

MINUTES
Danvers Board of Appeals

#20-4886
March 15, 2021

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

Also Present: Planning & Zoning Department, David Fields
Secretary, Kathleen Archambault

DILIP REALTY LLC (20-4886) Requesting a Use and Dimensional Variance to redevelop the property into a five-story multifamily building with 208 residential units and five story accessory parking garage in accordance with Section 6.1 and Table 2 of the Town of Danvers Zoning By Laws at **152 ENDICOTT STREET, C-III**

Kenneth Scholes read the case mentioned above.

Mr. Scholes then read in a letter submitted by Timothy Sullivan, Esq. of Goulston & Storrs dated 3/15/2021. They are requesting an additional continuance to the April 4/26/2021 meeting.

John Boughner asked if there were any questions or comments from the board regarding the continuance.

Rebecca Kilborn mentioned that it has been six months. They have asked for several things going back to the original meeting on November 30,2020. They have been waiting four months for information.

Kenneth Scholes said that he echoes Ms. Kilborn's comments.

Jeffrey Sauer said that he feels this is dragging out but will be ok with the 4/26/21 continuance.

Kenneth Jarvinen stated that if they are addressing the issues, he is ok with the continuance.

Corinne Doherty said that she is happy to hear that they are working with the abutter and is ok with the continuance to 4/26/21

Rebecca Kilborn motioned the Board to grant the continuance to the April 26,2021 ZBA Meeting.

Kenneth Scholes seconded.

All in favor.

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Danvers Board of Appeals

#21-4910
March 15, 2021

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

Also Present: Planning & Zoning Department, David Fields
Secretary, Kathleen Archambault

SNA REALTY TRUST-SEBASTIAN APARO, TRUSTEE (21-4910) Requesting a Finding to allow for a non-conforming Residential use (residential condominium) in place of a non-conforming professional office use in accordance with Section 3.10.2 (a) of the Danvers Zoning Bylaws at **36 CONANT STREET-UNIT #2, R-I**

EDWARD SCIALDONI & STEPHEN INGEMI (21-4917) Requesting a Finding to convert 3 non-conforming medical condos to Residential in accordance with Section 3.10.2a of the Danvers Zoning Bylaws at **36 CONANT STREET- UNITS 1, 3 & 4, R-I**

Kenneth Scholes read the cases mentioned above.

John Boughner noted that the two cases above would be combining their presentation and asked who would be presenting on behalf of them.

Edward Scialdoni answered he would present for both applicants.

Mr. Boughner asked if they have submitted a parking plan?

Mr. Scialdoni said that there are 19 spaces at the site, which would be 3.5 to 4 spaces per unit.

Sebastian Aparo stated that he missed the request for the parking plan, however he would submit one.

Mr. Boughner stated that the parking plan is needed to show parking and snow storage.

Rebecca Kilborn said that a parking plan was clearly asked for. She wants to see what it is going to look like. Will the parking plan change?

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Mr. Scialdoni stated the parking will remain the same, they already have a lot of green space on site. They will be removing some of the bushes from the landscaping. They want to make it look more residential. However, they wanted to leave the parking the same.

Ms. Kilborn asked how many bedrooms will there be in each unit?

Mr. Scialdoni replied that there will be 2 three-bedroom units and 2 two-bedroom units.

Ms. Kilborn stated that more landscaping would be nice.

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

John Boughner said that there is an access point to Central Avenue at the rear of the property. Will they be eliminating this access point?

Mr. Scialdoni stated they are planning to leave it; he believes that it will create easy access if emergency vehicles needed to access the property.

Mr. Boughner said that he thinks people will use it as a cut through. He doesn't think that would be a good idea if the property is being used as residential.

Mr. Boughner asked for clarity in the use change. Is there 1 medical unit and 3 professional units?

Rebecca Kilborn answered there are 3 medical units and 1 professional unit.

Sebastian Aparo, owner of unit# 2, commented that he would like to see the access point in the rear eliminated.

Stephen Ingemi, owner of units 1, 3 & 4, stated that he and Mr. Scialdoni own three units, which is majority and they would like to keep it.

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Mr. Boughner stated that the Zoning Board Members want the access point eliminated.

Jeffrey Sauer asked if the applicants have considered the Affordable Housing element?

Mr. Scialdoni said that they had not considered any affordable housing.

Corinne Doherty asked if the project will be combined, sharing contractors to do the work.

Mr. Scialdoni said that the three units owned by himself and Stephen Ingemi will hire their own contractors and Mr. Aparo will hire his own. They will work together and consult each other, for example the sprinkler system that needs to be installed in the building.

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

Matthew Duggan, TMM, P1, He stated that he is disappointed about the parking plan, too many parking spaces and the amount of asphalt that will remain. He thinks landscaping should be added and that the egress on Central Avenue should be removed. He asked if this would have to go before Site Plan?

David Fields, Planning & Zoning Director, answered yes, it will have to go to Site Plan for review.

Gardner Trask, asked how many units will there be? Has Affordable Housing been considered?

Mr. Scialdoni said that there will be four units and they have not considered the affordable housing aspect.

Shane Townsend, 29 Central Avenue, he is apposed to the change of use. He feels that if it changed to residential the quiet weekends will be gone, there will be more traffic and people may not like living next to a condominium building.

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The Central Avenue access point should be removed.

Mr. Scialdoni said that they have no problem keeping the main entrance on Conant Street. He thinks going to residential will add value and beautification of the property and neighborhood.

(Lost connection with John Boughner, Rebecca Kilborn took over as Chairperson)

Mr. Trask addressed the Board that the applicant has not considered affordable housing. The addition of four units, would be \$10,000.00 per unit up to seven units, then start giving units. So, he is asking the board to consider an affordable housing component as a condition or negotiation that one unit of affordable or some set amount of fee.

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

Rebecca Kilborn said that she likes the residential use. She would like to see the approved Site Plan before voting on this. She would like to see the sign removed and a parking plan. She wants to see snow storage and removal plan, if there will be a dumpster on site and if so, where will it be located. She also wants to see negotiation on the Affordable Housing component.

Kenneth Scholes said he wants to see a Parking Plan, reduce some spaces. He thinks that there should be more green space. The Central Avenue access should be eliminated.

Jeffrey Sauer said that he has no problem with the use change. He would like to see less impervious surface, less parking spaces and a letter from Gardner Trask showing that an agreement regarding Affordable Housing has been agreed upon.

Kenneth Jarvinen said that he also wants negotiation with the Affordable Housing component and the Central Avenue access need to be eliminated and reduces parking.

Corinne Doherty said that she agrees that the residential use is a better use and all the issues mentioned need to be addressed before she could vote.

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Ms. Kilborn then told Mr. Scialdoni that a parking plan would be needed before 3/23/21 by noon and that he would need to make arrangements to speak with Mr. Trask to address the affordable housing component.

Mr. Scialdoni said they will draw a parking plan to scale and speak to Mr. Trask. He asked to continue the case to 3/29/21.

Kenneth Scholes motioned the board to continue the case to March 29, 2021.

Jeffrey Sauer seconded.

All in favor.

*Corinne Doherty voted, lost connection with John Boughner

MINUTES
Danvers Board of Appeals

#21-4917
March 15, 2021

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Jeffrey Sauer, Kenneth Jarvinen, Corinne Doherty.

Also Present: Planning & Zoning Department, David Fields
Secretary, Kathleen Archambault

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Jeffrey Sauer had no questions.

Kenneth Jarvinen had no questions.

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There were no more questions or comments from the audience.
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Kenneth Scholes said he wants to see a Parking Plan, reduce some spaces. He thinks that there should be more green space. The Central Avenue access should be eliminated.

Jeffrey Sauer said that he has no problem with the use change. He would like to see less impervious surface, less parking spaces and a letter from Gardner Trask showing that an agreement regarding Affordable Housing has been agreed upon.

Kenneth Jarvinen said that he also wants negotiation with the Affordable Housing component and the Central Avenue access need to be eliminated and reduces parking.

Corinne Doherty said that she agrees that the residential use is a better use and all the issues mentioned need to be addressed before she could vote.

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Ms. Kilborn then told Mr. Scialdoni that a parking plan would be needed before 3/23/21 by noon and that he would need to make arrangements to speak with Mr. Trask to address the affordable housing component.

Mr. Scialdoni said they will draw a parking plan to scale and speak to Mr. Trask. He asked to continue the case to 3/29/21.

Kenneth Scholes motioned the board to continue the case to March 29, 2021.

Jeffrey Sauer seconded.

All in favor.

*Corinne Doherty voted, lost connection with John Boughner

MINUTES
Danvers Board of Appeals

#21-4915
March 15, 2021

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

Also Present: Planning & Zoning Department, David Fields
Secretary, Kathleen Archambault

MARK E. OSBORNE (21-4915) Requesting a Variance from three provisions for right side and second floor, to tear down and rebuild a non-conforming front section of house and add a second floor and a Finding to tear down pre-existing portion of house and rebuild in accordance with Section 3.17.1,.2,.3 of the Danvers Zoning Bylaws at **142 HOBART STREET, R-II**

Kenneth Scholes read the case mentioned above.

Mark Osborne, property owner, stated that he is looking to tear down the front of the house and build an addition, altering the footprint, what is there is not structurally sound to hold a second floor. They are looking to make the house more visually appealing.

Rebecca Kilborn asked if they have lived there a long time?

Mr. Osborne said that they have lived there since 1956.

Corinne Doherty said that he likes the new plans. She asked if he could explain the plot plan, what is existing and what is new. So, you are extending in the back?

Mr. Osborne stated that the solid line is existing, and the dotted line is the new structure. Yes, they are extending into the back.

Kenneth Jarvinen asked if the front setback is changing?

Mr. Osborne said that they are not encroaching any further than what exists, they are just looking to square it off.

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Jeffrey Sauer said he looked at the plot plan and sees the dotted lines and solid lines. You are increasing the non-conformity in the back right corner from 9.2' to 8.7' and the left front increasing it, bringing it out 10"?

Mr. Osborne replied yes.

Mr. Sauer asked if you are tearing down the front part have you considered going back toward the middle of the lot to make it more conforming?

Mr. Osborne stated that if they try to get to conforming, they have no square foot area.

Kenneth Scholes asked if the frontage was 91.41' and if he needed 125'? He asked if the neighbors were ok with this?

Mr. Osborne said that is correct. Yes, they neighbors are in favor.

John Boughner said that he visited the site and he notice that the lot slopes. Is this why you are looking to keep the same foundation. What is the square footage now and what are you proposing?

Mr. Osborne said that it is nice to have a walk out foundation, they are just looking to gain some square footage. The existing square footage is 1360 square feet the addition is 28' x 40'. The new addition will be 2240 square feet with a total of 3600 square feet.

Rebecca Kilborn had no questions.

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

Matthew Duggan, TMM, P1 he asked about the depth of the lot? Because of the slope can they not move back? And are the neighbors ok with this?

Mr. Osborne said that there is an existing addition on the back, so they can't go back further on the lot. Yes, the neighbors are ok with this.

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

Corinne Doherty said she likes the plan; she would vote yes.

Kenneth Jarvinen said great design, 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.

John Boughner said he would vote yes.

Rebecca Kilborn motioned the Board to grant the Finding in accordance with Section 3.17 of the Danvers Zoning Bylaw to demolish a portion of the house and rebuild, we find that the demolition and rebuild is not substantially more detrimental than the existing single-family use to the neighborhood

Jeffrey Sauer seconded.

All in favor.

Rebecca Kilborn motioned the Board to grant the Variance from Section 3.17,.1, .2 and .3 of the Danvers Zoning Bylaw to demolish and rebuild a non-conforming front section of the house and add a second floor as shown on the plans submitted.

The hardship is the size and shape of the lot and the location of the house on the lot. This condition does not affect other properties or structures in the same zoning district. A literal enforcement of the zoning bylaw would involve substantial hardship to the applicant. Granting this Variance will not create a substantial detriment to the public good and will not nullify or derogate from the intent or purpose of the zoning bylaw.

Kenneth Scholes seconded.

All in favor.

MINUTES
Danvers Board of Appeals

#21-4916
March 15, 2021

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

Also Present: Planning & Zoning Department, David Fields
Secretary, Kathleen Archambault

DAVID L. BAKER & ROBIN CLUNE (21-4916) Requesting a Variance to construct a master bedroom over the garage, all setbacks will remain the same as the previously approved variance for garage addition in accordance with Section 7, Table 2 of the Danvers Zoning Bylaws at **14 MELLO PARKWAY, R-I**

Kenneth Scholes read the case mentioned above.

David Baker addressed the Board. He said that they are looking to build a master bedroom over the garage. The bedroom will be 12.5' x 15' and they will raise the roof 5'.

John Boughner stated that the applicant had come before the Board for the garage and asked had that been built?

Mr. Baker said that the garage is still in the process of being built and they will be maintaining the same footprint that was previously approved.

Rebecca Kilborn said the construction is going on now and you are looking to add on to what you are currently building?

Mr. Baker said yes, he has a permit for the garage extension that was approved in 2017.

David Fields, Planning & Zoning Department, said that in 2016/2017 the applicant received a Variance to build the garage extension. He is using the existing Site Plan because the footprint isn't changing.

Ms. Kilborn asked if the garage roof will be higher than the existing house?

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Mr. Baker replied no.

Kenneth Scholes asked if he was doing all the work himself and how long will this take to complete?

Mr. Baker said that he is doing the work himself and hopefully he will be moving along quicker than in the past.

Jeffrey Sauer said that what is going on has been approved and permitted, but now you want to build up. The total height of the new garage will be no higher than the existing house. The plans make the garage look higher, he just wanted to clarify.

Kenneth Jarvinen had no questions.

Corinne Doherty said that she went out to the site. There are several homes in that neighborhood with the garages and the master over. That is what the applicant is looking to do. She asked if there will be a master bathroom?

Mr. Baker said that is what they are going for and there will not be a master bathroom.

John Boughner asked if the applicant could elaborate on the side elevation. He sees garage and the new garage extension. The roof above it is the new master bedroom you are asking for tonight.

Mr. Baker answered yes.

Ms. Kilborn asked if he had a valid building permit.

Katheen Archambault, Zoning Board Secretary, said building permit R-17-0036 is a valid permit.

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

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

Rebecca Kilborn asked to confirm the right-side setback.

Mr. Baker said 4.9'

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Rebecca Kilborn said that she would vote yes.

Kenneth Scholes asked if he was removing the proposed overhang, If so, the setback would be 4.9'?

Mr. Baker said that is correct.

Mr. Scholes said he would vote yes.

Jeffrey Sauer said he would vote yes.

Kenneth Jarvinen said that he would vote yes.

Corinne Doherty said that she would vote yes.

John Boughner said that he would vote yes.

Rebecca Kilborn motioned the board to grant the Variance in accordance with Section 7, Table 2 of the Danvers Zoning Bylaw to expand the garage and construct a bedroom above the garage. The side setback will be the same and the roof line will not be higher than the existing house.

The hardship is the size and shape of the lot and the location of the house on the lot. This condition does not affect other properties or structures in the same zoning district. A literal enforcement of the zoning bylaw would involve substantial hardship to the applicant. Granting this Variance will not create a substantial detriment to the public good and will not nullify or derogate from the intent or purpose of the zoning bylaw.

Jeffrey Sauer seconded.

All in favor.

MINUTES
Danvers Board of Appeals

#21-4918
March 15, 2021

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

Also Present: Planning & Zoning Department, David Fields
Secretary, Kathleen Archambault

COSTCO WHOLESALE CORPORATION (21-4918) Requesting Variances for installation of three additional fuel pumps, with six fueling stations and increase the canopy size, encroaching in the front setback and curb modifications in accordance with Section 37.5.4a, Section 6.2 and Section 7.2.2, table 3 of the Danvers Zoning Bylaws at **11 NEWBURY STREET, HCZ**

Kenneth Scholes read the case mentioned above.

Rebecca Kilborn read in a letter from the applicant dated 3/10/21. The states that they are looking to modify the application, due to canopy modifications and the fire suppression system, the canopy size has been reduced and the front setback is now 25.9' and relief is no longer needed. They still need the Variance for the three pumps.

John Boughner asked who is here to present to the Board tonight?

Steve Glowacki from RJ O'Connell Associates and JP Andrews from Costco were in attendance to present.

Mr. Glowacki stated that they were no longer in need of the relief for the setbacks for the canopy but did need approval for the three pumps. Back in February they were asking for a Variance to expand the approved 2010 decision. Plans have changed the canopy size is reduced and front setback relief is no longer needed.

John Boughner asked if they were just looking or approval on the pumps?

Mr. Glowacki said yes.

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John Paul Andrews, Director of Real Estate Development, Costco Corporation addressed the board. He said that he handles all renovations and additions on the east coast for Costco. They have reworked the canopy and fire suppression system. The fuel sales have become very successful, and they are looking to expand. This is one of the smaller stations. They are looking to make the fueling station more efficient. The existing is three islands wide and 2 dispensers deep. By adding the three pumps and that will decrease wait time for customers. They will be using full length hoses (12 feet) which allow cars to be fueled regardless of what side the gas tank is on the vehicle.

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

John Boughner asked that when this update is done, will this take down operation or cause a shut down and will the underground tanks change?

Mr. Andrews replied that there may be a duration of two or three days of a total shut down, but they plan to do one island at a time, there will be no complete shut down, they will do a few at a time and maybe and the underground tanks will not change.

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

Matthew Duggan, TMM, P1 said he likes the new length of the hoses it will allow gas to be pumped faster. There is back up of cars with the shorter hoses. He was looking at a picture of the canopy and it doesn't seem like there is enough space under the canopy to add pumps.

Mr. Glowacki said that they are installing a larger canopy.

Mr. Duggan said asked if there will be space to move around the three filling lanes.

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Mr. Andrews said that the spaces of the dispensers are well thought out and they will have room to pull forward and navigate around.

Mr. Duggan said that he feels this is a good change and improvement.

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

Corinne Doherty said she thinks it is a much better design and she would vote for this.

Kenneth Jarvinen said that this a value add and he would vote yes.

Jeffrey Sauer said as a Costco member who does not get gas there due to the long lines, he will vote yes.

Kenneth Scholes said he thinks there is plenty of room here and this design is an improvement, he will vote yes.

Rebecca Kilborn said she would vote for this.

John Boughner said that he sees this as an improvement, and he would vote yes.

Rebecca Kilborn motioned the Board to accept the withdrawal for the Variance to expand the canopy into the front setback.

Jeffrey Sauer seconded.

All in favor.

Rebecca Kilborn motioned the Board to grant the Variance in accordance with Section 37.5.4.a and Section 6.2 of the Danvers Zoning Bylaw to allow three additional fuel pumps and six fueling stations as shown on the plans.

The hardship is the size and shape of the lot and the location of the fueling stations on the lot. This condition does not affect other properties or structures in the same zoning district. A literal enforcement of the zoning bylaw would

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involve substantial hardship to the applicant. Granting this Variance will not create a substantial detriment to the public good and will not nullify or derogate from the intent or purpose of the zoning bylaw.

Kenneth Scholes seconded.

All in favor.

MINUTES
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#21-4919
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Jeffrey Sauer, Kenneth Jarvinen, Corinne Doherty.

Also Present: Planning & Zoning Department, David Fields
Secretary, Kathleen Archambault

JOHN COUGHLIN - GATEWAY II TRUST OF 1997 (21-4919) Requesting a Variance to allow a portion of the existing office building to be used for recreation/entertainment/sports facility to provide instructional play for children up to age 12 years in accordance with Table 1;2.9 and 2.11 of the Danvers Zoning Bylaws at **5 CHERRY HILL DRIVE, I-II**

Kenneth Scholes read the case mentioned above.

Attorney Nancy McCann addressed the board. She is representing Chip and Amy Selley, owners of the Little Gym. She said that the Little Gym of Danvers which is currently located on Route 114 in Danvers is looking to relocate to an I-2 location. The lease term is not long enough at the existing location and the rent/lease is high. Cherry Hill is a commercial office space located on the lower level, which is not desirable right now with the pandemic. However, it would provide a good, safe, learning development environment from infancy to age twelve. It is a 5,100 square foot vacant space. The proposed use is recreation/sports (the little gym). They want a use variance because there are similar uses in the area. They would have their own separate entrance for this space. They will not use the general office entrance.

Amy Selley said that she has been a pre-school teacher for 20 years. She works with developmentally delayed and autistic children and wants to be able to work with them outside of school.

Chip Selley said that he has been married to Amy for 30 years. They have purchased this franchise thinking of their future.

Rebecca Kilborn asked about parking.

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Attorney McCann said that there are more parking spaces than required. If it were office use, they would need 21 parking spaces. With the gym use, they would only need 10 parking spaces. So there are 11 extra parking spaces. There are 8 to 10 employees, not all will be there at one time. The classes are about one hour long. There will be both parents dropping off and parents staying for the class duration.

Ms. Kilborn asked how many days will they be open?

Mr. Selley said they will be open 7 days a week.

Mrs. Selley said that there will be 2 classes running at the same time, so there would be 20 to 30 children maximum per time.

Kenneth Scholes had no questions.

Jeffrey Sauer had no questions.

Ken Jarvinen said that he noticed there is a man-made pond there. Have they considered a fence so avoid an accident?

Mr. Selley said parents have to walk children into the building.

Mr. Jarvinen said that accidents happen and thinks a safety precaution should be set in place to install a fence.

Corinne Doherty asked about the bathrooms.

Mr. Selley said that there are existing bathrooms. However, they are building their own for their use only. It is a specification of the franchise.

Mr. Boughner asked about the lease. He wanted to know who wanted the long-term lease?

Mr. Selley said that both the franchise and he and his wife are looking for the long-term lease. They are looking ahead 10 years.

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Mr. Boughner wanted to know if the Little Gym was open currently during COVID?

Mr. Selley said they are operating at 50%.

Mr. Boughner asked Mrs. Selley if there were handicap children or special programs.

Mrs. Selley said there are no exclusive classes, she is looking to do integrated classes.

Mr. Boughner was reviewing the floor plan and wanted to know where the access point is located.

Mr. Selley said there is one access point on the left-hand side of the building dedicated to the space and another at the back of the building which is ADA accessible for wheelchairs and strollers.

Mr. Boughner asked if there was a cap on membership?

Mr. Selley said that there are 200 members in Danvers, and they are hoping to double.

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

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

Rebecca Kilborn said that she would vote yes.

Kenneth Scholes said he would vote yes.

Jeffrey Sauer said he would vote yes.

Kenneth Jarvinen said he would yes only with the condition of a fence.

Corinne Doherty said that she would vote yes.

John Boughner said that he would vote yes.

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Rebecca Kilborn motioned the board to grant the use variance in accordance with Table 1;2.9 and 2.11 of the Danvers Zoning Bylaw to allow a portion of the existing office building to be used for recreation/entertainment/sports facility to provide instructional play for children up to 12 years of age as shown on the plans submitted.

The hardship is the shape and topography of the lot and the building thereon. This condition does not affect other properties or structures in the same zoning district. A literal enforcement of the zoning bylaw would involve substantial hardship to the applicant. Granting this Variance will not create a substantial detriment to the public good and will not nullify or derogate from the intent or purpose of the zoning bylaw.

Kenneth Scholes Seconded.

4 to 1

Kenneth Jarvinen was opposed.

MINUTES
Danvers Board of Appeals

#21-4920
March 15, 2021

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

Also Present: Planning & Zoning Department, David Fields
Secretary, Kathleen Archambault

CHRISTOPHER McKENNA (21-4920) Requesting a Dimensional Variance for an above ground pool from 15' required at rear to 6.7' and 15' on the right side to 8.7' in accordance with Section 7, Table 2 of the Danvers Zoning Bylaws at **2 WILLOW AVENUE, R-II**

Kenneth Scholes read the case mentioned above.

John Boughner read in 2 letters from abutters. Ilias Karvelas of 4 Chestnut Street and Nancy Paskowski of 4 Willow Avenue. Neither had objections to the pool.

Christopher McKenna addressed the Board. He said that he is looking to put in an above ground pool. There is a play area in the location now which he will be removing to install the pool.

Corinne Doherty had no questions.

Kenneth Jarvinen asked if the area was fenced in?

Mr. McKenna said yes. A new fence was installed last summer.

Jeffrey Sauer had no questions.

Kenneth Scholes had no questions.

Rebecca Kilborn said that she went to the site. The property looks nice. She asked if there was any more room to possibly squeeze another foot out of the setback?

Mr. McKenna said he could try.

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John Boughner asked to clarify the setbacks being requested. Rear would be 6.7' and right side would be 8.7'? What is the distance from the house to the pool?

Mr. McKenna said that those setbacks are correct. He is not certain of the distance from the house to the pool.

Mr. Boughner asked if it would be possible to move it a foot closer to the house?

Mr. McKenna said yes, he thinks he could move it in a foot.

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

Brian Peluso, 3 Willow Avenue, said that there was tree removal that was done at this property and it affected his property. He has lost areas of shade. Also, this property has a manmade ice-skating rink, when they disassemble it and store it is it very unsightly. He wanted to know where the pool would be located on the property.

Mr. Boughner answered that the pool will be behind the house.

Mr. Peluso said that if it is behind the house, he is ok with it.

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

Rebecca Kilborn said that she sees that it is a corner lot, but could he move the pool in one foot on the Chestnut Street side to 7.7'? If so, she would vote yes.

Mr. McKenna replied yes, he will move it in one foot.

Kenneth Scholes said he would vote yes with new setbacks.

Jeffrey Sauer said he would vote yes with new setbacks.

Kenneth Jarvinen said he would vote yes.

Corinne Doherty said she would vote yes.

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John Boughner said he would vote yes.

Rebecca Kilborn motioned the board to grant the Dimensional Variance from Section 7, Table 2 of the Danvers Zoning Bylaw to allow an above ground pool from the 15' required setbacks to 7.7' & 7.6' at the rear (at 4 Chestnut Street) and 8.7' on the right side (at 4 Willow Avenue).

The hardship is the size and shape of the lot and the location of the pool on the lot. This condition does not affect other properties or structures in the same zoning district. A literal enforcement of the zoning bylaw would involve substantial hardship to the applicant. Granting this Variance will not create a substantial detriment to the public good and will not nullify or derogate from the intent or purpose of the zoning bylaw.

Jeffrey Sauer seconded.

All in favor.