

MINUTES
Danvers Board of Appeals

#18-4766
August 13, 2018

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

Jeffrey Sauer read an email from Rossana Ferrante requesting to
withdraw this application.

John Boughner motioned to allow the applicant to withdraw
without prejudice. Kenneth Scholes seconded. All in favor.

MINUTES
Danvers Board of Appeals

#18-4776
August 13, 2018

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

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

AOL PROPERTIES LLC (#18-4776) Requesting a special permit to
convert existing single family dwelling to a two family dwelling
in accordance with Section 30.2.4 of the Danvers Zoning Bylaws
at **55 PARK STREET**

Jeffrey Sauer read a letter from Aki Olia, Principal, Unicon,
Inc. requesting to withdraw this application.

Kenneth Scholes motioned to allow the applicant to withdraw
without prejudice. John Boughner seconded. All in favor.

MINUTES
Danvers Board of Appeals

#18-4771

August 13, 2018

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

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

TIMOTHY RAESLY AND BRITTANY DUPONT-RAESLY (#18-4771) Appealing
the decision of the Building Inspector that the premises is
being used for Animal Husbandry is in error, in accordance with
MGL 40A at **109 HOBART STREET**

Corinne Doherty voting on this application.

Board member Sauer read a letter from Attorney Nancy McCann
requesting to continue to September 10, 2018.

John Boughner motioned to allow the applicant to continue to
September 10, 2018. Kenneth Scholes seconded. All in favor.

MINUTES
Danvers Board of Appeals

#18-4753 (Cont. to June 2019)
August 13, 2018

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

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**

Mr. Maynard said I have been to Conservation and Planning Departments and I have been advised that I will need Town Meeting to approve this and the next meeting is in May 2019, so I would like to continue until then.

Richard Maloney said this is public land so Town Meeting has to dispose of it. First it goes to the Town Engineer to answer does the Town need that land for anything, then a warrant is created to dispose of the land, and this will take place in May of 2019. Mr. Boughner said so if this goes through and you obtain this land then at that time you will come back to this board for a finding only.

AUDIENCE COMMENTS

Bill Bradstreet asked for more detail of this process.

Richard Maloney said the most recent land was a land lock parcel that abutted what is going to be a future rail trail, the old rail road bed. This is just a parcel of land that is just out in the street that is of no use to anybody. Again it is up to Town Meeting in the end.

John Boughner said I would move that we allow this applicant to continue this case until after May 2019, until Town Meeting comes forth with its finding.

The applicant signed an agreement that this case will be heard at the first ZBA meeting in June 2019.

John Boughner motioned to allow the applicant to continue to the first meeting in June 2019. Kenneth Scholes seconded. All in favor.

**This application was first heard on May 7, 2018, ZBA Members who voted were; R. Cignetti, R. Kilborn, J. Boughner, J. Sauer, K. Scholes.*

MINUTES
Danvers Board of Appeals

#18-4761
August 13, 2018

Present: Robert Cignetti, John Boughner, Jeffrey Sauer,
Kenneth Scholes, 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**

Four regular members and Kenneth Jarvinen voting.

Jeffrey Sauer read a letter from the owners of the property stating they were unable to attend the meeting.

Robert Cignetti said who will be living in the EFLA? The contractor said I really don't know. He stated there is a drafting error and submitted new plans to the board members. The contractor and the building inspector met at the property to discuss the EFLA dimensions. Mr. Cignetti said what you are presenting is what we will vote on, 552 living space on the first floor and 540 on the second floor which is 1092. The contractor said correct.

Kenneth Jarvinen said do the owners know that there will be a deed requirement? The contractor said yes.

Corinne Doherty said one of our concerns is that this is a two story and how someone with any type of disability was going to be able to go up and down the stairs and I thought as one of the alternatives we suggested only have one level, is that not an issue for them? The contractor said no.

John Boughner said on the first floor this area on the other side of the kitchen is just an open storage area and that is part of the calculation of the square footage? The contractor said that is part of the connector space, common area. They

discussed the common area on the plans in further detail. Mr. Boughner said so the bedrooms are still on the second floor.

Robert Cignetti said as someone who is very close to getting an EFLA the first thing that I would want is a bedroom on the first floor but you designed it and it is your business, I would express that if the applicant was here. The contractor said we discussed that. Mr. Cignetti said maybe one of those electric chairs that go up the stairs.

AUDIENCE COMMENTS

Matt Duggan said about the size of this garage right now it is a stand-alone two bay garage. The bylaw says that 750 is the maximum for an EFLA and this looks like twice that size, so how do we justify this additional space. Richard Maloney said that is why the bylaw allows exceptions by a special permit, if it were 750 square feet he wouldn't need to be here. They discussed the plans in further detail.

John Boughner said the original drawing I am looking at my old notes here and we were at about 1380 can you summarize what changed from 1380 to 1092 because it looks pretty similar. Was it just because we measured with the building inspector and we really didn't make any changes? The contractor said we did make changes I took the outside measurements from the building and that is not living space, so when we take the thickness of the walls out and measure the sill to the roof where the 5 foot dimension is and you take the interior of the wall that will give you the dimension, and I changed the stairs a little bit.

Corrine Doherty said I don't have a drawing of what the exterior is going to look like when all the work is done. The contractor said I did not do that.

Robert Cignetti said pretty much all you did was measure a different way. The contractor said I moved the stairs. Mr. Cignetti said you've got the same amount of space. The contractor said we shrunk the first floor space a lot.

Anthony Podesta said I struggle with the lack of common area, if you closed the area to the EFLA it would be a separate apartment. We are looking for shared space like a laundry room or a living area, I know you are trying to work with what you

have but the way it is currently set up it looks more like a separate house. I am not in favor of this.

Kenneth Jarvinen said the common area is not really attached to the house, I agree with the other board members I cannot vote for this as it is.

Jeffrey Sauer said I agree with the other board members I don't like the lack of real shared common area and I think it is just too big I won't vote for it like it is.

Corinne Doherty said I agree it looks like it is its own separate house on the property so I would vote against it.

Kenneth Scholes said I think that the main house has a kitchen and this has a kitchen there is nothing to share there is just a passageway.

John Boughner said I echo the rest of the board you can access this house through the garage and then into a hallway, to me it is not an apartment it is a second house and it is too big in my eyes, I would not vote for it.

Robert Cignetti said I also agree, I think it is just too big and I will not vote for this.

The contractor said the only way for me to accomplish the goals that are presented to me is to make that common area living space and then make one of the garage doors a garage again. Mr. Cignetti said that is what I thought you were going to do. The contractor said that is not what the homeowners wanted to do. I would like to continue to October 15, 2018.

John Boughner motioned to allow the applicant to continue to October 15, 2018. Kenneth Scholes seconded. All in favor.

MINUTES
Danvers Board of Appeals

#18-4767
August 13, 2018

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

*Corinne Doherty and Kenneth Jarvinen voting.

Scott Pike said I have certified plans and I actually gained four feet.

Robert Cignetti said so the setback is 10 feet.

John Boughner said so it turned out the mortgage plot plan and the surveyed were not the same you gained some space.

Kenneth Jarvinen asked if a fence would be installed and the applicant replied yes.

There were no questions or comments from the audience.

John Boughner said I am voting in favor of this.

Kenneth Scholes said I am not voting on this.

Corinne Doherty said I am voting yes.

Jeffrey Sauer said I would vote yes.

Kenneth Jarvinen said I would vote yes.

Anthony Podesta said I will vote for this.

Robert Cignetti said I will also vote for this.

John Boughner moved the board to grant the variance to install an in-ground pool on a nonconforming lot, the hardship is the size and shape of 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. Jeffrey Sauer seconded. All in favor.

MINUTES
Danvers Board of Appeals

#18-4770
August 13, 2018

Present: Robert Cignetti, John Boughner, Jeffrey Sauer,
Kenneth Scholes, 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**

*Corinne Doherty voting.

Robert Griffin, Griffin Engineering said we have a nonconforming
lot and a nonconforming building, we have some modest building
additions that were proposed. At the last meeting I believe the
focus was on the size of the garage and we were showing 6.8 feet
to the side of the building, you asked if we could get that
closer to 10 feet to the building wall and we reduced the width
of the garage so we have the 10 feet to the building wall.

Anthony Podesta so other than the change to the garage and
making this smaller everything else stays the same. Mr. Griffin
said yes.

Kenneth Jarvinen said so that setback was 6.8 and it is now?
Mr. Griffin said it is 10.3 to the building wall and it is 9.3
to the one foot overhang.

There were no further questions from the board members.

There were no questions or comments from the audience.

Anthony Podesta said we had a discussion last time asking for
more of a setback and I have no problem with this I will vote
for this.

Kenneth Jarvinen said I would vote for this.

Jeffrey Sauer said I will vote for this.

Corinne Doherty said I will vote for this.

John Boughner said I will vote in favor of this application.

Robert Cignetti said I also will vote for this.

John Boughner moved the board to grant the variance for the right side setback as this is a pre-existing nonconforming dwelling, 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. This is for the drawing revised and dated 7/23/2018. Jeffrey Sauer seconded. All in favor.

John Boughner moved the board to find that the proposed addition to the front of the garage and the left side addition as shown on the plans dated 7/23/1018 increases the nonconformity. Jeffrey Sauer seconded. All in favor.

John Boughner moved the board to grant the finding for the proposed two alterations 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

#18-4772
August 13, 2018

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

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

REBECCA HICE (#18-4772) Requesting a finding from side setbacks to replace a deck in accordance with Section 3.11 (a & b) of the Danvers Zoning Bylaws at **3 ALMA LANE**

John Boughner recused himself from this applicant, Anthony Podesta will vote in his place.

Robert Cignetti said when I went out to the property the applicant has a porch that she wants to enlarge and I thought that front porches don't count? Richard Maloney said this is the right side setback, porches are exempt from the front setbacks only.

Board members did not have any questions for the applicant.

Robert Cignetti said it is very simple what you want to do you want to make a little porch a little bit bigger and keep the same setbacks.

There were no questions or comments from the audience.

Kenneth Scholes said I have no problem with this I will vote for this.

Corinne Doherty said I will vote for this.

Jeffrey Sauer said I will vote for this.

Kenneth Jarvinen said I will vote for this.

Anthony Podesta said I would vote for this.

Robert Cignetti said and I also will vote for this.

Kenneth Scholes motioned to find that the proposed addition as shown on the plans increases the nonconformity. Jeffrey Sauer seconded. All in favor.

Kenneth Scholes moved to grant the finding for the proposed addition 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

#18-4773
August 13, 2018

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

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

JOSH AND MICHELLE EDELSTEIN (#18-4773) Requesting a finding from front setbacks to construct an addition to existing single family dwelling in accordance with Section 3.1 and Table 2 of the Danvers Zoning Bylaws at **11 BALDWIN ROAD**

Kenneth Jarvinen voting on this application.

The contractor said we are adding a garage to the left side of the house 24 X 24, and adding a second story over the entire structure, the garage and the main part of the house. This will be about 1500 square feet. This has already been approved by Conservation Commission. There is a 20.3 foot setback to the front left corner of the garage.

Robert Cignetti said I believe this is in an R2 zone.

The contractor said the ridge on the garage will be the same height as the ridge on the house. Mr. Cignetti said did you measure from the eaves or the walls? The contractor said it is from the foundation. Mr. Maloney said it looks like the only issue is Baldwin Road the eaves are exempt on the front, it's only a 15 foot side setback.

John Boughner said you mentioned Conservation Commission, when I went to the property I noticed a brook what do you know about that. Josh Edelstein said the brook that runs behind all of the homes there, it is runoff. Mr. Boughner said do we normally get a letter from Conservation. Mr. Maloney said before they get a building permit we would send them up there. Mr. Boughner said the addition is 24 X 24 and its two stories? Mr. Edelstein said yes.

Kenneth Scholes said the hardship is the placement of the home on the lot? Mr. Maloney said it is an undersized lot, the location of the structure on the lot.

Robert Cignetti said basically you want to build a garage and are there rooms up there? Mr. Edelstein said yes rooms. Mr. Cignetti said you've got an existing shed and it looks like it is not on your property? Mr. Edelstein said I think from the plan it is off a bit. They discussed the location of the shed and who owns the property.

AUDIENCE COMMENTS

Matt Duggin said it is either vegetated wetlands or its definitely part of the non-disturb zone. He discussed the Conservation Meeting and the findings regarding this property. The homeowner explained in further detail. Mr. Maloney said the board can make a condition that the shed be moved onto his property and it meets the setbacks. I am not sure how long the structure has been there but Conservation can comment on that. You can build within the 100 foot zone but there are limits.

Kenneth Scholes said I have no problem the lot is undersized there is an existing house on the lot, I would vote for this.

Corinne Doherty said I would vote for it too, the way the house is situated you really have no other choice.

Jeffrey Sauer said I would vote for this.

Kenneth Jarvinen said I would vote for this.

Anthony Podesta said I would vote for this.

Robert Cignetti said I don't have a problem with this.

Kenneth Scholes moved the board to find that the proposed garage as shown on the plans increases the nonconformity. Jeffrey Sauer seconded. All in favor.

Kenneth Scholes moved the board 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

#18-4774
August 13, 2018

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

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

ANTHONY J. CALITRI - VIGNETO LLC (#18-4774) Requesting a special permit to cross district boundaries, and requesting a variance from side setbacks to construct a three car garage in accordance with Section 30.2.7 and Table 3 of the Danvers Zoning Bylaws at **73 COLLINS STREET**

Corinne Doherty voting on this application.

Bill Nolan said we are seeking to construct a 30 X 60 building on this property, it is in the Rt. 114B Zone, there are boundary lines crossing through the property, the front portion of the property is residential R1 Zone and the back half of the property is 114B. We would like to build a garage/utility building, the owner owns 73 and also 75 and some other properties, he has maintenance equipment and would like to store it in this garage and also have a workshop in this building to maintain his buildings. I wasn't sure if it was a special permit to cross boundaries. Mr. Maloney said we have special permit for access/egress across district boundaries. Mr. Nolan said the variance is for the side setback, for the building in the Rt. 114B Zone it is a 50 foot side setback. Our hardship is the shape of the lot it knife points towards the front, the location we are planning to build the garage is a natural hillside so this structure will be nestled into that hillside. But pushing the building back here as it widens out you are pushing the building further from the street which increases utilities and driveways so there is a financial hardship for pushing it back. It's zoned as Rt. 114B but it's really very close to a residential neighborhood so we are trying to keep the design of it residential scale. It is a single story space.

Anthony Podesta said will the owner be using it for a business? Mr. Nolan said he is a property owner it is not going to be rented out for commercial use, it's just a garage to be used for maintenance equipment and a workshop.

Kenneth Jarvinen asked about keeping the trees.

Corinne Doherty said the existing structure in the front it says two units so those are two rental units? Mr. Nolan said yes.

Kenneth Scholes said so what should our setback be in that Rt. 114B district. Mr. Nolan said in Rt. 114B it is 50 and we are asking for 20. Mr. Scholes said I would like to see more than 20 where it's zoned for 50. Mr. Nolan said we talked about that and 25 is something we could do.

John Boughner asked about the square footage of the building. What types of equipment will be housed in there. Mr. Nolan said yard equipment, wood working. Mr. Boughner said I don't remember doing something like this where there is a residence in the front and then a long driveway and then a second building, is this still going to be a residential building. Mr. Maloney said he talked about putting a residence there originally but we don't allow residence in Rt. 114B, they own this property and the next two over and they are just looking for a facility to house some maintenance equipment. Mr. Boughner said so if this property were to change hands. Mr. Maloney said I think that you just want to put strict controls if the board grants relief. Mr. Boughner said I am just looking down the road for the next owner. Mr. Maloney said that is why you want to make it clear. Mr. Boughner said what about water runoff? Mr. Nolan said we are following the natural topography of the land so we are not creating any additional runoff, a portion of it is paved and we haven't really gotten into all of the details yet. Mr. Boughner said what kind of lighting will you have back there? Mr. Nolan said I'm sure that we will have lights at the doors. Mr. Boughner said so there won't be any large halogens? Mr. Nolan said no. Mr. Boughner said will you take that as a condition. Mr. Nolan said yes.

Robert Cignetti said I think we did this once on Sylvan Street. I think that what we are getting at is some type of condition, I guess you would call it a residential garage, we don't want the next guy to come in and start repairing automobiles because it is a residential zone. I don't have a problem with it and you

are going to move it over 5 feet. Mr. Boughner said when I did a site visit I noticed there were two trailers there will they be housed inside the building? Mr. Nolan said yes they will be stored inside along with other maintenance equipment. Mr. Boughner said so you would take a condition that this garage will not be used for any type of commercial or industrial uses. Mr. Nolan said yes.

AUDIENCE COMMENTS

Matt Duggan asked to see what the building will look like. They discussed the plans in further detail.

Bob Hannisian, 69 Collins Street said I am an abutter Tony is honest and upfront and it looks like the building will be 70-75 feet away from my kitchen window so I don't have a problem with this.

Bill Bradstreet discussed the proposed use and if it changes they will return to the board.

Richard Maloney said if we are going to push it back another five feet we will need another plan.

Robert Cignetti said I would suggest if we are going to 25' we need another plan.

Anthony Podesta said I am fine with the 25' and the use restrictions.

Kenneth Jarvinen said I am fine with the 25'.

Jeffrey Sauer said I would approve this with the 25' setback and the restrictions.

Corinne Doherty said I would approve 25' and the restrictions

Kenneth Scholes said I would vote for the 25' and the restrictions too.

John Boughner said I just want to be clear that the lighting is in keeping with residential lighting and landscaped in a residential way so it doesn't look like a contractors yard. And I think I am ok with the 20' as is but I will go with the will of the board.

Robert Cignetti said I agree 20-25 doesn't make much difference to me.

John Boughner moved the board to allow the applicant to continue to September 10, 2018. Jeffrey Sauer seconded. All in favor.

MINUTES
Danvers Board of Appeals

#18-4775
August 13, 2018

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

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

149 HIGH STREET LLC (#18-4775) Requesting a finding to allow construction of two shed dormers at the rear of building, and an exterior landing on the Perry Street side of structure in accordance with Section 3.11 of the Danvers Zoning Bylaws at **149 HIGH STREET**

Anthony Podesta is voting on this application.

Bob Griffin, Griffin Engineering said the trust is in the process of renovating the existing four family building, it is a corner lot the property is over 100 years old. We have a nonconforming front yard setback on High Street which requires a 40' setback which you can see we only have 20', on the Perry Street side we have a 38.9 setback where 40' is required. On the rear setbacks we are conforming on the High Street side but not on the other. This site has been a four family since 1986 and so the density is 3,400 square feet per unit where 7500 s.f. is required. We are not proposing any change to the number of units. The proposal is to construct a couple of shed dormers at the rear of the building and to construct an entrance to one of the units off of Perry Street. We are trying to get some extra head room space for one of the smallest units. We are also looking to modify the site layout a little bit right now we have a parking area along Perry Street, we also have some driveway space on High Street. The proposal is to change this driveway so that it just has two cars in it, and as a result we will lose about 800 square feet of impervious surface here, we want to expand the parking on the High Street side.

Richard Maloney said we have to amend the special permit that was granted, the application just says a finding unfortunately a special permit is a 4-1 vote and a finding is 3-2. Mr. Griffin

said we did ask for special permit in the narrative. Mr. Maloney said I believe we have to re-advertise this as a special permit. We will be able to get him on the next agenda.

Jeffrey Sauer motion to allow the applicant to continue to September 10, 2018. Kenneth Scholes seconded. All in favor.