

MINUTES
Danvers Board of Appeals

#20-4849
July 13, 2020

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

Also Present: Building Inspector, Richard Maloney
Secretary, Kathleen Archambault

ANTHONY ANALORO (20-4849) Requesting a Variance to tear down a non-conforming garage and rebuild a single-family structure and a Finding to add a single-family unit to a pre-existing non-conforming two-family unit in accordance with Section 7, Table 2 and Section 3.10.3 of the Danvers Zoning Bylaws at **5 LUMMUS AVENUE, C-I**

Kenneth Scholes read the case mentioned above.

John Boughner asked Richard Maloney, Building Inspector if the property now falls under the new Downtown Overlay Planning Initiative and therefore cannot be heard by the Zoning Board.

Mr. Maloney explained yes, under the new Danvers Zoning District. The applicant applied after the new zoning was advertised so they cannot be heard because it now falls under the Planning Board's jurisdiction.

Mr. Boughner asked if they were to move forward, they would need to file with the Planning Board.

Mr. Maloney stated that is correct.

Robert Cignetti motioned the board to dismiss the case.

Rebecca Kilborn seconded.

All in favor.

MINUTES
Danvers Board of Appeals

#20-4860
July 13, 2020

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

Also Present: Building Inspector, Richard Maloney
Secretary, Kathleen Archambault

WALTER J. OPOLSKI-OPOLSKI REALTY TRUST (20-4860) Requesting a Finding to allow a non-conforming use of a professional office in place of the existing non-conforming medical office in accordance with Section 3.10.3 of the Danvers Zoning Bylaws at **36 CONANT STREET UNIT#2, R-I**

Kenneth Scholes read the case mentioned above.

Attorney Nancy McCann who is representing the owners addressed the board. She stated that Donna Opolski, property owner and Sebastian Aparo of Realconsultants, LLC were present. She stated that the current use of the building is a four-unit medical office condominium. The unit in question had been used as a dental practice and has been difficult to sell. Now they are requesting a Finding to change the use to allow general office use not medical. She continued that medical office have high turnover and parking and traffic can be heavy. The new owner, if approved, would be a real estate appraisal office that has been in business since 1998. The office would be occupied by Mr. Aparo and maybe two other employees. There would be no customers or deliveries. This would be a reduction in impact of medical use. There would be no change in square footage of the unit and only interior changes to go from a dental office to general office. There is plenty of parking. Operating hours will be 8:00am to 5:00pm Monday through Friday maybe some evenings. This general office use will not be substantially more detrimental to the neighborhood than the existing use and may be less than what presently exists.

John Boughner asked if this use were to change, would this Finding stay and if so, would you take that as a condition?

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Attorney McCann stated that was up to this board. She has requested a general office use in this case but would accept that as a condition.

Corinne Doherty asked if any of the current owners had any issues.

Attorney McCann said none that they were aware of.

Kenneth Jarvinen had no questions.
Jeffrey Sauer had no questions.
Kenneth Scholes had no questions.
Rebecca Kilborn had no questions.
Robert Cignetti had no questions.

Mr. Boughner turned questions and comment over to the audience.

There were no questions or comments. Back to the board.

Corinne Doherty said she would vote for this.
Kenneth Jarvinen said he would vote for this.
Jeffrey Sauer said he would vote for this.
Kenneth Scholes said he would vote for this.
Rebecca Kilborn said she would vote for this.
Robert Cignetti said he would vote for this.
John Boughner said he would vote for this.

Robert Cignetti motioned the board to grant the Finding (1 part) in accordance with Section 3.10.3 of the Danvers Zoning Bylaw to allow a professional office (Unit #2 Only) in place of the existing non-conforming medical office. The proposed professional office is not more detrimental than the current medical use.

Rebecca Kilborn seconded.

All in favor.

MINUTES
Danvers Board of Appeals

#20-4861
July 13, 2020

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

Also Present: Building Inspector, Richard Maloney
Secretary, Kathleen Archambault

HUTCHINSON III REALTY NOMINEE TRUST- BJ's GASOLINE (20-4861)

Requesting a Variance to allow signage in accordance with
Section 37.5.6 and 36.6(a) of the Danvers Zoning Bylaws at **51**
NEEDHAM ROAD, C-III

Kenneth Scholes read the case mentioned above.

Attorney Nancy McCann, representing the owners addressed the board. Patrick Natreba, Director of Real Estate from BJ's and Austin Turner, Project Engineer from Bohler Engineering were present as well.

Attorney McCann said they were looking for a Variance for signage at the new BJ's Gas Station that was approved by the Planning Board last year. The area allocated for the fueling station will be where the excess parking area was. There will be 7,000 sq.ft. of landscaping added which decreased the impervious area. They are proposing modest signage and will appropriately identify the fueling service. A one logo sign on the canopy and replacing the existing panel to add the gas station information. A portion of the sign is LED to reflect gasoline prices.

Mr. Austin Turner, from Bohler Engineering addressed the board. He explained that the signs are mainly identifiers only one is a branding element. The sign does maintain compliance. On the outside of the canopy facing the club is 22 sq.ft. and this is where the logo sign will be located. There will be decals on the columns identifying "Diesel". They are approximately 3 sq. ft each and there are 8 of them. There is a "Clearance" sign on the outer sides of the canopies approximately 1.7 sq.ft. They are looking to rebrand the sign on the road. The existing sign panel will be split. One half will be for the club, the other

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for the gasoline. The Led panel underneath will reflect gasoline pricing and will not flash or blink.

John Boughner asked if that was the extent of the presentation, to which Attorney McCann replied yes.

Robert Cignetti asked if they would be selling more than one type of gas?

Patrick Natreba replied yes. They will display a member price and a credit card price for regular unleaded.

Mr. Cignetti stated, so only members can buy gas. Therefore, the sign seems like overkill to him.

Rebecca Kilborn said that the sign already exists, they are just adding the LED Portion.

Attorney McCann stated that she had just spoken to Richard Maloney, Building Inspector and they realized that a Variance is not required for the sign at the road.

Attorney McCann then explained that the variance is not needed. As long as the LED sign is going to be static which has already been established, the Building inspector said the Variance is not needed for that.

Mr. Maloney explained to the board the Massachusetts General Fuel Pricing Law. The sign has to reflect price at the pump and the sign could change several times a day. So, we have not required Variances for motor fuel price signs.

Attorney McCann then continued that the road sign is there by right, so they do not need the Variance for that. They are now only here before the board for the signage on the canopy.

Rebecca Kilborn asked if you would see the sign as you drive into the property?

Mr. Turner said you will see it; it is not hidden but shoppers will see it facing the club.

Ms. Kilborn thinks more people would see facing when you enter.

Kenneth Scholes said he has no problem with the canopy sign. His question is, when you enter off Endicott Street and pass the medical building, the only way to get into BJs is to go left there or a right. If he takes the right to go into the back parking lot can he gain access to the gas station?

Mr. Turner replied that yes you can.

Mr. Scholes believes that will be a nightmare.

Rebecca Kilborn reminded the board that was up to Site Plan to approve.

Jeffrey Sauer had no questions.
Kenneth Jarvinen had no questions.

Corinne Doherty had no questions but agrees with Ken about the access.

Rebecca Kilborn asked if all of the propane signs that are there legal?

Attorney McCann stated that she believes so. They are required signs, but they will take another look.

John Boughner said he had no questions. So, we are just looking for the Variance for the gas station canopy signs.

Attorney McCann said yes.

Patrick Natreba asked Mr. Boughner, if they get approval can they get a condition to relocate the logo to a different side of the canopy.

Mr. Boughner polled the board they agreed. They change the location of the logo on the canopy but must remain at only one logo sign.

Mr. Boughner then turned questions and comment over to the audience.

There were no questions or comments. Back to the board.

Robert Cignetti said he would vote yes.
Rebecca Kilborn said she would vote yes.
Kenneth Scholes said he would vote yes.
Jeffrey Sauer said he would vote yes with condition signs remain same as plan.
Kenneth Jarvinen said he would vote yes.
Corinne Doherty said she would vote yes.
John Boughner said he would vote yes. He also agrees with Ken regarding the second entrance, but that was up to the Planning Board.

Robert Cignetti motioned the board to grant the Variance for signage from Section 37.5.6 & 37.6 of the Danvers Zoning Bylaws with the following conditions:

1. The square footage of the sign remains the same as the plans submitted.
2. The location of the logo sign may be relocated to a different side of the canopy and must remain at only one logo sign.

The hardship is the size and shape of the lot and the location of the gasoline station on the lot. The granting of the Variance will not be a substantial detriment to the public good and will not derogate the intent or purpose of the zoning bylaw.

Kenneth Scholes seconded.

All in favor.

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#20-4862
July 13, 2020

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

Also Present: Building Inspector, Richard Maloney
Secretary, Kathleen Archambault

NICHOLAS SILVESTRI (20-4862) Requesting a Finding to raise the roof on a portion of the house in accordance with Section 3.11(a and b) of the Danvers Zoning Bylaws at **37 VISTA DRIVE, R-II**

Kenneth Scholes read the case mentioned above.

Nicolas Silvestri addressed the board explaining that they are requesting a Finding to add a second floor addition to add a master bedroom. They are .2" away from the setback.

John Boughner asked if they were encroaching on just that one setback.

Mr. Silvestri said that is correct.

Mr. Boughner asked the Building Inspector if this property is existing non-conforming.

Richard Maloney, Building Inspector, said yes, they are already existing non-conforming.

Corinne Doherty had no questions.
Kenneth Jarvinen had no questions.
Jeffrey Sauer had no questions.
Kenneth Scholes had no questions.

Rebecca Kilborn asked what the building was in the back yard?

Mr. Silvestri stated it was a shed.

Ms. Kilborn stated that the shed is not marked in the plans that they had.

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Richard Maloney interjected that the plot plan submitted is an official site plan. It was before the shed was installed.

Ms. Kilborn asked if the shed was ok and permitted.

Mr. Maloney replied yes.

Robert Cignetti asked if they were going to square off the top of the house.

Mr. Silvestri said yes.

John Boughner had no questions.

Mr. Boughner turned questions and comments over to the audience.

There were no questions or comments. Back to the board.

Corinne Doherty said she would vote for this.

Kenneth Jarvinen said he would vote for this.

Jeffrey Sauer said he would vote for this.

Kenneth Scholes said he would vote for this.

Rebecca Kilborn said she would vote for this.

Robert Cignetti said he would vote for this.

John Boughner said he would vote for this.

Robert Cignetti motioned the board to grant the Finding (2 part) in accordance with Section 3.11.1 (a & b) of the Danvers Zoning Bylaws to allow the second floor addition as shown on the plans submitted.

1. We find that the proposed addition as shown on the plans increases the non-conformity.

Jeffrey Sauer seconded.

All in favor.

2. The proposed addition as shown on the plans is not substantially more detrimental than what currently exists.

Jeffrey Sauer seconded.

All in favor.

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Danvers Board of Appeals

#20-4863
July 13, 2020

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

Also Present: Building Inspector, Richard Maloney
Secretary, Kathleen Archambault

WILLIAM MOODY (20-4863) Requesting a Variance to amend the
Variance on Docket #19-4832 for overall height from 23' to 25'
6" on three sides and 27' 6" on front in accordance with Section
7, Table 2 of the Danvers Zoning Bylaws at **39 PINE STREET, R-II**

Kenneth Scholes read the case mentioned above.

William Moody and Karen McGuinness were both present to address
the board.

John Boughner went over the case with a brief description of
what was happening. They had come before the board for a garage
which approval was granted. They returned to add a mudroom,
which was granted. Now you are here regarding the height of the
structure.

Mr. Moody addressed the board explaining that there had been a
discrepancy with the builder and the roof is now higher than
expected.

Mr. Boughner asked if it was three feet higher than approved.

Mr. Moody replied yes.

Richard Maloney, Building Inspector, said that 23' was approved
it is now 25'6" and 27'6".

Mr. Boughner asked if this height was to the peak.

Mr. Maloney said yes.

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Robert Cignetti had no questions.

Rebecca Kilborn said that she remembered there was some discussion with a neighbor regarding this addition.

Mr. Moody replied yes, she was concerned with window placement.

Ms. Kilborn asked how this discrepancy happened.

Mr. Moody explained that there is a slope in the driveway. The builder made a mistake.

Kenneth Scholes had no questions.

Jeffrey Sauer had no questions.

Kenneth Jarvinen had no questions. Interested in neighbor's concerns.

Corinne Doherty asked if the pictures that were provided were what is existing. So, no changes would happen if the variance was granted. Also, how did you find out the structure was too high?

Mr. Moody replied yes pictures are what is existing. Mr. Maloney came out to inspect and made him aware of the height discrepancy.

Mr. Boughner summarized the issue. The garage height is 25 .5' on three sides and 27.6' on one side, the average being 26'.

Mr. Moody said that is correct.

Mr. Boughner than turned questions and comments over to the audience.

Cathy Sterchele of 41 Pine Street addressed the board. She wanted to ask a question. Looking at the original permit dated back in October of 2019, the Affidavit states that her neighbor is the builder and would not be hiring subcontractors.

Mr. Boughner asked Mr. Moody id he had a contractor.

Mr. Moody said he hired a contractor who built the garage. The project was stopped as of April 15, 2020.

Richard Maloney, Building Inspector, clarified that the Building Permit was taken out by the homeowner, he would be acting as the General Contractor.

Mrs. Sterchele said the document she is referring to is called a Workers Compensation Insurance Affidavit. The box was checked off that they were the homeowners and doing all the work themselves. The box that stated they were homeowners and hiring subcontractors was not selected. Her point is that the responsibility for the overall height is not an oversight by a contractor because the neighbor was acting as the contractor.

Mr. Boughner stated that is correct, that is why they are here seeking relief.

Mrs. Sterchele expressed her disappointed in the transparency that has transpired with this project. Her husband was her supporting this project with specific plans that were submitted and that did not happen. What resulted is the overage in height and the structure that has been built looks like a house. She is not favor of the Variance.

Karen McGuinness said they submitted pictures so show that the garage is not as large as the house.

Mr. Boughner said he understands the neighbor's position, they did approve a specific height.

There were no more questions or comments from the audience. Back to the board.

Robert Cignetti said it's already there. So, he'd vote yes.

Rebecca Kilborn said she doesn't like it or that this happened. If he wanted to be his own contractor, he is responsible. She votes no.

Kenneth Scholes said he does not like back pedaling, however it is existing so he would vote yes.

Jeffrey Sauer said he would not vote for this.

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Kenneth Jarvinen said he would vote no.
Corinne Doherty said she would vote no.

John Boughner said he sees the applicant's argument that bit is not as high as the home. However, it is larger than what was approved.

Mr. Boughner told the applicants they do not have the votes for the Variance to pass.

Robert Cignetti asked the Building Inspector what happens now. Do they have to remove the structure and rebuild?

Richard Maloney said they will need to cut the roof down to the approved height.

Mr. Boughner stated that they do not have the votes. You need a supermajority vote of 4 to 1 and you do not have that. He asked what they would like to do.

Mr. Moody said It's going to cost as much to bring it down and rebuild as it did for the initial build.

Karen McGuinness stated that they are not experienced, she filled out the application and apologized for her errors.

John Boughner said the question is not who filled out the paperwork, it is a question of what this board approved. Which was a height of 23'.

Mr. Boughner said the board is not in favor, nor are the neighbors. He recommends working with the Building Inspector to try to get to this height without having to tear the structure down. So, the modification of the Variance is denied, and you build to the approved height.

Mr. William Moody stated that he would like to withdraw his application without prejudice.

Robert Cignetti motioned the board to accept the Withdrawal without prejudice.

Rebecca Kilborn seconded.
All in Favor.

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#20-4864
July 13, 2020

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

Also Present: Building Inspector, Richard Maloney
Secretary, Kathleen Archambault

JOEL T. HARTNETT (20-4864) Requesting a Variance from the dimensional requirements required for 80' of frontage in accordance with Section 7, Table 2 of the Danvers Zoning Bylaws at **49 DAMON STREET, R-I**

Kenneth Scholes read the case mentioned above.

Joel Hartnett addressed the board. He stated that he has been a Danvers resident for 35 years and wants to continue to stay in Danvers. He said that he has the last buildable lot on Damon Street, and he is one foot short on frontage. He came before the board previously and was granted a Variance and it has expired. He is looking to renew/apply to have it approved.

John Boughner asked the Building Inspector if the original Variance was granted in 2009, was it good for two years?

Richard Maloney, Building Inspector said Mr. Hartnett had one year to act.

Robert Cignetti said that he was here in 2009 when the original Variance was granted. He would like to see plans for the house to know what was going to be built on the property.

Mr. Hartnett said that he is leaving a four-bedroom, five bath home. He is looking to build a smaller home to retire to. He does not have plans with him; however, he does have an architect drawing them up.

Mr. Cignetti stated that he would like to see the plans to make sure a large house was not going to be built. He said that he would like to see this as a condition.

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Rebecca Kilborn asked if the new house will meet all the required setbacks.

Mr. Hartnett replied yes it would, it's over 10,000 sq. ft.

Kenneth Scholes had no questions.
Jeffrey Sauer had no questions.
Kenneth Jarvinen had no questions.
Corinne Doherty had no questions.
John Boughner had no questions.

Mr. Boughner asked Richard Maloney, Building Inspector, If Mr. Hartnett had 80' of frontage, would he be before the board tonight?

Mr. Maloney replied no.

Mr. Boughner then turned questions and comments over to the audience.

There were no questions or comments. Back to the board.

Robert Cignetti said he would vote yes, if he sees plans as a condition.

John Boughner told Mr. Hartnett that Mr. Cignetti wanted to see plans. Could he get them to the board before the August 17, 2020 meeting?

Mr. Hartnett asked what type of plans are needed.

Richard Maloney explained Elevation and floor plans would be needed.

Mr. Hartnett said yes, he could do that. However, he would like to get this rolling. He needs to leave his current home September 1, 2020.

Mr. Boughner explained a case in the past that a much larger home had been built when they board was told it would remain smaller. They now have to make sure they know what is going to be built on the property.

Rebecca Kilborn said that she agreed with Mr. Cignetti, she would like to see plans.

Kenneth Scholes said he would vote for this with the stipulation that it has to be three bedrooms or less as a condition.

Mr. Boughner asked Mr. Cignetti if he would agree to that.

Mr. Cignetti said yes. He just wants to see a small house there.

Rebecca Kilborn wants to see a square footage as a condition as well.

Mr. Hartnett said the house will be approximately 2,000 sq.ft.

Mr. Cignetti said no more than 2,000 sq.ft. and three bedrooms or less.

Mr. Hartnett said yes.

Jeffrey Sauer said he would be happier with drawings but will vote yes with the conditions of no more than 2,000 sq.ft. and three bedrooms or less.

Kenneth Jarvinen said he would vote yes with conditions.

Corinne Doherty said she would vote yes with conditions.

John Boughner said he would vote yes with conditions.

Rebecca Kilborn then asked if the Building Inspector was ok with this.

Mr. Maloney said yes, there is an easement that cuts through the property. So, he is limited to what he can build as well.

Robert Cignetti moved the board to grant the Variance from Section 7, Table 2 of the Danvers Zoning Bylaw to allow a buildable lot with 79 feet of frontage with the following conditions:

1. The house shall not be larger than 2,000 square feet.
2. The house shall have three bedrooms or less.

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3. The house meets all dimensional requirements for height and setbacks.

The hardship is the size and shape of the lot. The granting of the Variance will not be a substantial detriment to the public good and will derogate from the intent or purpose of the zoning bylaw.

Kenneth Scholes seconded.

All in favor.

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Danvers Board of Appeals

#20-4865
July 13, 2020

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

Also Present: Building Inspector, Richard Maloney
Secretary, Kathleen Archambault

MELANIE COFFIN (20-4865) Requesting a Variance to build a two-story addition and extend bulkhead into the front setback in accordance with Section 7, Table 2 of the Danvers Zoning Bylaws at **57 PURCHASE STREET, R-I**

Kenneth Scholes read the case mentioned above.

Melanie Coffin addressed the board explaining that her home was hit by two trees during the microburst in October 2019. There was so much damage done, that at this time they are looking to take what was the existing deck and replace it with a two-story addition and rebuild the existing bulkhead and stairs and make them safer they need to be closer to the setback. Right now, they are literally doing the whole house over, they are down to four walls due to so many repairs.

John Boughner said he visited the property and saw the painted lines. It that where the existing deck was and where the addition will be and the bulkhead addition.

Mrs. Coffin said yes.

Corinne Doherty asked if the new addition will stay pm the same footprint that the old deck was.

Mrs. Coffin replied yes.

Kenneth Jarvinen asked if the front entrance of the house was changing.

Mrs. Coffin replied no, entrance will remain on purchase.

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Jeffrey Sauer had no questions.
Kenneth Scholes had no questions.
Rebecca Kilborn had no questions.
Robert Cignetti had no questions.

John Boughner said only the bulkhead was changing, everything else is the same footprint.

Dennis Maroney, Mrs. Coffin's father said that the bulkhead stairs need to be rebuilt, with a metal bulkhead it just has to come out further.

Mr. Boughner then turned questions and comments over to the audience.

There were questions or comments. Back to the board.

Corinne Doherty said she would vote for this.
Kenneth Jarvinen said he would vote for this.
Jeffrey Sauer said he would vote for this.
Kenneth Scholes said he would vote for this.
Rebecca Kilborn said she would vote for this.
Robert Cignetti said he would vote for this.
John Boughner said he would vote for this.

Robert Cignetti motioned the board to grant the Dimensional Variance from Section 7, Table 2 of the Danvers Zoning Bylaw for a two-story addition in place of the existing deck and allow the existing bulkhead to be rebuilt and expanded to be usable as shown on the drawings submitted.

The hardship is the size and shape of the lot and the location of the existing house on the lot. The lot is undersized and has two street frontages. The granting of the Variance will not be a substantial detriment to the public good and will not derogate from the intent or purpose of the zoning bylaw.

Rebecca Kilborn seconded.

All in favor.

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Danvers Board of Appeals

#20-4866
July 13, 2020

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

Also Present: Building Inspector, Richard Maloney
Secretary, Kathleen Archambault

NORTH SHORE HERITAGE ASSOC., LLC (20-4866) Requesting a Variance to allow the existing office building to be converted to a mixed-use with commercial and residential use in accordance with Section 17.4 of the Danvers Zoning Bylaws at **64 HOLTEN STREET, I-I Tapley Overlay District**

Kenneth Scholes read the case mentioned above.

Attorney Nancy McCann, representing the Thomson Company, LLC stated that owners John Thomson and Cheryl MacDonald were present. She continued that they are requesting a Variance to redevelop an existing building from 100% office use to a mixed use of commercial use on the first floor and residential on the upper three floors. The building was built in 1970, it is a 25,138 sq. ft. site, it had 43 parking spaces, abuts the rail trail and has 290 feet of frontage. They are allowed 14 units per acre by right, so based on site plan they could have 8.1 units. They are proposing three units on each floor, so they are looking for 9 units not the allowed 8.1. They will be small 2 bedroom units approximately 1,000 sq.ft. each. There will be no addition to the existing building or added square footage. The Tapley Overlay District was created to promote small to medium size business with Residential use. This use fits exactly into this. There is plenty of parking with guest spaces and commercial spaces. They are required to have 35 spaces and they have 43. If this board grants this Variance, they will have to move forward with the process of a Special Permit through Site Plan. In April this project was reviewed by the Planning and Affordable Housing, they are fully compliant. One unit will be affordable, and they are making a donation to the Affordable Housing Trust.

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John Boughner asked how many Commercial units will there be?

Attorney McCann said that there is 3500 sq. ft., but the exact breakdown is yet to be determined. The commercial use is permitted by rite. They are here looking for the number of residential multi-units. They are not seeking approval for anything on the first floor. Site Pan approval will approve the first floor use.

Robert Cignetti stated if they wanted 8 units instead of 9, you wouldn't be here and there is plenty of parking.

Attorney McCann confirmed that is correct.

Rebecca Kilborn asked what is there now and will the new units be rentals or condos?

Attorney McCann said that she is not sure what is occupied right now, and the future units will probably be rentals.

Rebecca Kilborn said with the current zoning the first floor use is allowed, how do you calculate the number of units allowed.

Attorney McCann said it is based off square footage of the lot, 14 units per acre is allowed. More than four Units a Special Permit is required thorough Site Plan for more than 4 and for change of use.

Kenneth Scholes had no questions.
Jeffrey Sauer had no questions.

Corinne Doherty asked Richard Maloney, Building Inspector if we shouldn't be the last board to hear the application.

Mr. Maloney stated no, they need the Variance from this board for the .9 unit. They need the approval here to present to Site Plan for the Dimensional Variance of .9 square footage.

John Boughner said he understands the 14 units per acre and the intent of commercial. However, trying to do a walking, biking promotion; there is no sidewalk. Could we make this a condition? He feels this a problem down all of Holten Street.

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Attorney McCann stated that this has already been approved by Site Plan back in 1987.

Mr. Boughner said that is true, but it was before the new Overlay District was created.

Attorney McCann said that is correct, however sidewalks need to go somewhere.

Mr. Boughner asked if they would take a condition to explore adding a sidewalk.

Attorney McCann replied that is quite a burden to put on this applicant. The utilities, landscaping and building are already there and completely developed. There will be no site work done at this property.

Mr. Boughner said that with this new Tapleyville Overlay District trying to push the walking and biking, because of projects like this; sidewalks should be part of the plan for this district. However, there is a second dumpster in the back of the building, is it allowed.

Attorney McCann will check during Site Plan review to make sure.

Robert Cignetti asked if there would be any exterior construction.

Attorney McCann stated nothing other than siding and windows.

Mr. Boughner then turned questions and comments over to the audience.

There were no questions or comments. Back to the board.

Robert Cignetti said he would vote for this.

Rebecca Kilborn said she would vote for this; we are in need of housing.

Kenneth Scholes said he would vote for this.

Jeffrey Sauer said he would vote for this; he appreciates the affordable housing element.

Kenneth Jarvinen said he would vote for this.

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Corinne Doherty said she would vote for this.
John Boughner said he would vote for this, but he thinks there needs to be more vision, he believes sidewalks are needed.

Robert Cignetti motioned the board to grant the Variance from Section 17.4 of the Danvers Zoning Bylaw to allow one additional residential unit (total 9) as shown on the plans submitted.

The hardship is the shape of the lot and specifically to the existing building located thereon. The granting of the Variance will not be a substantial detriment to the public good and will not derogate from the intent or purpose of the zoning bylaw.

Kenneth Scholes seconded.
All in favor.

MINUTES
Danvers Board of Appeals

#20-4867
July 13, 2020

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

Also Present: Building Inspector, Richard Maloney
Secretary, Kathleen Archambault

SOCRATES XERRAS (20-4867) Requesting a Special Permit for an oversized Extended Family Living Area in accordance with Section 9.3 of the Danvers Zoning Bylaws at **24 JACOBS AVENUE, R-II**

Kenneth Scholes read the case mentioned above.

George Xerras, representing his father, Socrates Xerras; addressed the board. He stated that they are looking to create an Extended Family Living Area in the home without changing the footprint of the existing home. The proposed Extended family Area would be 983 sq. ft due to the floor plan of the home.

John Boughner wanted to confirm that there would be exterior changes to the home, the EFLA will be 983 sq. ft. total and asked what the common area would be.

Mr. G. Xerras replied that common area is the hallway/foyer area.

Corinne Doherty asked the EFLA is oversized because it is existing.

Mr. G. Xerras replied yes.

Kenneth Jarvinen asked where the entrance would be located.

Mr. G. Xerras replied that the main entrance of the house can be used or the new side entrance that is going to be created.

Jeffrey Sauer had no questions.
Kenneth Scholes had no questions.
Rebecca Kilborn had no questions.

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Robert Cignetti asked who would be living in the EFLA, his parents?

Mr. G. Xerras stated yes.

Mr. Boughner asked if the only exterior change would be the side door.

Mr. G. Xerras replied yes.

Kenneth Scholes asked Mr. Xerras if he knew had to file a Deed restriction.

Mr. G. Xerras said yes.

Mr. Boughner then turned questions and comments over to the audience.

Michael Daley, Precinct III, of 36 North Shore Avenue, read a letter the he and his wife are in support of this application. The letter was received and place in the docket file.

There were no more questions or comments. Back to the board.

Corinne Doherty said she would vote for this.

Kenneth Jarvinen said he would vote for this.

Jeffrey Sauer said he would vote yes.

Kenneth Scholes said he would vote yes.

Rebecca Kilborn said she would vote yes.

Robert Cignetti said he would vote yes.

John Boughner said he would vote yes.

Robert Cignetti motioned the board to grant the Special Permit in accordance with Section 9.3.3.2 for an oversized EFLA (total sq.ft. 983) under the provisions of Section 9.3.8 of the Danvers Zoning Bylaw for an Extended Family Living Area as shown on the drawings.

1. The municipal water& sewer shall not be overloaded by the E.F.L.A.
2. The public streets shall not become overloaded by the E.F.L.A.

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3. The value of other buildings and properties shall not be depreciated by the E.F.L.A.
4. The specific site is an appropriate location for the E.F.L.A.
5. The E.F.L.A. will not adversely affect the neighborhood.
6. There will not be undue nuisance to vehicles or pedestrians and adequate and proper facilities will be provided to ensure proper operation of the proposed E.F.L.A.
7. The proposed E.F.L.A. will be in harmony with the general purpose of the bylaw.

Rebecca Kilborn seconded.
All in favor.