

MINUTES
Danvers Board of Appeals

#18-4747
February 5, 2018

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

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

NICOLA AND JOYCE PASCIUTO, TRUSTEE (#18-4747) Requesting a variance to allow the restoration and rehabilitation of the building to create twelve one-bedroom residential units on the upper floors, the permitted commercial use of the first floor will remain in accordance with Table 1 and Table 2 of the Danvers Zoning Bylaws at **44 & 50 MAPLE STREET**

Attorney Nancy McCann said I am here tonight with the owners of the property, the project engineer and project architect. The property is in Commercial 1 zoning district, the owners have maintained commercial uses on the first floor and sporadic commercial uses on the second floor. We started this process well over a year ago looking for a better use of this property. In 2006 this board granted a variance to allow #50 Maple Street to allow the residential uses on the second floor. We are seeking zoning relief tonight to allow commercial on the first floor and residential above. The flat roof of the building was not particularly attractive and we wondered if there was something better than can be done. We met with the Town Archivist and found a photo of what the property looked like in early 1900's, we provided this picture to the architect and wondered if we could do something to bring the historic façade back to the streetscape. We met with the Preservation Commission and they gave us input on the rooflines and windows, and other architectural elements of the building. We are looking to have six units on the second floor, four units on the third floor and two units on the fourth floor, they will all be one bedroom units. This is our approach to making more efficient and more appropriate use of an older building where commercial is on the first floor, and where commercial space on the second floor does not make good sense. We appeared before the Preservation Commission with our plans and I am going to

read a letter from them regarding this proposal. The Preservation Commission states in the letter their approval of the plans for this project.

Scott Cameron, Morin Cameron Group, said we were hired to produce a survey of the property and I would like to walk you through the parking layout. He discussed the parking area, size of spaces, number of spaces and locations of parking spots. Photos were distributed of the parking area. He stated the parking area will be for residential parking only.

Sid Silvera, architect discussed the ceiling height, the windows, the color of the building, and the siding.

Attorney McCann said we do not really know how we lost the top two floors it happened around 1920 we think there may have been a fire because there are remnants in the rafters. This building was used for residential purposes in about 1913 or so and we are hoping for the opportunity to bring back the historic streetscape. We met with the Affordable Housing Trust and this project does not trigger the need for affordable housing under the bylaw because this is a proposal by variance, they feel this is an appropriate area for affordable housing and we proposed a monetary donation. The owners were agreeable to an affordable unit at 70% in perpetuity at area median income. We do have a letter from Affordable Housing Trust. The letter was read stating their approval of this project.

John Boughner said how many commercial units are currently at this location. Attorney McCann said there were originally four and there are three now. Mr. Boughner said what is the square footage of the three larger ones? The architect said about 1500. Mr. Boughner said what is the point to combining the parking for 44 and 50? Attorney McCann said that way all of the parking will be on one lot rather than have easements, so it's more of a title issue and it won't look any different than it does now. Mr. Boughner said currently 50 Maple is assigned a certain amount of spots? Attorney McCann said it is a very odd shaped lot. Mr. Boughner said so none of those spaces would be available to 44 if you did not make that change. Mr. Boughner said so what will your commercial tenants do at 50 Maple Street where will they park? Attorney McCann said this is C1 Zoning District commercial tenant's park in the street. Mr. Boughner said so the commercial designated spots will go away. Attorney

McCann said yes, however parking is under the purview of site plan approval and it may be that the Planning Board decides that certain spaces will be open during certain hours of the day for commercial parking. What we show and what we have here is enough parking to meet the requirements that we believe the Planning Board will require for the number of units and the bedroom count based on the parking studies done in the downtown area. Mr. Boughner said do we have an estimate of the height of that original 1800's building? The architect said I surmise 40 feet. Mr. Boughner said this structure just looks very large any thought to making it three floors? Attorney McCann said when we saw the photograph that has a four story building that is what started the process, you have the elevation drawing in your package which shows 41.

Kenneth Scholes said I hate to get into a title, since the two lots are in common ownership 44 and 50 what would happen if 44 was sold out now we have to go through easements for this other portion where the parking spaces are? Let's say 50 was sold the back portion where the lots are those parking spaces are in ownership of that lot so now you would have to do some type of easements? Attorney McCann said there are easements right now, we wouldn't lose them if we did it properly. Mr. Scholes said is there going to be any signage out here that will say this is for the parking of rental units only. Attorney McCann said I anticipate that and that is a site plan process.

Rebecca Kilborn said so the smoke shop is right in the middle of the two spaces, how does that function it is a separate property. Attorney McCann said yes the owners are here. Ms. Kilborn said they have no parking in back, and someone stuck that little building in between. How do they access the garage back there? Mr. Cameron said the Proscuito's own that garage which will be one of the parking spaces. Ms. Kilborn said right now people can drive right through there, it is almost like a roadway that goes through there and I know you said that people might still be able to drive through there? Mr. Cameron said there is an easement that allows access. Ms. Kilborn said how would a trash truck possibly get in there to that dumpster? Mr. Proscuito said they pick up Dunkin Donuts trash and then they pick up mine. Ms. Kilborn said our typical parking space is 9 X 18 how many of those spaces are that size? Mr. Cameron said none of them are 9 X 18 and we are not proposing to change that, the only change we are making is adding a handicapped dedicated spot. Ms. Kilborn said the approval for 50 how many spaces were

approved in 2006 with the variance. Mr. Cameron said 15. Ms. Kilborn said well now you are adding, I looked at all the signage back there and there are eight do any of those people have in the lease that they have parking behind the building or were you going to just throw them out. Attorney McCann said I think that is between Nick and his tenants. In 2006 there were 15 parking spaces approved for 6 residential units in 50, since that time there has been a change in the philosophy of what parking is required in the downtown area by the Planning Board based on the parking study that was done. The parking spaces in 2006 were based on the two bedroom units and that is how the parking was determined then, and this is part of the reason why I included #50 as well as #44. We have the required and adequate parking based on what the Planning Board has now for guidelines for one parking space for every bedroom, and the commercial space can be parked on street as well as off street.

Jeffrey Sauer said could you review the units, in the new structure you are considering 12 one bedrooms, and already existing are 4 ones and 2 twos.

Anthony Podesta said how long do you think the construction time will be? The architect said 8 to 10 months. Mr. Podesta said will you be adding the two top floors on or will it involve the existing building as well? The architect said we will be adding on. Mr. Podesta said will the commercial spaces on the bottom be open during construction or be able to be open? The architect said for the most part they will remain open. Mr. Podesta asked about disruption to the sidewalk and traffic. The architect said at one point the sidewalk will have to be closed. Mr. Cameron said we will be going through the Engineering Division we are not sure if there will be a need yet to upgrade utility services, that will be the site plan phase. Mr. Podesta asked about the drainage spouts on the plans.

Kenneth Jarvinen asked if the plan were to go straight up and not out. Mr. Cameron said yes.

Robert Cignetti said I went to that parking lot once and that is my only issue, the zoning requires 36 spaces, two per each bedroom? Attorney McCann said two for each unit. Mr. Cignetti said so that comes to 36 and you are telling me that the Planning Board would accept 20 spaces. Could I get a letter from the Planning Board stating they would be okay with the 20 spaces? Attorney McCann said I approached the Planning Board

through the Planning Director in the Fall and I asked to have a meeting to review this project with them and my request was declined. So I think what we are presenting to you is a plan that will require the Planning Board to approve and grant whatever waivers are necessary and if they don't grant the waivers then we cannot go forward. Having been before the Planning Board a few times, they are looking at one space per bedroom particularly in the downtown area.

Robert Cignetti said so we are not tying your hands with the 20 spaces that is what I was concerned about, I counted 20 spaces already there and before #1 there is another space with a sign in front of it. My next problem is that you have compact spaces how do you work that out with a tenant you can't rent here without a compact car? Attorney McCann said yes you can have a certain amount of spaces as compact spaces. Mr. Cignetti said the garage that will hold only one. Mr. Cameron said it could fit two very small cars. Mr. Cignetti said I thought you would come in and move things around, it's basically what is there now.

John Boughner said I noticed that the rendering shows awnings how does that play into the building? Mr. Maloney said if it is over the public way they have to go before the Selectmen and get a bond. The owner said I have awnings now and would keep them the same.

AUDIENCE COMMENTS

Matthew Duggin said the overall scope of the project seems to be a little much for that area, the overlay that was just approved the specific points of that change was to prevent a four story building, it may have been appropriate in the 1800's but not in the 21st Century. We have more projects like this down the road, and having 12 units in there is a little much. I think for the first go around for that rendering it seems attractive but it seems like there should be some type of break in that front wall there.

Janice Tipert said is there a restriction on who can rent and are children allowed to live in those units? Attorney McCann said these are one bedroom units so we are not going to have children. Ms. Tipert said I don't want to see kids living in the square I think it's dangerous. Does every unit around Danvers Square have to present plans like this? Robert Cignetti

said the Town Meeting is in the process of developing some sort of overlay district in that area that would allow housing up above right now it is not allowed that is why they are here.

Dick Trask said my only concern about this is when a person comes in I try to give some answers about the property, the picture is taken about 1895, the structure was built in 1894, it was originally a two floor structure and I think the third floor was made for a large hall and the fourth floor was made for a banquet hall. In the 1890's downtown grew very quickly and had an overabundance of property for a long period of time. I think they found it wasn't functional enough or any occupants so they brought it down. Is it possible to see the proposed elevation? They discussed the plans in further detail. Mr. Trask said if you are going to build downtown lets have it so that it looks half decent and has some architectural value and I was pleased that the applicant is trying to give a flavor of the original structure.

Bill Bradstreet said it is a very large building for the downtown area and I think it is overbearing.

Ilene Driscoll, owner of 48 Maple Street asked if the units will be rentals, I think there is a need for residential use in that area.

Attorney McCann said one thing that differentiates this from other properties historically there have not been very many four stories, we know what it used to be and we think it is an opportunity and the Preservation Commission saw this as an opportunity to bring back a building that reflects the history of the downtown area.

John Boughner said I find the rendering to look pretty good certainly in line with what was there back in the 1800's but I find it to be a little on the large side for downtown I think I would be okay with three floors I just find that four floors are a little too much. I do agree with one of the audience members having that flat front to me, I would not vote for it as it is currently presented.

Kenneth Scholes said I agree with comments about the fourth floor I am not thrilled about that, and the parking I am not excited about that we will see what Planning has to say about it, I would not vote for the fourth floor.

Rebecca Kilborn said I appreciate the work on the parking area, I appreciate the historical perspective but I think that we have to remember this was over 100 years ago and people weren't driving cars then and you have to put that into account the different time frame. I also would prefer three stories, I don't think that the commercial space on the second floors is working and I think this is the way to go, but I do have concerns about the parking and would like to see something from the Planning Board with some idea of what they want to do. So I guess I would prefer three stories and with regard to the Affordable Housing my preference would be to go to 80% we are pushing down too far and we are straining our community in some aspects so I would not be in favor of 70%.

Jeffrey Sauer said I would agree with Becky I think the scope of the building is too big, parking I think the Planning Board is capable of dealing with it, I wouldn't vote for this project if it didn't have an affordable element, I am glad that the applicant met with Mr. Trask, I just think that the four floors is too big.

Anthony Podesta said I agree with the other board members I appreciate the attempt to bring housing downtown, I echo everyone else about the three floors instead of four.

Kenneth Jarvinen said I agree too it is a little less daunting with three floors, it is a great improvement to what is there now.

Robert Cignetti said I looked at the parking and thought 36 is onerous so how can we increase some of the parking, one way is to remove the two units on the fourth floor so I agree with everyone else on the board.

John Boughner said about the affordable piece I would not vote for it at 70%.

Attorney McCann said what we could do is drop it down to three stories and that would make us 10 units with one affordable unit at 80%. The agreement that we had with the trust was based on 12 units but the owners agree to make one of them affordable. I do want the architect to show you what he would do with the roofline.

Robert Cignetti said you will get some plans for us? And you can't get a peak on there instead just a flat roof. The board members asked for plans and they asked for input from the Planning Board regarding parking.

Attorney McCann said so we would bring down the fourth floor and it would be three floors with 10 one bedroom units.

John Boughner said I am good with that but I would like to see plans.

Kenneth Scholes said I am good with that.

Rebecca Kilborn said I think it is really boxy and I don't particularly like the style but it is not for us to decide.

Kenneth Scholes said why can't you keep the roofline but just bring it down a floor.

Jeffrey Sauer said I would vote for 10 units.

Anthony Podesta said I would like to see plans.

Kenneth Jarvinen said I would like to see plans

Robert Cignetti said I also would like see a set of plans with 10 units and we get something from the Planning Board about the parking and the one affordable unit.

Attorney McCann said we would like a continuance to the next meeting, March 12, 2018.

John Boughner motioned to continue to March 12, 2018. Kenneth Scholes seconded. All in favor.

*John Boughner motioned to adjourn. Kenneth Scholes seconded. All in favor.

