

MINUTES
Danvers Board of Appeals

#18-4748
March 26, 2018

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

Also Present: Asst. Building Inspector, David Harris
Secretary, Marybeth Burak-Condon

LEIGH STACK-CARDELLA (#18-4748) Requesting a special permit to allow garage space for more than three vehicles in accordance with Table 1 of the Danvers Zoning Bylaws at **21 BRIDLE SPUR ROAD**

Board member Sauer read a letter from The Morin-Cameron Group, Inc. requesting to continue this case to the meeting scheduled for April 23, 2018.

Kenneth Scholes motioned to allow the applicant to continue to April 23, 2018. John Boughner seconded. All in favor.

MINUTES
Danvers Board of Appeals

#18-4749

March 26, 2018

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

Also Present: Asst. Building Inspector, David Harris
Secretary, Marybeth Burak-Condon

GROUP 1 REALTY, INC. (#18-4749) Requesting a variance to allow a modification of previously approved signage package for dealership signs greater in number than permitted in accordance with Section 37.5.5 of the Danvers Zoning Bylaws at **99 ANDOVER STREET**

Attorney Nancy McCann said we have come back to you over the years for many signage modifications for this package. This is the IRA dealership campus it was originally four parcels and it has now been combined to one parcel, there are signs that are grandfathered there are signs by variance and as buildings change we come back to you for the signage change. We were before you in 2013 for the construction of the Toyota Pre-Owned building which took the place of the old Allenhurst Restaurant Building. The Toyota Pre-Owned building lasted for a few years and now it is under construction for another building which is going to be the new Lexus building for new and pre-owned Lexus automobiles. What we presented was the existing free-standing signage, the previously approved free-standing signage and the proposed signage. What you have in the application package is the current free-standing signage on the entire site and the proposed free-standing sign package. The changes are the Toyota Signage will remain the same except for the re-location of the Certified Pre-Owned Sign, we have a Lexus sign, a Lexus Pre-Owned Sign and a Subaru sign. There is no increase in the number of free-standing signs on the site but we will have an overall decrease in the square footage. We have reduced the overall free-standing signage by over 32 square feet overall. The same is true of the building mounted signs, the only building that will have building mounted changes is the Lexus Building and we are again reducing the percentage of facade coverage, we have gone from 3.5% to 3.18% of overall square

footage signage on that building. This is significantly lower than what is allow and also none of the free-standing signage is at the maximum of 100 square feet.

Robert Cignetti said you want to change the Subaru sign? Attorney McCann said there is a change proposed just to upgrade the sign, it is slightly larger than what was there but the overall free-standing signage is being reduced in size. The signage package proposed was discussed in further detail. Mr. Cignetti said just to clarify you want Ira Lexus on the front of the building, and then the Ira symbol on the building and then the Lexus used car sign is a new one and then the Subaru sign is that it? Attorney McCann said yes.

John Boughner said if I look at Page 3 I see proposed Subaru sign proposed Toyota sign is that not proposed? Attorney McCann said the proposed Subaru sign is existing in that location we are updating it. Mr. Boughner said and the one right next to it says proposed Toyota sign is new? Attorney McCann said there is no change to this we are just proposing to keep it there, no changes. Mr. Boughner said so if I look at this you are changing the Subaru sign, you are relocating the Toyota UC sign in the middle and you are adding the two Lexus's signs in the free-standing department correct. Attorney McCann said yes this proposed Lexus sign is actually a sign now and its changing to say Lexus. Mr. Boughner said and the last time you were here was 2014? Attorney McCann said correct.

Kenneth Scholes said so Audi sign is gone because they are down the street now? Attorney McCann said right.

Jeffrey Sauer said so what is the point of page 2 is this the signage approved the last time you were here. Attorney McCann said we were just trying to show you the evolution of signage on the site. Mr. Sauer said to just reiterate on page 3 the proposed Subaru sign is an upgrade, the proposed Toyota sign is no change, the Toyota Used Car sign is the one that was located in the far left corner, the Lexus sign is actually something else right now (Porsche), and this one that says Lexus existing presently is the Toyota used car sign. Attorney McCann said correct. Mr. Sauer said so you are shuffling the text on the signs. So now explain what you want on the old Toyota building. Attorney McCann said it is actually a totally new building, we have Lexus on the front, on the other end you have a logo, and then a logo facing east and a logo facing west. Mr. Sauer said

so you actually have four signs on that building. Attorney McCann said correct. Mr. Sauer said what is the change in square footage of the Subaru update? Attorney McCann said the Subaru is going from 54 to 78. Mr. Sauer said so 50% bigger. Attorney McCann said the Porsche sign is 40 and that is going down to 21.

Kenneth Jarvinen said the highest sign is 20 feet? And the lighting? Attorney McCann said there will be internal lighting.

AUDIENCE COMMENTS

Bill Bradstreet asked about timing on the lights and outdoor audio.

John Boughner said it is kind of too bad that we seem to go through this every couple of years but there is a reduction in signage, I feel that this campus is very complicated to navigate, but as far as the sign package I will vote for this.

Kenneth Scholes, Jeffrey Sauer, Kenneth Jarvinen, Anthony Podesta all stated they would vote for this.

Robert Cignetti said the Subaru sign makes me a little shaky but I will vote for this.

John Boughner motioned to grant the variance to modify a previously approved signage package for the dealership permitting signs greater in number than permitted to reflect the dealership operations, the hardship is the location of existing structures and the historic use of this property for motor vehicle sales; 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

#18-4750
March 26, 2018

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

Also Present: Asst. Building Inspector, David Harris
Secretary, Marybeth Burak-Condon

SYLVAIN DEMARCO (#18-4750) Appealing the decision of the building inspector's interpretation that a marker is a sign in accordance with MGL 40A at **33 NORTH SHETLAND ROAD**

Robert Cignetti said before we begin you had 30 days to file an appeal and it looks like you missed it by a couple of weeks. So the question for this board is whether you have standing to appeal this and whether we hear this case or not. I would like to poll the board about hearing this case.

John Boughner said I feel like the rules are pretty clear here and that the applicant had ample opportunity to appeal this within the time frame and I do not think we should hear this.

Kenneth Scholes said after reading the letter from the Building Inspector I do not think that we should hear this case.

Jeffrey Sauer said I don't think that we should hear this.

Kenneth Jarvinen said the rules are there for a reason and I think that they should apply so I don't think that we should hear this.

Anthony Podesta said I don't have a problem with hearing it, but I agree with the board if they think that we shouldn't.

Robert Cignetti said since you do not have any standing.

Sylvain Demarco said I went a couple of weeks before and I missed the meeting, I was told that I had to wait for the next meeting and was sent home with the paperwork. I did not know that I had 30 days from the date that the letter was written, I

went back and I filed. Mr. Cignetti said did they tell you that you were late. Mr. Demarco discussed the delivery dates on the letter. Mr. Cignetti asked if he was told that he missed the 30 days. Mr. Demarco said they did tell me, maybe they will hear it. They discussed the bylaws and the appeal process.

John Boughner motioned to dismiss this case based on the fact that it was not filed within time to appeal this decision. Kenneth Scholes seconded. All in favor.

MINUTES
Danvers Board of Appeals

#15-4565
March 26, 2018

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

Also Present: Asst. Building Inspector, David Harris
Secretary, Marybeth Burak-Condon

PUTNAM REALTY TRUST - (#15-4565) Requesting a modification to a previously approved finding to add a new loading dock to the west end of Putnam Pantry building at **255 NEWBURY STREET**

The architect said we would like to build a loading dock on the west end of the building. Mr. Cignetti said so there is no loading dock there now? The Architect said there is no loading dock this is a new loading dock. Any addition to this building requires a finding this is a nonconforming property. Mr. Cignetti said when I looked at this I thought you had a loading dock and you were relocating it.

Anthony Podesta said this is a dock where the trucks back up to it. The Architect said it is for the ice cream trucks to back up to so they can unload the large ice cream containers.

Kenneth Scholes said it is 9 foot 6 long what is the width? The architect said 4 foot 8.

John Boughner said I am surprised that one of the owners are not here. How do trucks enter the property and how are they going to back up to this. The Architect said there is a driveway coming from the Historical Society side and the trucks will back up along that driveway up to the loading dock. Mr. Boughner said so this 10 foot wide bit that is a driveway? The architect said yes. Mr. Boughner said that driveway is existing? The Architect said yes. Mr. Boughner said I am not 100% familiar with this property so the Danvers Historical Society land where this truck is coming off of? They discussed the location of ramps off of the highway. Mr. Boughner asked what type of trucks will be backing down this driveway to the loading dock. The Architect said they are refrigerated vans.

Robert Cignetti said I assume you do not need permission to go through the Historical Society. Representative for the applicant said they do have permission. Mr. Cignetti asked how many trucks will be delivering to this location. The representative said I can't imagine it would be more than twice a day. Mr. Cignetti asked if the ice cream was made there. Mr. Cignetti said what I am asking is if truck number one pulls into the loading dock and then truck number two pulls up. The representative said no that will not happen. I have been around this building at the height of the ice cream season at various times and I haven't seen that many trucks. Mr. Cignetti said would you take that as a condition that only ice cream will be unloaded on this dock. The representative said I think so.

John Boughner said where is the other loading dock? The representative discussed the location.

AUDIENCE COMMENTS

Matt Duggin asked if the structure was historical.

Anthony Podesta said I have no problem with this I will vote for it.

Kenneth Jarvinen said I would vote for this.

Jeffrey Sauer said basically they are elevating everything up, same amount of trucks, I will vote for this.

Kenneth Scholes said this is small, I will vote for this.

John Boughner said it sounds fine to me but I would like to hear from a manager of the store to give us details, so I am a little on the fence but I don't want to hold it up.

Robert Cignetti said I kind of agree, but I guess I will vote for this.

Jeffrey Sauer motioned to amend the finding to Docket #15-4565) to include a new loading dock as shown on the plans submitted, dated April 13, 2015. Kenneth Scholes seconded. John Boughner opposed. Vote: 4-1.

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