

MINUTES
Danvers Board of Appeals

#20-4869
September 14, 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 LEE TRUST (20-4869) Requesting a Dimensional Variance to construct a two-family on 15,111 square feet. 11,319 square feet is located in R-I District and 3,792 square feet is located in C-III District in accordance with Section 7, Table 2 of the Danvers Zoning Bylaws at **150 SYLVAN STREET, R-I**

Kenneth Scholes read the case mentioned above.

Michael Panzero addressed the board. He stated that his business partner Zach Fellows was also present. He stated that they took the comments from the Board and reworked their plans. They have changed the design to install a carport that will connect the two structures to allow them to move the parking to the back of the property. They have changed the units from 4 bedrooms each to 3 bedrooms each. There are now six parking spaces instead of 8. They have also allowed space for snow storage, approximately 10 feet around the perimeter of the property and 20 feet in the back of the property. If they have to build a retaining wall to bring up the slope in the back, they will.

Robert Cignetti stated that they went from eight to six bedrooms and changed the parking to reflect that. However, is there parking for guests.

Mr. Panzero said that they will be keeping the paved area in the front of the property and that could be used for guest parking.

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

Corinne Doherty said that she is concerned about the vehicles entering and exiting on Sylvan Street. Is it possible that you could obtain an easement from the Lee's property in the back of this property?

Jeremy Lee said that this is an existing property and there has not been a problem in the past. The new parking plan has improved the situation, they can now pull straight out. He would not like to have an easement on this property.

Ms. Doherty said that she feels the easement would solve the problem.

John Boughner asked if the carport is now the connecting the structure? It replaces the storage area on the old plan. Also, will there be landscaping done out front and would you take that as a condition?

Mr. Panzero said yes, the carport is the connecting structure and yes, there will be landscaping out front. They would take it as a condition if necessary.

Mr. Cignetti asked if there would be any exterior lighting, like light poles.

Mr. Panzero said the only exterior lighting would be mounted on the structure.

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 likes the improvements; he would vote yes.

Rebecca Kilborn said that the property is currently in poor condition, this is a tremendous improvement. She would vote yes.

Kenneth Scholes said he likes the changes; he will vote yes.

Page 3
Minutes
#20-4869
9-14-20

Jeffrey Sauer said he will vote yes.

Kenneth Jarvinen said he likes the carport. He will vote yes.

Corinne Doherty said that there are too many cars. She would not vote for this.

John Boughner said that this is a better design and thinks that the carport makes it unique. He likes it. He would vote yes.

Robert Cignetti motioned the board to grant the Dimensional variance from Section 7, Table 2 of the Danvers Zoning Bylaw to allow the construction of a two-family dwelling on a lot where 3,792 square feet of the required 15,000 square feet is in the C-III Zoning District.

The hardship is the size and shape of the lot, the location of the existing house on the lot and the split zoning in the area.

Kenneth Scholes seconded.

All in favor.

MINUTES
Danvers Board of Appeals

#20-4873

September 14, 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

MICHAEL PERHAM (20-4873) Requesting a Finding to add rear addition to an existing one car garage in accordance with 3.11.1 (a) and (b) of the Danvers Zoning Bylaws at **16 DONEGAL CIRCLE, R-II**

Kenneth Scholes read the case mentioned above.

Michael Perham addressed the board. He said that in 2014, they did a garage addition and unfortunately, they did not go deep enough. He wants to add 8 ½ feet to the existing garage so that they can house two cars. He has discussed this with his neighbor to the left and he has no issue with it. The roof will be flat, so there will be no height issues.

John Boughner asked if the side setbacks will remain the same.

Mr. Perham said yes.

Corinne Doherty had no questions.

Kenneth Jarvinen asked if the side setbacks will remain the same.

Mr. Perham said yes.

Jeffrey Sauer had no questions.

Kenneth Scholes asked if there will be a Double door on the new addition.

Mr. Perham answered yes.

Rebecca Kilborn asked if there would be a height increase.

Mr. Perham said no.

Robert Cignetti asked if the reason he was requesting this is because currently you cannot fit two cars in the garage. He also asked if there will be an exit door.

Mr. Perham said yes, right now only one car fits and yes there will be an exit door.

John Boughner stated that is was a thorough application and had no questions.

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

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

Corinne Doherty said she would vote yes.

Kenneth Jarvinen said he would vote yes.

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 Finding (2 part) in accordance with Section 3.11.1 (a&b) of the Danvers Zoning Bylaw to allow the garage addition as shown on the plans submitted.

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

Rebecca Kilborn seconded.

All in favor.

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

Rebecca Kilborn seconded.

All in favor.

MINUTES
Danvers Board of Appeals

#20-4874

September 14, 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

MARK SPEAR (20-4874) Appealing the Building Inspector's decision regarding a Variance from April 7, 1975 Docket #O-1025 in accordance with the Danvers Zoning Bylaws at **55 WENHAM STREET, R-III**

Kenneth Scholes read the case mentioned above.

Mr. Scholes then read in a letter from Richard Maloney, Building Inspector. The letter had been sent to the homeowner regarding zoning issues and complaints from neighbors.

Attorney Peter Arvanites addressed the board. He stated that he was representing Mr. Spears who was present with him. He explained that the property was used as farming land back in 1975 the owner of the property, Mr. Spear's grandfather, obtained a use Variance. In 2010, there was an appeals court case that states that the restrictions on the use of this property in the Residential district are set forth in the words of the Variance itself. In Mr. Maloney's letter using these words as his basis for stating that there are violations of the provisions, specifically the area being to be used for outside storage where 2 ½ times the square footage of the building is allowed. The building in question is one story and part and two stories toward the end. The area of the building is 6,008 square feet which would allow 15,200 square feet of outside storage. He stated that they are using much less than 15,200 square feet for outside storage. Mr. Maloney also stated in his letter that the property cannot be used a base of operations for a business. Mr. Spear has four renters currently at the property, they all have a home office or main office somewhere other than 55 Wenham Street. The variance itself does not define

base of operation so, we need to turn to the Merriam-Webster's Dictionary. The Merriam-Webster Dictionary tells us that a base of operations is a home office or main office. Therefore, they are not "based" out of this location. They are just storing materials and equipment. The Variance limits the use of the property by allowing the it to be used for materials and equipment and they feel what is going on there is within that. He also acknowledges that the business there is to operate from 7:00am to 5:00pm Monday through Friday. If that is not being followed Mr. Spear do whatever he can to get his tenants to comply. He mentioned that 41 Wenham Street had a very similar situation business wise. Regarding the questions as to whether or not anything is being stored behind the barn, because everything is not directly behind the barn; that is probably what is being seen form the street. These materials and equipment are owned by T and T Excavation. Most of the time the equipment is stored on the construction site, not at this location. To move this behind the barn, can be done. On another note, Northshore Tree Service, one of Mr. Spear's tenants will be leaving the property in two weeks. Once, they vacate, T and T Excavation can start moving their materials and equipment behind the barn.

John Boughner wanted to clarify that due to one tenant leaving, they will be able to shift T and T Excavation's materials and equipment to a more obscure site. He stated that the members of the board are familiar with the zoning decision from 1975 but wanted to hear from the Building Inspector.

Richard Maloney, Building Inspector, stated that 41 Wenham Street had also come into question. They are being dealt with differently, but both are being co-operative. The Building Department does get a lot of complaints. He did want to talk about 41 Wenham Street, because it is important. The owners at 41 Wenham Street, may have outlived the conditions on the Variance. Part of the problem there is that we don't disagree on some of the details like, 2 ½ times the storage outside is allowed. He thinks if they can get everything behind the barn and if Mr. Spear can get his tenants to use his driveway and stay off of 41 Wenham Street, that will solve some of the problems.

Mr. Boughner said that he thinks that they can come to an agreeable point, However, you are here asking the board to overturn a decision on the Building Inspector. So, they will ask questions based on that.

Attorney Arvanites said that they may ask for a continuance to get ask the materials and equipment moved behind the barn.

Mr. Boughner said that he thinks that is a great idea. He asked Richard Maloney, Building Inspector if he was ok with that.

Mr. Maloney said that may work. Per the 1975 Variance they are allowed 2 ½ x the building square footage for outside storage, but it cannot be seen from the street, it needs to be behind the building. The hours of operation need to be agreed upon 7:00am to 5:00pm Monday through Friday and be complied with. However, Abutters need to be heard.

Robert Cignetti said he would like to hold his questions until he sees if this can be settled.

Rebecca Kilborn said if the applicant were to come back with a continuance, she really wants to see a site plan.

Mr. Maloney interjected that he included a better plan in the attached packet.

Ms. Kilborn acknowledged.

Kenneth Scholes asked if Mr. Spears agrees that Variance Docket #O-1025 is on the barn.

Attorney Arvanites answered yes, the barn and the area outside the barn.

Mr. Scholes said his interpretation is storage outside of the barn, this is not outside of the barn.

Jeffrey Sauer had no questions.

Kenneth Jarvinen had no questions.

Page 4
Minutes
#20-4874
9-14-20

Corinne Doherty stated that she wanted to hear from the abutters.

John Boughner had no questions.

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

Kevin James, 39 Wenham Street, addressed the board. He stated that these issues have been going on for over 2 years. He has tried to speak to Mr. Spear regarding noise and traffic. He said that it is so loud they can feel vibrations through this property. It started with one truck being three, now it's up to three trucks and they idle for long periods of time, seven days a week. Back in 1975 there was a hardship, he believes that the board was not envisioning a construction yard with diesel trucks, machines and equipment. It is extremely loud at this property. The 2 ½ times the square footage of the building for the outside storage is not an issue. Mr. Spear has chosen to use the area closest to his neighbors to store these things, not closest to his own home. He also told the board that there were wetlands in the back of the property that were being encroached upon. He wanted to let the board know that he does not believe there will be a remedy.

John Boughner addressed Mr. James. He explained that the board did not receive any evidence of the wetland issue.

Mr. James said that Georgia Pendergast from Conservation did in fact cite him and a hearing is upcoming.

Mr. Boughner asked Mr. Spear is he was aware of The Massachusetts Idle Law, that only allows a 5-minute idle time.

Mr. Spear said he was not aware of this law. He also addressed that at one-point T and T excavation did some jackhammering at his property to remove ledge and it was a about a two-week period, that was for a patio installation, that may be what he is referring to.

Greg Drouin, 36 Wenham Street, he has lived there for 30 years. The last 3 years it has become very busy and noisy. There are

Page 5
Minutes
#20-4874
9-14-20

six large vehicles. The excavation company is very loud and wakes up the neighborhood. They are huge vehicles and they do idle a long time. They have a large excavator and when they are loading it can sound like an explosion, people have come out of their homes. He did talk to the tenant and when he brought this up the tenant said he had no idea what he was talking about. Its very loud and disruptive.

Lisa Rizzo, 37 Wenham Street, she stated she has been there 29 years. It has always been a nice neighborhood. The past three to four years the activity of 18 wheelers, pounding, beeping and it all start around 6:30am and they go all day. They do this on the weekends. The tree Service was operating on Sunday mornings. This is just too much. It is disrespectful to the neighbors and it has impacted the quality of their lives. Disrespect and disregard for those neighboring this property is really not how she wants to live in her neighborhood that she has been in for 29 years. She is hoping you can do something about this, because conversation with the property owner isn't working.

John Boughner addressed Mr. Spear regarding the three abutters and their complaints about the noise. He knows that you are going to ask for a continuance but wanted to address that those changes do not address the noise. He likes the storage changes, but what about the noise issues.

Attorney Arvanites stated that what he heard is that the Tree Service was the number one complaint and they will be leaving in two weeks.

Mr. Boughner said the complaints are three to four years old.

Mr. Spears said that Ms. Rizzo has never spoke to him. The tree company has been there a year. The excavation company has been there for almost 19 years and he does not start work until after 8:30am.

Mr. Boughner stated this Ms. Rizzo spoke directly to his tenant.

Attorney Arvanites wanted to clarify that the excavation company had 2 dump trucks and does not have any 18-wheelers.

Page 6
Minutes
#20-4874
9-14-20

Mr. Boughner acknowledge that the are looking for a continuance for behind the barn storage but would like to se the noise issues addressed as well.

Rebecca Kilborn asked Mr. Maloney, Building Inspector, if the 2 ½ times floor area storage of the cement clock building, applies to vehicles.

Mr. Maloney said it is all interpretation from the 1975 variance. If this were to come before the board now, we are more specific, using site plan, lot lines, etc.

Mr. Spear interjected that the Variance states materials and equipment. Trucks are equipment.

Kenneth Scholes stated that they are trying to make a determination based on a 1975 Variance. Which we are questioning if this a "base of operation" per the Webster's Dictionary, because the tree company and the excavation company have a home office elsewhere does not mean that they are not conducting a business, they are.

Kenneth Jarvinen commented that he interprets the Variance as storing and unloading of materials, not storage of large trucks and machines. He visited the site and there was large machinery.

John Boughner stated we could debate this all night. He asked the applicant if he would like to continue to the 9/28/2020 meeting and try to address these complaints.

Kevin James, 39 Wenham Street, addressed the board again. He wanted to let the board know that he has two thumb drives documenting the noise issues and the other complaints. He wanted the board to review them.

Mr. Boughner said that would not be necessary, the board believes the complaints. However, noise is not one of the complaints on the appeal.

Rebecca Kilborn commented that noise complaints are handled by the police department. Noise complaints are not a zoning issue.

Page 7
Minutes
#20-4874
9-14-20

Corinne Doherty commented that the Conservation Commission is involved in this and would like to see the letter at the next meeting.

Attorney Arvanites said that they are scheduled to meet with them on 9/24/2020. They have Mr. Spear to have the wetlands mapped.

Ms. Doherty thinks it may be important to know where the wetlands are, as to not advise them to but storage where it violates wetland encroachment.

Rebecca Kilborn motioned the board to continue the case to the September 28, 2020 meeting.

Robert Cignetti seconded.
All in favor.

MINUTES
Danvers Board of Appeals

#20-4875

September 14, 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

CARLOS PINTO, JR (20-4875) Requesting a Variance, Special Permit and Finding to convert an existing structure to a two-family, erect a second floor, the existing is 6'8" from property line, new addition will be the same in accordance with 30.2.4 (c), 30.2.4 (a, b and d) and 3.11.1 (a and b) of the Danvers Zoning Bylaws at **73 POPLAR STREET, R-I**

Kenneth Scholes read the case mentioned above.

Carlos Pinto addressed the board. He said that he has an existing setback of 6.8' and needs 8'. He would like to add a second story and keep the same footprint except adding 12' in the back.

John Boughner asked if he was looking to take the existing home and change it to a two-family home without changing the setbacks.

Mr. Pinto states that is correct.

Corinne Doherty asked how many bedrooms will there be in each unit and how many parking spaces?

Mr. Pinto answered that there will be three bedrooms in each unit and there will be four parking spaces.

Kenneth Jarvinen asked if I will stay on the same footprint.

Mr. Pinot stated yes same as existing, just adding a second story addition in the back.

Jeffrey Sauer had no questions.

Page 2
Minutes
#20-4875
9-14-20

Kenneth Scholes asked if he would be taking down the garage?

Mr. Pinto said yes, to create parking area.

Rebecca Kilborn asked if a two-family conversion can be done in R-I.

Richard Maloney, Building Inspector, Said yes. The Special Permit is needed if it is an existing structure. Under this provision they need 2500 square feet per unit, and all work has to happen inside the existing structure. He needs a Variance from the special Permit to add the addition. With a Special Permit only 2 parking spaces are needed per unit.

Robert Cignetti stated it is a small lot only 6,000 square feet and he is not a fan of the tandem parking. He asked the applicant if he will live in one unit and rent one.

Mr. Pinto states yes.

John Boughner asked how many square feet each unit will be.

Mr. Pinto said approximately 1,000 square feet each.

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

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

Corinne Doherty stated that she is concerned that the lot is so small, and the tandem parking is tough. It does seem like many houses on that street are two-family. She would vote yes.

Kenneth Jarvinen said he would vote yes.

Jeffrey Sauer said it is too much. He would vote no.

Kenneth Scholes said he would vote yes.

Rebecca Kilborn said it is a lot for 6,000 square feet. She's undecided.

Page 3
Minutes
#20-4875
9-14-20

Robert Cignetti said it too much and doesn't like the tandem parking. He would vote no.

John Boughner said it is too much house for a small lot. He would vote no.

Mr. Boughner explained to Mr. Pinto that he did not have enough votes to move forward.

Mr. Pinto said he would like to continue to the next meeting.

Mr. Boughner suggested he work with Richard Maloney, Building Inspector, for some guidance.

Rebecca Kilborn motioned the board to continue the case to September 28,2020.

Robert Cignetti seconded.
All in favor.

MINUTES
Danvers Board of Appeals

#20-4876
September 14, 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

RICHARD TRAVAGLIONE (20-4876) Requesting a Special Permit for an additional garage structure in accordance with Section 6, Table 1 of the Danvers Zoning Bylaws at **8 CHRISTIAN LANE, R-III**

Kenneth Scholes read the case mentioned above.

Richard Travaglione and his wife Ariana addressed the board. He stated that they have a three-car garage under the house. One of the bays is not a full bay and is used for storage, the right-hand bay is not wide enough to park a car and open the doors. So, right now only the middle bay is being used. They would like to add a garage to actually park cars in and have a play room above with a storage area.

Robert Cignetti asked how many cars he has. He also said, you have a three-bay garage and want a three-bay garage; so, you will have six bays.

Mt. Travaglione answered he has four cars and yes, he is looking to add an additional three-bay garage.

Rebecca Kilborn asked what is behind his property, who owns the woods behind the property.

Mr. Travaglione said that there is a water easement and the property behind his is owned by the state.

Kenneth Scholes had no questions.

Jeffrey Sauer had no questions.

Kenneth Jarvinen had no questions.

Page 2
Minutes
#20-4876
9-14-20

Corinne Doherty asked if he would be doing a curb cut to access this new garage and if the neighboring lot was buildable.

Mr. Travaglione said that the curb cut is already there. The neighboring lot is not buildable, and the state owns the land behind him.

John Boughner asked, if you are finishing the second floor; will there be plumbing, heat and if so what kind.

Mr. Travaglione said there will be no plumbing or toilet and the heat will be electric. He also wanted to mention that he will be keeping the roofline the same as the existing pool house.

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 has an issue with six car bays. He would vote no.

Rebecca Kilborn said it appears as a whole other building. The two dormers, a large second floor. She would be more comfortable with a two-car garage. She is undecided.

Kenneth Scholes stated that he is torn. The three bays are too big, would like to see two. He would vote no as is.

Jeffrey said he would vote for this.

Kenneth Jarvinen said he would vote for this, there is plenty of room and privacy.

Corinne Doherty said she would vote yes if it were two bays. As is, she votes no.

John Boughner said he thinks it too large, 24' x 36' is too big. He would be ok with two bays. He would vote no as is.

Mr. Boughner explained that he did not have enough votes to move forward.

Page 3
Minutes
#20-4876
9-14-20

Mr. Travaglione said that he would like to continue to the September 28, 2020 meeting.

Robert Cignetti motioned the board to continue the case to the September 28, 2020 meeting.

Rebecca Kilborn seconded.
All in favor.

MINUTES
Danvers Board of Appeals

#20-4877

September 14, 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

DANVERSPORT YACHT CLUB REALTY, LLC (20-4877) Requesting a
Finding for temporary boat storage in accordance with Section
3.10.2 (a) of the Danvers Zoning Bylaws at **161 ELLIOTT STREET,**
R-II

Kenneth Scholes read the case mentioned above.

Mr. Scholes then read in a letter submitted by Captain Brooks of
the Danvers Fore Department, stating that he had visited the
site in question. A copy of the letter is in the docket.

Dan DeLorenzo addressed the board. His son, Joe DeLorenzo was
also present. He told the board that with the pandemic putting
a strain on the business, and only having the opportunity to
book events with a maximum of 25 guests in a room, they are
looking for optional revenue. They want to use the parking lot
that is not being used by the function facility. There are no
events happening due to COVID-19. They are proposing to use the
two back areas of the parking lot for trailer and boat storage
for the winter and they will be gone at the end of spring.
There would be no mechanical work allowed in this storage area,
only at the marina. There would be no additional traffic, due
to no events happening. They are only looking for a one-year
permit, only this winter season.

John Boughner asked how many boats would be stored.

Mr. DeLorenzo answered 100 boats maximum. They are looking to
use 50 spaces in each area.

Page 2
Minutes
#20-4877
9-14-20

Mr. Boughner asked if the boats will all be on trailer or will some be on stands.

Mr. DeLorenzo said he thinks mostly trailers.

Corinne Doherty asked when the boats are taken out of the water and shrink wrapped, who is going to trailer them to this storage area. Also, if there would be specific hours of operation to not create additional traffic and what size boats will be stored there.

Mr. DeLorenzo said that they have the capability to trailer them to the storage area, however he cannot say they will trailer every boat there. Some people maybe be bringing them over from Pope's Landing. He can't commit to hours of operation. Boat owners could retrieve their boats themselves at any time. The boats that can be trailered could only be 30' or less.

Kenneth Jarvinen had no questions.

Jeffrey Sauer had no questions.

Kenneth Scholes wanted to confirm that the boats would be stored in the Fall through the winter, then in the Spring they will be gone.

Mr. DeLorenzo said yes. He is requesting the dates of September 15, 2020 to May 31, 2021.

Rebecca Kilborn asked if boat owners will be allowed to work on their boats at this storage area.

Mr. DeLorenzo answered that there is no electricity at the site, and they will be informed that they are not allowed to work on boats in that area.

Robert Cignetti asked if all boats will be shrink wrapped.

Mr. DeLorenzo stated some may be, others may be tarped. It is up to the boat owner.

Mr. Cignetti stated that he has an issue with the end date of May 31, 2021. Maybe April 31, 2021 would work. He also wanted

Page 3
Minutes
#20-4877
9-14-20

to confirm that Mr. DeLorenzo met with Captain Brooks and they agreed on all aspects of this proposal.

Mr. DeLorenzo answered yes.

John Boughner asked if the boats are shrink wrapped, can they be trailered. How do you plan to enforce the fact that they will not work on the boats. He also thinks that May 31st may be too long, would you consider an end date of 4/31/2021?

Mr. DeLorenzo answered yes, it is legal to transport a shrink wrapped boat. There is someone working at the facility everyday and they will monitor the area. He really would like the May 31st date, most people do not put their boats in the water until June.

Kenneth Scholes asked if you would consider May 15, 2021 as an end of storage date.

Mr. DeLorenzo said he could work with the May 15, 2021 end of storage date.

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

Bill Bradstreet, TMM, P-I, He feels that temporary is an arbitrary term. Is a year temporary.

Mr. Boughner said yes, this is a request for a Special Permit. They would have to come back before the board if they were looking to extend.

Pete Clements, TMM, P-III, He asked how big a parking space is.

Richard Maloney, Building Inspector, stated 9' x 18' is an average parking space.

Mr. Clements stated that a 25' boat would be wider and longer than a parking space. How are you going to control paint peeling off bottoms of boats? How much gas will be stored in these boats, what if there is leaking gas? He feels that this is a "bait and switch" due to their history.

Mr. DeLorenzo said they have an outlined plan, they worked with Captain Brooks, they have Fire Lanes. If the boats do not fit in the spaces, they will have less boats if necessary.

Mr. Boughner to Mr. DeLorenzo address the fuel leakage and paint issues.

Mr. DeLorenzo said that the boats are cleaned at the marina not at the storage area. He has not experienced paint peeling off the bottom of boats. The fuel tanks on boats are just like cars, they don't just leak.

Mr. Maloney interjected that the parking lot was recently redesigned for that type of run off. There is a basin that collects solids from the parking lot.

Jane Fuller, TMM, P-III, 30 Congress Avenue, stated she is a direct abutter. She stated that the boats and the dredge tank are stored less than 200 feet from her property. She is absolutely against this. She does not want a marina in her backyard. She does not believe that he will be able to control what people will do to their boats, she feels that will work on them. She said that the boats will not fit in a parking space. The pandemic is open ended so; she feels the word temporary is open ended as well. She is hoping that the board will considering not allowing this to happen.

Bob Fuller, 30 Congress Avenue, when the parking lot was redesigned, they were set up from snow removal and storage. He wants to know where the snow will go if the boats are there. The storage of boats can be noisy, sails boats clang all the time. Why do they need to put the boats on this particular side of the parking lot? Why don't they put them on the side of the parking lot closest to their house?

Mr. DeLorenzo said that the entire parking lot was not designated for snow storage. There will still be areas for snow storage. They will only be plowing the fire lanes and around the boats.

Mr. Boughner asked about the storage of sailboats. Would you take it as a condition that no sailboats would be stored?

Mr. DeLorenzo said yes, he would take no sailboats being stored as a condition.

Andrea Daley, TMM, P-III, wanted to address the premise to use the parking lot on the event side due to not enough business during the pandemic. She said that the ZBA is not allowed to regulate this because it is a money issue. She wants a legal judgement from Town Counsel. She thinks this is a slippery slope if they allowed to do this. She also thinks that the trailers are an issue. She thinks they should have a number limiting the number of boats and a defined area. The hours of operation are a concern to her. She said traffic is very busy on Elliott Street. Boated being shuffled to this storage area would be detrimental to the residential area. She wanted to bring to the board's attention that the Danversport Yacht Club does not keep their promises. They do not keep their word they agree to one thing and then don't adhere to the rules. She addressed that they continually block fire lanes on the property.

John Boughner interjected asking her to please stay on topic of this particular application.

Mrs. Daley aid she was on topic, there are fire lane being discussed with this new boat storage application. They are not complying now. She's concerned about the hours of operation and wanted to confirm that the permit was for a year and the boats would be removed. IF they do not comply, what happens.

Mr. Boughner said that the fire department has reviewed this plan and approved it. The permit would be for nine months, not an entire year. This is temporary. If they do not comply, a letter of zoning enforcement would be sent and possible fines.

Mrs. Daley stated she still wants Town Counsel to address this.

John Boughner then asked Richard Maloney, Building Inspector, if Town Counsel needed to be consulted or involved.

Mr. Maloney said that per Section 3, a Finding is very liberal when you have a non-conforming use, the applicant has the right

Page 6
Minutes
#20-4877
9-14-20

to ask for what they want. It is not a Variance, there is no hardship. It is up to the board whether or not to grant it.

Mr. Boughner then asked Mr. DeLorenzo to address the hours of operation.

Mr. DeLorenzo said that 8:00am to 5:00pm could be possible, however customer have the right to take their boats when they want to. He also addressed the traffic concerns. He feels there would be less traffic than if there were events happening at the facility. Noise will not be an issue.

John Boughner and Robert Cignetti both expressed concern with the security of the boats and possible theft.

Mr. DeLorenzo said that they have a security guard and cameras on the property.

Joe DeLorenzo commented that most people lock their trailer at the hitch to ensure no one can just hook up the trailer and drive away.

Pete Clement, TMM, P-III addressed the board again. He wanted to point out the history of temporary use at this property. The footbridge was supposed to be temporary for 6 months. It has been there 15 to 18 years.

Lauren Marabito, TMM, P-III, she thinks that this all seems vague. Nobody has answered the questions specifically, all answers have been vague. She would like concrete answers. She is not in favor as proposed.

Bob Fuller, 30 Congress Avenue, asked if Mr. DeLorenzo had any objections to putting the boats on his side of the property.

Mr. DeLorenzo said the area proposed is surrounded by trees and pretty secluded. He feels it is the best spot.

There were no more questions or comments from the audience.

Back to the board for deliberation.

Page 7
Minutes
#20-4877
9-14-20

Robert Cignetti asked if the two yellow highlighted spots on the plan submitted will have 50 spaces in each location. How many boats will you store and what is the maximum number of boats.

Mr. DeLorenzo said yes. Fifty parking spaces per area. The area is defined. The maximum number of boats will be 100.

Mr. Cignetti asked if he would take the 100 boat maximum as a condition.

Mr. DeLorenzo said yes.

Mr. Cignetti would also like to specify that the storage dates be 9/15/20 through 5/15/2021. He asked if he would accept this as a condition.

John Boughner stated that the conditions he has listed are No more than 100 boats to be stored, no sailboats shall be stored, hours of operation are 8:00am to 5:00pm 7 days a week, no working on boats and the set dates of storage are 9/15/2020 to 5/15/2021.

Kenneth Scholes asked if all of the boats in this area are winterized by Danversport Marina or will some use their own mechanics.

Mr. DeLorenzo said that they winterize the boats stored in the marina. They will not necessarily winterize all boats; some owners will use their own mechanics.

Kenneth Jarvinen asked if there will be someone on site to detail traffic if too many people came at once to get their boats.

Mr. DeLorenzo said someone is always there.

Mr. Jarvinen asked if he would take that as a condition.

Mr. DeLorenzo said he has never experienced that in their history.

Andrea Daley, TMM, P-III said she would like the board to consider the boats being stored in two designated area.

Rebecca Kilborn stated that has already been addresses and that is what is being requested per the plans submitted.

Mr. Boughner then closed questions and comments from the audience.

Corinne Doherty said she agrees with the conditions. She would also like to see a maximum size of 30' boats as well. But she will vote yes with conditions.

Kenneth Jarvinen said he would vote yes with conditions.

Jeffrey Sauer said he would vote yes with conditions.

Kenneth Scholes said he would vote yes with conditions.

Rebecca Kilborn said she would vote yes with conditions. She would like to see the 5/31/2021 end date used.

Robert Cignetti said he would vote yes with conditions.

John Boughner said he would vote yes with conditions. He wants the 5/15/2021 end date.

Mr. Boughner then polled the board members to agree on the end date of the storage use.

All in favor of the 5/15/2021 end date, except Rebecca Kilborn.

Robert Cignetti motioned the board to grant the Finding with Conditions in accordance with Section 3.10.2 (a) of the Danvers Zoning Bylaw to allow for temporary boat storage shown on the plans submitted for the dates of 9/15/2020 to 5/15/2021 as it is not more detrimental than the current use:

1. The municipal water and sewer shall not be overloaded by the temporary boat storage.
2. The public streets shall not become overloaded by the temporary boat storage.

3. The value of other buildings and properties shall not be depreciated by the temporary boat storage
4. The specific site is an appropriate location for the temporary boat storage.
5. The temporary boat storage 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 the proper operation of the proposed temporary boat storage.
7. The proposed temporary boat storage will be in harmony with the general purpose of the bylaw.

The Finding is granted with the following Conditions:

1. The dates of storage allowed are from 9/15/2020 to 5/15/2021.
2. There are no more 100 boats allowed to be stored.
3. The maximum length of boat to be stored is 30'.
4. The hours of operation are 8:00am to 5:00pm, 7 days a week.
5. No sailboats will be stored in these areas.
6. No work will be allowed on boats stored in this area.

Rebecca Kilborn seconded.
All in favor.