

MINUTES
Danvers Board of Appeals

#17-4721

September 25, 2017

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

Chairman Boughner said the five regular members will be voting on this case.

Attorney Nancy McCann said I am here with the owners of the property and the architect. We made a full presentation of this project on August 14, 2017. This is a corner lot with an existing single family home, it has recently gone through a foreclosure sale, there has been a lot of vandalism to the house and it has become an eyesore. We feel this is an opportunity to make significant improvement to this property and to address some current issues that affect this property specifically the topography that result in the inability to access this site with the existing driveway. Also on the other side of Pond Street there are the transformers that result in ambient noise that affects the existing home. At the end of the last meeting we heard your comments and the applicant has been working very closely with the abutters regarding the development of the property and since the last meeting and back on September 5th we submitted revised plans that reduced the property by 25%. Attorney McCann discussed the changes in further detail.

John Boughner said I want to thank you for the size reduction, and at the last meeting we discussed asking Town Council about the deed for this property and I understand since then we do have legal documentation now.

Jeffrey Sauer said it is the intent of the applicant to scrape this house and start with a clean lot, so all of these existing conditions referring to the driveway and the garage your lot is going to be completing devoid of pre-existing structure and so I am having trouble finding a hardship. Attorney McCann said the hardship relates to the existing conditions and the existing lot and the existing structure. Mr. Sauer said but you won't have an existing structure. Attorney McCann said if you grant the variance if you don't grant the variance we end up dealing with the house as it is now and trying to utilize it and it is not able to be utilized. So what we have to do is correct an existing situation and we would have to pull the structure back and we have to make a project that is going to be financially viable. We got into this the last time as to whether that plays into hardship and it does, you have a condition related to soil, shape or topography of the lot or the structures on the lot. We have topography issues in the existing structure that make it a financial hardship to deal with the lot as it is given right now. Mr. Sauer said you are saying that you are going to remove that structure you could not be here and build two conforming units and not even have to come to the Zoning Board you would be compliant. So in that case I don't think that the bar meets the requirement for the variance.

Robert Pariseau said thank you for providing the paperwork that I was concerned about last time. You are looking for a variance what are you telling me about the hardship with the land? Attorney McCann said it is the existing land and what we have is an existing lot with a house on it that you cannot access and you cannot use the existing garage so you have to remove it or otherwise deal with the topography issues. You don't even have a curb cut into this garage, you've got a steeped down slope that the engineer has told you in that letter that makes access dangerous, and you have drainage problems. The generators directly across the street impact the house and we are pulling it back considerably. There is a need for two bedroom units with walking distance to the town and walking distance to the library and we are surrounded by multi-family housing.

Richard Maloney said my opinion is say you have a piece of land that is all ledge and there is one corner that is not ledge, and to get through the ledge the foundation would cost \$100,000 to put in, but you could put a foundation in at the soft part of the land for \$10,000 that to me is a financial hardship. Attorney McCann said I think if we read the statute then it says

that there needs to be circumstances relating to soil conditions shape or topography of such land or structures and especially affecting such land or structures but not affecting generally land within the zoning district. A literal enforcement of the provisions of the bylaw would involve substantial hardship financial or otherwise to the applicant. The project has to be viable and what we had told you is the single thing the home that is here right now is not usable and it hasn't been used for a long time. So you are not dealing with a clean slate you need to make it a clean slate, so we've got to demolish the house and there is a cost associated with this and then the construction on top of that. So what you are doing at the end of the day needs to make viable sense.

Rebecca Kilborn said I appreciate that you went from four down to three and they are all two bedroom units, and we have at least two parking spaces for each unit, and we have gone from a front setback from 21 feet to 40 feet from the street. So we have setback requirements for multi-families and for single families I just want to confirm with you that we are meeting all of the multi-family setback requirements and we have a corner lot and have two setbacks. So we have 40 feet on Holten Street, 40 feet on Pond Street a 30 foot on the back and to the neighbor on the right is 30 feet also. Attorney McCann said we actually have a greater than 30 foot setback because we reduced it, so we have 34 feet, and 30 feet in the rear not including the deck. Rebecca Kilborn said to me it makes sense that we are trying to meet he multi-family requirements I am pleased that it meets all of those setbacks.

Robert Cignetti said your clients just recently purchased this property with all of these problems, he looked at the house, he saw the Electric Company humming across the street so the problems were there yet he still put a bid in and now he is claiming a financial hardship, why did he buy the property, I can only conclude that he spent too much for it and he created his own hardship. He didn't have to buy the property with all of these problems, he could put a nice two family house on that lot but he is saying no it would cost too much.

Attorney McCann said what we talk about when we say creating hardship from a zoning standpoint we are doing something to your land, he did not create the hardship. Mr. Colantoni said I don't think that we created our own financial hardship, you don't know anything about a project until you physically can get

in it. When we get involved in a project we like to get on the inside and work our way out, we spent a lot time talking to the neighbors and a lot of things we found out about it. We didn't know about the humming we did not know about it until we purchased the home, we heard about it the first time from the neighbor who is in favor of this project. In our opinion we have a problem with where the house is located on this lot and that structure no matter how you define it that structure is part of the topography of the land. If we were to build a two family on this lot we would have to somehow try to keep that house there, now doing a second unit we would have to go 8 feet to the neighbor. We changed everything around to meet your ideas and in doing that we went back out and talked to the neighbors. We are asking the board to do it the right way we submitted 13 letters from the neighbors that support it.

Robert Cignetti said why can't you just knock that building down and put up a two family. Mr. Colantoni said to knock the building down and do the drainage that needs to be done and only have two units for it, it is not worth it. When they built this house, they built it in the wrong spot, it is almost a 16,000 square foot lot it needs to go back in the center. Mr. Cignetti said you are going to tell me that if you don't get this variance, you are going to fix up that single family house with all of its problems that is like putting lipstick on a pig. I know you and I know you are a quality builder I don't believe that you would do something like that. Mr. Colantoni said that is one of the worst things that you can say to a contractor, here is 25 Cherry Street the basement floors and garage floors were just poured today, we are about a month to 50 days behind on the project, why because we don't put lipstick on a pig we do it the right way. You can look at the last picture of the tree that everyone wanted to keep and we made it match the sister tree next to it that is on the other property. We take details those rocks were put in in 1843 look at the detail of the basement and how it is done. Mr. Colantoni had a few more pictures of projects that he showed the board members and discussed each one briefly.

Robert Cignetti said I know you are a quality builder and I know you are going to do a good job.

John Boughner said so this structure as presented to us tonight does fit with multi-family setbacks? Attorney McCann said yes. Mr. Boughner said the square footage of each unit? Attorney

McCann said 1500-1700 square feet. Mr. Boughner said the current existing setback on Pond Street is? Attorney McCann said 21.9 inches and we are moving it back to 40 if this project goes through.

AUDIENCE COMMENTS

Matthew Duggin said the I think I heard that by right you could put two units on 16,000 square feet, and there were comments about similar properties in the area that have a lot of density, those were built in the past and the residence have said they do not want that type of density so I don't think that you can use that as a justification going forward.

Attorney McCann said the neighbors were actually in favor of the four unit development that we originally brought to you. We scaled this back to three units in response to the boards' comments not neighbor comments. If you look at the density in the immediate properties they are greater than this project. Mr. Boughner said I think that what Mr. Duggin is pointing out is that people don't want that kind of density. Attorney McCann said after a recent survey done by the Town the people have said they need more housing in the downtown area. Mr. Boughner said the board has to deal with bylaws not with surveys, we are bound by square footage per unit.

Bill Bradstreet said I agree with what Mr. Duggin said, don't do it.

Jeffrey Sauer said we do love a lot of the properties that the owner has done, my struggle with this property is believing with an empty lot that you have a hardship. The board was recently provided with guidance documents by the state siting current case law and they hold a very high bar for a variance. You have to believe that nothing else could possibly be done with the property other than what the applicant is bringing. I just cannot bring myself to that level of assurance that this is the only possible thing that you can do that you need a variance to do this project. The case law and guidance that we were provided clearly stated that maximizing a financial gain is not a hardship for a property.

Robert Pariseau said this is a difficult one what we are looking at here, after our last meeting I went out to the property and sat on the front steps, I could listen to the ducks, I talked to

people in the neighborhood and asked about the impact of the humming, I talked to the manager of the Electric Light Department just trying to get a hold of what this is. After sitting there for a while there is a noise there but no noisier than a washing machine or dryer that you listen to all day long and after a while you forget about it and I don't sense that this noise is a severe impact on this piece of property. I don't see a hardship here that you can't do something else with this other than build three or four units, so I am not going to vote in favor of this.

Rebecca Kilborn said I know that we have a housing need, the Town Manager spoke at the Rotary Meeting today and they discussed the overlay district downtown and trying to bring additional housing there and we kind of consider this the downtown area. So the first point is that we have a housing need the second point is that it meets all of the multi-family setbacks which I am going to continue to focus on with all of the projects that we look at and thirdly the neighborhood I think that it fits in with the neighborhood. We have multi-family behind it we have multi-family across the street and we have commercial across the street the only person that would be severely impacted is the person on the right of the property and those people are in favor of this project. The neighbors are getting a 30 foot setback whereas if it was a single family house it would be 8 or 10 foot setback. So from my perspective this is a good project, and I am in favor of it.

Robert Cignetti said I too parked in front of the house and rolled the windows down and listened to the humming, it is hard for me to believe that people in the house could hear it. The traffic on Holten Street was louder than the humming and you also said that you found out all of these problems after you purchased the property well you should have done due diligence before you bought the property. So again I am going to go with you created your own hardship, now I know you are going to build a good quality two family house on this property so I will not vote for it.

John Boughner said my feeling is that you listened to a lot of input of this board and reduced the size of it and the setbacks are a lot more favorable I think that John does quality projects, the neighborhood had early concerns but with all of the letters of approval, I wouldn't buy that house in its

current state, I think that this is a quality project and I would vote in favor of it.

Attorney McCann said we would like to continue to October 16, 2017.

Robert Cignetti motioned to allow the applicant to continue to October 16, 2017. Robert Pariseau seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4722
September 25, 2017

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

John Boughner said before we get going we are a volunteer board and we ask for documentation and information regarding changes usually Wednesday's prior to the meeting at the latest Thursday, with the exception of a couple of people who are retired on this board we all have jobs, I received your updates this morning at 8 or 9 o'clock I have not been able to review them, so before you get going I am going to ask my fellow board members here if they have had enough time.

Robert Cignetti said I never received a hard copy of the changes until I got here tonight and still have not had time to review but I am willing to listen.

Rebecca Kilborn said I did not get it until this afternoon and I really need more time.

Robert Pariseau said I just received mine this evening so I would need time to review it.

Jeffrey Sauer said I too would like to review it.

John Boughner said I too would like to review it.

Attorney Mann said it is more simplified if you gave me five minutes and if the board declines I respect that.

The board members agreed to five minutes

Attorney Mann said we went back and made adjustments so the result is a cape style home that fits in with the neighborhood, we have a 36 X 26 foot structure which you can see here. It does comply with all of the two family requirements so all of the setbacks comply. This is a cape style home with a single car garage, it is a three bedroom home. She discussed the plans in further detail. All we truly did was take away that garage and put in a single family instead and if the board chooses to offer advice but I would say that we did everything that the board advised.

Robert Cignetti asked what the square footage is of the house. Attorney Mann said it is about 2500 living space.

Rebecca Kilborn said I am not ready to go forward I would need more information on setbacks.

Robert Pariseau said I would like to go out there.

John Boughner said I would like a little more time to review this.

Jeffrey Sauer said I would like to go out and look at it.

Kenneth Jarvinen said I would like to take a look at the plans.

Anthony Podesta said I agree.

Rebecca Kilborn motioned to allow the applicant to continue to October 16, 2017. Robert Pariseau seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4725

September 25, 2017

Present: Robert Pariseau, Robert Cignetti, Rebecca Kilborn, John Boughner, Jeffrey Sauer, 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 bought this property in 2007 it was a standard Campenelli, I have had the building inspector out to review the property and I added a second floor and a small addition on the back. One thing that I found is that you need three things of information, this house is a slab and I need storage, as you can see the shed that I built, I have a permit but I want to add on to the back of it. The only property line that gets affected by this is my neighbor and they do not have any objection. The other neighbor cannot see the back of this property because of the fence. I am asking to extend that shed so that I can have some storage, I would like the storage to tend to my vegetables. If I cannot build it my other option is to build another shed just like this one and taking this vegetable bed out which Jackson will definitely be able to see and it will be visible from the street. My house looks nice and I want to keep it nice I don't want to be forced to build another shed, and nobody is going to see this. I only had one complaint and that was from a former town employee Mr. Jackson and I have addressed everything with the building inspector that he brought up.

John Boughner said I did review the minutes and the tape from the last meeting. I just want to be clear you are trying to extend this shed with an 8 X 12 addition to the existing shed. Mr. Strunk said 8 X 12. Mr. Boughner said the issue is will this encroach into the setback of the neighbors, which you said that they are in favor of and they don't have a problem with it.

This board what we decide here given that you are asking for a variance stays with the property when you are long gone and we are long gone, and the board has to decide are we going to allow that because it is not just you now we are talking about it is the property and the land. Now I would like to go to our building inspector and get his take on where we are at with permits and existing sheds. Mr. Maloney said we have the building permit squared away, we met out there and there is a question about the existing shed and the owner's contention is that when he got an as-built from LeBlanc Survey there was a shed at the corner of his house. The question is the way the engineer drew it that it looked smaller, he is contending that the shed was always there and we are working on that with him. We did find a remedy and if we find that if it wasn't there historically we can cut two feet off and make it comply, we are trying to figure out the orientation on that shed and are working it out separately. John Boughner said the other thing that I would like to point out is that if you go to this size shed the setback needs to be 20 feet, knowing that whatever we approve stays with the property it has nothing to do with you, your family or the neighbors behind you. Mr. Strunk said I understand.

Robert Cignetti said you presented the same thing that you presented before, there are no changes what makes you think that we are going to change. I lived in Woodvale for 25 years I understand the storage problem but you are talking about garden tools here. Mr. Strunk said I am talking about garden tools that allow me to take the other sheds and use them for another purpose. Mr. Cignetti said when you need a 20 foot setback and you are asking for 2.4 inches I have a problem with that. When all of your neighbors are gone this variance stays forever and the new neighbors might not like it, you have an option to build another shed someplace else.

John Boughner said that is what confused me when I looked at this application because my expectation based on the minutes based on the tape last time that you would be submitting a new proposal for the shed and nothing came in. So you really haven't made any changes you are still asking for an 8 X 12 addition to this shed. Mr. Strunk said correct. Mr. Boughner said you are asking for it to be one and a half feet off of the property. Mr. Strunk said actually two and a half feet from the fence which I understand to be the property line, so its 2.5 feet from the fence. Mr. Boughner said the shed that is there

can be 5 feet from the property line and that shed is already encroaching the standard setback. Mr. Strunk said the current shed is complying the addition will not. Mr. Boughner said so you did not change the size of the addition that you are asking for as Bob pointed out it is a 20 foot setback. What addition to the shed beside 8 X 12 that push it could you do and not be so close to the property line. Mr. Strunk said I could add two feet but that will not be feasible. Mr. Boughner said you are asking to do something that we do not allow, now you are asking for suggestions and I am giving you one.

There were no questions or comments from the audience.

Robert Cignetti said I will not vote for this.

Rebecca Kilborn said I am not going to vote for this we have a letter from the abutting property owner that says he is not in favor of it and it's already not in compliance. The current shed is not in compliance and the new shed would need 20 feet and he is not willing do to that so no.

Robert Pariseau said I would ask that the applicant submit a new plot plan with the appropriate setbacks and then work it out from there but I am not going to approve of something that is 2 or 3 feet when 20 is required.

Jeffrey Sauer said I agree with the board members.

John Boughner said I could not vote for this when 20 is required and you only have 2 or 3 feet. If you could give us a revised plan, and we could continue, or you could withdraw without prejudice or you could have us vote on it.

Mr. Strunk said I would like to ask for a continuance so that I can consult with an attorney.

Rebecca Kilborn said I would like an engineered stamped plan.

Richard Maloney said I will get exact measurements and confirm where the shed is now.

John Boughner said if there are going to be any changes and you are going to submit plans please get them into the building department so that we have enough time to review them before the meeting.

Rebecca Kilborn motioned to allow the applicant to continue to October 30, 2017. Robert Pariseau seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4729

September 25, 2017

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

Attorney James Cote said this is a three residential and one commercial unit building in a C1 district and the owner is looking to convert the one commercial space on the first floor into a studio apartment. Normally we would be here for a finding but there was an old variance from 1955.

Robert Pariseau said on this map it looks like part of the building does not have a line on it? Attorney Cote said that is another structure, it used to be a sub shop and now it is a cabinet shop, kitchen and bath. Mr. Pariseau said is there allocated parking for that structure. Attorney Cote pointed out the location on the plans where the parking would be. It is tandem parking which will easily fit four to five to six cars depending on the size of the vehicles, but there is on-premises parking for this particular building. This whole street is all businesses and there is parking on Elm all the way down.

Rebecca Kilborn said I had the building department pull the original variance from 1955 and it does say permission granted to convert a two family dwelling to a three family dwelling, so is it my understanding that you want a four family dwelling? Attorney Cote said it is currently a three family with a commercial so we are looking to convert the commercial into a residential so it would be a four family with no commercial. Ms. Kilborn said how did the variance go from a two family to a three family with a commercial?

Richard Maloney said it was a pre-existing nonconforming two family but back then they did not have findings so in the 50's they went from a two to a three with a variance. That little building on the end was actually the Chamber of Commerce building it was up-town and the building inspector back in the 70's gave them a permit to move it to this building. It is zoned commercial but our feeling even then is that he should have gone to the Zoning Board of Appeals. He looked at it like the commercial office use was allowed and they threw that building on. They did it with a building permit and when we look at it like it should have gone to the Zoning Board and if that was done today it would have been a finding.

Rebecca Kilborn said this unit that you want to create what would it be? Attorney Cote said a studio apartment. Ms. Kilborn said do we have a floor plan and I wonder how we are going to fit parking on this site. Attorney Cote said it is four units currently so there is parking for four units that have been grandfathered in. Rebecca Kilborn said typically commercial it is just during the day and now you are talking about four units where people are going to be there all night. Attorney Cote said if you visit the site on the Park Street side you will see a pretty wide area of pavement, so the parking that we do have is all that we have. But we believe the change from commercial to residential would certainly be less traffic and less people coming in and out. So we are stuck with a three family house in downtown with an odd structure attached to it we just want to make the whole thing flow as a multi-family. Rebecca Kilborn said does it make sense to just expand one of those units so you still have a three family. Attorney Cote said we would not give up four units for three units.

Robert Cignetti said you are talking about a one bedroom studio? Attorney Cote said yes.

John Boughner said what is the square footage of the studio? Attorney Cote said I don't have that information, there is a two family upstairs and two one-bedroom downstairs, separate utilities. Attorney Cote said the structure you see from the street would be the studio with a few extra feet interior.

AUDIENCE COMMENTS

Matt Duggin said I am concerned with parking in this area, also some of the pavement encroaches on the property at 4 Park, if

you double up on these spots we don't like to see that because it blocks the sidewalk. Without a plan to show where the legal spots are, we should have something to show if there are enough spots there.

Attorney Cote said there are no current residents in this property so I am not sure how many spaces a C1 property calls for. Richard Maloney said you could have an engineer do a drawing that will show the spots and how many cars will fit there. Attorney Cote said regardless of if you approve this or not the parking that exists is the parking that we have.

John Boughner said you are taking a commercial space which would only require parking during the day on the street and changing it to residential which requires parking overnight so where does that parking go?

Robert Cignetti said now that this becomes a four family house does it need sprinkling? Richard Maloney said it all depends on how much work they are going to do, this unit will have to be sprinkled at a minimum. The question is how much work happens in the rest of the building and they understand that they would have to do a building code analysis to do that. They have sat down with us and the Fire Department.

Bill Bradstreet from the audience stated his concerns with parking on the sidewalk.

Attorney Cote said we will get a parking plan for you and I would like to continue to the next meeting.

Rebecca Kilborn said I am struggling with how we make this a four family when the previous applicant we told them with all of those setbacks and parking that met all the requirements we told them they couldn't have it.

Robert Pariseau said I would like to see a parking plan, one of the tenant's parks on the street during the day and so if it's going to be in the evening then we need to see a parking plan.

Jeffrey Sauer said I feel even stronger about the parking I probably wouldn't vote for this unless it had adequate spaces for four units.

John Boughner said I echo what Becky said I feel we need a parking plan.

Attorney Cote said I don't want to lose sight of the fact that it already is four units that retail could become anything that's a lot more intense than what is currently there. Secondly there is a municipal lot right across the street that can be used for all night parking there are a lot of houses downtown that don't have adequate parking. By changing from a commercial use to a studio apartment one person maybe two and with adequate parking across the street, I think it is a win for the town. I will present you with a parking plan.

Robert Pariseau motioned to allow the applicant to continue to October 16, 2017. Robert Cignetti seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4730
September 25, 2017

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

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

DANIEL DELORENZO (#17-4730) Requesting a finding to replace an existing sign at Danversport Yacht Club in accordance with Section 37.12 (nonconforming sign) of the Danvers Zoning Bylaws at **161 ELLIOTT STREET**

Dan Delorenzo said we are replacing our existing sign with a new smaller sign, we have taken considerable efforts to make it a little more elegant than the existing sign that is there, and I provided a drawing of an overlay of the existing sign and the new sign.

Anthony Podesta asked about the setbacks. Mr. Delorenzo said this sign is using the same exact footprint as the existing sign, same base. They discussed the setbacks and sight lines.

Rebecca Kilborn said so you are eliminating that planting area underneath. Mr. Delorenzo said the existing sign is 10 X 15 about 150 square feet it is 15 feet high, the new sign will be a little less than 100 square feet. We are going to use a halo lighting on the lettering of the sign.

John Boughner said my thought is that your sign being up in the air helps people who are not from this area. Mr. Delorenzo said we did take a lot of time going down the street from a ways that a car was approaching, we thought that where it was is visible from both ways.

AUDIENCE COMMENTS

Rich Tully, 160 Elliott Street asked about the lights and what hours they will be on and what does it look like. Mr. Delorenzo said it is called halo lighting you would have small LED bulbs

in each letter it is very subtle it is not internally lit, the lights will be on from dusk until 10.

John Boughner said is the sign currently lit? Mr. Delorenzo said we lease two lights from the Town of Danvers that shine on it. They changed the bulbs in Danvers and it is not very well lit right now.

Bill Bradstreet said I am just concerned with the line of sight coming out of the driveway and if it doesn't obstruct then its fine.

The board discussed the line of sight entering and existing the property.

The board asked about the Rotary Sign and the Kiwanis sign. Richard Maloney said the signs are there by previous variance. Mr. Boughner said if those signs are just voluntarily taken down do they use the ability to put them back up? Mr. Maloney said after a certain amount of time. You are going to vote on a plan that he is submitting to you and if he wants something else he is going to have to come back to you. Mr. Delorenzo said would it be appropriate to ask if those two signs of that same size can be built into the landscape towards the entrance. Mr. Boughner said I would want to know where though and you are not showing them. Mr. Cignetti said come back with another plan. Mr. Delorenzo said I don't think that I have an actual site plan to show where I would put them. Mr. Maloney said you can continue if you want. Mr. Cignetti said we make a condition that he come back with a plan. Mr. Delorenzo said you mean approve tonight and come back with what I want to add on? Mr. Cignetti said well what you plan on doing with the Rotary sign and the Kiwanis sign. Mr. Delorenzo said when we talked about the signs on whether we were going to keep them out front we decided not to, but we did discuss putting them into the landscape back further out of the way. Mr. Maloney said a lot of them are on town property, because he is a pre-existing nonconforming use in a residential neighborhood so that is this board's purview. Mr. Cignetti said my suggestion is to come back another time if you want this passed. Mr. Boughner said we can pass this tonight and maybe you can get the town to put the signs on the telephone pole that is already there?

Anthony Podesta said I drive by there on the way to work and on the way home the current sign is tall and taking that height

away might make it difficult for out of towners to see. He discussed the visibility of the new sign.

Kenneth Jarvinen said I would vote for this.

Jeffrey Sauer said I would vote for it.

Robert Pariseau said I like the looks of this sign it is cleaned up considerable from what was there, I hope they find something else to do with the other signs rather than clutter this up, I would vote favorably.

Rebecca Kilborn said I would vote for this but as a Rotarian I would like to see them put a Rotary sign somewhere so that we could continue having our meetings there. The only comment I would make on the sign is I would put the address on it, 161 Elliott Street, it's a busy street and there is no address on it.

Robert Cignetti said you have a big sign you are making a small sign and it is a classy sign I don't have a problem with it.

John Boughner said when I was driving around I never looked at the applicant name I just looked at the address and it was dusk and I could not see addresses, it would be perfect to put the address in that blue area on the bottom.

Mr. Delorenzo said is there any provisions about putting up a temporary sign, I would like to say for 30 days but it is going to take about two to three weeks to remove the sign and put the new structure in. Rebecca Kilborn said why don't we say 60 days then.

Mr. Boughner said you heard your neighbor about the lighting and if it is lighting up like Fenway Park somehow it will be addressed.

Robert Cignetti motioned to grant the finding for the proposed new sign as shown on the plans, the board will allow a temporary sign up to 60 days during construction of the new sign, as it will not be substantially more detrimental than what presently exists. Rebecca Kilborn seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4731

September 25, 2017

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

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

ULISES HERNANDEZ (#17-4731) Requesting a special permit to allow for an Extended Family Living Area (EFLA) in basement in accordance with Section 9.3 of the Danvers Zoning Bylaws at **15 APPLETON STREET**

Ulises Hernandez said I have my mother here from out of the country and I would like a place for her to live. My basement is nice and it looks like the prior owner tried to fix it and it has windows in it, the height is 6'11", it has its own entrance.

John Boughner said so you are looking to do an EFLA and it is going to be 544 square feet. Mr. Hernandez said yes.

The contractor for the applicant said the only reason they are here is because of the garage. Mr. Maloney said yes the house conforms the lot conforms the EFLA conforms it is just the garage.

Robert Cignetti said he wants an EFLA with a nonconforming garage.

Rebecca Kilborn said there is no issue with it being in the basement? Mr. Maloney said the previous owner remodeled the whole house there are high ceilings it is dry and nice, no issues building code wise.

Kenneth Jarvinen said I have no questions I think it is nice to have your mother live with you.

John Boughner said is there a common area between the upstairs and the downstairs? Mr. Maloney said they are tied together the

other part of the basement is common area. The previous owner did massage therapy on the left side.

There were no questions or comments from the audience.

Robert Cignetti said it is for his mother I have no problems.

Rebecca Kilborn said I would vote for this.

Robert Pariseau said I did visit the site but I am concerned about putting parents in the basement but then I looked at our agenda and we have two coming up so I am in favor of this.

Jeffrey Sauer said I would vote for this.

Kenneth Jarvinen said I would definitely vote for this.

Anthony Podesta said I would vote for this.

John Boughner said yes I did visit your property and it is nice and I would vote for this.

Robert Cignetti motioned to grant the special permit for the Extended Family Living Area (EFLA) because of a nonconforming garage, according to 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.

*Robert Pariseau motioned to adjourn. Rebecca Kilborn seconded. All in favor.