

**MINUTES**  
**Danvers Board of Appeals**

**#18-4754**  
**June 4, 2018**

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

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

**DAVID BRISBOIS (#18-4754)** Requesting a variance to enlarge a pre-existing nonconforming garage in accordance with Section 7, Table 2 of the Danvers Zoning Bylaws at **52 CHASE STREET**

Mr. Brisbois said I moved the structure four feet from the rear property line to increase the setback, I increased the width by two feet and removed the dormers.

The board members did not have any questions for the applicant.

**AUDIENCE COMMENTS**

Matt Duggin, Town Meeting Member said at the last meeting there was some discussion about a second story is that still on the table? Mr. Cignetti said I believe he said he removed the dormers. Mr. Duggin said is the height the same? Mr. Brisbois said it is a little bit higher and a little bit wider I wanted to get the pitch a little bigger, the pine tree has a tendency to drop stuff, it's about three feet taller. Mr. Duggin said you had the ability to walk around up there is that still a possibility? Mr. Brisbois said it's probably a very narrow strip down the middle. The garage itself, the first floor is actually over eight feet tall so I brought that down so I would have a little more head space, the overall height is 16 feet and the existing is just about 13. They continued discussions regarding the dimensions of the proposed garage and the nonconformity provisions.

Richard Maloney said if this gentlemen came in for a demo permit and tore the garage down he would lose all the rights to it, right now he is negotiating with the Zoning Board to rebuild a nonconforming structure. Mr. Duggin said so what is the new setback from 45 Damon? Mr. Cignetti said four feet.

John Boughner said I look at this as all positive, they increased the setback and reduced the size of the structure so I have no problem and I will vote favorably for this.

Jeffrey Sauer said I would vote in favor of this.

Kenneth Jarvinen said I would vote for this you listened to the neighbors and the board and you removed the dormers I would vote for this.

Anthony Podesta said I would vote for this.

Robert Cignetti said I too would vote for this we mentioned remove the dormers and move it further from the property line and you did that.

John Boughner motioned to grant the variance to enlarge a pre-existing nonconforming garage, the hardship is the location of the structure on the property; 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. Jeffrey Sauer seconded. All in favor.

**MINUTES**  
**Danvers Board of Appeals**

**#18-4756**  
**June 4, 2018**

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

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

**KEVIN AND KIMBERLY BENSON (#18-4756)** Requesting a special permit to construct an addition for an Extended Family Area (EFLA) on a nonconforming lot, and a finding for an addition to a nonconforming structure in accordance with Section 9.3.2 and Section 3.11.1 (a & b) of the Danvers Zoning Bylaws at **9 ESSEX STREET**

Robert Cignetti said so you have removed the EFLA request, you are just putting an addition on with one kitchen, by right. Ms. Benson said yes, after listening to the board at the last meeting we are requesting a finding to build an addition, we are proposing to remove the existing kitchen and build one larger kitchen and the addition. The existing side porch entry will be removed and we would like to build a new side entry a little further back to open into the addition.

Richard Maloney said if they are withdrawing the Special Permit they will require a Finding for the addition.

Anthony Podesta said are the stairs in the front of the house staying there? Ms. Benson said yes. Mr. Podesta said the setbacks are the same as the original plan as to the distance to the property line? The Architect said with one variation the existing mudroom will be completely removed and so the mudroom area is smaller and pushed back. So the existing kitchen will be completely removed and that will become the parents' bedroom, so there will be one new kitchen, a new dining room and a TV room facing the backyard. She discussed the floor plans in further detail. Mr. Podesta said what is the square footage of the addition in total? The Architect said it is 750 on the first floor and 750 on the second and the attic is approximately 500. Robert Cignetti said you made some changes to the plans?

The Architect said the current plan has one kitchen, one living room and a TV room and they have been submitted.

Kenneth Jarvinen said I had a question about the setbacks but they are within a few inches so I am good with that.

Jeffrey Sauer said so I was going to ask Rich we are voting on the fact that this is an existing nonconforming, and they are expanding their nonconformity, and we are not doing the Special Permit anymore? Richard Maloney said yes on both sides.

John Boughner said the entry way is moving back to accommodate the addition.

There were no questions or comments from the audience.

Anthony Podesta said this is a substantial improvement and I think this layout is better.

Kenneth Jarvinen said I will vote for this.

Jeffrey Sauer said I will vote for this.

John Boughner said I think this is a lot of coverage for that size of a lot but I do appreciate the applicant basically listening to the boards input and removing the EFLA part of this and I will vote for this.

Robert Cignetti said I will vote for this.

John Boughner motioned to withdraw without prejudice the request for a Special Permit for the EFLA. Jeffrey Sauer seconded. All in favor.

John Boughner moved the board to find that the proposed addition as shown on the plans increases the nonconformity. Jeffrey Sauer seconded. All in favor.

John Boughner motioned to grant the finding for the proposed addition as shown on the plans dated 5/17/18 as it will not be substantially more detrimental than what presently exists. Jeffrey Sauer seconded. All in favor.

**MINUTES**  
**Danvers Board of Appeals**

**#18-4753**  
**June 4, 2018**

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

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

**GREGORY J. MAYNARD (#18-4753)** Requesting a variance and a finding to demolish existing dwelling and construct a new single family dwelling in accordance with Section 3.17.1.2.3 of the Danvers Zoning Bylaws at **28 BRENTWOOD CIRCLE**

Jeffrey Sauer read a letter from Mr. Maynard requesting to continue to June 18, 2018.

Jeffrey Sauer motioned to continue to June 18, 2018. John Boughner seconded. All in favor.

**MINUTES**  
**Danvers Board of Appeals**

**#18-4757**

**June 4, 2018**

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

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

**PHILIP RUSSO AND PAUL E. MARCHANT, TRUSTEES OF KAM REALTY TRUST (#18-4757)** Requesting a finding for the removal of two (2) mobile homes out of the 34 home site does not constitute a discontinuance or abandonment of the use that is considered nonconforming but legally existing in accordance with Section 3.09(2) of the Danvers Zoning Bylaws at **460 NEWBURY STREET**

Attorney Jill Mann said this is an existing mobile home park, two of the sites have been empty since 2013, however the bylaw states if you have a legal existing nonconforming use and there is some element of discontinuance within it and that discontinuance is not really the discontinuance of the use it could make it nonconforming. The termination of those two leased areas and the inability to fill them did not really impact the nonconformity because it is the entire mobile home park.

Robert Cignetti asked if the mobile homes were under the state's jurisdiction. Mr. Maloney said they are HUD approved, we are responsible for final connections and zoning. In this case the owner bought this place thinking he was going to get rid of the trailers and found out after the fact that he is stuck with them. So we are saying it's like a nonconforming house if you tear off a chunk of a nonconforming house it is gone, and that is what this board is here for. So he got rid of the trailers without coming to us I don't think that he fully understood the quandary he was in. Attorney Mann said this entire mobile home park is a nonconforming use, the two sites are 17 and 35 and are on the interior and you can see why they are difficult to lease they are in an odd location. He did remove them and then subsequently tried to put new trailers on and Mr. Maloney noticed this and said it was too long of a period of time and that is why we are here.

Jeffrey Sauer said so what is our purpose on this application? Mr. Maloney said he wants to replace the two trailers that he moved so it's a finding to put the trailers back. Again if that garage on Chase Street was torn down he would lose his interest in nonconformity. The use is allowed there though, at this trailer park the use is not allowed and we are saying that he should have come before this board before he removed the trailers. We are saying that it is kind of like an addition on a nonconforming house he shouldn't have removed them, if he swapped them within a two year period it would have been fine but these go well past the two year period.

Robert Cignetti said right now the lots are empty. Attorney Mann said yes. Mr. Cignetti said and he is going to put two new mobile homes on those lots and rent them out. Attorney Mann said yes.

John Boughner said I think I understand the issues here and we don't look at setbacks here it is just nonconforming and we are going to allow him to continue the nonconforming use on the two empty lots.

Robert Cignetti said I don't have any questions all, you want a finding to allow you to continue the nonconformity. Attorney Mann said yes.

There were no questions or comments from the audience.

John Boughner said given this is a mobile home park already if we don't issue this finding then I don't feel like it has an impact on the mobile home park, however to our building inspectors point I guess there are no ramifications here to the property owner for not coming and doing as he mentioned pulling the right permits, I guess I will pass for now.

Jeffrey Sauer said I will vote for this.

Kenneth Jarvinen said I will vote for this, I mean if he wants to leave it vacant he can but if he wants to put a new trailer in he can so give him the option.

Anthony Podesta said I will vote for this.

Robert Cignetti said looking at the two vacant lots it would look a lot nicer with a new mobile home on it so I also will vote for this.

John Boughner said I will vote in favor of this.

John Boughner motioned to grant the finding for the proposed addition of two new mobile home trailers as shown on the plans as it will not be substantially more detrimental than what presently exists. Jeffrey Sauer seconded. All in favor.

**MINUTES**  
**Danvers Board of Appeals**

**#18-4758**  
**June 4, 2018**

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

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

**437 ESSEX STREET INC. (#18-4758)** Requesting a variance from side setbacks to build a screened porch at existing doorway in accordance with Table 2 of the Danvers Zoning Bylaws at **4 GROVE STREET**

Representative for the applicant said we are a nonprofit company and our goal is to put adults that are mentally handicapped into the community. This property has an existing cement patio on the right side of the building and we would like to screen it in which requires some consideration on the right side setback. Robert Cignetti said that is the top of that cement ramp.

Anthony Podesta said it looks like it will be seven and a half feet from the property line. The representative said more or less yes.

Kenneth Jarvinen said so the ramps are already in place and they will stay where they are and you are just building up. The representative said correct. Mr. Jarvenin asked how high are you going to go up. The representative said about to the height of the window.

Jeffrey Sauer said we know that structures have to meet setback lines, is a screened porch considered part of the structure? The Building Inspector said the handicapped ramps are exempt from zoning so if we looked at it as a handicapped originally. Mr. Sauer said so this is pretty much taking what is there and converting it from exempt from setback to side setback requirement. Mr. Maloney said yes.

John Boughner said so now instead of having to meet the 15 feet which is RII the decision is whether we allow the 7.4.

Robert Cignetti said I went by there and it is already at the top of a handicapped ramp which is exempt from zoning setbacks, so it's already there I really don't have any questions.

#### AUDIENCE COMMENTS AND QUESTIONS

Matt Duggin Town Meeting Member said there are two pads one on the right side of the house and one at the rear and we are talking about the one on the right? The representative said yes. Mr. Duggin said how big will the screened area be? The representative said 10 X 12. Mr. Duggin said if that in the future were to be enclosed that would require another visit to the ZBA to make it like a three season porch. Mr. Maloney said they could make that a condition. The representative said this would be a combination screen and glass but we are going to make it a three season room. Mr. Duggin said when I think screened porch I am thinking heated. The representative said we don't plan on heating it.

Anthony Podesta said as you said the concrete pad is already there I understand the concern about putting in windows, I am fine with that.

Kenneth Jarvinen said I would vote for this I think it is good to have another area.

Jeffrey Sauer said I would vote for this but I would entertain a condition on the decision where it would not be a permanent heated space.

John Boughner said I echo Jeff but if they wanted to turn it into a permanent structure I would want them to come back to this board.

Robert Cignetti said my way of thinking is that they are already enclosing it and if they put heat in it what is the difference but if you want to put a condition on it I have no problems with that.

John Boughner motioned to grant the variance from side setbacks to erect a three season unheated porch addition with a condition that if this were to become a year round permanent structure they would return to this board for approval, the hardship is the location of the building on the property; 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. Jeffrey Sauer seconded. All in favor.

**MINUTES**  
**Danvers Board of Appeals**

**#18-4759**  
**June 4, 2018**

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

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

**HEIDI STEEN-JOHNSEN (#18-4759)** Requesting a variance from setback to erect a 10 X 12 shed on side of house in accordance with Section 7, Table 2 (Dimensional) of the Danvers Zoning Bylaws at **46 SUMMER STREET**

Ms. Steen-Johnsen said we are on a corner lot which effects our setbacks and makes the requirement 30 feet on the street side, we are in an RII zone we have a 15,500 square foot lot. You have the drawing of the lot and you can see were we plan on putting the shed, we have a driver lawn mower and a snow plow which we need to store in the shed. Robert Cignetti said you have another shed right? Ms. Steen-Johnsen said yes it is full. Mr. Cignetti said why does this shed have to be in this spot? Ms. Steen-Johnsen said it will be located in an area that is not used at all and it will be out of the way.

John Boughner said I had the same question why that area, isn't there a stone wall on that corner? Ms. Steen-Johnsen said not on that side. Mr. Boughner said you mentioned the plow and the driving mower how would you get them in and out of that shed. Ms. Steen-Johnsen said there is a gate that goes in and out of the sidewalk it is the most convenient place for it. Mr. Boughner said what is the distance between the proposed location of the shed and the house? Ms. Steen-Johnsen said it is 8 feet from the existing house. Mr. Boughner said it doesn't look like it, you are showing a setback of 13 feet it looks like about a foot off the house, my math says 13 and 12 is 25 so it will be a foot off of the house. A companion of the applicants said there is the house and then there is 8 feet before the shed starts and the shed is 12 foot and then from the shed to the fence is 10 feet.

Jeffrey Sauer said I am unhappy with the location as well and I am also unhappy that we don't have a real clear surveyed drawing with a real size shed and real dimensions. Mr. Maloney said I put that to scale for the applicant. Where it shows Greenleaf Drive that is the town line but for that to fit you are literally 1 to 2 feet off the house for this to be 13 feet at the front corner to the property line. If they are saying that they have that much room to the fence that fence may be on Town property, but this is scaled from the property line. Mr. Sauer said so from your reckoning you have a foot to the shed, then the shed and then 13 feet to the line to the front corner.

Kenneth Jarvinen said do you really want a shed that close to your house, is there a window there? Ms. Steen-Johnsen said there is a window there but it doesn't affect the sun because we don't get sun on that side.

#### AUDIENCE COMMENTS AND QUESTIONS

Matt Duggin, said the shed is going to be on the corner of Greenleaf and Summer where the pine tree is. So we don't know if that fence on Greenleaf is on Town property. Ms. Steen-Johnsen said the fence is not a definition of the property line it is on our property. Mr. Duggin said it is right to the sidewalk so I don't know if that is true or not. Why can't you put the shed in the back corner next to the parking lot and then get rid of the existing shed, do a trade. The applicant discussed this location a little further.

John Boughner said I just don't like the spacing on this where it is so close to the house, I wouldn't vote in favor of this as presented.

Jeffrey Sauer said I would not vote for this it is too tight in that corner.

Kenneth Jarvinen said I would vote for this I think if you want it there, I saw your garden out there.

Anthony Podesta said I would not vote for it, it is too close to the house and the corner.

Robert Cignetti said I would not vote for this, you say you had a gate in the back there why can't it be placed in that area.

My comment is if you moved it back just parallel to the house. They discussed the location in further detail.

The applicant requested to continue to June 18, 2018.

John Boughner motioned to allow the applicant to continue to June 18, 2018. Jeffrey Sauer seconded. All in favor.

**MINUTES**  
**Danvers Board of Appeals**

**#18-4760**  
**June 4, 2018**

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

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

**ANFM REALTY, LLC (#18-4760)** Requesting a finding to allow the alteration and extension of the existing nonconforming multifamily residential use be converted from 3 residential units to 4 residential units in accordance with Section 3.10 of the Danvers Zoning Bylaws at **6 CHERRY STREET**

Attorney Nancy McCann said I am here on behalf of the applicant Frank Prosciutto and ANFM Realty LLC, this property is located in a C1A Zoning District, it was built in about 1889, and it meets all of the setback requirements within this zoning district. It is currently nonconforming as to the use because it is in C1A Zoning District and it is used entirely for residential purposes. There are three residential units currently in this structure for a total of 6 bedrooms. We are proposing to do some renovating, interior renovations only there is no increase in the square footage of this building, no increase to the footprint of the building, it is going from three units and 6 bedrooms, to four units and 5 bedrooms. We think this is an appropriate location for a smaller sized unit to bring a smaller household into the downtown area. We have five parking spaces on site one for each bedroom should you approve this we will have to go to Planning Board for site plan approval. No changes to the building other than interior changes and we are going from three units to four units but from 6 bedrooms down to 5 bedrooms, and the building will be upgraded to code compliance.

Anthony Podesta said can you go through the plan briefly. Attorney McCann discussed the floor plan and layout of each unit in further detail. Mr. Podesta said unit three will have the two floors. Unit one in the front I see a kitchen, bedroom, bathroom I don't see a living room am I missing something? Attorney McCann said that is a relatively small unit. The owner

of the property discussed the inside floor plans in further detail.

Jeffrey Sauer said so the one unit that is becoming two is basically a second floor and you are moving the bedrooms.

John Boughner asked what the square footage of the units were. The owner of the property said the studio is 550 on the first floor Unit 1, Unit 2 is 1200 square feet, and Unit 3 is 2500 square feet. Mr. Maloney said the attic is unfinished and the bedrooms in the attic are your typical 1800 they are not habitable. The owner said so the fourth unit which will be the new unit will be 1600 square feet, and the other unit will be a large one bedroom about 1100-1200 square feet. Mr. Boughner said will this be rentals and will it have to go to site review. Attorney McCann said yes. Mr. Boughner said the removal of the garage allows at least five parking spaces. Attorney McCann said yes. Mr. Boughner asked about snow storage. Attorney McCann said there is plenty of room for snow storage.

#### AUDIENCE COMMENTS

Matthew Duggin asked about the area along the fence, and he asked about the parking area.

Bill Bradstreet discussed the multiple developments in this area and where does it stop. Mr. Maloney said they are starting the re-zoning process for downtown now, you could go to the Town Meeting and discuss your concerns.

John Boughner asked is the building going to be sprinkled. Attorney McCann said yes. Mr. Maloney said if you gutted that building as a three family you would have to bring it up to code.

Anthony Podesta said I like the outside it looks great I am concerned that the number of bedrooms is going down. He stated his concerns that one of the bedrooms is too small for a bedroom. Attorney McCann said we could make that a condition.

Kenneth Jarvinen said I would vote for this.

Jeffrey Sauer said it looks a lot nicer on the outside and I have no problem with six units.

John Boughner said I was a little concerned that we were going from a three family to a four but reducing the bedrooms seems like the parking is there and I'm glad the site is cleaned up, I would like to see the restriction with the bedroom.

Robert Cignetti said I think this is the right thing for that building.

John Boughner motioned to grant the finding for the alteration and the extension of the existing nonconforming multi-family residential unit from three residential units to four residential units, the total number of bedrooms will also be reduced from six to five, a condition that Unit Number 2 remain a one bedroom, as it will not be substantially more detrimental than what presently exists. Jeffry Sauer seconded. All in favor.

**MINUTES**  
**Danvers Board of Appeals**

**#18-4761**  
**June 4, 2018**

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

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

**OLGA ST. FLEUR (#18-4761)** Requesting a special permit to convert garage to Extended Family Area (EFLA) in accordance with Section 9.3 of the Danvers Zoning Bylaws at **198 LOCUST STREET**

There was no one present to represent the applicant, the board agreed to continue to the next meeting on June 18, 2018.

John Boughner motioned to allow the applicant to continue to June 18, 2018. Jeffrey Sauer seconded. All in favor.

**MINUTES**  
**Danvers Board of Appeals**

**#18-4762**  
**June 4, 2018**

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

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

**MICHAEL AND EMILY BLANEY (#18-4762)** Requesting a special permit for an oversized Extended Family Living Area (EFLA) in accordance with Section 9.3.3.3 of the Danvers Zoning Bylaws at **10 Tanager Drive**

Michael Blaney said we are requesting to build an oversized Extended Family Living Area in the lower portion of the split level. Robert Cignetti said I went out to look at the house and it did not have a number on the house.

John Boughner said it seems pretty straight forward and the only reason you are seeking a special permit is that it is slightly oversized, can we discuss the common area. Mr. Blaney discussed the floor plans further. Mr. Boughner said one of the compliances of the EFLA is a common shared space. Mr. Blaney said the laundry room is common area. Mr. Boughner said is this a first floor? Mr. Blaney said it's a split so it's the lower level.

Kenneth Jarvinen said so the entry is in the back? Mr. Blaney said there are three entrances, the garage on the left side, there is an existing rear entry door where the bedroom will be and an existing slider glass door in the living room/kitchen area. Mr. Jarvinen asked who would be living there. Mr. Blaney said my daughter.

**AUDIENCE COMMENTS**

Matthew Duggin Town Meeting Member said it sounds like the occupant will be a married couple and that is the maximum number of people that can occupy it and if the married couple were to have a baby they wouldn't be able to stay there. Mr. Blaney said this is a short term situation. They discussed the floor

plan and entrances in further detail. Mr. Duggin asked about the number of EFLA's in Danvers. Mr. Maloney said we have never even come close to 25 per year, the bylaw was passed in 2007 we grandfathered 99 and we estimate we have about 200 total.

John Boughner said I feel that this is adequate and I would vote for this.

Jeffrey Sauer said I would vote for this.

Kenneth Jarvinen said I would vote for this.

Robert Cignetti said I have no problem with this.

John Boughner moved the board to grant the special permit for the oversized Extended Family Living Area (EFLA) with a square footage of 820 square feet 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. Jeffrey Sauer seconded. All in favor.

\*John Boughner motioned to adjourn. Jeffrey Sauer seconded. All in favor.