



Town of Danvers Zoning Board of Appeals

1 Sylvan Street, Danvers, Massachusetts 01923 | p: 978-777-0001

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Zoning Board of Appeals

Members:

John Boughner, Chair
Kenneth Scholes, Clerk
Jeffery Sauer
Kenneth Jarvinen
Corinne Doherty
Katie Hislop, Alternate

June 12, 2023 7:00 p.m. ZBA MEETING MINUTES

Board members present: Jeffery Sauer, Kenneth Scholes, Ken Jarvinen, Corinne Doherty and Katie Hislop. Absent: John Boughner

Staff present: Brian Szekely

Corinne Doherty (acting Chair) called the meeting to order at approximately 7:00 p.m.

CONTINUED ITEMS

28 DELAWARE AVENUE (R-III): *Request for a Special Permit in accordance with Section 9.2 of the Danvers Zoning Bylaw to allow a 750 s.f. Extended Family Living Area on a pre-existing non-conforming undersized lot; Request for a Special Permit in accordance with Table 1 and Section 9.1.B of the Danvers Zoning Bylaw to allow four garage bays on the property where the maximum is three. Request made by William Fallon (23-5019)*

Ken Scholes read aloud application for 28 Delaware Avenue docket 23-5019.

Ms. Doherty-applicant not currently present. Move to next case.

REGULAR ITEMS

466 Newbury Street (I-1): *Request a Finding, in accordance with Section 3.11.B and Section 7, Table 3: Table of Dimensional Requirements to allow an encroachment of a pre-existing nonconforming building's rear property line through the addition of an attached cold storage room where 25' is required and 10' 6" is proposed. Request made by Costas Apostolo Poulos (23-5020)*

Ken Scholes read aloud application for 466 Newbury Street docket 23-5020.

Ms. Doherty-applicant not present. Will move to next item.

153 Endicott Street (C-3): *Request a Variance, in accordance with Section 37.4.F to allow for three additional building signs where only one additional sign is allowed, and for a sign proposed to be placed on the roof, a location where signs are not allowed. Request made by Poyant Signs, Chris Ramm (23-5021)*

Ken Scholes read aloud application for 153 Endicott Street docket 23-5021.

Staff-applicant is not proposing to put signs above the roof.

Bill Gavigan (Poyant Signs)-also present Roy Serpa (Franchisee). Reviewed existing conditions; spoke with Town regarding bylaws as they relate to signage and what is being proposed. Presented plans and existing conditions, noting where each sign, if approved, will be located and what they will look like.

Mr. Sauer-no questions.

Mr. Scholes-existing ground sign?

Bill Gavigan-new branding-vertical sign.

Mr. Jarvinen-square footage of all?

Bill Gavigan-reviewed square footage of each sign that is being proposed.

Ms. Hislop-existing retail sign is for another business? New sign on building will go where one was that was removed? Size of new compared to the one removed?

Bill Gavigan-yes-another business. Sign removed was at least 32 sf. New one smaller.

Ms. Doherty-new signs lit? Hours of operation? Lights need to go off when store is closed.

Bill Gavigan-internally illuminated.

Roy Serpa-Hours reviewed. Signs should be off when closed. Will confirm and have lights shut off when closed.

Mr. Sauer-too many signs. Will not vote for this as proposed.

Mr. Scholes-would you take condition that signs go off at night? Minimal impact in area. Would vote yet.

Bill Gavigan-will accept condition.

Mr. Jarvinen-would vote for this.

Ms. Hislop-would vote for this with condition of lights on signs going off when business closes.

Ms. Doherty-would vote for this with condition of lights on signs going off when closed.

Motion to issue Variance for 153 Endicott Street docket 23-5021 with condition that outside lights be turned off at close of business made by Ken Scholes seconded by Ken Jarvinen. In favor: 3. Opposed: 1. Motion carries.

28 DELAWARE AVENUE (R-III): *Request for a Special Permit in accordance with Section 9.2 of the Danvers Zoning Bylaw to allow a 750 s.f. Extended Family Living Area on a pre-existing non-conforming undersized lot; Request for a Special Permit in accordance with Table 1 and Section 9.1.B of the Danvers Zoning Bylaw to allow four garage bays on the property where the maximum is three. Request made by William Fallon (23-5019)*

William Fallon-presented revised plans; reviewed changes made based on feedback from prior ZBA meeting. Common area is now a laundry room that both units will utilize; removed one garage door.

Ms. Doherty-common area laundry room on first or second floor? Exterior changes?

William Fallon-first floor. Reviewed floorplans for first and second floor. Noted exterior changes in plans presented. Concerns addressed.

Mr. Sauer-thank you for modifications.

Mr. Scholes-no questions.

Mr. Jarvinen-no questions.

Ms. Hislop-no questions.

Mr. Sauer-will vote for this.

Mr. Scholes-will vote for this. Happy with changes.

Mr. Jarvinen-will vote for this.

Ms. Hislop-would vote for this.

Ms. Doherty-would vote for this.

Motion to grant a Special Permit for 28 Delaware Avenue docket 23-5019 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 4. Opposed: 0. Motion carries.

211 Maple Street (R-2): *Request to modify an existing Variance Docket #115, dated October 9, 1951 to add a fourth (4th) unit to an existing barn on a lot with a pre-existing non-conforming three-family house on site. Request made by E. Peter and Elizabeth Swindell (23-5022)*

Ken Scholes read aloud application for 211 Maple Street docket 23-5022.

Richard Maloney-presented on behalf of applicant. Applicants E. Peter and Elizabeth Swindell also present. Reviewed history and existing conditions of property. Discussed variance that was issued in 1951. Presented proposed plans, setback and floorplans. Finished structure will be 1,300 sf living space. Structure on preservation list. Creating a fourth unit will require \$35,000 to affordable housing trust.

Mr. Sauer-is this a dwelling conversion? Existing rear setback currently 11'? Remove two car garage and new will meet current setback requirements? Are hardships needed to modify variance?

Richard Maloney-asking to modify 1951 variance to add 4th unit. Two-family predates zoning. Seeking Finding because of nonconformities on the property. Yes-new setback to meet requirements. For hardships-would use hardships from Variance decision from 1951.

Staff-would not be allowed through a dwelling conversion because additional unit was allowed via variance. Only way to change anything is to modify the variance. Eliminating rear setback nonconformity with plan proposed.

Mr. Scholes-why is Finding needed? Could common driveway be made an easement?

Richard Maloney-one unit allowed via Variance. Common shared driveway nonconforming. Finding covers nonconformities on property. Site Plan will be required.

Mr. Jarvinen-total square footage of lot?

Richard Maloney-32,000 sf.

Ms. Hislop-owner to move into barn? How many bedrooms?

Richard Maloney-goal for family to move back. Two bedrooms in new.

Ms. Doherty-who are tenants at 3 family? Garage space being used? How many cars in garage after renovation? Will need 8 parking spaces if converted to 4 units.

Pete Swindell-renters. One is parking, one is storage, other is open to first floor of barn. Tenants will park where they are currently parking. Noted location on plans.

Richard Maloney-one car garage under new addition. Reviewed parking areas on plan.

Richard Bolduc (222 Maple Street)-this would be huge improvement to the area. No problem with parking or neighbors.

Mr. Jarvinen-how will you keep integrity of existing structure? Criteria?

Staff-Preservation Commission involved if full demolition. Preservation would not be involved.

Richard Maloney-would not need to be involved.

Ms. Doherty-on Preservation Commission. It is an extra step that applicant may have to take but would go through Building Department to make that determination. Bylaw open to interpretation.

Richard Maloney-disagree with that. Preservation is related to permanent removal of building. Preservation is demo delay bylaw but is now acting more as Historic Commission.

Pete Swindell-reviewed existing and plans with Board. Board welcome to visit site.

Mr. Jarvinen-what are plans for barn beyond restoration? Do four units need sprinklers?

Pete Swindell-barn will be residence. Garage will have room over it that attaches to second floor of barn.

Richard Maloney-sprinklers needed only if attached.

Ms. Hislop-benefit stated is create housing unit; financially viable to restore barn. If family moving in, how is this creating housing unit?

Richard Maloney-creating unit is benefit regardless of who lives there.

Mr. Sauer-granting Variance requires a hardship. Variance from 1951 doesn't have hardship on it. Since it is a Variance modification, they have enough land and parking, conformity being reduced, I am in favor.

Mr. Scholes-would rather modify Variance than grant new Variance. You know about the \$35,000 to be paid. Would need to go to Site Plan. I would vote for this.

Staff-may require stormwater permit as administrative review but can discuss. Would not go before a board for this.

Mr. Jarvinen-meet setbacks, restore barn, \$35,000 to affordable housing. I would approve.

Ms. Hislop-enough space. Would approve this.

Ms. Doherty-challenge with hardship. Concern about voting and what we need to vote on and what Preservation would determine. Possibly continue and have someone look to see if it needs to go to Preservation; input from Planning for driveway.

Staff-not aware of other special permit for common driveways.

Richard Maloney-stormwater permit if impervious area increased. Noting driveway was to point out nonconformities on property.

Mr. Sholes-why is Finding necessary?

Richard Maloney-Finding on application in case it was deemed necessary. Modify Variance; include Finding provision if necessary.

Staff-Finding is not required and we did not require it. However, nothing wrong with issuing it if Board would like to. Granting Finding would not cause problems.

Ms. Doherty-I will vote for this.

Motion to grant a Variance modification to docket #115 from 1951 made by Ken Scholes. Seconded by Jeff Sauer. In favor: 4. Opposed: 0. Motion carries.

Motion to grant a Finding made by Ken Scholes. Seconded by Jeff Sauer. In favor: 4. Opposed: 0.

Ms. Doherty-include \$35,000 as condition of CO on Variance.

Staff-this is in bylaw under inclusionary housing. Does not need to be in decision as it is a law.

Motion to continue 466 Newbury Street docket 23-5020 to next meeting made by Jeff Sauer. Seconded by Ken Scholes. In favor: 4. Opposed: 0.

Ms. Doherty-minutes for approval?

Staff-no minutes.

Motion to adjourn made by Jeff Sauer. Seconded by Ken Scholes. All in favor. Meeting adjourned at 8:15PM.