

MINUTES
Danvers Board of Appeals

#17-4733

November 13, 2017

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

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

SAGAPO REALTY TRUST C/O KATHY KALOGIANIS, TRUSTEE (#17-4733)

Requesting a variance and a finding to install a new deck and finish existing living area in basement for an Extended Family Living Area (EFLA) in accordance with Table 2 and Section 9.3 of the Danvers Zoning Bylaws at **6 BUNTING WAY**

The architect said the last time we met there was an issue of concern for the lower right hand corner of the deck, the stairs are now in that corner and we actually improved that 14.2 to close to 15 feet. On the plans submitted is the EFLA, we agreed that the wall line next to the stairway we could extend that across toward the unfinished basement and the total square feet will be 792.7.

Robert Cignetti said just to clarify so all you are asking for is 14.2 on the deck and the EFLA will be 792.7. The architect said yes.

There were no questions or comments from the audience.

Chair Boughner stated that Kenneth Scholes will be voting on this application.

Robert Cignetti said I will vote for this.

Rebecca Kilborn said I will vote for this.

Kenneth Scholes said I am good with these numbers I will vote for this.

Jeffrey Sauer said I will vote for this.

Kenneth Jarvinen said I will vote for this.

John Boughner said I thank the applicant for working out the details and I think a foot off of the rare setback is very modest so I will vote for this.

Robert Cignetti motioned to grant the variance to install a new deck as shown on the plans submitted dated October 30, 2017, 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. Kenneth Scholes seconded. All in favor.

Robert Cignetti motioned to grant a special permit for a 792.7 square foot Extended Family Living Area (EFLA); 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. Jeffrey Sauer seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4736

November 13, 2017

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

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

MR. AND MRS. MICHAEL BETTANO JR. (#17-4736) Requesting a
variance from rear setbacks to erect a deck in accordance with
Table 2 of the Danvers Zoning Bylaws at **2 DONEGAL LANE**

Chair Boughner appointed Kenneth Scholes to vote on this
application.

Mr. Bettano said we would like to erect a deck in the rear of
the property, 14 X 16 attached to the house and add a sliding
door at some point.

Kenneth Jarvinen said are any of the neighbors opposed to this?
Mr. Bettano said I have not heard anything. Mr. Jarvinen said
there is no one directly behind you. Mr. Bettano said there is
about 100 feet behind the house.

Kenneth Scholes said any consideration on cutting down that 14
foot just because you are 4 feet from the lot line and we like
to see a little more than that.

Rebecca Kilborn said the setback is 15 and sometimes we do half,
I know there is nothing on the other side but there could be.

Robert Cignetti said I agree with my colleagues, 4 feet is
cutting it too close.

John Boughner said it sounds like maybe you are willing to
reduce that size maybe 16 X 10 and we gain 4 feet. Jeffrey
Sauer said or you could take the corner off. Mr. Boughner said
the zoning relief we give goes with the property so when we are
long gone this stays with the property.

AUDIENCE COMMENTS

Bill Bradstreet said you made a comment about the property line and what if the neighbors put something equally close? Mr. Boughner said the setbacks are the same on the other side. Mr. Maloney said it is set way back from your property line.

Mr. Bettano said 16 X 10 is fine.

Rebecca Kilborn said I would be okay with a little more than that, but 10 is fine.

Kenneth Jarvinen said 16 X 10 is good I would vote for that.

Jeffrey Sauer said I would vote on the modified deck dimensions.

Kenneth Scholes said I would vote for this I am much better with the 8 feet than the 4 feet.

Rebecca Kilborn said I would vote for this.

Robert Cignetti said I would vote for a 10 X 16 deck.

John Boughner said I too as well and thank you for adjusting it.

Robert Cignetti motioned to grant the variance for the 10 X 16 deck (plans modified and signed by homeowner) the hardship is the location of the house on the lot and a condition that the construction of the deck will be at least 8 feet from the lot line; this condition does not affect other [properties or structures] in the same zoning district; a literal enforcement of the zoning bylaws would involve a substantial hardship to the applicant; and granting this variance will not create a substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the zoning bylaws. Kenneth Scholes seconded. All in favor.

MINUTES
Danvers Board of Appeals

#17-4737

November 13, 2017

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

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

ERIC GIORDANO (#17-4737) Requesting a variance to add a storage shed to the side of the house in accordance with Section 7, Table 2 (Dimensional) of the Danvers Zoning Bylaws at **16 PUTNAM STREET**

John Boughner said I am a little bothered because it seems like you put the cart before the horse and it seems like there is construction going on unbeknownst to the building inspector and that is why this case is before us. Mr. Giordano said I did some research and under so many square feet for a tool shed a permit was not required and little did I realize if it is attached to the building it is.

Richard Maloney said the building code does not care if an accessory structure is 120 square feet or less so everybody takes that.

Mr. Giordano said the house used to be the Danvers Medical Center so it has no yard at all, I have a 4 foot handicapped walk on one side and on the other side I have 6 feet. I don't have anywhere to store anything and right now my snow blower is on the walkway and I just want to attach a small tool shed to store the snow blower, shovels and rakes. I spoke with my neighbor and she is fine with it, we kind of maintain the lawn in between together it is close to the line but it is on my property.

Robert Cignetti said why didn't you consider going in the back where you have more, you have 6 feet in the back? Mr. Giordano said everything is crooked back there and there is a builder putting a house behind our house and everything is torn out, and it is just too narrow a spot with trying to get the snow blower out. I did consider it I just wouldn't be able to get

the equipment in and out to the driveway the way that it is wedged back there on the side I can just walk down the driveway. They discussed dimensions of the property. Mr. Cignetti said you need an 8 foot setback and you are asking for a 2 foot setback but you only have 6 feet anyway. Mr. Maloney said this property was a Commercial 1 Zone and there were no minimum lot sizes and it was built as a medical office building and the setback was only 5 feet and then the zoning changed all the way down Cherry Street and down Putnam which rendered this nonconforming it is a tough site, and in the back there is a second means of egress. Mr. Cignetti asked if this was a single family house. Mr. Giordano said yes. Mr. Cignetti said okay so it was converted to a single family dwelling. How many rooms in the house? Mr. Giordano said it is 2300 square feet.

Rebecca Kilborn said who did the drawing, the only thing I saw was that there is a red marker stake and it probably is for the property behind you did they put it in? Mr. Giordano said I didn't put anything in. Ms. Kilborn said it looks like the corner lot line, my only concern is that I assume you drew your plan based on this mortgage survey and sometimes they can be off by 5 feet. Mr. Giordano said I went to Salem and got all the printouts and they all pretty much come out to the same dimensions. Ms. Kilborn said when it gets this tight I usually ask for a surveyed plot plan so that we can be sure of what we are approving, it is so tight I would hate for you to build a shed on someone else's property and we have had that happen.

Kenneth Scholes said did you pour the cement walkway? Mr. Giordano said yes that is what I do for a living. Mr. Maloney said I will say that I went through all of the documents on this property and it was built under Peter Bryson's watch so this thing was a 50 foot lot with a 40 foot structure so there is 10 feet there so it is centered on the property and I feel comfortable that he has the dimensions listed. Is it exactly 6 feet on one side and 4 on the other, no but it is pretty darn close.

Kenneth Jarvinen said the neighbor's garage abuts the shed.

Robert Cignetti said it is going to be 4 feet from the house the total shed? Mr. Giordano said it is 4 feet attached to the house by 10 foot long, I am planning on cutting off the overhang.

AUDIENCE COMMENTS

Matthew Duggin asked about the original construction of the building, that it is out of place from the whole neighborhood. He suggested that the shed could be moved to the front of the property.

Bill Bradstreet stated he was concerned that it is already being constructed and asked if the applicant had a letter from the abutter stating her approval.

Robert Cignetti said I have no problem with it, normally I wouldn't go for a 2 foot setback, I'll vote for this.

Rebecca Kilborn said these lots in this whole area we are just cramming more and more I am getting comments from people who live down there, I am going to vote for this because I don't see any option that you have.

Kenneth Scholes said I was a little concerned about where the shed ends and the neighbors garage I didn't know how tight it was going to be until I looked at it but it does look like there will be a little room there so I am okay with it.

Jeffrey Sauer said I would vote for this.

Kenneth Jarvinen said I would vote for this.

John Boughner said I too think that you are in a tough spot with the property, so I would vote in favor of this

Robert Cignetti motioned to grant the variance with a condition that the shed be no more than 4 feet from the house, the hardship is the placement 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. Rebecca Kilborn seconded. All in favor.

MINUTES
Danvers Board of Appeals

#02-3573

November 13, 2017

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

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

UDR CRANEBROOK LLC (AVALON VILLAGE NORTH, INC.) (#02-3573)

Requesting a minor modification to previously granted
Comprehensive Permit to change the use from a playground to a
Dog Park at **150 ANDOVER STREET**

Chair Boughner stated that Kenneth Scholes will vote on this
application.

Nimo Niki said I am the Service Manager for UDR Cranebrook LLC
and I am here to talk about changing one of the playgrounds on
the property to a dog park. Mr. Boughner said are you the
service manager for Avalon Village? Mr. Niki said Avalon
Village was sold to 14 North and I am representing 14 North.

Mr. Maloney said this is a 40B Project, a Comprehensive Permit
they are asking for a use change and once you approve the plans
substantial or insubstantial, if you deem it substantial then we
need to open a 40B hearing to alter the property where all
departments will need to be notified if it is insubstantial then
you vote and that is it.

Mr. Niki said this is one of three playgrounds on the property,
we have an issue with some of the dog owners complaining all the
time that they don't have any available space to walk the dogs
and have a play area. Since we have two large play areas on one
side of the property we would like to change the smaller play
area on this side and convert it into a dog park. We thought it
would be a good location with the two garages on either side.

Kenneth Jarvinen said so as a park with children do a lot of
children play there is it well populated? Mr. Niki said not
this one not that many, the other two are larger and have more

children. Mr. Jarvinen said how far is it from this playground to the other larger ones? Mr. Niki said about 300 yards.

Jeffrey Sauer said we have a picture of the existing playground with the two garages on either side and I see these two fences is this the area where the dog park will be. Mr. Niki said yes we are trying to leave the fence.

Kenneth Scholes said I see the two garages but I also see residential units right here. Mr. Niki said yes there is a street between them. Mr. Scholes asked are they okay with that? Mr. Niki said there are five buildings surrounding that area. Mr. Scholes said I would like to see something in writing saying they are okay with that. Mr. Niki said I could do that.

Rebecca Kilborn said how many apartments do you have in the total complex? Mr. Niki said 387 apartments, but on this side we only have 5 buildings and they are direct entrances. Ms. Kilborn said the number of tenants that live there? Mr. Niki said 70 families. Ms. Kilborn said do you know how many dogs there are? Mr. Niki said I don't know the exact number but most of them do own dogs. Ms. Kilborn said you allow dogs in every apartment? Mr. Niki said yes.

Robert Cignetti said is this going to be off leash or on leash? Mr. Niki said off leash. Mr. Cignetti said are you going to have small dogs and large dogs separated? Mr. Niki said we have a 35 pound limit on the size of dogs allowed, if they are service dogs then they have to have a special permit for them. Mr. Cignetti said what I am getting at is that sometimes little dogs and big dogs don't get along and you don't want to open up a law suit.

John Boughner said we need to decide if this is a significant change or an insignificant change, but I think the only thing that troubles me is that we are loosely throwing around numbers and I would want to know what percentage of your tenants have dogs versus what percentage of your tenants have kids that utilize playgrounds. You said there are 387 units but on this side nearest the dog park there are 70 units? Mr. Niki said yes. Mr. Boughner said out of those 70 units how many have kids there, it sounds like you don't have that answer for me. Mr. Niki said I can assure you that there are a lot more families with dogs than kids because a lot of the families with kids have dogs. Mr. Boughner said so the dogs outnumber the kids then.

Mr. Niki said I am sure that they do on both sides. This will be used for the entire community. Mr. Boughner said the email from Erin Dulin what is K9 Grass? Mr. Niki said it is a grass with special drainage, it is synthetic it helps us with keeping it clean. Mr. Boughner asked about the square footage. Mr. Niki said it is about 25 X 15.

AUDIENCE COMMENTS

Matthew Duggin asked to see the drawings of the plans. He stated that his biggest concern was the synthetic grass and the area behind this property is all wetlands, and we all know that dog waste is hazardous. Mr. Boughner read an email from the project manager and it stated that they are planning on installing drainage, sprinklers, K9 grass, dog toys, benches, and waste stations within the existing space. They discussed the proposed drainage system in further detail. Mr. Boughner asked if they had this drainage system at other locations. Mr. Duggin discussed the waste and trash along the rail trail abutting this property. Mr. Niki said we do have three cleaners on site and every morning we clean the property, there are other people who use the rail trail that leave trash on the trail.

Robert Cignetti said what you are saying is concentrating the waste into one spot instead of spreading it over a larger area. They discussed the distance between the dog park and the rail trail location.

Bill Bradstreet said is this dog park only for the residents that live there? They discussed the other properties that have dog parks and that there are no issues.

Kenneth Jarvinen said I would say from what the gentleman says that this is insubstantial.

Jeffrey Sauer said 15 X 25 foot area in this development is completely insubstantial to me.

Kenneth Scholes said I agree its insubstantial.

Rebecca Kilborn said I agree insubstantial it makes sense to do this, they have a lot of dogs and I think the property is well managed and I think that it is reasonable.

Robert Cignetti said this is insubstantial.

John Boughner said I would say insubstantial too, I would ask that you hear the comments from Mr. Duggin and be even more diligent with the cleaning of the edge of your property.

The board members voted unanimously that installing a dog park was an insubstantial change to the special permit.

*Rebecca Kilborn motioned to adjourn. Kenneth Scholes seconded.
All in favor.