

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

**#18-4766**  
**July 16, 2018**

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

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

**DIANE SENECHAL TRUSTEE (#18-4766)** Requesting a variance for the addition of a drive through lane in accordance with Table 1 of the Danvers Zoning Bylaws at **156 Andover Street**

Rossana Ferrante, representative for the applicant said since we filed our application the ownership has changed and because of that we would like to request a continuance to August 13, 2018.

Robert Cignetti said while you are here I was at the property today and I am looking at all the signs at Honey Dew Donuts, there are two Frozen Fun signs and a Smoothie sign, I would suggest before you come back to this board the signs are removed.

John Boughner motioned to allow the applicant to continue to August 13, 2018. Jeffrey Sauer seconded. All in favor.

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

**#18-4761**

**July 16, 2018**

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

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**

Dave Gleasen, Architect, said I did not make the last meeting since I was recovering from surgery. My clients are trying to create an independent living space for aging adults in their family. They have an existing two car garage, the square footage of the first floor is 680 square feet and the approximate square footage of the whole building is 1350 square feet. We understand that we do not meet the criteria for the EFLA and that is why we are here. With the help from the building inspector they helped me fill out the application and work on a reasonable plan and understand how to meet the criteria.

Robert Cignetti said the contractor went through all of this with us before and what the board said was that the EFLA is too large and we suggested that he eliminate the second floor and he said he would go back and talk to the owners. That seemed to be the consensus of this board at the last meeting. What it comes down to is that you are building a house 1300 square feet, and the consensus was that it is too large. Also the bedrooms were going to go up on the second floor and you are going to have elderly people walk up to the second floor, have you considered moving the bedrooms to the first floor. Why don't you review the minutes from that meeting and we can come back to this.

John Boughner said we also asked that the clients be present at the meeting.

Mr. Gleason said I appreciate the information but I need some help, I would have to try and get down to 750 square feet effectively, and upper floor and 700 square feet. I am not sure where to go with it. In order to reduce it down to something that will fit within the code means that I would have to take a floor off. Mr. Cignetti said we cannot build it for you, if you can make it 750 you don't even have to be here, most people who come here for relief are asking a little over

750 square feet. Mr. Maloney said I can meet you out there and we can discuss different options. Mr. Cignetti said when you do return please bring the applicants with you. Mr. Boughner said we also asked about a common area.

The applicant requested to continue to August 13, 2018.

John Boughner motioned to allow the applicant to continue to August 13, 2018. Jeffrey Sauer seconded. All in favor.

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

**#18-4767**  
**July 16, 2018**

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

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

**SCOTT AND MARTHA PIKE (#18-4767)** Requesting a variance from setback to install an in ground pool on a pre-existing non-conforming lot in accordance with Section 7, Table 2 of the Danvers Zoning Bylaws at **8 PEACH TREE LANE**

Scott Pike said we are requesting a variance to install an in ground pool in our backyard and the hardship is the size of the lot, it requires a 15 foot setback and we are asking for 10.

John Boughner said have you talked to your neighbor in the rear of the property. Mr. Pike said I talk to her daily and she did not mention anything adversely. Mr. Boughner said and this is a standard size pool? Mr. Pike said it is standard where it is only five feet deep.

Rebecca Kilborn said this is a Mortgage Survey and did you draw the pool on this? Mr. Pike said I super imposed it. Ms. Kilborn said and the deck and the garage has all been added to the Mortgage Survey? Mr. Pike said correct. Ms. Kilborn said a Mortgage Survey can be off by five feet so typically we don't like to work off of this we would want a surveyed plot plan. Richard Maloney said I warned him and the only reason that we submitted it was because the ZBA granted the variance addition on the left side using the same plan.

Jeffrey Sauer said I agree with Becky and the possibility is also that you would get two or three more feet.

Kenneth Jarvinen asked about a fence. Mr. Pike said we plan on installing a fence.

Robert Cignetti asked about the size of the lot. Mr. Pike said 8,000.

There were no questions or comments from the audience.

John Boughner said I echo Becky a little bit as far as the plot plan, the fact that it was used in 2004 or 2005 I could see why it could be used again. I don't have a problem with the pool I just worry about how accurate this is.

Corinne Doherty said I think before we can vote on this I think you would need a survey and then return to the board.

Rebecca Kilborn said I cannot vote on this without a surveyed plan.

Jeffrey Sauer said I agree with Becky I would like to see hard numbers if it comes back at 10 feet I will approve it I have no problem with the pool.

Kenneth Jarvinen said I agree.

Anthony Podesta said I agree with the other board members.

Robert Cignetti said I also agree, would you like to continue.

Richard Maloney said if he gets an As Built we could use the house to measure off of.

John Boughner motioned to allow the applicant to continue to August 13, 2018. Jeffrey Sauer seconded. All in favor.

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

**#18-4768**  
**July 17, 2018**

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

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

**JEROLD AND MARY JANE WELCH (#18-4768)** Requesting a finding to build a 24 X 28 two car garage on a nonconforming two family dwelling in accordance with Section 3.10.1 of the Danvers Zoning Bylaws at **72 LIBERTY STREET**

Jerry Welch said I would like to build a garage on the property, it could be smaller maybe 24 X 24. Mr. Cignetti said if you change the plans you may have to come back. Mr. Maloney said if you vote on the plan as drawn you give him the maximum size.

Anthony Podesta said it is a single story garage? Mr. Welch said yes.

John Boughner said if he was able to build this by right what would be the size allowed? Mr. Maloney said 30 X 40 is the maximum garage size.

There were no questions or comments from the audience.

Anthony Podesta said I have no problem with this.

Kenneth Jarvinen said you have a lot of land and there are no abutters, I have no problem with this.

Jeffrey Sauer said I will vote for this.

Rebecca Kilborn said I will vote for this.

Corinne Doherty said I will vote for this.

John Boughner said I would vote in favor of this.

Robert Cignetti said I will also vote for this.

John Boughner moved the board to find that the 28 X 24 nonconforming garage increases the nonconformity. Rebecca Kilborn seconded. All in favor.

John Boughner motioned to grant the finding for the proposed garage 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**

**#18-4769**  
**July 16, 2018**

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

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

**JENNIFER & JOSHUA SANTERRE (#18-4769)** Requesting a variance from side setback to install a 16 X 24 in-ground pool in accordance with Section 7, Table 2 of the Danvers Zoning Bylaws at **76 NORTH STREET**

Jay Henshall said this is an above ground pool and it's already built. This lot is very small and there is one spot where this pool could go. Because of the grade it had to be cut in pretty substantially into one corner and they hit some ledge and a tree trunk so the installer made a judgement call and they shifted it over 12 inches. So what it did was put the cantilever 12 inches inside the setback so we are looking for relief from that. Mr. Cignetti said so you needed 20 and you have 19.

John Boughner said why are they here? Richard Maloney said like everybody else who keeps stuffing these pools and sheds in the corner of the lot, we went over this before I issued this permit I thought it was close and asked for more room. This is a tough lot it is up on a hill and I knew the minute I walked out there the pool was in the wrong place, so they got an as-built and it is in the wrong place. It is frustrating for me to go over this stuff. Mr. Henshall said we got it surveyed but when the installer hit the obstructions he did not realize and assumed that we had the room. I work for the pool company and the only thing that is encroaching on the setback is an aerial overhang.

Corinne Doherty said so it is just the overhang that's over? Mr. Henshall said the wall of the pool is still 21 feet to the property line.

Kenneth Jarvinen said I saw on the driveway side that there is not a fence. Mr. Henshall said there is going to be a fence with a gate.

Robert Cignetti said just to be clear we don't measure from the wall we measure from the furthest point.

There were no questions or comments from the audience.

John Boughner said I guess the options are tear out the pool or allow this one foot to go, so I guess in this situation given that lot I would vote in favor of this.

Corinne Doherty said I would vote in favor.

Rebecca Kilborn said I went up there and looked at it, I just don't want people coming back here saying it is only a foot or two feet. Mr. Henshall said this is not our normal procedure.

Jeffrey Sauer said I will vote for it hesitantly.

Kenneth Jarvinen said I will vote for this.

Anthony Podesta said I will vote for this.

Robert Cignetti said as someone who has made one or two mistakes in my life I will vote for this too.

John Boughner motioned to grant the variance for a side setback of 19 feet to install a 16 X 24 above ground pool, the hardship is the topography of the land; 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**

**#18-4770**  
**July 16, 2018**

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

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

**RAFAEL BAEZ (#18-4770)** Requesting a variance and a finding to construct an addition and a garage on a pre-existing nonconforming dwelling in accordance with Section 3.11 and Section 7 of the Danvers Zoning Bylaws at **10 HAZEN AVENUE**

Bob Griffin said we have 8000 square foot lot where 30,000 is required, we've got 80 feet of frontage where 150 is required we have a very small nonconforming parcel. They are a growing family that would like to stay in the neighborhood so they are proposing two additions on the house one is a 22 X 24 foot garage where the existing driveway is now and they are proposing a 16 X 24 two story addition on the back of the house. Right now it is a 1300 square foot two bedroom home. The hardships are the small size of the lot and the location of the building on the lot. He is also proposing to add some trim around the building which will be adding an overhang which will affect the setbacks. The finding is for the extension of the nonconforming building on the side yard, there is a second finding for an extension of the nonconforming building in the front yard. The existing front yard setback is around 27 feet, with the jog it will be 28 feet to the face of the garage so that's the second finding, and then the variance because he is under 20 feet on the side yard setback to the overhang is 6.8 feet. The owner contacted the neighbors and we have submitted four letters supporting this application.

Anthony Podesta said thank you for a well put together application it makes it a lot easier. On the left hand side you are going in line with the building but because of the overhang you are into the setback. Mr. Griffin said most of that is the one foot overhang.

Kenneth Jarvinen said I am a little worried about the garage addition I think it is too close to the lot line.

Rebecca Kilborn said my only question is have they considered a one car garage because you are a required 20 foot setback and you've got 6.8? Bob Griffin said the other side of the lot is less than 20 feet, the owners wanted a two car garage. Ms. Kilborn said you are going to increase the left side also. Mr. Griffin said the increase is because of the trim.

Corinne Doherty said my biggest concern also is the size of the garage and I am concerned that it is going to look like this huge house with thin strips of grass on either side so I agree I think maybe there might be an alternative to the size of the garage.

There were no questions or comments from the audience.

Anthony Podesta said I have concerns with the right side setback, I would not vote for it as it is.

Kenneth Jarvinen said I am also concerned about the size of the garage and I feel it is too close, I would go for a one car garage but I would not vote for it as it is.

Jeffrey Sauer said I think losing the left side foot for the fact of the trim is an improvement, building the back extension along the side of the house is to me no more detrimental than what is already there, the front setback is the front setback, the only issue that I have is that right side it is too close. I am kind of torn on this one when you go up and down Hazen Ave there are some buildings that are very close to each other so it is not exactly out of keeping with the neighborhood. Maybe you could get two cars in a garage with one large door?

Robert Griffin said I wonder if we could get 10 feet to the facade of the building instead of the overhang at 9 feet.

Rebecca Kilborn said I love the design of the building, I like the way it looks but when you think about taking that and sticking it on that lot I think that it is too oversized, I would like to see it reduced.

Corinne Doherty said I would too and whether you go down to one car and have one big door I think that you need to get further away from that lot line.

John Boughner said normally I would agree with all of you, what we try to do is if it is detrimental to the neighborhood. I look at 12 Hazen Ave and I think that they have a three season porch on the left side and their setbacks are 8 feet, also in Res. III we require a 30,000 square foot lot, none of these houses have that and this is 8,000 square foot so I think it's a little bit of we are trying to get a lot out of what is improperly zoned. Mr. Maloney said this is the exact same as Peachtree about the pool, back in the 50's our residential zoning was 8,000 square foot lots with 80 feet of frontage, and in 1961 we created the three residential zones. Mr. Boughner said so to that point to hold this to a 20 foot setback and then try to see them at 10. I would vote for it as it is, I don't think that the 7 feet is a detriment to this neighborhood.

Mr. Cignetti said sometimes your lot is just not big enough for what you want to put on there, the addition I don't have a problem with, but the garage I cannot vote for it if you can get 10 feet. Mr. Griffin said I just know that the 9 feet that I mentioned I know I could get two decent size garage doors. Mr. Cignetti said you are putting an awful lot of building on a small lot.

Rebecca Kilborn said I would consider the 9 feet with the 1 foot overhang.

Corinne said if you could get it down to 10 feet to the building and the 1 foot overhang.

John Boughner motioned to allow the applicant to continue to August 13, 2018. Rebecca Kilborn seconded. All in favor.

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