

MINUTES
Danvers Board of Appeals

#17-4702
September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth Jarvinen, Anthony Podesta

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

GROUP 1 REALTY, INC. (#17-4702) Requesting a variance to allow a modification of a previously granted variance to permit off-site outdoor storage of motor vehicles and off-site employee parking on an existing paved parking lot that is not needed to meet the needs of the on-site use in accordance with Table 1 of the Danvers Zoning Bylaws at **153 ANDOVER STREET**

Attorney Nancy McCann said last May of this year we appeared before the board and was granted a variance to allow employee parking for Group 1 at the Lowes site and at that time you asked us to come back tonight to report how things were going. I did send a letter stating that Group 1 decided not to exercise that variance so there are no employee parking on the Lowes site it is strictly inventory parking which has continued from the 2015 variance that this board had granted. We have a year to exercise a variance and we are not going to exercise it. Rebecca Kilborn said I am just concerned that it is recorded. Robert Cignetti said when I went out there it wasn't even full. Attorney McCann said it is somewhat cyclical.

Robert Cignetti motioned to rescind the variance that was granted on May 31, 2017, Docket #17-4702. Robert Pariseau seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4718

September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth Jarvinen, Anthony Podesta

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

ESTATE OF DONNA CAHILL, JENNIFER CHURCHILL, ADMINISTRATOR (#17-4718) Requesting a variance to allow the construction of one single family home on a lot with less area than required but meeting all other dimensional and density requirements in accordance with Table 2 of the Danvers Zoning Bylaws at **21 SCHOOL STREET**

Attorney Nancy McCann said we are requesting a variance in order to allow this property to be redeveloped for a single family home. This property has 6346 square feet, 160 square feet of frontage, it was used as a two family home and a retail shop for many years. The original home was built in 1850 and for about 130 years it was used for residential purposes and later as a two family and a package store. I spoke with Richard Trask and he actually lived in the home and it is similar to the homes at #17 and #19 School Street. In 1983 the dwelling that was on the property was demolished by the prior owner, after that Mr. Cahill purchased this property it was then still a grandfathered lot because it was separately owned. When Mr. Cahill passed away in 2001 the properties came into common ownership under the name of Donna Cahill his wife. This property was then deeded out to a trust and then in 2015 was re-conveyed back to Donna Cahill, this property came into common ownership and when that happened the grandfathering protection was lost, unintentionally. Donna Cahill passed away in October 2016 and her estate is now trying to deal with this thinking that it was certainly a buildable lot. So all we are requesting is a variance to make this a buildable lot for a single family home, for Jennifer Churchill and her family. The applicant had met with their neighbors, #17 School Street is here tonight and is in favor of this application.

Robert Cignetti said is this going to be a separate lot so we are not going to have a condo situation. Attorney McCann said yes.

Robert Pariseau said what are the plans, there is a shed that goes through part of one parcel to the other what are the plans for that shed? Attorney McCann said they don't have any plans, they could get an easement, this is an older shed and the family now owns the property.

Jeffrey Sauer said the proposed single family is 30 X 40 feet would you take a condition limiting the size of the dwelling? Attorney McCann said I think that we could limit the square footage they do have a couple of designs. Mr. Sauer said you are meeting all of the setback requirements and you are asking for relief on the square footage and the area so we should put a number on that.

Kenneth Scholes said so the hardship is the lot size itself. Attorney McCann said it is nonconforming because of the size of the lot and the unintended merger.

Rebecca Kilborn said I am okay since it is within the setbacks.

AUDIENCE COMMENTS

Matt Duggin discussed his concerns with parking in the area. Attorney McCann said we will have parking for two vehicles. They discussed the landscaping plans and snow removal in the area.

Richard Maloney said I thought the building was going to meet all of the zoning setbacks. It is showing 13 feet on two streets. Attorney McCann said it has to meet the setback of the abutting properties. Mr. Maloney said going forward we are talking about the shed we shouldn't recreate a lot and have a nonconforming situation on it. Rebecca Kilborn said I agree. Mr. Maloney said we have two things you are mixing up the commercial setback requirements for the C1 zone which is you don't have to be setback more than the two lots on either side of you. But in the residential zones you can do a street averaging but you have to do every property on the street, so you have to do every property on School Street and every property on Franklin Street and average those. Attorney McCann said we are not looking for a setback variance we have shown a

basic general envelope and a page from Griffin Engineering but we are not asking for dimensional relief for the structure all we are asking for is to make the lot buildable based on the 6,000 square feet area, if we have to do an averaging then we will do that. Ms. Kilborn said are you comfortable with saying that they have to meet all the setback requirements. Mr. Maloney said well they will have to come back and get a variance if not.

Robert Cignetti said I know the intent was always to keep this a separate lot and you answered my question that this will be a separate lot. I don't have a problem with it except with the condition that it meets whatever setbacks are necessary, I agree with the building inspector that the shed should be moved so I would make that a condition too.

Robert Pariseau said I would agree I would like to see the shed moved as part of a condition, at least an agreement that the shed be moved or have the C.O. held up until then.

Jeffrey Sauer said I would vote for this on the condition that the shed is not encroaching and we meet all the setbacks.

Kenneth Scholes said I agree.

Rebecca Kilborn said I agree.

Anthony Podesta said as long as the shed is moved or demolished, I agree.

Robert Cignetti motioned to grant the variance to allow the construction of one single family home on a lot with less area than required, the hardship is the shape and positioning of the lot, I know the intent was always to keep this a separate lot, the conditions be that the shed no longer encroach on the other property and the house meet all the setbacks; 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.

MINUTES
Danvers Board of Appeals

#17-4720

September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth Jarvinen, Anthony Podesta

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

MJP PROPERTIES, INC. (#17-4720) Requesting a variance and a finding to demolish and reconstruct a single-family dwelling in accordance with Section 3.17 and Section 7 of the Danvers Zoning Bylaws at **46 LIBERTY STREET**

Mike Haige, Griffin Engineering said we met with the board at the last meeting and they discussed the footprint size in order to meet the setbacks. We came up with a footprint that is smaller and we will meet all the setbacks, so the lot is still nonconforming with the lot area and frontage but we meet all the setbacks. So we are still requesting a finding to demolish and reconstruct a residence on a dimensionally nonconforming lot. Also requesting a variance for reconstruct residence with an increase in gross floor area. Several of the neighbors stated they liked the project.

Kenneth Scholes said so basically you are going to bump the driveway over a little bit. Mr. Haige said yes.

Jeffrey Sauer said I would like to thank the applicant for meeting our desires and goals.

Robert Cignetti said I was not here at the last meeting but I did read the minutes and I watched the video so I am qualified to vote on this.

Rebecca Kilborn said I also was not at the last meeting but I did watch the video and reviewed the minutes.

There were no questions or comments from the audience.

Anthony Podesta said I was here at the last meeting and I think this is a much nicer plan and I think it will fit the character of the neighborhood.

Kenneth Scholes said this is a much better plan I like this a lot I would vote for this.

Jeffrey Sauer said I will vote for this.

Robert Pariseau said I am sure this will make the neighbors happy and I do agree this is a much better project and I am in favor.

Robert Cignetti said I will vote for this I have no problem with it.

Rebecca Kilborn said I will vote for this and thank you for accommodating us.

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

Robert Cignetti motioned to grant the variance to build a single family home according to the plans submitted, dated 9/7/17, the hardship is the shape of the lot; 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.

MINUTES
Danvers Board of Appeals

#17-4721

September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth Jarvinen, Anthony Podesta

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

STATE LLC/KEVIN J. MURPHY & LAUREN D. MCCREA (#17-4721)

Requesting a variance (dimensional) to allow the construction of four townhouse style dwellings on the lot in accordance with Table 2 of the Danvers Zoning Bylaws at **2 POND STREET**

Robert Pariseau said after the last public meeting I visited with the Assessor's Office and I have gone back there three or four times and as late as Friday and I have a copy of the landowners here and the listed ownership of that property is Murphy and McCrea and the application that we have is State LLC. I am concerned that if we proceed we do not have a letter from the owner that we have a right to go forward with this I am afraid of some legal concerns. So I would say at this point give the applicant a couple of weeks to get their paperwork in order. Rebecca Kilborn said typically we would have a deed or a letter from the owner stating that we could proceed.

Attorney McCann said as I mentioned at the last meeting I did not file this application and I did discuss where he is in the process and as we presented at the last meeting this is a property that has gone through a recent foreclosure sale and the bank took possession of the property and the applicant is the successful bidder at the foreclosure sale. There was communication between the applicants acquisition attorney and the bank attorney requesting permission to be able to proceed forward there was some email back and forth, there is nothing more than that however. Ms. Kilborn said do you have a closing date? Mr. Colantoni said Thursday at 9 am.

Robert Pariseau said I could see some legal challenges here if something legal were to occur, we haven't received anything from the owner.

Rebecca Kilborn said I think that we need a legal opinion.

Kenneth Scholes said do you have a closing on the property?

John Colantoni said they were ready to close on August 24th but because of vacations that is why it is this week.

Kenneth Jarvinen said I think that we should wait until the deed is recorded.

Rebecca Kilborn said we have a meeting in two weeks, the closing is this week my question is the advertising. Attorney McCann said the advertising is in the name of the applicant and of course the address is fine. Ms. Kilborn said we will ask legal counsel about this.

Robert Pariseau motioned to allow the applicant to continue to September 25, 2017. Robert Cignetti seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4722
September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth Jarvinen, Anthony Podesta

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

ARISTON CUSTOM HOMES, INC. (#17-4722) Requesting a finding to demolish one story garage and construct a two and a half story two-family dwelling in accordance with Section 3.10.3 of the Danvers Zoning Bylaws at **39 CLARK STREET**

Attorney Jill Mann said this is our second hearing, this is a nonconforming lot with a single family home and a five car garage. We are seeking a finding for a substitution of a nonconforming use, we would like to substitute the 5 car bay to a two family home. The board asked us at the last meeting to make the structure a little smaller, change the roof line and change it to a two bedroom home, we have made those changes and we have received approval from the town engineer. We have changed the roof line, we have changed it to two family units, and we looked at the sun exposure to the neighbor and feel there will be no impact.

Kenneth Scholes said you went from three bedrooms to two, what is the square footage now? Attorney Mann said 17 now because it is only a foot reduction. Mr. Scholes said what is the difference from the roof height from the old building to the new? Attorney Mann said three feet.

Robert Cignetti said this is all going to be one lot, so we are going to have three residences on one undersized lot, so is it going to be like a condo type? Attorney Mann said yes. Mr. Cignetti said okay so as opposed to one residence with a five car garage now three residences on an undersized lot is going to be less detrimental to the neighborhood, tell me about the garage? Attorney Mann said the property was owned by a plumber who operated his business out of the garage. Mr. Cignetti said did he have an office in there? Attorney Mann said he had an

office and storage. Mr. Cignetti said the garage was heated and plumbing and insulation? The owner said just heating in the office but no bathrooms. Mr. Cignetti said so for another business to go in there they would need plumbing and sewerage. Attorney Mann said not necessarily. Mr. Cignetti said in order to convert that garage into a machine shop it would be a substantial investment from the owner. We are talking about less detrimental, what you are proposing is three units on an undersized lot. Attorney Mann said could he convert it to a full business use by putting in a bathroom. Mr. Cignetti said what you are saying is that you are using it as a five bay garage and you are telling me that three buildings on that property is better for the neighbors. Attorney Mann said it will only ever be two buildings on this property. Mr. Cignetti said you need 15,000 square feet and you only have 10,000 square feet.

Rebecca Kilborn said if you have a single or a two family you have certain setback requirements and I believe that with your proposal here you are meeting the two family setback requirements. In my opinion you have three units on the one lot which triggers the multifamily setback requirements which would be more significant than a single family setback requirement. I am wondering why you didn't use those setback requirements and why you maybe used a single family or a duplex. Attorney Mann said we did discuss this amongst ourselves as well as the building inspector and because the type of relief being sought is not a variance and what we are saying is that it is a substitution of use so what we were told is that it is a substitution use and you need to comply with those specific requirements, we are trying to put this particular structure in place of a five bay garage. Ms. Kilborn said we often approve undersized lots but we like to see the setbacks that go with that particular structure so I am concerned that you are using a duplex setback requirements for a three family. I know how the prior owner used that garage, he had one small van and he had a small office in there. And if it were going to be a change of use to something else I think that you have to look at that as the baseline for substantially detrimental and how he used it. Unless you can convince me that all five bay garages were being used and it was a real detriment to the neighborhood I have trouble jumping to this. Attorney Mann said just because this was used in a minimal way it is still a commercial garage, the owner does not want to put a machine shop in here. That is why Section 6 is in place we want to change the use out.

Jeffrey Sauer said if this were a single family house without the garage and they were adding two units this is really not a multiunit conversion this is new units right? Mr. Maloney said that is correct this is a totally different animal. Mr. Sauer said would they be required to have the 7500 square feet per unit. Mr. Maloney said we have different requirements for multifamily so we have the conversion provision, a special permit through the zoning board, so you can take an existing structure and convert it up to four units with only 2500 square feet of planned area. Mr. Sauer said that is for when you are fitting it within the envelope of the existing. Mr. Maloney unless you need exits. This is the provision in our zoning that says do you want to get rid of the nonconforming use, it is a tradeoff. Mr. Sauer said I am having a hard time with density by all rights it almost appears as though you should have 7500 square feet times three. Mr. Maloney said but that is not a requirement under this provision of the bylaw. Mr. Sauer said I understand but that's consistent with new structures.

AUDIENCE COMMENTS

Ray McKenney, 106 Hobart Street, my property abuts the rear of the garage, I would argue to keep it as a garage. I disagree 100% about the sunlight the garage itself shadows my property and to build it that much higher it will impact the value of my land.

Kenneth Scholes said I appreciate the fact that they reduced it to a two bedroom and lowered the roof line of the building but I still think that it is out of place to go from 1750 each side to 1700, the way this is right now I would not vote for it.

Jeffrey Sauer said I am struggling, I think it is too dense but it is a trade off from getting rid of the commercial use and replacing with a bigger building.

Robert Pariseau said I appreciate that the applicant dropped the size of this down and as I said before it was shoe horned in but this is a little better. But I think that having the three units on that small lot is too much, I appreciate the fact that they want to remove the garages but not to the extent that we are going to saturate this with other buildings so I would not vote for this.

Robert Cignetti said right now as it is being presented this thing is a monster I think that it is worse than the garage that is there, I would not vote for it I would like to see a single house.

Rebecca Kilborn said I think that this would be a nice single family house with three bays torn down and have a two car garage and nice yard for a family. Aside from that I could see it being a duplex and I think that they should be attached, there are a lot of multifamily in that neighborhood.

Kenneth Jarvinen said I would just give weight to the abutting properties.

Anthony Podesta said saying that it is shoe horned in there occurred to me as well, I would like to see a single family there, I think this is too dense.

Attorney Mann said we would like to continue to September 25, 2017.

Robert Cignetti said I agree with Becky put a single family in there that fits into the neighborhood, with a nice back yard.

Robert Pariseau said I agree.

Robert Pariseau motioned to allow the applicant to continue to September 25, 2017. Robert Cignetti seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4724

September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca
Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth
Jarvinen, Anthony Podesta

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

MICHAEL SORRENTINO (#17-4724) Requesting a variance from side
setback to construct a two bay garage with office above in
accordance with Table 2 of the Danvers Zoning Bylaws at **27**
PUTNAM LANE

Bill Nolan, Savoie Nolan Architects said I am here representing
the applicant and his neighbor is here also. We are looking to
add a two car garage in the rear of the property where there is
a shed right now. We are asking for a variance for the side
setback, the house was not placed in the center of the site and
there is an existing driveway to a single small one car garage.
The garage has a 7 X 8 door and it is perpendicular to the
driveway so it is hard to move in there. The applicant owns his
own business and has a couple of vehicles that he would like to
store and get them into the garage. We sited the garage on this
side to take advantage of the existing driveway and curb cut.
Bringing the garage into compliance would actually tuck the
garage behind the house creating difficulty getting into the
garage. We are into the conservation right now so we wanted to
put it as close to the front as possible but far away from the
resources while still maintaining enough light for the two
buildings. The upstairs of the building will house a home
office for his electrician business. We tried to make the scale
of the garage match the scale of the house it is a little
oversized in height based on the size of the vehicles, he has a
few vans. We do have a letter from Mr. Lowman that was signed
in support of this project, and he would be the one that is on
the side where the garage will go.

Richard Maloney said we have issues with two commercial vehicles
on a residential property you cannot have it, and a home office
has limitations so to have an office above the garage you need a

special permit. The vehicle is an accessory use, the home office is an accessory use and you are allowed to ask for special permits for any provision of the home office requirements that are in the principle dwelling, so you can seek the special permit for the home office to be put in the accessory dwelling but you cannot ask for a use variance for more than one commercial vehicle in a residential dwelling. Mr. Nolan said he is currently working out of his home office so I guess it would be just storage up there.

Robert Cignetti said are you going to keep the single car garage? Mr. Nolan said the existing shed will be moved. Mr. Cignetti said so there is nothing there where the garage is going, this is a new setback we are not replacing anything.

Robert Pariseau said when I visited you on the site I asked you about your consideration about adding to the setback, you are 10 feet where 20 is required. If you look at this it is a large building to put so close to the neighbor's property. Mr. Nolan said sliding it over really is an accessibility issue by getting the cars in there and it really starts to eat up the yard and it starts to make the 90 degree turn off of the existing driveway hard to manage. So this was the compromise to be able to get a straight two door situation without having to dog leg anything. Mr. Pariseau said if you were to move the garage back to the rear of the property line it would decrease the angle that would be necessary to turn going down the driveway. Mr. Nolan said we are in the conservation jurisdiction right now and the more we push that back the closer to the resource we are going to get.

Anthony Podesta said my initial concern looking at this was that it is such a large structure but the neighbor is here and he approves of this. Mr. Nolan said it is actually set back far enough that it is not like it is crowding that area.

Rebecca Kilborn said why can't you move it a little bit so the cars come in this way? Mr. Nolan said manipulating cars around a 90 degree angle is tough and then we would be moving it into the back yard and that is what they would be looking at the back of the garage. Ms. Kilborn said what is the size of the storage area? Mr. Nolan said the width of the garage minus 6 feet.

Robert Cignetti said you keep saying that he doesn't want to rip up his lawn, if you want something you have to give up a little.

Mr. Sorrentino said my house is only 30 feet wide by the time we do the radius turn and build a structure it is almost going to be longer than my house.

Mr. Nolan said in order to make that work logistically you would have to push that so far into his yard that it doesn't make sense.

Rebecca Kilborn said there is a lot of space over at the right side of the house so why not move it there? Mr. Nolan said the hardship is the location of the existing house on the property and the existing driveway, if this were brand new I would have done that but then we would have to cut a new driveway. This is the best compromise that we could come up with, this is the best scenario for this after careful thought, if we need to move it over a couple of feet we could do that.

AUDIENCE COMMENTS

Mr. Lowman, 29 Putnam Lane said I want to thank Mr. Sorrentino for waiting for me to move in and ask me about this project, I think it will be an addition to the neighborhood and I think it will be fitting to the neighborhood.

Robert Cignetti said what I hear you saying is that the wall will be 11 feet and the eave will be 10 feet. Mr. Nolan said yes we will move it so that the eave will be at the 10 foot. Mr. Cignetti said I can live with that, I will vote for that.

Robert Pariseau said I think this is a little too close, this is a substantial size building.

Jeffrey Sauer said I think that it is too big and too close to the lot line, sometimes we will go as far as half the distance but not for a structure like this.

Kenneth Scholes said I agree it is a big building, the gentleman from 29 Putnam Lane is in agreement with it.

Anthony Podesta said I think that you have gone through a lot of different variations trying to figure out the best place and the best compromise to make I guess my initial concern is that it is so close to the neighbor.

Bill Nolan said this is somewhat of a typical two car garage size 24 X 26, so it's the height? Ms. Kilborn said it is the height.

The board took a recess so that Mr. Nolan could speak with the applicant.

Mr. Nolan said we would remove the dormers off the side to match the pitch of the house, and we will slide the building over so that the building is 12 feet and the relief we are asking for will be 11 feet because of the 1 foot eaves. I forgot to mention that the driveway sinks down quite a bit so scale wise this is not going to be comparable to the house the house actually sits up high.

Robert Cignetti said I don't have a problem.

Robert Pariseau said I like this is better I know the need for storage in the yard, and taking the dormers off.

Jeffrey Sauer said I guess I can vote for this.

Kenneth Scholes said I like it with the changes.

Rebecca Kilborn said I am okay with it.

Richard Maloney said can we get the new plans that show the new setbacks and the elevations.

Robert Cignetti motioned to grant the variance to build a two bay garage, the hardship is the location of the house on the lot this garage will be 11 feet from the property line and will not have the dormers as shown on the plans dated 8-9-17; 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.

**A new plan was submitted on 9-12-17 to the building inspector's office showing the changes in setback, dormer removal and elevations.*

MINUTES
Danvers Board of Appeals

#17-4725

September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca Kilborn,
Jeffrey Sauer, Kenneth Scholes, Kenneth Jarvinen,
Anthony Podesta

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

DONALD F. STRUNK (#17-4725) Requesting a variance from setbacks to construct an 8 X 12 addition to an existing shed in accordance with Table 2 of the Danvers Zoning Bylaws at **19 DARTMOUTH STREET**

Donald Strunk said I would like to submit some pictures. I would like to build an extension on my shed, I do a lot of gardening and I would like to just extend it. If you look at page 6 on what I submitted you will see that my neighbor behind me cannot see it. I have a little Campanelli and there is no storage. Ms. Kilborn said so you are looking for an 8 X 12 addition on the existing shed so you will have a 3 foot setback. Mr. Strunk said no I have a picture that shows the tape measure to the side lot line.

Robert Pariseau said you said that the neighbor doesn't have any concerns but I have a copy of a letter from your neighbor, Mr. Jackson, 15 Colby Road.

Jeffrey Sauer read a letter from William E. Jackson, 15 Colby Road stating his objection to this addition.

Mr. Pariseau said I visited your site and I noticed the container is gone, when I went there you have two sheds on that lot and are they done by permits. Mr. Strunk said the house was permitted in 2011 when it was built so I have a building permit for the shed out back and the other shed was there when I moved in, I never got a permit for the shed that was there when I bought the property. I did get a building permit for the shed in the back that I am trying to put an addition on. Mr. Pariseau said when I visited there on Friday I looked over the fence and I saw two people building a room on the back of the

property and I saw a deck up on top of that room and I walked around as much as I could but I saw no building permit. Mr. Strunk said there is a building permit in the front window but that is from the 2011 construction and the roof failed so I am re-building it, we had to take it apart. I took the permit card from 2011 because that was built under that permit. I was not aware of Mr. Jackson's comments, I tried to talk to him about this last week.

Robert Cignetti said you are going to create an oversized shed, now normally just a shed you need to be 5 feet from the property line and now that you are making it an oversized shed that becomes a structure and it has to be 20 feet from the rear setback and you are asking for 1½, I have an issue with that.

Richard Maloney said he did pull a permit for the shed that he wanted to extend but that permit also included remove the existing shed that was at the corner of the house. The shed that is at the corner of the house should have been removed when we issued this permit and it looks bigger than what was there originally. So I am questioning that shed may be bigger than 120 square feet and its less than 20 feet from the property line. Something is being built underneath the deck. Mr. Strunk said we built a second floor and an addition, the building permit says second floor and addition. Mr. Maloney said I don't know what is being built under the deck. Mr. Strunk said I am putting in new windows. Mr. Maloney said I will report that to Dave and see if he can figure it out.

There were no questions or comments from the audience.

Jeffrey Sauer said I will not vote for this.

Robert Pariseau said I cannot vote for this, the gentlemen tells me that he did not know about permits but yet he found a permit from 2011, and I am not sure he has a permit for what is going on in the back so I think there might be two violations there that are not permitted, I would not vote for it.

Robert Cignetti said ditto.

Rebecca Kilborn said I also agree. I went there and I tried to see your yard it is hard to see what is going on behind those big fences but there is no way that I would approve a foot and a half from the lot line. I think that maybe you would want to

go to the building inspector's office and make sure that you are in compliance with whatever you already have on your lot. Most likely if you are going to have a structure that big we are going to want a 20 foot setback.

The applicant requested to continue to the next meeting on September 25, 2017.

Robert Cignetti motioned to allow the applicant to continue to September 25, 2017. Robert Pariseau seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4726

September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth Jarvinen, Anthony Podesta

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

DONALD WRIGHT (#17-4726) Requesting a variance from setback to construct a shed dormer for bathroom in accordance with Section 6, Table 1 (Dimensional) of the Danvers Zoning Bylaws at **6 PLEASANT AVENUE**

Donald Wright said I would like to construct a shed dormer to create a bathroom and give it a little more room. Ms. Kilborn said so you are not going to go any closer to the lot line than you already are? Mr. Wright said it will sit on the existing wall and we are going to raise the roof about 5 feet. Ms. Kilborn said and it's just because it's a nonconforming lot that you need to be here. Mr. Wright said yes.

Robert Cignetti said you are not going to encroach any more into the setback than what is already there. Mr. Wright said none whatsoever.

There were no questions or comments from the audience.

Robert Cignetti said I will vote for this.

Robert Pariseau said I will also.

Jeffrey Sauer said I will vote for this.

Kenneth Scholes said I will vote for this.

Rebecca Kilborn said I will also.

Robert Cignetti motioned to grant the variance for the shed dormer, the hardship is the location of the house on the lot; 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.

MINUTES
Danvers Board of Appeals

#17-4727

September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth Jarvinen, Anthony Podesta

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

JOEL PALLADINO (#17-4727) Requesting a special permit to construct an addition to allow for an Extended Family Living Area (EFLA) in accordance with Section 9.3.3.2 of the Danvers Zoning Bylaws at **43 MASS AVENUE**

Jeff Horne, contractor, said I am representing the applicant we are looking to build an in-law and the size will be 30 X 24. Ms. Kilborn said it is an undersized lot because all of the Campanelli's are undersized. How big is the EFLA? Mr. Horne said it is under 750 square feet, the only hardship we have is the lot size.

Kenneth Scholes said he is under 750 so I don't have a question.

Jeffrey Sauer said and you are not going to encroach on any setbacks. Mr. Horne said we meet all of the setbacks. Mr. Maloney said they can build the addition by right the only question is the kitchen so we issued them a foundation permit.

Robert Cignetti said I don't have a question it is an undersized lot and everything conforms.

Robert Cignetti motioned to grant the special permit for the Extended Family Living Area (EFLA) on an undersized lot in accordance with the plans submitted;
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.

MINUTES
Danvers Board of Appeals

#17-4728

September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca
Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth
Jarvinen, Anthony Podesta

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

NUNO R. MARQUES (#17-4728) Requesting a variance from setbacks
to install an above ground pool in accordance with Section 7.4
and Table 2 (dimensional requirements) of the Danvers Zoning
Bylaws at **2 GROVE STREET**

Jay Henkel said I am the contractor for the homeowner, we are
located on two street fronts, this is an irregular shaped lot,
and there is absolutely no place on this property that we can
meet the setbacks. So we are looking for setback relief, it is
an above ground pool it is all fenced in, we meet the rear
setback but not the two front setbacks.

Kenneth Scholes said so is it the size of the pool that they
have chosen? I guess what I am asking is there any pool that is
smaller? Mr. Henkel said we have scaled down the size of the
pool, it really wouldn't make that much of a difference with the
required front setbacks.

There were no questions or comments from the audience.

Kenneth Scholes said I would probably vote for this.

Jeffrey Sauer said this is the definition of a hardship there is
no other place to put it.

Robert Pariseau said I went there and there are no other options
so I would vote for it.

Robert Cignetti said I agree.

Rebecca Kilborn agreed.

Robert Cignetti motioned to grant the variance for the construction of an above ground pool the hardship is the shape of the lot and the location of the house on the lot, a condition that this variance will end in 25 years; 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.

MINUTES
Danvers Board of Appeals

#17-4729

September 11, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca
Kilborn, Jeffrey Sauer, Kenneth Scholes, Kenneth
Jarvinen, Anthony Podesta

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

JENNA FREEMAN AS TRUSTEE OF 2 PARK STREET REALTY TRUST (#17-4729) Requesting a variance to change the use of an office to a residential unit in accordance with Section 6, Table 1 of the Danvers Zoning Bylaws at **2 PARK STREET**

Clerk Sauer read a letter from Attorney James Cote requesting to continue to September 25, 2017.

Robert Pariseau moved to allow the applicant to continue to September 25, 2017. Jeffrey Sauer seconded. All in favor.