

MINUTES
Danvers Board of Appeals

#17-4683

February 27, 2017

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

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

VISTERA GROUP LLC (#17-4683) Requesting a variance to use existing second floor garage space as one residential unit in accordance with Section 6, Table 1 of the Danvers Zoning Bylaws at **240 NEWBURY STREET**

Michael Garvin, Vistera Group said I purchased the property two years ago it was the old Special Olympics house, I run my company out of this building, there is a detached garage on a separate lot with two bays and an upstairs loft and I would like to make the upstairs a residential space. Sort of a caretaker unit, it is quite an active spot at night, people pull in and park but we would like to have someone there to prevent this.

John Boughner said this is an I-1 zone, please explain putting a presence there. Mr. Garvin said we have had people there at night to see what goes on there just someone parked in the parking lot to turn people away if they pull in. Mr. Boughner said have you contacted the police? Mr. Garvin said we haven't had a problem most of them go away. Mr. Boughner said you said in the narrative that you have people parking there, so I'm trying to figure out why we would give you a residence. Mr. Garvin said the whole block is residence, across the street is a group home, there is a fire station. Mr. Boughner said is this some kind of cut through? Mr. Garvin said only pedestrian traffic for people who are released from jail or the rehab up the street.

Robert Cignetti said you mentioned a caretaker would this person be an employee? Mr. Garvin said no my daughter and her boyfriend. Mr. Cignetti said when you designate someone as a caretaker that is kind of their job. Mr. Garvin said they do that now they cut the lawn, they do the landscaping, and they

fix plumbing. Mr. Cignetti said and now they are going to work nights too. Mr. Garvin said they are EMT's and work separate shifts so there will always be someone there. Mr. Cignetti said I went out there yesterday and you have solved the problem of people parking in the lot you have a nice chain going across it. Mr. Garvin said across half of it. Mr. Cignetti said maybe you ought to put it all the way across and you wouldn't get any cars there. Mr. Garvin said we tried that and they drove through it, twice. Mr. Cignetti said maybe you ought to put a fence or a gate up. If you are having problems like that I would be a little concerned about my daughter being there alone at night.

Rebecca Kilborn said you mentioned that this is two lots is this a separate lot. Mr. Garvin said you could actually build on both lots. Ms. Kilborn said so this is a separate lot, and it only has this garage on it. Is your goal to try and get some income? Mr. Garvin said yes, it will just be a studio. Ms. Kilborn said are there any utilities to the building? Mr. Garvin said there were, there is electric, it is a little confusing because it was state land. Ms. Kilborn said do you have water and sewer? Mr. Garvin said we have it outside.

Kenneth Scholes said so you don't foresee an issue hooking up to water and sewer? Mr. Garvin said I am not sure I know enough, I have had some local guys down and they said it could be done. Mr. Scholes said are they going to have their own mailing address? Mr. Garvin said yes in the other building there are ten units and everyone has their own box.

John Boughner said caretaker or not you are basically looking to take an industrial property and put a residence on it, you are seeking a variance what is the hardship? Mr. Garvin said the hardship is having the people come in and out, and having someone on the property 24 hours a day and I figured next door is a group home for the elderly. Mr. Boughner said I don't think that we can take trying to keep people out as a hardship, it has to go with the land. What this board decides if we take action on this then it stays with the property whether you own it or not, I just don't see a hardship.

There were no questions or comments from the audience.

Robert Cignetti said I agree with you there is no hardship and what we have to decide is that a place to have a residence, the

prior owner wanted to make an apartment building out of the property and we decided that was not a good place to have people living. I would not be in favor of this.

Rebecca Kilborn said I think that some of our older industrial buildings in town some of them did have caretakers back in the 1900's it is not something that we typically see, I agree with Bob that this is something that we talked about before, is the residential use on this property and we weren't in favor of it before, so I would not be in favor of it.

Robert Pariseau said this is a use variance and they are not allowed under our bylaws so I would not look in favor of this.

Jeffrey Sauer said I agree with Becky it doesn't appear that there is a hardship for a variance and it's a use variance which I don't think is allowed in the Industrial Zone. Mr. Maloney said we don't allow use variances in a residential zone we do allow them in I-1, and in all commercial zones.

Kenneth Scholes said we are essentially creating another residence on this and that is not really a hardship so I am not in favor.

John Boughner said I echo the rest of the board, I understand your plight here there may be other ways to go about it. I understand what you are doing but this board cannot create a hardship for you and I can't really find one and in the past we have denied similar situations to this as well as this very property. At this point you do not have the votes.

The applicant requested to continue to March 27, 2017.

Robert Pariseau motioned to allow the applicant to continue to March 27, 2017. Rebecca Kilborn seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4684

February 27, 2017

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

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

PAMELA AND JAMES BARTLETT (#17-4684) Appealing the decision of the building inspector for the commercial storage of lobster gear as not an ancillary use of a residential property, and in the alternative seeking a special permit for home occupation, outdoor seasonal storage of traps for 6 months in accordance with Section 9.5.4(e) of the Danvers Zoning Bylaws at **8 CHEVALIER AVENUE**

Jeffrey Sauer read a letter from Joe and Kathi Czarnecki, 10 Hussey Ave stating their approval of this application.

Jeffrey Sauer read a letter from Kevin and Deborah Tierney, 12 Hussey Ave stating their support and approval of a special permit of this application.

Also a packet was submitted from Brian and Mayre Norris, 1 Kimball Ave. affirming their opposition of this application.

Jim Bartlett said I have been a commercial lobster fisherman for over 50 years, we have lived at 8 Chevalier Ave for 31 years we have had traps in the yard at various times and never had a complaint. I have no idea what this complaint is about but I was told this is what I need to do so here I am.

John Boughner said so we are here for an appeal of the building inspector's decision and in lieu of that a special permit.

Richard Maloney said in the residential zones we have an Accessory Use Section Chapter 9 states you can have home occupations, one room to run a business out of your house, strict limitations no outdoor storage, no signage so right away the lobster traps violate the no outdoor storage display of

materials. Mr. Boughner said so that is why you issued the decision that you did. Mr. Bartlett said usually they are new traps that are stored there I have to replace some traps every year I have to have them custom built and sometimes it takes a year to get them. So usually they are the new ones that are stored there and I get them in the fall and they are removed in the spring. Mr. Boughner said how many traps are there? Mr. Bartlett said right now there are 100. Mr. Boughner said is that your maximum situation? Mr. Bartlett said usually between 100-200, years ago when my sons were younger and fished we had over 800 traps of theirs in the yard various years and no one said anything so I am dumbfounded why we are here. Mr. Boughner said this is a law on our books and you are in violation of it so to appeal that decision is hard for this board to overturn, we will take the special permit on its own as a secondary request.

Kenneth Scholes said the paper street that was there was assumed by you to make one lot? Mr. Bartlett said yes. Mr. Scholes said I have seen some pictures that show a lot more traps.

Robert Pariseau said how many people are serviced out of the group of traps that are there? Mr. Bartlett said one, myself. Mr. Pariseau said you probably didn't have a chance to see this picture that we received this evening can you just tell me how many traps are on that site? Mr. Bartlett said years ago when my sons were younger and before they had their own properties they did store their traps in the yard. Since then they own their own homes and they don't store them in the yard anymore. Mr. Pariseau said what would be a reasonable amount that we could expect you to have in the yard. Mr. Bartlett said there would be no more than 200 new ones at any given time. Mr. Pariseau said what about those that you take out in the winter months? Mr. Bartlett said I don't store them there, only the new ones, that picture that you are looking at were ones that were in the water that the kids fished in the summer months before they went back to school they are all power washed and brought home clean as a whistle, that is not the case anymore they don't keep them there anymore.

Rebecca Kilborn said are those traps actually on your property or are they on the sewer easement. Mr. Bartlett said on my property. Ms. Kilborn said is your property part of the sewer easement? Mr. Bartlett said it is now.

Robert Cignetti said you asked why you are here, the building inspector does not drive around looking for lobster traps in people's back yards so my guess is that somebody complained in your neighborhood. I don't know whether you addressed that or worked it out but that is why we are here.

John Boughner said you have a lobster business and does that have a building somewhere besides your residence? Mr. Bartlett said yes. Mr. Boughner said how many do you store in the other business. Mr. Bartlett said there are five fishermen that fish out of there and there are over 4,000 traps there. Mr. Boughner said do all traps come out in the winter? Mr. Bartlett said the Federal Government makes us take them out the first of February because of where we fish in a certain area and because of new whale regulations. Mr. Boughner said and your process each year sounds like you order new traps that get delivered to your residence and that cycle repeats itself every year and that number sometimes will be 100 or 200? Mr. Bartlett said correct.

AUDIENCE COMMENTS

Bill Bartlett, 15 Mead St., said I am also a commercial lobsterman, Danvers is somewhat of a coastal community and I can't imagine why there would be a problem with lobster traps in the yard for a certain amount of time. I would like to see some type of a special permit granted it is not our decision to take our traps home in the winter. Jim is my brother and those traps are neat and clean, they are brand new, it is not someone who is asking for 1500 traps.

Brian Norris, 1 Kimball Ave, said our property abuts the trap storage. I would like to read my letter to you it is less than three pages. Mr. Norris continued to read the letter.

Robert Cignetti said how long have you lived in that area? Mr. Norris said 23 years. Mr. Cignetti said all of a sudden now there is a problem. Mr. Norris said prior to that it was open land it wasn't under control of the building inspector it had no process and when I confronted him when he was building the road he told me that the building inspector told him that he could use that property as long as there was no structure on it.

Dave Sanborn, 19 Chevalier said I have been a resident for about 23 years and one of the things that enticed me down there was

the uniqueness of the neighborhood and the occupations of everybody that is associated with the water. I don't have a concern with Jim storing traps on the property, they are clean and neatly stacked and I don't have an issue.

Kathleen Bromberg, 7 Chevalier said we have been there for 3-4 years we don't mind the traps, there has never been any noise, I like the traps we chose to live on the water and their yard is the best in the neighborhood.

David Potter, 14 Chavalier said I live two houses past the Bartlett's there has been no opposition on our part whether they have to get a variance or change the bylaw whatever has to be done I would be in full support.

Tim Bartlett said I live at 27 Chestnut Street, my dad Jim, my uncle Bill, my brother Jeff we are all commercial lobstermen I am in full support of this, those pictures were taken about 10 years ago my brother and I do not keep any commercial property on my parents property anymore. I am in full support of any amendments that have to be made or special permit granted.

Paul Kevin, 5 Hussey said I live right around the corner from Jim and have been there for 24 years, again there is no stench everything is neat and clean and kept up it is the character of the neighborhood that's why I love it.

Robert Pariseau said you have heard from the neighbors here and that property has been like that for 30 odd years and you have even showed us some pictures here granted it doesn't show the fence so it must be quite old. But you mentioned several things but realistically what is the problem is it the fact that they are using part of the paper street, because the lobster traps have been there for 30 years. Mr. Norris said they weren't there when I built the house they were on the other side in the driveway. Mr. Pariseau said is the lobster traps really the problem.

Mrs. Norris said my thing is that there are a lot of other corporate business owners in the neighborhood now and if you grant a special permit for them what is not to open the door for them to say I want to store some of my business equipment, like I said it is a residential neighborhood. Mr. Boughner said they would be in the same position as the Bartlett's they would have to come before us.

Robert Pariseau said we listen but we don't set precedents here we take every case based on its own merits.

John Boughner said my question is that your business is in Beverly is there no room to expand this? Mr. Bartlett said there is no room for expansion, I want to add one thing when we got the letter and half of the traps disappeared it is because my brother couldn't get his traps that he needed and I gave them to him. Mr. Boughner said have you ever thought of expanding your business? Mr. Bartlett said I don't plan to expand anymore where we live in Danvers, and because I use 8 Chevalier as my corporate address I don't see any other corporations in the area that might be looking for a permit or do something out of the ordinary.

Kenneth Scholes said I hate to go against the building inspector it is typically not what we do. I think that if we kept it to a certain number I think I could go for that. John Boughner said really what we are looking at is do we agree that the building inspector issued his citation correctly? Mr. Scholes said I think he did.

Jeffrey Sauer said I also think that he did according to what the rules say.

Robert Pariseau said yes I vote in favor of the building inspector's decision.

Rebecca Kilborn said yes.

Robert Cignetti said I believe that the building inspector did what was correct.

John Boughner said and I agree and again Mr. Bartlett I am trying to take the steam out of this, I think that your neighbor has a complaint, there is a statute on our books that does not permit this and that is what triggered the building inspector to issue what he issued so I too will uphold the decision.

Robert Cignetti motioned to support the decision of the building inspector and deny the appeal. Robert Pariseau seconded. All in favor.

Jim Bartlett said I am seeking a special permit to be allowed to do what I have been doing for the last 30 years, to keep my

lobster traps on the property at certain times of the year until I have to use them. Mr. Boughner said would you be okay with this board setting a maximum number of traps allowed on your property and a time frame. Mr. Bartlett said yes I could settle for a 200 trap limit for 6 months at a time, from November 1 to May 1. Mr. Boughner said I would also ask that this is nontransferable meaning that when the property is sold this special permit ceases to exist. Mr. Bartlett said I accept that. Mr. Boughner said and only new traps not used traps, are you okay with that, and only traps. Mr. Bartlett said yes.

Robert Cignetti said I don't have any questions, you want a special permit to keep 200 lobster traps for 6 months between November and May, they will be new lobster traps and nothing but lobster traps. So basically this is what you are asking for.

John Boughner said clearly this is a lot of fishing in your family and when businesses expand sometimes they get bigger locations is that never going to be on the table for you? Mr. Bartlett said the state regulates us and we are only allowed to have so many traps to start with, 800 in the water.

AUDIENCE COMMENTS

Bill Bartlett, 15 Mead St., said I am in support of this special permit.

Jeff Bartlett, 22 Mass. Ave., said I am in full support of this special permit.

There was a show of hands throughout the audience with a majority vote in favor of the request for a special permit.

Ms. Norris said what if they go over the 200? The board members suggested to contact the building inspector. Ms. Norris said I would vote for 100.

Robert Cignetti said when I first looked at this application and before I looked at this property I expected to see a lot of these old used lobster traps a real mess, but when I went out there it doesn't look so bad, it is neat and clean and I left with a whole new impression. Because of that and because you are willing to limit it to 200 traps, and new traps and only traps and the present owners of the house I will support this and vote for a special permit.

Rebecca Kilborn said I also was impressed when I went out there, the property is well maintained and the houses that are behind you kind of overlook your property so they actually have a tremendous view of those lobster traps and I think some of them are here now and feel that it is well maintained also. I am glad that I went and took a look at it and I would be in favor of the special permit.

Robert Pariseau said I agree the special permit is the way to go it gives the town some authority and it can work with the people who own the property and the abutters. I would vote favorably for the special permit.

Jeffrey Sauer said I was also impressed with the tidiness of the site so I would vote for this with the conditions.

Kenneth Scholes said I am also in favor of the special permit with the conditions that we stated.

John Boughner said I think we can put some things in place where it won't get out of control and I hope that we struck a happy cord, and I would want the provisions of November 1st to May 1st, no more than 200 traps, only new traps, and only traps.

Robert Cignetti moved the board to grant the special permit to allow lobster traps to be stored on the property for a six month period from November 1st to May 1st, there will be no more than 200 new traps, the special permit will be in use for the current owner, the traps will be new and only traps to be stored on the property.

- The municipal water and sewer systems shall not become overloaded by the proposed use.
- The public streets shall not become overloaded by proposed use.
- The value of other land and buildings will not be depreciated by the proposed use.
- The specific site is an appropriate location for this use or structures.
- The use developed will not adversely affect the neighborhood.
- There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use.

- The proposed use or structure will be in harmony with the general purpose of this bylaw.
- Robert Pariseau seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS
DANVERS, MASSACHUSETTS 01923

Office at
TOWN HALL
Telephone 777-0001

DECISION

DOCKET NO.17-4684

TYPE APPEAL/S.P.

APPLICANT'S NAME

Pamela and James Bartlett

SUBJECT ADDRESS

8 Chevalier Avenue

DATE	MAP	LOT	ZONE
	60	17	RII
APPLICATION FILED		1-19-17	
BOARD OF APPEALS HEARING(S)		2-27-17	
DECISION FILED		3-7-17	

MEMBERS PRESENT: ROBERT CIGNETTI, ROBERT PARISEAU, REBECCA KILBORN, JOHN BOUGHNER, JEFFREY SAUER, KENNETH SHOLES

MEMBERS VOTING: ROBERT CIGNETTI, ROBERT PARISEAU, REBECCA KILBORN, JOHN BOUGHNER, JEFFREY SAUER

DECISION: Robert Cignetti motioned to support the decision of the building inspector and deny the appeal. Robert Pariseau seconded. All in favor.

DECISION: Robert Cignetti moved the board to grant the special permit to allow lobster traps to be stored on the property for a six month period from November 1st to May 1st, there will be no more than 200 new traps, the special permit will be in use for the current owner only, the traps will be new and only traps to be stored on the property.

- The municipal water and sewer systems shall not become overloaded by the proposed use.
- The public streets shall not become overloaded by proposed use.
- The value of other land and buildings will not be depreciated by the proposed use.
- The specific site is an appropriate location for this use or structures.
- The use developed will not adversely affect the neighborhood.
- There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use.
- The proposed use or structure will be in harmony with the general purpose of this bylaw. Robert Pariseau seconded. All in favor.

MOTION(S) MADE BY Robert Cignetti
ALL IN FAVOR

SECONDED Robert Pariseau

PAMELA AND JAMES BARTLETT (#17-4684) Appealing the decision of the building inspector for the commercial storage of lobster gear as not an ancillary use of a residential property, and in the alternative seeking a special permit for home occupation, outdoor seasonal storage of traps for 6 months in accordance with Section 9.5.4(e) of the Danvers Zoning Bylaws at **8 CHEVALIER AVENUE**

The applicant stated that he has been a commercial lobster fisherman for over 50 years and has been living at this property for 31 years and has always had traps in the yard at various times without complaints. The board members discussed the bylaws and the restrictions for home occupations. The board asked how many traps are stored on the property, how long are they stored there, are they only new traps. There were many people from the audience who stated their approval of the storage of lobster traps on the property, there was one opposition. After brief deliberation the board voted to support the decision of the building inspector and deny the appeal. The applicant stated he would like to seek a special permit to allow him to do what he has been doing for 30 years, store lobster traps on his property. The board members discussed with the applicant would he agree to conditions on the number of traps and a time limit on the storage. After brief deliberations the board voted in favor of the special permit with conditions; the lobster traps will be stored on the property for a six month period from November 1st to May 1st, there will be no more than 200 new traps, the special permit will be in use for the current owner only, the traps will be new and only traps to be stored on the property.

DATE OF DECISION February 27, 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 March 7, 2017.

MINUTES
Danvers Board of Appeals

#17-4685
February 27, 2017

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

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

CHRISTINA M. DORDING (#17-4685) Requesting a special permit to erect a fully conforming Extended Family Living Area (EFLA) on a nonconforming lot in accordance with Section 9.3.3.2 of the Danvers Zoning Bylaws at **45 RESERVOIR DRIVE**

Tim Ford said I am the builder for this project, we are planning an addition for an EFLA and the reason why we are here is that the lot is nonconforming but the rest will comply.

Robert Cignetti said you meet all of your setbacks, and you have a nonconforming lot and you need a special permit for an EFLA which also conforms. Mr. Ford said yes.

Rebecca Kilborn said is the property owner here? Mr. Ford said yes. Ms. Kilborn said and the EFLA is 685 square feet? Mr. Ford said yes.

John Boughner said it is a two story and what is the side setback on the left after the addition.

There were no questions or comments from the audience, one member of the audience wished to vote in favor of this application.

Robert Cignetti said I would vote for this.

Rebecca Kilborn said I will vote for this, these are all nonconforming lots.

Robert Pariseau said I will vote for this.

Jeffrey Sauer, Kenneth Scholes and John Boughner all stated they would vote for this.

Robert Cignetti motioned to grant the special permit to allow the construction of an Extended Family Living Area (EFLA) on a nonconforming lot;

- The municipal water and sewer systems shall not become overloaded by the proposed use.
- The public streets shall not become overloaded by proposed use.
- The value of other land and buildings will not be depreciated by the proposed use.
- The specific site is an appropriate location for this use or structures.
- The use developed will not adversely affect the neighborhood.
- There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use.
- The proposed use or structure will be in harmony with the general purpose of this bylaw.

Robert Pariseau seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS

DANVERS, MASSACHUSETTS 01923

Office at

TOWN HALL

Telephone 777-0001

DECISION

DOCKET NO.17-4685

TYPE SPEC PERMIT
(EFLA)

APPLICANT'S NAME Christina M. Dording

SUBJECT ADDRESS 45 Reservoir Drive

MAP 14 LOT 31 ZONE RIII

DATE

APPLICATION FILED	1-30-17
BOARD OF APPEALS HEARING(S)	2-17-17
DECISION FILED	3-7-17

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

MEMBERS VOTING: ROBERT CIGNETTI, ROBERT PARISEAU, REBECCA KILBORN, JOHN BOUGHNER, JEFFREY SAUER

DECISION: Robert Cignetti motioned to grant the special permit to allow the construction of an Extended Family Living Area (EFLA) on a nonconforming lot;

- The municipal water and sewer systems shall not become overloaded by the proposed use.
- The public streets shall not become overloaded by proposed use.
- The value of other land and buildings will not be depreciated by the proposed use.
- The specific site is an appropriate location for this use or structures.
- The use developed will not adversely affect the neighborhood.
- There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use.
- The proposed use or structure will be in harmony with the general purpose of this bylaw.

Robert Pariseau seconded. All in favor.

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

CHRISTINA M. DORDING (#17-4685) Requesting a special permit to erect a fully conforming Extended Family Living Area (EFLA) on a nonconforming lot in accordance with Section 9.3.3.2 of the Danvers Zoning Bylaws at **45 RESERVOIR DRIVE**

The applicant discussed the plans to construct an Extended Family Living Area (EFLA). The board asked if all of the setbacks will be met and what size is the EFLA. After brief deliberation the board voted in favor of this application.

DATE OF DECISION February 27, 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 March 7, 2017.

MINUTES
Danvers Board of Appeals

#17-4686

February 27, 2017

Present: Robert Pariseau, Robert Cignetti, 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 (#17-4686)

Requesting a variance to allow the property to be used for all uses allowed by right, or upon issuance of a special permit for all uses permitted by special permit the lot having less area than required, and to allow a building to be constructed closer to the front and side lot lines than permitted in accordance with Table 3 of the Danvers Zoning Bylaws at **4 EAST COAST ROAD**

Attorney Nancy McCann said I here tonight on behalf of Alvelo Enterprises, LLC and with me tonight is a representative of Alvelo as well as the project engineer. We appeared before you last January 2016 and requested the same relief which has since expired and we are back requesting the same relief with a slightly different plan. You recall that the plan last year had a larger longer thinner building in about the same location, the same setback from the lot lines. We are proposing a slightly different layout. When we received the variance last year the project engineer had been in communications with the board of health and reached an agreement at that time to allow a tight tank to be installed here for sanitary sewer purposes. We went through site plan approval through the planning board to use this property as a contractor's yard, the same use as last year and the same applicant. We started going through that process and we ran into trouble with the town engineer he did not agree with the tight tank proposal and Roy can speak to this in more detail if you wish. But that has all been worked out and we are now being allowed to tie into the sewer system. The other problem that we had was that the applicant owned another property in Swampscott that he needed to sell before he could move forward in acquiring this property and doing the renovations proposed. He is under agreement with the property in Swampscott and he will be purchasing this property soon. So

we are requesting the relief to allow the building 13 feet off of the side lot lines, this will allow storage as well as office space within the building on the site. This property has had outside materials on this property for many years, this will allow us to bring some of the materials and equipment inside, it will help us to remove some of the equipment that belongs to the current owner that would not be involved with this building so that will go away. Trailers that are located on the site will go away, there will be no trailers left on the property, there will be organized storage again as we proposed to you last year. We will have two access points coming off of East Coast Road. When I was preparing this application in January I did meet with the building inspector and he advised me at that time that there was a condition placed on the front parcel to East Coast Road back in March of last year. March 2016 on a separate application for a separate applicant the board granted a variance for an auto dealership with a condition that the current access to this back piece be eliminated. We were not aware of that condition, I pulled the decision for this parcel and we looked at it and I immediately called my client. So he immediately took action and on the site now there is a grated gated access. We did not know about that condition but as soon as we found out about it I called the tenant and he took care of the new access.

John Boughner said the other gate is open. Attorney McCann said it can be closed.

The representative from Hancock Engineering said we have a much smaller building but we still have the setbacks of 13 feet on the side yard and the rear yard. We have concrete bins all set to this side that will be taken down once the new building goes in. We have the parking spaces for the office building, and we have a 350 foot long force main to this point and another 300 feet to the existing force main. We have a crushed stone drip strip in the back for drainage so in a storm event we could collect that in the rear so it won't impact the front of the driveway, and there will be a gravel drive.

Attorney McCann said I would like to discuss a time line and the applicant is now ready to do that since the property in Swampscott is under agreement. I have spoken with the engineers and asked how quickly we could get to the next step which is a special permit and site plan approval, we are looking at April 1st filing deadline to the planning board. The sewer line tie in

will also require conservation commission approval and we would file by April 15th and that time frame would put us in front of the planning board and the conservation commission at the beginning of May.

John Boughner said so the building is slightly changed, you now are able to tie into the main sewer, you added this gate that you just showed us a photo of as an entrance and we still don't have a gate to shut off the back property yet. You have one owner right? And site plan is required.

Kenneth Scholes said do we have any snow removal plans. Attorney McCann said that will all be covered under site plan approval.

Jeffrey Sauer said what if this Swampscott thing falls through? Attorney McCann said under agreement isn't sold but it is a very secure buyer.

Robert Pariseau said this was before us last year and it was two separate properties and it still is today? Attorney McCann said yes. Mr. Pariseau said is there a sign on the purchase and sale agreement? Attorney McCann said yes.

Rebecca Kilborn said this is the same tenant that was approved to occupy this property in 2009. Attorney McCann said I believe so. Ms. Kilborn said and it was recorded, that approval? Attorney McCann said I believe that is correct. Ms. Kilborn said so this has been eight years that this tenant has been there illegally? Attorney McCann said I did not represent the applicant until last year. There was a prior attorney who represented the applicant and whether it was the owner or the applicant who did that application in 2009 I don't know. The board granted approval, the decision was not recorded at the registry, a special permit was issued by the planning board with a contractor's yard in 2010/2011. Site plan approval got bogged down because of the sanitary sewer issue. In 2009 there was no building proposed it was just going to be an open contractors yard with all the stuff still laying around like it has been. But when the 2009/2010 application went through the special permit was issued by the planning board for the contractor's yard but either the town engineer or board of health said you must have a restroom on the facility. The project engineer met with the town to try to figure out how a restroom could be

accommodated in a place that was not going to have a building. The planning board encouraged the applicant to withdraw the site plan at that time. Ms. Kilborn said but from my perspective that tenant has been there for 9 years illegally. Attorney McCann said some of the stuff will be removed and also the trailers will be removed. Attorney McCann discussed the plans in further detail. We do have to go through site plan approval and I am sure they are going to want landscaping. Ms. Kilborn said is there something in writing from the town engineer regarding the sewer system? The engineer from Hancock said I have emails.

Robert Cignetti said in the application you are asking for a variance and then it says upon issuance of a special permit. Attorney McCann said we are asking for a special permit from the planning board, this was the language that the board approved in 2009 and again last year the issue is this site is undersized this is not a one acre site in the highway corridor. We are looking to utilize this lot and to use it for whatever purposes. Mr. Cignetti said the sewer is the proposed forced main on the map here? The engineer said where does it end up? The engineer said it goes to another location where it goes into another forced main, then goes to another location. Mr. Cignetti said does that go to the shopping center? The engineer said yes, it is 650 feet. Mr. Cignetti said I just want to remind the attorney that when you made this initial proposal you said there would be two entrances to this property, and we would not have to use the entrance from the other piece of property. Attorney McCann said when we are able to move forward with this site plan that is 100% correct. Mr. Cignetti said I think that we have to look at this contractor's yard, you call it a nursery and I call it a dump, everything is in the eyes of the beholder.

John Boughner said how many vehicles will be stored in the proposed garage? Attorney McCann said I am going to ask the tenant. Paul Marsen said the office is now 30 X 40, the garage went from 6,000 feet to a little over 4,000, the office is now going to be on the ground floor, next to it will be a two bay garage so that two vehicles will go in there, dump trucks, and three will go in the next garage. How many trailers are currently on this property? Attorney McCann said three. Mr. Boughner said and they will all be gone, and you will take a condition that trailers will not be stored on this lot. Attorney McCann said we would go through the process if we

wanted them, but no there won't be any. Mr. Boughner said will you take a condition that we don't allow that back entrance to be used. Attorney McCann said yes.

AUDIENCE COMMENTS

There was one audience member who voted in favor of this application.

Kenneth Scholes said I would have no problem with this with certain conditions.

Jeffrey Sauer said I would be in favor of this proposal with the conditions, I am anxious to see if it is cleaned up.

Robert Pariseau said I would vote no on this, we have been after this for nine years on this site, we have asked the owner to get involved and clean up this and we have gained absolutely nothing. I would not vote in favor of this I would want to see an appropriate time frame or some sort of schedule, I don't believe that some of the things that you tell us are going to happen. I won't vote for this.

Rebecca Kilborn said I recognize that you put that gate in today because we were there yesterday and it wasn't there, I don't see how a truck can make a turn and get back out that gate, so from that perspective I don't think that it is even going to work. I am not comfortable that this property will ever be cleaned up by this applicant, it has been too long, we have asked too many times and unfortunately I cannot be in favor.

Robert Cignetti said the choice is leave it the way it is which is not nice at all and take a chance that something will happen, I am willing to take a chance and I will vote for it and hopefully something will get done sometime someplace.

John Boughner said I share the frustration of my fellow board members however I would like to see something get done here I just don't have any faith in it either, I will vote for it but I don't believe you have the votes. Attorney McCann said I have submitted a very tight time frame and I would ask Ms. Kilborn and Mr. Pariseau to reconsider.

Rebecca Kilborn said I would reconsider this if that whole lot was cleaned up and I could go over there in the morning and watch trucks come in that entrance which I don't think can happen. Who is paying for the sewer line? Attorney McCann said it is part of the development cost which is why the building in Swampscott has to close. What is the possibility of opening up this entrance? The tenant said I would love to open up that entrance but I didn't dare do it until we got the permission, I didn't want to cause more problems. Attorney McCann said what if we get the other gate in by March 13th, the other gate will be closed tomorrow.

Kenneth Scholes said doesn't the sewer line need to go through there? Attorney McCann said if it is some added cost and an inconvenience yes, but are we trying to figure out a way to give some board members a comfort level.

Jeffrey Sauer said the issue is the cleanliness of the site, for 9 years it's been a mess.

John Boughner said I would think that the best approach would have been that this site looked great over the weekend.

Attorney McCann said I would like to propose that we continue for a few weeks and go ahead and put this gate in and do more cleanup.

Robert Cignetti motioned to allow the applicant to continue to March 13, 2017. Jeffrey Sauer seconded. Robert Pariseau opposed. Vote 4-1.

MINUTES
Danvers Board of Appeals

#17-4687

February 27, 2017

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

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

JOHN SABINA (#17-4687) Requesting a variance from side setback to allow the construction of a garage/entry mud room addition and to the extent necessary a variance for the construction of a retaining wall in accordance with Table 2 of the Danvers Zoning Bylaws at **14 OVERLOOK DRIVE**

Attorney Nancy McCann said the owners have lived at this property for many years, it is a relatively small home and back in 2003 they received a variance for the construction of a shed at 5 feet 7 inches from the side lot line. We are requesting a variance today to remove the deck and the shed and replace it with a mudroom and garage in that location. The shed would be removed and the new garage would actually be further away from the side lot line than the shed location. The proposed addition will be 6 feet 10 inches from the side lot line. The addition as shown here is fully conforming as to the front and rear setbacks. We are requesting a variance and the hardship related to soil conditions shape and topography of the land and I've got them all. Right behind the shed and right in the middle of the deck the property drops off dramatically. There is no way to put a garage that would be functional in a conforming location at the rear of the property. There is also an encumbrance on the property of a utility easement that is 30 feet wide 15 feet on the side lot line so we cannot put anything in that area. And then there is an extremely wide drainage easement that goes along the entire back of the property. The drainage easement involves wetlands and the wetlands come up right to slightly beyond the drainage easement. I have pictures to show you. Most of the homes on the street in this general area have garages, almost all of them are larger homes and I think this would be a reasonable addition and fits in the neighborhood.

John Boughner said 6' 10" in the front right?

Robert Cignetti said I was here when you requested the shed. I remember you showed us pictures of the side of the house back then have you corrected that? The owner said no I haven't, if you look at the photographs of the deck you will see that the lally columns are tilted slightly and looking at those has forced me to do something. Mr. Cignetti said that was the only place that you could put the shed and this is the only place you can put the garage.

Robert Pariseau said I did visit the site.

Jeffrey Sauer said so they would need 15 feet side setback, my only question is did you consider not going out that far and left a little more side setback. The homeowner said if I brought the garage closer to the house it would reduce the width of the garage but it would also reduce the total size of the mudroom. We have considered it but it would reduce the real usability of the property and it would reduce the return on investment.

John Boughner said what is the size of the addition? Attorney McCann said 37 and 8 by 28.

AUDIENCE COMMENTS

The homeowner of 16 Overlook Drive said I am in favor of this application.

Robert Cignetti said I would vote for this.

Rebecca Kilborn said I would vote in favor of this.

Robert Pariseau said the topography here is so difficult I would vote for this.

Jeffrey Sauer, Kenneth Scholes and John Boughner said they are in favor of this application.

Robert Cignetti motioned to grant the variance for the construction of a garage/entry addition, the hardship is the soil conditions, the shape and topography of the lot; according to the drawings submitted dated 1-10-17; 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. Robert Pariseau seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS

DANVERS, MASSACHUSETTS 01923

Office at

TOWN HALL

Telephone 777-0001

DECISION

DOCKET NO.17-4687

TYPE VARIANCE

APPLICANT'S NAME John Sabina

SUBJECT ADDRESS 14 Overlook Drive

MAP 45 LOT 177 ZONE RII

DATE

APPLICATION FILED 2-2-17

BOARD OF APPEALS HEARING(S) 2-27-17

DECISION FILED 3-7-17

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

MEMBERS VOTING: ROBERT CIGNETTI, ROBERT PARISEAU, REBECCA KILBORN, JOHN BOUGHNER, JEFFREY SAUER

DECISION: Robert Cignetti motioned to grant the variance for the construction of a garage/entry addition, the hardship is the soil conditions, the shape and topography of the lot; according to the drawings submitted dated 1-10-17; 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. Robert Pariseau seconded. All in favor.

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

JOHN SABINA (#17-4687) Requesting a variance from side setback to allow the construction of a garage/entry mud room addition and to the extent necessary a variance for the construction of a retaining wall in accordance with Table 2 of the Danvers Zoning Bylaws at **14 OVERLOOK DRIVE**

Representation for the applicant discussed the plans to remove the deck and the shed and replace it with a mudroom and garage in that location, the new garage would be further away from the side lot line, the proposed addition will be 6 feet 10 inches from the side lot line, she also discussed the encumbrance with the utility easement, the drainage easement and the wetlands. The board members asked about the size of the addition and if the owner had considered not going out that far. After brief deliberations the board voted unanimously in favor of this application.

DATE OF DECISION February 27, 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 March 7, 2017.

MINUTES
Danvers Board of Appeals

#17-4688

February 27, 2017

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

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

ALEXANDER JOHN HINCMAN III (#17-4688) Requesting a variance from side setback to construct a new two car detached garage in accordance with Section 7, Table 2 of the Danvers Zoning Bylaws at **8 PRINCETON STREET**

Mr. Hincman said we are constructing a new two car garage, our hardship is that we are on a corner lot, we are looking for a reduction to 9.6 from 20. We also considered moving it to the other side but there is a propane system. Most of the houses on the street have the garages similar to this and we have the support of most of our neighbors.

Kenneth Scholes said whose propane tank is it? Mr. Hincman said it is ours. Mr. Scholes said is it possible you could relocate that? Mr. Hincman said it is possible. Mr. Scholes so where that new garage is you have to come in that way it is your entrance through that dead end street? Mr. Hincman said correct. We don't really plan on using the garage in full fashion it is going to be more of a shop and place to store vehicles during inclement weather. We have a current driveway which is going to remain, we would rather have the storage.

Jeffrey Sauer said so looking at this drawing you would come into the garage off of the little side street, and Mr. Maloney gave you the bad news that this is a front setback. We usually try to grant variances of no more than half of the depth into the setback which would be 10 feet, is that possible? Mr. Hincman said I drive a full size pickup truck it is 19½ feet long, but because of the patio and all of the completed construction of the pool project.

Robert Pariseau said I did visit the site and I was able to look over the fence and I noticed that you had staked out over there where the garage is but it seemed to me that between the pool and where the proposed garage is there is maybe 15-20 feet there? You keep pushing out onto the street why don't you move the garage back? Mr. Hincman said my wife would prefer that the garage is not so close to the pool. Ms. Hincman said the garage would be right on the patio of the pool. Mr. Pariseau said you are asking for a variance but the variance is a hardship with the land, you've got the land and it's just that you may or not be at the convenience that you want it but there is ample space there and you can gain it if you want to.

Bob Cignetti said I went by there and I noticed that street and I noticed that you are using 20 feet as a setback and I thought it is a street to nowhere and nobody uses it, but now you made it a street because that is going to be an entrance to the garage, and now you need 30 feet as far as I'm concerned. You are asking for 10 foot setback and I have a problem with that. Have you considered a 26 X 28 garage? They discussed the possible changes that could be made.

John Boughner said what is the distance between the patio and where the garage is going? Mr. Hincman said I believe it is 16 feet from the edge of the concrete to the actual foundation wall of the garage at the widest point. Mr. Boughner said where that jets out it is 7 foot? Mr. Hincman said yes. Mr. Boughner said again I think other members have mentioned this I think you could get another four feet, and now you are getting around 14 feet off the side setback that is closer to half, something to think about.

AUDIENCE COMMENTS

Resident at 4 Princeton Street, said we have found that they are excellent neighbors and all of the projects they have undertaken have made the neighborhood better. I am in favor.

Kenneth Scholes said I agree with Bob on the 30 feet it just seems to me that relocating that LP tank which I don't think is that big of a deal that is the total solution on that side of the house.

Jeffrey Sauer said he wants that to be a family room though. I can't vote for the 10 feet, I would vote for the 15, I would

even be willing to sacrifice a little on the 20 foot back setback because behind you is the river and no other neighbors.

Robert Pariseau said I think a modification is doable.

Rebecca Kilborn said I am not clear what the setback is on the front of the garage. Richard Maloney said it is not to scale, the closest corner is 6½ feet and the other corner is at 11 or 11½ so it looks like a 5 foot difference. Ms. Kilborn said I would like to see a little more space what about twisting it. I am not totally opposed to it because it is a dead end street and there is a river behind you, I could live with it but I think that you have the land.

Robert Cignetti said I won't vote for this as presented I would like to see a bigger setback.

John Boughner said I too would echo the board I think that you have some wiggle room, I think if you would keep 3 or 4 feet between the garage and the walkway?

The applicant asked to continue to March 13, 2017.

Robert Cignetti motioned to allow the applicant to return on March 13, 2017. Jeffrey Sauer seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4689

February 27, 2017

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

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

KATHLEEN ALIBERTI (#17-4689) Requesting a finding from front setback to add a shed dormer to the attic to create more bedrooms in accordance with Section 3.11.1 a & b of the Danvers Zoning Bylaws at **63 LAWRENCE STREET**

Mike Aliberti said we would like to add a full shed dormer to the attic. Our family expanded we need more living area we are planning to move the bedrooms to the attic space, we have my mother in-law and my grandmother in-law on the first floor apartment and we are on the second floor.

Richard Maloney said the house does not meet the current front setbacks, it is a required 20 foot setback.

Robert Cignetti said you are really not going out beyond what the eaves are now right? Mr. Aliberti said no.

Rebecca Kilborn said and it won't go above the height it is now? Mr. Aliberti said no.

John Boughner said this is a large house on a small lot right now I'm guessing if the neighbors had an issue with it being larger they would have been here to speak about it.

There were no questions or comments from the audience.

Robert Cignetti said I will vote for this.

Rebecca Kilborn said I will also.

Robert Pariseau said I will vote for this.

Jeffrey Sauer said I had a little problem because I thought it was so much house on such a little lot but I went down and looked at the property and I don't think that the dormer is going to be substantially more detrimental than what is already there, so I would vote for this.

Kenneth Scholes said I will vote for it.

John Boughner said I echo Jeff's sentiment it is a big house. How many square feet is the second floor currently. Mr. Aliberti said both apartments are 1200 square feet. Mr. Boughner said okay I would also vote for it.

Robert Cignetti moved the board to find that the proposed addition as shown on the plans increases the nonconformity. Robert Pariseau seconded. All in favor.

Robert Cignetti moved the board to grant the finding for the proposed addition as shown on the plans as it will not be substantially more detrimental than what presently exists. Robert Pariseau seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS
DANVERS, MASSACHUSETTS 01923

Office at
TOWN HALL
Telephone 777-0001

DECISION

DOCKET NO.17-4689

TYPE FINDING

APPLICANT'S NAME Kathleen Aliberti

SUBJECT ADDRESS 63 Lawrence Street

MAP 51 LOT 143 ZONE RI

DATE

APPLICATION FILED	2-2-17
BOARD OF APPEALS HEARING(S)	2-27-17
DECISION FILED	3-7-17

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

MEMBERS VOTING: ROBERT CIGNETTI, ROBERT PARISEAU, REBECCA KILBORN, JOHN BOUGHNER, JEFFREY SAUER

DECISION: Robert Cignetti moved the board to find that the proposed addition as shown on the plans increases the nonconformity. Robert Pariseau seconded. All in favor.

DECISION: Robert Cignetti moved the board to grant the finding for the proposed addition as shown on the plans as it will not be substantially more detrimental than what presently exists. Robert Pariseau seconded. All in favor.

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

KATHLEEN ALIBERTI (#17-4689) Requesting a finding from front setback to add a shed dormer to the attic to create more bedrooms in accordance with Section 3.11.1 a & b of the Danvers Zoning Bylaws at **63 LAWRENCE STREET**

The homeowner said we would like to add a full shed dormer to the attic, our family expanded and we need more living area we are planning to move the bedrooms to the attic space, we have my mother in-law and my grandmother in-law on the first floor apartment and we are on the second floor. The board members asked if the addition will go out

beyond what the eaves are now, and if the height will increase. After brief deliberation the board voted unanimously in favor of this application.

DATE OF DECISION February 27, 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 March 7, 2017.

MINUTES
Danvers Board of Appeals

#17-4690

February 27, 2017

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

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

CHRISTOPHER R. GUAY (#17-4690) Requesting a special permit to build an Extended Family Living Area (EFLA) on a nonconforming lot in accordance with Section 9.3 of the Danvers Zoning Bylaws at **68 BURLEY STREET**

The homeowner said our builder is recovering from surgery and could not be here, I am submitting a new plan and I have spoken with the building inspector. Mr. Guay said we are adding on to our current house to add an EFLA for my mother in-law and the new drawing is basically bumping up the original plan three feet from the soil in order to make at some point in time a basement. So the previous plan that you have is a slab and in Woodvale I do not like slabs we have had too many issues already. Mr. Boughner said basically you have just raised the house to accommodate a foundation the interior design has stayed the same? The homeowner said yes, the difference is the stairs.

Kenneth Scholes said I was concerned with the water on that street but if the building inspector thinks it's okay I don't have any questions.

Jeffrey Sauer said the reason that Woodvale houses are on slabs down by the high school is because it is wet down there but you are halfway up the hill.

Robert Pariseau said where you have the entryway there in the middle picture that stairway are you concerned about your mother in law with those stairs? The homeowner said not really she is very fit and extremely healthy.

Rebecca Kilborn said are there more differences in this site plan? The homeowner said the only difference is that it's going

to be a jut out in the main house it is not adding to any setbacks. Richard Maloney said what is the difference when you look at this, so it is 26.6? Mr. Guay said 26.6 is the original drawing and the stairs look like they come out. Mr. Maloney said we are on the Res. II side of the street and it is a 15 foot side setback. We can make him draw to scale before we issue the building permit.

Robert Cignetti said you are here because you have a nonconforming lot for an EFLA all of your setbacks work out okay, and the EFLA is within 750 square feet.

AUDIENCE COMMENTS

There were two people from the audience who voted in favor of this application.

Kenneth Scholes said I will vote in favor of this.

Jeffrey Sauer said I will vote for this.

Robert Pariseau said I also.

Rebecca Kilborn said I will vote for this.

Robert Cignetti said I will also vote for this.

John Boughner said I will too.

Robert Cignetti motioned to grant the special permit to build an Extended Family Living Area (EFLA) as proposed in the plans submitted on 2-27-17;

- The municipal water and sewer systems shall not become overloaded by the proposed use.
- The public streets shall not become overloaded by proposed use.
- The value of other land and buildings will not be depreciated by the proposed use.
- The specific site is an appropriate location for this use or structures.
- The use developed will not adversely affect the neighborhood.
- There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate

facilities will be provided to ensure the proper operation of the proposed use.

- The proposed use or structure will be in harmony with the general purpose of this bylaw

Robert Pariseau seconded. All in favor.

*Rebecca Kilborn motioned to adjourn. Jeffrey Seconded. All in favor.



TOWN OF DANVERS

BOARD OF APPEALS

DANVERS, MASSACHUSETTS 01923

Office at

TOWN HALL

Telephone 777-0001

DECISION

DOCKET NO.17-4690

TYPE SPEC PERMIT
(EFLA)

APPLICANT'S NAME Christopher R. Guay

SUBJECT ADDRESS 68 Burley Street

MAP 36 LOT 46 ZONE RII

DATE

APPLICATION FILED 2-3-17

BOARD OF APPEALS HEARING(S) 2-27-17

DECISION FILED 3-7-17

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

MEMBERS VOTING: ROBERT CIGNETTI, ROBERT PARISEAU, REBECCA KILBORN, JOHN BOUGHNER, JEFFREY SAUER

DECISION: Robert Cignetti motioned to grant the special permit to build an Extended Family Living Area (EFLA) as proposed in the plans submitted on 2-27-17;

- The municipal water and sewer systems shall not become overloaded by the proposed use.
- The public streets shall not become overloaded by proposed use.
- The value of other land and buildings will not be depreciated by the proposed use.
- The specific site is an appropriate location for this use or structures.
- The use developed will not adversely affect the neighborhood.
- There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use.
- The proposed use or structure will be in harmony with the general purpose of this bylaw

Robert Pariseau seconded. All in favor.

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

CHRISTOPHER R. GUAY (#17-4690) Requesting a special permit to build an Extended Family Living Area (EFLA) on a nonconforming lot in accordance with Section 9.3 of the Danvers Zoning Bylaws at **68 BURLEY STREET**

The applicant discussed the new plan submitted tonight and that he had discussed the minor changes with the building inspector. We are adding onto the house to create an Extended Family Living Area (EFLA) for my mother in-law. The board members discussed the water on that street, and asked if the EFLA will be within the 750 square feet. After deliberations the board voted in favor of this application.

DATE OF DECISION March 7, 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 March 7, 2017.