey Sauer, Kenneth Scholes

Also Present: Building Inspector, Richard Maloney
Secretary, Marybeth Burak-Condon

GENE AND GAIL DEMSEY AND CARLE DEMSEY AND CLIFFORD DEMSEY, TRUSTEES (#16-4616) Requesting a six (6) month extension of time to exercise previously approved variance to allow a single family home to be constructed on the property with less than the required frontage, and the use of the right of way to allow access to lot known as 86R Center Street, pursuant to M.G.L. ch. 40A Section 10 at **86 AND 86R CENTRE STREET**

Attorney McCann said we are requesting a six month extension on the previously approved variance, this property has been involved in probate and has had some title things squared away and we are coming up on the one year so we are requesting more time on this variance to allow more time to move forward.

None of the board members had any questions regarding this application.

There were no questions or comments from the audience.

Kenneth Scholes said I know the probate process I would vote for this extension.

Jeffrey Sauer said I would extend this.

Robert Pariseau said I would extend this.

Rebecca Kilborn said I would vote to extend.

John Boughner said I would also.

Robert Pariseau moved the board to allow a six month extension period of time to exercise the approved variance to allow a

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single family home to be constructed on this property. Rebecca Kilborn seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS

DANVERS, MASSACHUSETTS 01923

Office at

TOWN HALL

Telephone 777-0001

DECISION

DOCKET NO.16-4616

TYPE VARIANCE
(6 Mos. Extension)

APPLICANT'S NAME Gene and Gail Demsey and Carle Demsey
And Clifford Demsey

SUBJECT ADDRESS 86 and 86R Centre Street

MAP 41 **LOT** 182/182A **ZONE** RII/RIIA

DATE

APPLICATION FILED (Letter Request) 1-23-17
BOARD OF APPEALS HEARING(S) 2-6-17
DECISION FILED 2-16-17

PRESENT/VOTING MEMBERS: ROBERT PARISEAU, REBECCA KILBORN,
JOHN BOUGHNER, JEFFREY SAUER, KENNETH SCHOLDS

DECISION: Robert Pariseau moved the board to allow a six month extension period of time to exercise the approved variance to allow a single family home to be constructed on this property. Rebecca Kilborn seconded. All in favor.

MOTION(S)MADE BY Robert Pariseau **SECONDED** Rebecca Kilborn
ALL IN FAVOR

GENE AND GAIL DEMSEY AND CARLE DEMSEY AND CLIFFORD DEMSEY, TRUSTEES (#16-4616) Requesting a six (6) month extension of time to exercise previously approved variance to allow a single family home to be constructed on the property with less than the required frontage, and the use of the right of way to allow access to lot known as 86R Center Street, pursuant to M.G.L. ch. 40A Section 10 at **86 AND 86R CENTRE STREET**

Representation for the applicant explained that the property has been involved in probate and has had some title things that needed to be squared away. They were coming up on the one year of previously approved variance so we are in need of a 6 Mos. Extension. After brief deliberation the board members were all in favor of the 6 Mos. Extension on the previously approved variance.

MINUTES
Danvers Board of Appeals

#16-4663

February 6, 2017

Present: Robert Pariseau, Rebecca Kilborn, John Boughner,
Jeffrey Sauer, Kenneth Scholes

Also Present: Building Inspector, Richard Maloney
Secretary, Marybeth Burak-Condon

51 ELLIOTT STREET TRUST (#16-4663) Requesting a modification to variance granted on 10-17-16 to add a full shed dormer in rear of building and add two "A" dormers to the front of the building at **51 ELLIOTT STREET**

Richard Maloney said the place was built as a commercial property by variance in a residential zone which are not allowed anymore but he came in and modified that variance. This was a cape like structure, he was in the office on the second floor and he asked for two front "A" dormers and a rear shed dormer and it got lost in translation that the plans that were submitted to the zoning board were different than what was actually built out. The square footage really didn't change it turned out that the shed dormer went out to the outside walls and the two "A" dormers were connected it is different than what was submitted. I just want to make sure that in the future people look at the plans and look at the building and it was what was voted on.

The owner of the property said we got the permission for the dormers and the contractor suggested we would have more head room if we changed the design.

John Boughner said so the bottom line is what was submitted and approved by this board is a little different and the building inspector would like it clarified.

Rebecca Kilborn said in regards to the front of the building it is these two dormers and the rear is a little different.

Robert Pariseau said as I recall this was going to be office space does this re-design change the use? The owner of the building said no the ceiling in the middle would have been lower

with the original design and now it is just a little higher, with same square footage.

Kenneth Scholes said so this change does not affect any setbacks or anything so now he needs to resubmit the plan. Mr. Maloney said in the future someone is going to pull out this docket and they will see that this is exactly what was voted on.

There were no questions or comments from the audience.

Rebecca Kilborn said I will vote for this.

Robert Pariseau said I will vote for this.

Jeffrey Sauer said I will too.

Kenneth Scholes said I have no problem with this.

John Boughner said the options for this board would be for this board to say tear it down and make it as submitted, I guess I would just highlight the fact that what was approved by this board and if there were to be a change it should have been handled before the construction started.

Robert Pariseau moved the board to grant the modification to the variance to the shed dormer in the rear of the building and two "A" dormers at the front of the building, the hardship is the structure on the property; this condition does not affect other [properties or structures] in the same zoning district; a literal enforcement of the zoning bylaws would involve a substantial hardship to the applicant; and granting this variance will not create a substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the zoning bylaws. The revised drawing dated 1-4-17 is submitted as the new plan. Rebecca Kilborn seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS
DANVERS, MASSACHUSETTS 01923

Office at
TOWN HALL
Telephone 777-0001

DECISION

DOCKET NO.16-4663

TYPE VAR/MODIF

APPLICANT'S NAME 51 Elliott Street Trust

SUBJECT ADDRESS 51 Elliott Street

MAP 44 LOT 24 ZONE RII

DATE

APPLICATION FILED (REVISED PLANS SUBMITTED)	1-18-17
BOARD OF APPEALS HEARING(S)	2-6-17
DECISION FILED	2-16-17

PRESENT/VOTING MEMBERS: ROBERT PARISEAU, REBECCA KILBORN,
JOHN BOUGHNER, JEFFREY SAUER, KENNETH SCHOLES

DECISION: Robert Pariseau moved the board to grant the modification to the variance to the shed dormer in the rear of the building and two "A" dormers at the front of the building, the hardship is the structure on the property; this condition does not affect other [properties or structures] in the same zoning district; a literal enforcement of the zoning bylaws would involve a substantial hardship to the applicant; and granting this variance will not create a substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the zoning bylaws. The revised drawing dated 1-4-17 is submitted as the new plan. Rebecca Kilborn seconded. All in favor.

MOTION(S) MADE BY Robert Pariseau **SECONDED** Rebecca Kilborn
ALL IN FAVOR

51 ELLIOTT STREET TRUST (#16-4663) Requesting a modification to variance granted on 10-17-16 to add a full shed dormer in rear of building and add two "A" dormers to the front of the building at **51 ELLIOTT STREET**

The building inspector explained that the plans submitted to the zoning board originally were different than what was actually built out. He stated the square footage really didn't change it turned out that the shed dormer went out to

the outside walls and the two A dormers were connected, it is different than what was submitted. The board members asked if this changes any setbacks. After a brief conversation with the applicant and brief deliberations the board members voted in favor of the revised drawings.

DATE OF DECISION February 6, 2017

IN FAVOR:

BY _____

Appeals of this decision, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17 and must be filed with the Court within twenty (20) days after this decision is filed with the Town Clerk. No decision shall take effect until a copy of this decision, certified by the Town Clerk as to the lapse of the appeal period, has been recorded in the Registry of Deeds.

Filed with the Town Clerk and Planning Board, Danvers, MA on February 16, 2017.