

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

**#17-4718**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corinne  
Doherty

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

**ESTATE OF DONNA CAHILL, JENNIFER CHURCHILL, ADMINISTRATOR (#17-4718)** Requesting a six (6) month extension of time for variance granted on September 20, 2017 at **21 SCHOOL STREET**

Attorney Nancy McCann said about a year ago this board granted a variance to be used as a buildable lot, this is in an estate and it is taking a quite a bit of time to get it moving along. So we are here requesting a six month extension for that variance.

Kenneth Jarvinen and the four regular members are voting on this application.

The board members did not have any questions.

**AUDIENCE COMMENTS**

Matthew Duggin said one of the conditions of the variance was to move a shed that was straddled on the property line of #19 is that still part of the variance. I also noticed a flatbed truck from Danvers Auto Body parked on that lot. Attorney McCann said this is a vacant parcel and sometimes commercial uses can gravitate to properties that are vacant, once it is sold and we get a house under construction there won't be an issue going forward, it is not something that was permission granted.

Richard Maloney said the auto body tow truck is there by a finding and it has conditions on it and all of the vehicles should be on his lot.

All members stated they were in favor of this application.

Kenneth Scholes motioned to extend the variance for six months from this date. Jeffrey Sauer seconded. All in favor.

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

**#18-4771**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, 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**

Attorney Nancy McCann said the owners of the property are here with their son, they are here appealing the decision of the Building Inspector with regard to animals that are kept on the property as pets. The owners have two goats on the property, Brittany Raesly received them about six years ago as a birthday present and they are family pets. They provide companionship and joy to the family and comfort as any good pet will do. Attorney McCann displayed photos of the goats. They have been on the property as the Raesly's pets for the past six years, they are not used for utilitarian purposes they are not used for milk, not for breeding, both of the goats have been neutered and I have the documentation. Again both of these goats are strictly and solely used as family pets. In May the owners received a letter from Rich Maloney which was essentially a cease and desist order stating that it has come to his attention that chicken/geese and other animals are being raised at the address, this use is defined as animal husbandry under the Danvers Zoning Bylaw, and further unfortunately this activity must cease within 30 days of receipt. There is no activity going on here, these are family pets and while stating the activity must cease which is what is being demanded, is that these two pets that have been with you for six years be removed from the property. I think that we need to look very carefully and apply it to this situation. I don't disagree that Animal Husbandry is not permitted in the RI Zoning District, what I would like you to consider tonight is that the keeping of these goats as pets is not Animal Husbandry, these are strictly pets.

I am going to quote some very specific definition from respected sources. Attorney McCann read numerous definitions of animal husbandry. Breeding is part of Animal Husbandry and it is a necessary component of Animal Husbandry and there is no breeding going on here but there certainly is love and companionship of these pets. Therefore while the Bylaw prohibits Animal Husbandry in the RI District it certainly doesn't prohibit pets. If the building inspectors interpretation is allowed to ignore the breeding component and the true definition of Animal Husbandry and you look at the Zoning Bylaw without the breeding component and you uphold that determination then dogs and cats and any other pets fall under the term animal under the Zoning Bylaw and the Building Inspectors letter then you couldn't have anyone of those. If it's thought that the Bylaw really is intending to regulate farm animals then the Bylaw should state that. I have seen plenty of zoning bylaws on the North Shore that prohibit the raising of farm animals, Danvers doesn't do that. We are requesting to overturn the Building Inspector's decision, I think the Bylaw supports the keeping of pets, these goats are pets they cannot be used for utilitarian purposes and they are not being used for utilitarian purposes. The Raesly's have received over 1200 signatures of Danvers Residents who are in support of finding that these goats are pets and they are not in violation of the Zoning Bylaw.

Robert Cignetti said are these goats house broken? Ms. Raesly said no.

Richard Maloney said we received a complaint from an abutter and went out and looked at the situation and my job is to enforce the Zoning Bylaw as written and we sent a cease and desist, and I would like to point out that we allow up to three dogs on a property under our kennel definition, all residential properties by right. Our Animal Husbandry definition does not tell us how we use the animals it defines what animals are considered Animal Husbandry, it just says the raising and keeping of animals and goat is specifically listed. I proposed a zoning amendment at the 2014 Special Town Meeting for zoning, it was rejected soundly on the floor of Town Meeting. So the Town has looked at the Animal Husbandry issue and the definition and has upheld the Bylaw as recently as 2014. So that is where we are at it is not allowed, that is where I stand and they are appealing my decision.

Kenneth Scholes said did I see a chicken in one of those photos. Attorney McCann said they have one chicken that is leaving and is not the subject of this application.

Rebecca Kilborn said so under Animal Husbandry it specifically lists goats. Attorney McCann said it says the raising and keeping of animals as an accessory use for single family dwelling. It doesn't say the raising and keeping of farm animals, it just says animals, and then it goes on by right small animals you can have 15 of them and by special permit large animals you can have 15 of those. That is if you are keeping those for animal husbandry and that is my point, while it says animals and doesn't define it and then it goes down and talks about larger animals and lists certain types. Ms. Kilborn said the word goats is in there. Attorney McCann said my point is the Raesly's are not conducting Animal Husbandry on this site, they have pets, and Animal Husbandry is a term and has a definition and it is not well defined here, it means the breeding and cultivating of animals and that is not what is going on here. Ms. Kilborn said so I guess it goes to what is going on with airlines with the comfort animals and people are bringing all kinds of animals on airlines so where do you limit it so if we approve it where is the limit and where does it stop. I am just wondering how we stay within the guidelines of the Bylaw. Attorney McCann said I think that you have to enforce the Bylaw and as it is written doesn't talk about the keeping of farm animals and it should, that is the next step. Ms. Kilborn said and Town Meeting voted it down in 2014 so now we are left with where we are at, it was a line that they drew in 2014.

Kenneth Jarvinen said just two goats and one chicken. Attorney McCann said they have two dogs and two cats and a turtle.

Corrine Doherty said I would like to hear what the neighbors have to say.

Robert Cignetti said what you are saying, any animal and any number as long as it's neutered and I call it a pet I should be allowed to keep it under this Bylaw. Attorney McCann said under this Bylaw as written yes. Mr. Cignetti said so a pet elephant as long as it's neutered and I call it a pet then it should be allowed. Attorney McCann said I am saying that the Bylaw does not prohibit the keeping of animals, farm animals or exotic animals or whatever, right now we are talking about goats they are not an unusual animal to have. Danvers is an agricultural

community, it is a family community and the keeping of goats in an agricultural community is not unusual and it is not out of the realm of possibility. Mr. Cignetti said what about horses, and I had three horses in an RI Zone and put them on a little lot as I had, what is your argument. There was a reason why I asked if they were house broken I looked up the definition of pets and one of them says an animal that is house broken. So what we have here is your interpretation of the Bylaw and the Building Inspector's interpretation of the Bylaw and we have to pick one of those interpretations. Attorney McCann said I can go back to your house breaking comments there are a lot of animals that are not house broken.

#### AUDIENCE COMMENTS

Elizabeth Glidden, 17 Carolyn Drive said every day I drive by and see the goats in their pen and it gives me comfort every day I drive by. My children have visited them for the past six years, there are a lot of children in the neighborhood who stop by and we love them and think of them as part of our family.

Ryan Dupont, 107 Hobart Street said I live directly across the street. I have 7 year old twins and part of their daily chores are to help take care of the goats they get up extra early before school to help sweep up after them and the same thing when they get home. You made a comment about horses or other large animals, these goats are smaller than the yellow lab sleeping on the floor, to have these family pets taken away is absolutely crazy and I speak for hundreds of families that visit them.

Kristen Eckelkamp, 12 Ingersol Street said I am a neighbor and a friend, one of the pictures is of me holding one of the goats the day they were brought home. Every day every four hours Brittany bottle fed those goats to raise them as family pets. Our entire neighborhood loves them, I know that the abutter that complained mentioned that there are rats in the area, I would like you to know that I have never seen a rat in that neighborhood and I have never seen a cleaner area for any pet whether it be a family indoor pet or an outdoor pet.

Chris Slaven, 24 Cherry Street said what the companion animals have to do with on airlines is that the law was a poorly written law. So what they are dealing with is until that law is re-written airlines are restricted on what they can do. So I think

what you are faced with now is a poorly written law or statute that you are stuck with until you change.

An audience member stated her support of the owners and thought the goats should be allowed to stay on the property.

Attorney Robert Peterson Sr., 314 Main Street, Wilmington, said I represent the Arlanders who are direct abutters to the Raesly's I think it is common knowledge that the Arlanders filed the complaints relative to the goats. I have listened to all of the arguments here tonight and I think that we have a play on words, your Bylaw prohibits the raising and keeping of animals in this zone. If you take counsels argument to the next step she made the best point of the evening if you allow goats as household pets simply because they are neutered what is to keep the Arlanders from raising anything from Oxen to Cows to Horses, Mules. People can try to play with the definitions of Animal Husbandry, there is no ambiguity in your definition and your Building Inspector was 100% right based on the Bylaw as it currently exists it is very clear and it prohibits the use that is in existence on this property.

An audience member said I am here for Brittany too and I can also say that my family also drives by the house and we talk about the goats, I know if the definition says small animals and the goats are about the size of a yellow lab and could be considered pets.

Lance Arlander, 78 Pine Street said we are direct abutters to this property and we share a 70 foot property line. We are here to support the decision of the Building Inspectors enforced violation. The goats and the chickens were not always located on Carolyn Drive they were located for about a year and a half within 5 feet of our property line and it wasn't until one week before the scheduled hearing last month that the goats moved out to Carolyn Drive. Whether it is defined as Animal Husbandry farm animals should be prohibited in the RI Zone either by right or a special permit as intended by the Zoning Bylaws. Because of these animals we have rats, snakes, deer flies raiding our property. One can't deny that the presence of the goats and the chickens and food and waste on the ground attracts the rats and other animals. Two abutting neighbors have reported rats under their decks, they have hired an exterminator and asked what they can do to mitigate the rat problem, we have three young grandchildren that play in our backyard we are concerned with

the health and safety of our family and friends and neighbors. For these reasons we respectfully request that the current Bylaws be enforced and all foreign animals be removed from the property.

Brittany Raesly, 109 Hobart Street said I am the owner of the two goats and I would like to speak about what Mr. Arlander just said. He brought up the fact that the goats weren't always on Carolyn Drive. The goats were on Carolyn Drive until they moved them to allow for excavating equipment to come into our yard to build an in-law apartment for my mother who sadly passed about 4 weeks ago. He said that for a year and a half that they were near his property, he is making it seem that we moved the goats back to Carolyn Drive just because this meeting was coming up that is not why we have done everything based on what the contractors needed in terms of our yard. We are at the point right now that we are so happy that we are going to get our yard back and we will finally have grass again. And to speak about the fact that there are rats and to insinuate that my goats are causing that, I don't know what a deer fly is so maybe he has something going on at his property that is causing them. Also to the right of his house is a six or seven apartment building with an open dumpster where people every day can just drop off their trash. My goat food is kept in metal covered containers. Actually the Board of Health Inspector was just recently on the property and he said I was doing everything right. I am following what I am doing, I clean the pen every week and I even think that people who have dogs leave their waste in their yards for more than a week, my goat area is cleaner than most people's yards. I would like to ask all of you to think about if someone were trying to take your pet away.

John Toomey, 9 Franklin Street, said the idea is what do the people want not what the individual wants. If you look at the Zoning Bylaw I think most of us would agree it really doesn't cover everything and it never will. But you can change it, take a good look at it and if you want to cover animals or animal husbandry then good, if you want to cover pets then write a Bylaw that lists what the pets are. But until you get to that you have to make a decision with what you've got here.

Brittany Raesley said I have four abutters, three of them really like the goats so three out of the four abutters have signed the petition.

Candy Seymour, 16 Central Ave. said I am here to support the applicants, my son has been friends with Caleb for over ten years and he always talks about the goats. He has a lot of anxiety issues and every time we mention the goats he knows its Caleb's house. I don't even know why we are here you have 1200 people in this town who support the goats it just seems silly to me. Also about the rats my friend lives on Cherry Street where they are doing a lot of building and they had rats probably the size of the goats, so I think the rat thing is a Danvers problem.

Diane Harvey, 9 Carolyn Drive, said I live directly across from the owners and the goats are fine there is no smell, there is no noise I bring my grandkids up there they run over to the side to see them and the kids love them. They are definitely pets they act like a pet, when you go over someone's house and they have a dog it comes over to greet you this is the same thing the goats do. They are not noisy, they are clean, my granddaughter has a very high rated sensory issue she cannot be near smells or she starts to gag and I can bring her there it is no problem. I have not seen flies, I have been on Carolyn Drive for a long time and there have been rats, it is the bird feeders. So I am just saying they are pets and it is great therapy for the kids and there is a lot of reasons to have them around. We know that when you have renovations on your home they have to move things around so that is why they are on Carolyn Drive.

Attorney McCann said you heard a lot of people speaking in favor and looking at the Bylaw that is what you have to look at, is it well drafted for this particular issue, no so that is what has to happen if you want further regulations but that is later you have to deal with the Bylaws as they are written tonight. Animal Husbandry is the raising and keeping of animals as Attorney Peterson suggested and that is the raising of keeping of animals not farm animals, so that is all animals. So in the RI Zoning District if you want to accept that Animal Husbandry isn't breeding and it's just the raising and keeping of animals or the keeping of animals then you can't have dogs, you can't have cats, you can't have bunnies and everyone ought to be getting letters tomorrow. And I don't think that that is the way this ought to be going but that is one way to do it. The other way is to say Animal Husbandry is more than what it says in this poorly drafted section of the Bylaw with the raising and keeping of animals it involves breeding. We don't have Animal Husbandry going on here and therefore the keeping of pets is

permitted in the RI Zoning District as long as you are not breeding them and using them for utilitarian purposes. And then from there if Town Meeting wants to change the Bylaw and say you can't have farm animals then you can start regulating things. I said earlier that there are many bylaws on the North Shore that say no keeping of farm animals, Danvers doesn't say that.

Kenneth Scholes said it is a touchy situation do I think they are pets, I think they are and a lot of people agree. I think that we are setting a precedence if we go against the Building Inspector that it's something that didn't even get through Town Meeting I know I am a Town Meeting Member and I was there for that meeting. But I don't think that we should set a precedence with a five member board throughout the whole Town of Danvers on this issue, that's my opinion.

Rebecca Kilborn said we are in a difficult situation because we are not really being asked to approve this we are being asked to overrule the Building Inspector that is all that we are being asked to do at this point. So there is no request for approval to have the goats it's just to say that the Building Inspector is in error in the way that he ruled on it. And I have to defer to the Building Inspector who is the expert on zoning. We do the best we can but he knows the history of zoning and I just have to say that I have to defer to the Building Inspector and if he feels that based on the Zoning Bylaw that this is the way that it reads I think that we have to go with his opinion.

Jeffrey Sauer said we are all unhappy on this board with this Bylaw it makes no sense to raise animals in RII and not be able to raise them in RI or RIII which is even more rural. We have parts of town where the RI and RII border runs down the middle of the street and on the left side these people can raise chickens and on the right side they can't. We strive as a board to be fair and equitable to everybody in town we have to interpret the Bylaw the way that it is written, and we do not like this Bylaw. As the Building Inspector told me he tried to get it changed and was voted down but when I look at the Bylaw it is my interpretation that the raising and keeping of animals is appropriate and that the Building Inspector made the right determination. I am a pet owner myself I don't like the decision but I think that the Building Inspector was correct according to the word of the Bylaw.

Kenneth Jarvinen said I hope that we can bring this to Town Meeting and have the Bylaw changed, for now I agree with my colleagues.

Corinne Doherty said I agree with my colleagues and I also have to add that there are so many people here that maybe you ought to be calling your Town Meeting members and telling them that you want to change this and maybe they can help you.

Robert Cignetti said I only have a Bylaw and Attorney McCann interprets it one way and the Building Inspector interprets it another way I am not an attorney, the Building Inspector is our expert in zoning so I have to go with him. Now I have been by there and I've seen the goats and I sympathize but it's either one decision or the other and I have to make that decision and I would go with the Building Inspector on this one.

Attorney McCann said I want to clarify two points, one Ms. Kilborn said that you don't have before you a request to approve this use and that is because we cannot ask, that would be a use variance and we don't have that ability in Danvers in a residential zoning district even if we want to we can't ask you and you can't grant a use variance. I would just add that with regard to Town Meeting and the fact that in 2014 the change that was proposed didn't pass perhaps that Town Meeting needs an incentive to pass something and if you are looking at a situation where this family is going to lose their pets in a Bylaw that doesn't on its face prohibit them as pets. And really property owners have a right to look at the Bylaw and be able to see what they can do on their property and there is nowhere here that says that you can't have goats as pets. I think that if you overturn the decision of the Building Inspector and allow the Raesly's to keep their goats that might bring some incentive to Town Meeting to make some changes and restrictions.

Robert Cignetti said let's just poll the board.

Kenneth Scholes said I would vote for the Building Inspector.

Rebecca Kilborn said I would have to support the Building Inspector.

Jeffrey Sauer said I will support the Building Inspector.

Kenneth Jarvinen said I am not voting but I agree with the Building Inspector.

Corinne Doherty said I have to go with the Building Inspector.

Robert Cignetti said and I will too.

Jeffrey Sauer motioned to uphold the Building Inspector's decision that the premises is being used for Animal Husbandry. Kenneth Scholes seconded. All in favor.

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

**#18-4774**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, 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 and the four regular members are voting on this application.

Bill Nolan, Savoie Nolan Architects, said I am representing the owner, we revised the plans and we are showing a 25 foot setback as requested by the board and everything else will stay the same.

Corinne Doherty said so we asked you to move the building over so that you were not so close to the side setback? Mr. Nolan said yes we originally submitted a 20 foot setback and we revised it to 25 feet.

The rest of the members had no questions.

**AUDIENCE COMMENTS**

Matt Duggin said at the last meeting we discussed the scale of the building is that going to remain the same. Mr. Nolan said the building will stay completely the same except for the setback.

Corinne Doherty said I will vote for this.

Kenneth Jarvinen said I would vote for this.

Jeffrey Sauer said I will vote for this.

Kenneth Scholes said I would vote for this.

Robert Cignetti said and I also would vote for this.

Kenneth Scholes moved the board to grant the variance to allow the construction of a three car garage in accordance with plans submitted, the hardship is the boundary line and the 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.

Kenneth Scholes motioned to grant the special permit to cross the district boundaries and allow the applicant to build a three car garage according to the plans submitted and dated 8/16/2018;

- *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.

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

**#18-4775**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corinne  
Doherty

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

**149 HIGH STREET LLC (#18-4775)** Seeking to amend a special permit Docket #Z-1926 to construct two shed dormers and an exterior landing, and a finding as necessary to alter existing four family in accordance with Section 3.11 and Section 30.2.4 of the Danvers Zoning Bylaws at **149 HIGH STREET**

Rebecca Kilborn explained that this application needed to be re-advertised since the relief requested was incorrect. (The original hearing date was August 13, 2018)

Kenneth Jarvinen and four regular members will vote on this application.

Bob Griffin, Griffin Engineering, said last time I was here I briefly described the project. This is an addition of a shed dormer on the back of the existing building, the addition of a doorway coming out of the side of the building which is in the front yard, and we had some revisions to the parking layout on the Perry Street side. After the meeting we had an opportunity to meet briefly with Ms. McElhinney, she explained that she had a bad history with the former owner and their tenants. They did not respect the property boundary, they expressed their concern that the trash had accumulated so the new owner will have a trash container on the High Street side. We are also adding some fencing along the property on the Perry Street side. This is a modification of a previously granted special permit, in 1984 and 1986 the Zoning Board approved a modification of what was then a three family building to a four family use, it has been a four family use since that time and the revisions that we are proposing here will not increase the number of units on the property. We are not changing the height of the building it is 31 feet and will remain 31 feet, and the dormers that are at the

back of the building are at a second story level so they don't affect the overall height of the building. The parking changes are to provide adequate off street parking for all of the future owners of the property. We are creating eight spaces where currently five exist, and we are removing the sort of valet style parking that is over here so these four become two, so we will have ten spaces total. We are pushing the parking a little bit further from the 4 Perry Street property and with the addition of the fence making sure this area remains landscaped.

Robert Cignetti said this will be condos? Mr. Griffin said owner occupied primarily.

Kenneth Scholes said so as we are looking at the building from High Street the driveway to the left of the building will be removed and landscaped? Mr. Griffin said part of the driveway will be removed, we've got two parking spaces side by side but right now you could park four spaces potentially so we are removing the back part of that driveway, we are also removing the basketball court here and the reason we are doing it is because we would like to be relatively even Steven on impervious surfaces here.

#### AUDIENCE COMMENTS

Deidre McElhinney, 4 Perry St., said as far as the parking spots go why do you want to take four from High Street and go down to two and then extend the eight to ten? Mr. Griffin said Perry Street is a much safer place to park, and I think this is a much better solution to address the onsite parking, overall this is a better plan whether we had eight or six parking spaces off street it would make no difference to the setback to Perry Street. They discussed the distance between 4 Perry Street and the parking area. Ms. McElhinney asked if these units will be owner occupied, she asked if she could be present when the fence is installed, she asked about the condo association. They discussed the parking plan in further detail.

Robert Cignetti said how do they get into these parking spaces, they just drive over the sidewalk? Mr. Griffin said this whole apron will be paved. Mr. Cignetti said a big apron right off of Perry Street? Ms. Kilborn said did DPW approve that? Mr. Griffin said right now we have five spaces and we are proposing to expand that to eight. Board members asked if this will go to Planning Board. Mr. Maloney said the curb cut is already there

if you look at the plot plan they are extending it up. Ms. Kilborn said does it go over the sidewalk? Mr. Maloney said yes, those parking spaces were approved in 1986.

There were no questions or comments from the audience.

Kenneth Scholes said I have no problem with this.

Rebecca Kilborn said I am happy to see the property cleaned up but I am a little taken back with the parking and I am thinking that we need something from DPW, has the applicant talked to DPW? Mr. Griffin said I have. Ms. Kilborn said I would like to see a driveway there, I like everything that you are doing but I don't love the parking.

Jeffrey Sauer said I would vote for this.

Kenneth Jarvinen said I agree with Becky you might want to explore with DPW about the parking situation.

Corrine Doherty said I agree with Becky too I think that the parking is going to be an issue and there has to be a better way to provide parking but not have you driving off of the street. Mr. Griffin said don't forget that people presently park along the side street of Perry Street and we are going to get those people off of the side of the road and onto the private property, there are trees that screen the whole parking corridor from High Street and we are already parking five cars in this vicinity so it is not a significant change.

Robert Cignetti said you are assuming that you are going to get a curb cut from DPW but what if you don't you would have to come back. Mr. Griffin said correct.

Rebecca Kilborn said so the Town plow goes down Perry Street and plows everything into those cars and then the owners how are they going to plow out of those parking spaces because there is no driveway for plow access from the other side. Mr. Griffin said there is a lot of snow storage in this lawn area. Ms. Kilborn said so you are saying that the Town will come down Perry Street plow everything into the parking spaces and then the owner would hire a snow plow driver that would push it out of the parking spaces onto the lawn. Mr. Griffin said yes. Ms. Kilborn said I don't like it. Mr. Griffin said it is typical of what happens in people's driveways the Town plows all the snow

at the end of the driveway and you have to get it onto your property. Ms. Kilborn said I won't vote for it that way.

Corinne Doherty said is this where they park now? (Looking at a photo) Mr. Griffin said yes that is part of the five space parking area. Ms. Doherty asked about the access and egress of the parking space location.

Mr. Griffin said if we try to create some parking back here there will have be aisles between the spaces and it will end up being a much larger part of this property than what we are showing here, so we will no longer be even Steven with impervious surface here.

Kenneth Scholes said I am okay with it.

Rebecca Kilborn said I am not okay with it.

Jeffrey Sauer said I am for it.

Kenneth Jarvinen said I would with some sort of condition that they receive approval from DPW.

Corrine Doherty said I would vote for it but conditioned on the approval of DPW.

Robert Cignetti said I also would vote for this.

Kenneth Scholes motioned to grant the special permit for 149 High Street as depicted on the plan dated 7/19/18 revised 9/10/19;

- 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.

With a condition of an approval by DPW for an additional curb cut.

Jeffrey Sauer seconded. Rebecca Kilborn opposed. Vote 4-1.

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

**#18-4777**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corrine  
Doherty

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

**UNIT 416-1, 416-2, 416-3 AND 416-4 OF FOUR SIXTEEN MAPLE STREET CONDOMINIUM (#18-4777)** Requesting to alter a variance from 1973 (#M-932) and requesting a finding from a pre-existing two family in accordance with Section 6 and Section 3.10 (nonconforming uses) of the Danvers Zoning Bylaws at **416 MAPLE STREET**

Corrine Doherty and the four regular members will vote on this application.

The Building Inspector explained the history of this property. The owner got caught in 1973 putting in a third unit in the attic so it's an old nonconforming two family. I don't know the original layout I am assuming it was an old two family, one floor two floors and then they got caught putting in a unit on the third floor. Roger Haley issued a cease and desist they went to the Zoning Board of Appeals in 1973 and got a variance, today it would be finding because it was nonconforming to begin with and back then there was no such thing. So in 2006 again the same family owned this property this is the exact same MO as 12 Water Street the same person owned it, there were four units in there, he had an illegal apartment and he was going to cash out, somehow he gets deeds written up in 2006 they create an illegal unit and anybody who touched this property from 2006 on should lose their license or be sued. Nobody did a zoning check except for the attorney for the buyer, all they had to do was walk in our office and we would have told them.

Kenneth Scholes said how many units are listed in the Master Deed? One of the applicants said four. It is in our laps now he sold it and bailed on it and we are stuck with the problem. Mr. Maloney said they first need a finding and alter the original variance but I told them that is only their first step,

now we are dealing with a four family and it is the current building code you have to deal with it, and it has to be sprinkled and fire alarms, it is a huge undertaking. It's the same thing that happened at 12 Water Street, you gave her the zoning relief and then we stood our ground and she appealed our decision to the State, the State gave her building code relief just to sprinkle the new unit and the common areas and she didn't want to do that. So they took that attic unit and combined it with the second floor unit, we got the illegal plumbing and electric out and its being worked on right now. Now you are telling me that one of the units is a two level so I am assuming that they altered two of the units and made it the third unit, and in the back that is probably the additional fourth unit.

Rebecca Kilborn said you must know the implications for us to approve the four units, now you are triggering all of the code updates and you are creating more costs for yourself in terms of owning those units. One of the owners stated they are being taxed on the four units, paying water bills for four units, electric bills for four units, etc.

Richard Maloney said the tax assessors tax on what is there. People do all sorts of illegal stuff, finish off their basements, create illegal apartments, and a lot of the tax assessing the field work is done by a sub-contractor, they are taxing on what is there, is it a perfect system, no.

Robert Cignetti said what you are asking for is to allow that piece of property to have four units. Again once you go from three to four units you are in a whole different building code requirement status. One of the owners asked about a time frame. Mr. Maloney said we are not going to issue a Certificate of Occupancy for a fourth unit until it meets the building code requirements. One of the owners said it is going to cost a lot of money to bring it up to code, so do we have a time frame for that? Mr. Scholes said if I was doing the title I would have seen this variance from 1973 converting it to a three family, who would have ever drawn up this master deed showing four units, he's a crook. Mr. Maloney said is there a statute of limitations on going after somebody with false documents? Mr. Cignetti said it sounds like you have some legal issues too, we can do what we can do but whatever else needs to be done you have to take care of it. Ms. Kilborn said so you have a mortgage on them and you were represented by legal counsel. Mr.

Scholes said the guy in the fourth unit has a title insurance policy I am assuming.

There were no questions or comments from the audience.

Corinne Doherty said I would vote for this and I would suggest that every one of you make some phone calls tomorrow to the attorney that handled your closing for you and have them put a claim in because this is unbelievable.

Kenneth Jarvinen said I would vote for this too.

Jeffrey Sauer said I would vote for this too.

Rebecca Kilborn said I will vote for it.

Kenneth Scholes said I will vote for this.

Robert Cignetti said I too will vote for this.

Kenneth Scholes moved the board to alter the 1973 Variance by approving an additional unit from three units to four units, the hardship is the existing dwelling is a very large house situated on a large parcel of land and because of its proximity to Rte. 95 and the gas transmission line the property cannot be used for anything outside the existing dwelling which provides ample room for the inclusion of an apartment (the 4<sup>th</sup> unit); 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.

Kenneth Scholes moved the board to grant the finding to convert from three units to four units in accordance with Section 3.10 as this will not be substantially more detrimental than what presently exists. Jeffrey Sauer seconded. All in favor.

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

**#18-4778**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corinne  
Doherty

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

**JON AND LAURETTE SZOSTAKOWSKI (#18-4778)** Requesting a finding from side setback to build a new deck in accordance with Section 3.1 and Table 2 of the Danvers Zoning Bylaws at **25 FOWLER STREET**

Kenneth Jarvinen recused himself.

Mr. Szostakowski said we are trying to get an addition built, we have to rip down our existing deck and we would like to extend it out along with the addition. Mr. Cignetti said you are not encroaching any more on the setback than what you have, you are just making the deck longer instead of wider. The applicant said yes.

Rebecca Kilborn said your wife took me through the house, and I don't have any questions.

There were no further questions from the board members

**AUDIENCE COMMENTS**

The abutter at 27 Fowler Street stated that she had no problem with this application.

Kenneth Scholes said I would vote for this.

Rebecca Kilborn said I will vote for this.

Jeffrey Sauer said I will vote for this.

Corinne Doherty said I will vote for this.

Robert Cignetti said I will vote for this too.

Kenneth Scholes moved the board to find that the proposed plans to replace an old deck with a new deck 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 deck 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**

**#18-4779**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corinne  
Doherty

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

**MICHAEL & MICHELLE KASTANOTIS (#18-4779)** Requesting a finding from side yard setback to construct an addition on a pre-existing, nonconforming dwelling in accordance with Section 3.11, Section 7 and Table 2 of the Danvers Zoning Bylaws at **373 MAPLE STREET**

Mike Kastanotis said we are looking to build a 31 foot addition at the back of the house. The house is already nonconforming, we are adding bedrooms and one bathroom. Mr. Cignetti said so you are not encroaching any more than what exists now. Mr. Kastanotis said there is a 20 foot setback in a Res. III zone so the house is already in that 20 foot setback but we are not going into that any more than we already are.

Kenneth Jarvinen and the four regular members will vote on this application.

Jeffrey Sauer said you have a 330 foot lot? Mr. Kastanotis said yes we do.

There were no other questions from the board members

There were no questions or comments from the audience.

Corinne Doherty said I would vote for this.

Kenneth Jarvinen said I would vote for this.

Rebecca Kilborn said I will vote for this.

Jeffrey Sauer said I will vote for this.

Kenneth Scholes said I will vote for this.

Robert Cignetti said I too will vote for this.

Kenneth Scholes moved the board to find that the proposed addition 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 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**

**#18-4780**

**December 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corinne  
Doherty

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

**PAUL AND ALAYNE WALAKO (#18-4780)** Requesting a finding to demo existing nonconforming garage and replace with shed in accordance with Section 3.17 of the Danvers Zoning Bylaws at **41 CENTRAL AVE**

Paul Walako said we have an existing garage on our property that needs to come down and we would like to replace it with a building a little bit smaller on the same footprint. The building that is currently there is 21 X 14, the proposed shed is 18 X 12, and right now it is on the back corner of my neighbor's property in order to get to it I have to go around to her backyard. Robert Cignetti said I see that you are asking for 3 foot, 4 foot, 2 foot setbacks and you are building a new building and with sheds you usually need 5 feet. Mr. Walako said the reason I am asking for that is I have a very small piece of property it is only 5,000 square feet and to move it into that part of my property it would make a good chunk of the backyard un-useable. This very same request was granted in 1955.

Kenneth Scholes said my question is why can't you shift it 1 foot, 2 foot and 3 feet?

Mr. Maloney said if they acted on the 1955 Variance it would have still been intact, but they never acted on it so it became void so that is why he is back here. Ms. Kilborn said so he really needs 8 feet? Mr. Maloney said yes but he is starting with almost nothing, we talked about it and we drew it up.

Mr. Cignetti said I say 5 feet it is a small lot.

Ms. Kilborn said what I am thinking is that we can do half of 8 instead of 5. Mr. Walako said that would cause me to re-do half of my driveway.

Corinne Doherty said what is behind the shed, does your neighbor have a fence or do you have a fence back there. Mr. Walako said I have a fence and the back of my garage is the fence.

Mr. Cignetti said the reason I said 5 feet is that to install a small shed you need 5 foot setback. In your zone you need 8 feet now I heard the board compromise and go 4 feet, I think that is fair, a 2 foot setback is close.

There were no questions or comments from the audience.

Kenneth Jarvinen said how much of a setback are you proposing. Ms. Walako said the garage has been there for a hundred years what difference is that three feet going to make it, we are putting a smaller structure on it. Mr. Jarvinen said how do the neighbors feel about it? Mr. Walako said I spoke to the neighbors right behind me and the people to the right they had no problem.

Kenneth Scholes said I would like to see it a little bit more conforming but I would vote for it.

Rebecca Kilborn said so it is 14 feet wide now and if we went to 12 then the 2 feet could come off the side, and its 21 feet now and it's going to be 18 so that 3 feet could come off. Mr. Walako said it is 14 feet wide now but it's not right on the property line on that side it is already a foot or two off of the property line, so by making it 2 feet smaller it is going to be 3 or 4 feet from the property line. Ms. Kilborn said that is what I am saying, because you are reducing the size of it. I understand what you are saying about the driveway but it is a shed it's not going to be a garage anymore and you won't be driving into it. So by virtue of the reduced size the driveway should still come right up to the edge of the shed. I would like to see a four foot setback.

Jeffrey Sauer said I would like to see four feet on the side.

Kenneth Jarvinen said I would vote for this as is.

Corinne Doherty said I would vote for this as is.

Robert Cignetti said I would like to see the four feet.

Mr. Walako said I just don't understand that it was okay in 1955 and why is it not okay today? Mr. Cignetti said because things have changed since then. Mr. Walako said the property is the same, the house is in the same place. Mr. Cignetti said right now you don't have the votes, if you agree to change to four feet setbacks then you have the votes. Mr. Walako said do I have any other options. Ms. Walako said a few feet is going to cost us a lot more money.

The applicants asked for a few minutes to discuss their options. Chairman Cignetti allowed the applicants to take a break and the board continued the meeting to the next case.

Rebecca Kilborn said we recall 41 Central Avenue.

Mr. Walako said because I don't want to wait two years so I will take the offer.

Kenneth Scholes motioned to find that the proposed demolition of an existing garage be replaced with a 12 X 18 shed with side and rear setbacks of four feet 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 shed 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**

**#18-4781**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corinne  
Doherty

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

**SAMUEL AND MARIANNE BUONOPANE (#18-4781)** Requesting a variance from front setbacks to erect a full second floor addition and a finding to enlarge existing dwelling in accordance with Section 7.1 and Table 2 and Section 3.1, 3.10 and 3.11 of the Danvers Zoning Bylaws at **14 PRINCE PLACE**

Courtney Andrews, representing the contractor said we are looking to take the roof and second floor down and create a full second floor on the existing home. We are going to put three bedrooms up there and currently we don't meet the setback requirements for the front. We are not changing the foundation outline of the existing home we are just adding headspace on the second floor, we are also adding three A dormers for aesthetic purposes on the front of the house. Mr. Cignetti said you are not encroaching on any setbacks you are just going straight up. Ms. Andrews said yes.

Jeffrey Sauer said I have a question on this land survey it says proposed addition? Ms. Andrews said we are putting an addition on the back side of the house. Mr. Maloney said they have a permit in place for the addition and then they decided to alter the roof after the fact. Mr. Sauer said so the addition is fully conforming although the house itself is not conforming. Mr. Maloney said do you know why you checked off variance? Ms. Andrews said we weren't really sure if it was one or the other. Mr. Maloney said this is clearly just a two part finding, the variance is not required.

Robert Cignetti said so you are withdrawing the variance?

Kenneth Scholes motioned to allow the applicant to withdraw the request for a variance as stated on the application dated August 15, 2018. Jeffrey Sauer seconded. All in favor.

There were no questions or comments from the audience.

All of the board members stated they would vote in favor of this application.

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

Kenneth Scholes motioned 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**

**#18-4782**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corinne  
Doherty

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

**PAUL MCGINNIS (#18-4782)** Requesting a finding to construct a garage addition and a special permit for an Extended Family Living Area (EFLA) in accordance with Section 9.3.3.2 (undersized lot) and Section 3.11.1 a & b (dimensional) of the Danvers Zoning Bylaws at **4 PICKERING COURT**

Paul McGinnis said I am looking to build a garage with an Extended Family Living Area (EFLA) above it. My contractor is here and we submitted the plans.

Kenneth Scholes said it is 672 square feet? Mr. McGinnis said yes. Mr. Scholes said are there any common areas that will be shared? Mr. McGinnis said the laundry area.

Rebecca Kilborn said it is a family member that will be living there? Mr. McGinnis said yes. Ms. Kilborn said and you know there is a deed restriction? Mr. McGinnis said correct.

Jeffrey Sauer said the proposed addition looks like it is conforming on the side setbacks and it is no farther encroaching on the front setback than the existing. Mr. McGinnis said I thought that it met all of the guidelines.

Corinne Doherty said so the first floor of the addition is going to be the garage and the washer and dryer are on that level so that is where the connection is? Mr. McGinnis said yes.

**AUDIENCE COMMENTS**

Matt Duggin said did the board go and look at this property, the owners built fences on Town land, and the fence needs to be moved. I don't know why the Town allows this but I would urge

the board not to issue any permits until the fence is moved onto the owner's property.

Mr. McGinnis said I bought the property in December and when I went to the title they said that the fence was impeding on Town property, and at no time did they say it was 20 feet, it was not an issue at the title.

Mr. Maloney said we did have a problem next door they had their shed on Town property and they tried to buy the land and Town Meeting said absolutely not. You can make it a condition, they are looking for zoning relief and they are on Town land.

Kenneth Scholes said I would vote for this with the condition that the fence be moved.

Rebecca Kilborn said same.

Jeffrey Sauer said same.

Kenneth Jarvinen said me too.

Corinne Doherty said I would also.

Robert Cignetti said same here.

Kenneth Scholes motioned to grant the special permit to allow the construction of a garage with a 672 square foot Extended Family Living Area (EFLA) above it;

- *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.*

A condition applies that the applicant move the fence onto the owners lot before a building permit will be issued.

Jeffrey Sauer seconded. All in favor.

Kenneth Scholes moved the board to find that the proposed addition as shown on the plans increases the nonconformity.

Jeffrey Sauer seconded. All in favor.

Kenneth Scholes motioned 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**

**#18-4783**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corinne  
Doherty

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

**MARY DYER (#18-4783)** Requesting a variance and to the extent necessary a finding to discontinue the nonconforming residential use and allow the property to be used for commercial purposes permitted by right or special permit in the highway corridor zone in accordance with Table 1, Table 2 and Section 3.10.3 of the Danvers Zoning Bylaws at **25 POPES LANE**

Kenneth Jarvinen and the four regular members will be voting on this application.

Attorney Nancy McCann said I am here for the applicant who is also now the owner of the property and we are here requesting a variance for this property. It is located in the Highway Corridor Zone and we are requesting approval to allow the property to be used for purposes that are permitted either by right or by special permit. The issue is that this is a lot with about 23,740 square feet, there is a single family home on this property and the use of the property for a single family home is nonconforming, that use is not permitted in the Highway Corridor District. This board has dealt with a number of properties on Popes Lane seeking similar relief. This used to be a residential area and then Rte. 95 went in and then Route 1 went in and now the area is re-zoned to Highway Corridor. So the single family home use had become less desirable and also became nonconforming. What this applicant intends to do if this Variance is granted is apply to Planning Board and Site Plan approval for a contactors yard. His particular business has himself and one employee who will be on the property, the home will be used for an office, he has about four vehicles that would be parked on the site and his other employees generally do not come to the site. So we are seeking a Variance to allow this lot to be used for purpose permitted by right or special

permit, I also threw in a finding because the existing well is nonconforming to the front setback.

Kenneth Jarvinen said I drove down there and is there no residence on the property. Ms. McCann said no this is not a residential property, there have been a lot of land use contractor type businesses on this street.

Rebecca Kilborn said what kind of contractor? The owner said general masonry and carpentry. Ms. Kilborn said so how many employees and how many vehicles. Mr. Selig said I have 8 employees, but they all go to the sites, so we will have my mother in the office and 5-6 vehicles total. Ms. Kilborn said and what other things will you be storing on this site? Mr. Selig said I have the basement below which we will store our tools and stuff, and a dumpster I will have on site. Attorney McCann said he is not anticipating outside storage. Ms. Kilborn said we received a memo from the Building Inspector and I ask you to address this.

Richard Maloney said the board issued four of these variances, 8 Garden Street, 17 Popes Lane, 23 Popes Lane and 4 East Coast Road. So I cannot comment on 4 East Coast Road because it is still under construction, but the other three properties are complete and utter disasters. The Planning Board is not happy, our office is not happy, #23 which abuts this property that firewood is out on Town property again for a second time. There are junk cars at #17, they are not complying and the Town is not happy.

Attorney McCann said I wasn't involved with any of those except East Coast Road, I saw #23 and I would not be happy, I think that the Planning Board has some ability for enforcement there. This applicant is not planning on outside storage, if you look at other similar types of businesses in that area they do not have to look bad and I would ask that you give this applicant that opportunity as well. I do think that the Planning Board has the ability to request some action on violators.

Kenneth Scholes said what is this use easement? Attorney McCann said that is an easement in the chain of title you will see that one lot used to be two lots.

Robert Cignetti said would you take non storage as a condition? Mr. Selig said yes. Mr. Cignetti said if you are willing to

take that as a condition that you are not going to store anything, you are going to park your trucks there. Mr. Maloney said you have to remove the kitchen and abandon the single family house use, because I believe that #17 is still using the kitchen. Ms. Kilborn said an office cannot have a kitchen? Mr. Maloney said when you say that someone has to do enforcement that means me, and #17 got the same condition from this board and I think that people might be living in this house.

There were no questions or comments from the audience.

Corinne Doherty said I am not voting on this one but I would say yes.

Kenneth Jarvinen said I would vote on this I don't think that we should penalize this gentleman because other people have disrespected their property.

Jeffrey Sauer said I would vote for it with those conditions.

Rebecca Kilborn said I would vote for it I am a little leery about having a contractor's yard and not allowing outside storage but if you need it for something specific you will just have to come back.

Kenneth Scholes said I would vote for it with those conditions.

Robert Cignetti said likewise no outdoor storage and no residential use.

Kenneth Scholes moved the board to grant the variance to use the property for commercial purposes permitted by right or Special Permit in the Highway Corridor Zone (Contractors Yard) with a condition that the existing single family home be used as an office, no residential use; the hardship is the existing shape of the lot and the historic use of the property for nonconforming purposes; 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.

Kenneth Scholes moved the board to grant the finding for the proposed use 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**

**#18-4784**

**September 10, 2018**

Present: Robert Cignetti, Rebecca Kilborn, Jeffrey Sauer,  
Kenneth Scholes, Kenneth Jarvinen, Corinne  
Doherty

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

**HUNT PROFESSIONAL CONDOMINIUM TRUST (#18-4784)** Requesting a finding to substitute a nonconforming use in accordance with Section 3.10.2 (a) and Section 3.10.3 of the Danvers Zoning Bylaws at **80 LINDALL STREET**

Attorney David McBride said we are representing the owners of the property and we are asking to change the use of this building from office medical to office medical and office professional. The building has been there since 1974, when it was built it was allowed as a matter of right it was across from the old Hunt Hospital. Since that time it has been occupied by strictly doctors, physicians, dentists and that is how it is presently used. The doctors are many of them looking to sell their properties and practices and would like the opportunity to have a wider range of buyers. You should note that the property values of this building have been decreasing, it is a very fixed limited audience which is affecting the value of the property. We feel that the finding can be granted and it will not have any sort of change of traffic or congestion in the area, there are 73 parking spots on the property. If you go to the property at all it is very rare that the parking lot is full, right now there are six doctors that own twelve units in the building, if you go by any of the formula in the zoning bylaw we have more than enough parking spaces based on that. So we ask that for your consideration on granting a finding.

Robert Cignetti said we did this for another property too.

Kenneth Scholes said so the master deed shows twelve suites and that stays the same? Attorney McBride said yes.

The other board members did not have any questions.

There were no questions or comments from the audience.

Kenneth Scholes said I will vote for this.

Rebecca Kilborn said I see how long these properties are staying and the deduction in values, you need another audience for these properties, I would vote for this.

Jeffrey Sauer said I would vote for this.

Kenneth Jarvinen said I would vote for this.

Corinne Doherty said I would vote in favor.

Robert Cignetti said me too.

Kenneth Scholes moved the board to grant the finding for the proposed change in use from office medical to office medical and professional at 80 Lindall Street as shown on the plans as it will not be substantially more detrimental than what presently exists. Jeffrey Sauer seconded. All in favor.

\*Kenneth Scholes motioned to adjourn. Jeffrey Sauer seconded. All in favor.