



# 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

## October 30, 2023 7:00 p.m. ZBA MEETING MINUTES

Board members present: John Boughner, Kenneth Scholes, Ken Jarvinen, Jeff Sauer, Corinne Doherty

Staff present: Brian Szekely, Planning Director

John Boughner called the meeting to order at 7:00 p.m.

Motion to accept minutes from October 16, 2023 made by Ken Scholes. Seconded by Jeff Sauer. In favor: 5. Opposed: 0. Unanimously approved.

### CONTINUED ITEMS

**98 Newbury Street (HCZ):** Request a Finding from Section 3.10.B of the Danvers Zoning Bylaw to allow the expansion of an existing mobile home park to provide 35 new mobile homes on site, where 98 currently exist. The site is 7.09 acres and located in the Highway Corridor zone. Request made by Temar Properties, LLC, c/o Nancy McCann, Esq. (23-5038) – Request to continue to November 13, 2023

Ken Scholes read aloud application for 98 Newbury Street docket 23-5038.

Attorney Nancy McCann-presented on behalf of applicant. Would like to continue to November 27, 2023 as November 13 meeting will not have full board.

Motion to continue 98 Newbury Street docket 23-5038 to November 27, 2023 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 5. Opposed: 0. Unanimously approved.

**4 Hanson Road (R2):** Request a Variance under Table 2 of the Danvers Zoning Bylaw to allow the expansion of an existing single family home into the right side setback, and to request a Special Permit from Section 9.2 to create an internal Extended Family Living Area (EFLA) larger than 750 square ft. Request made by Justin LeDuc c/o Michael Bean (23-5039)

Ken Scholes read aloud application for 4 Hanson Road docket 23-5039.

Michael Bean-presented on behalf of applicant. Reviewed all modifications that were made to plan.

Mr. Boughner-external staircase that went into setback is now interior stairs? Interior stairs go from EFLA to laundry room in breezeway? Laundry room new? Who will live upstairs?

Michael Bean-all correct. Grandson alone will live upstairs.

Mr. Sauer-no questions.

Mr. Scholes-no questions.

Mr. Jarvinen-no questions.

Ms. Doherty-stairs from ELFA down are open stairs? Breezeway upstairs to EFLA? Open space all connected.

Michael Bean-yes-this is correct.

Mr. Boughner-square footage requested. Do stairs change square footage? Mobile home on property registered and insured-license plate on it?

Michael Bean-1,000sf requested- deduct wall space so square footage is under 900sf. Larger than 750sf.

Glen Leduc-Do not use vehicle but it is registered so have not put plate on it. Will put plate on it.

Mr. Sauer-pleased with changes. Would vote for this.

Mr. Scholes-will vote for this.

Mr. Jarvinen--will vote for this.

Ms. Doherty--will vote for this.

Mr. Boughner-alleviated need for setback and created common space. Will vote for this.

Motion to grant the special permit for 4 Hanson Road docket 23-5039 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 5. Opposed: 0. Unanimously approved.

Staff-to clarify – 5-0 vote in favor for special permit and no need for variance.

Mr. Boughner-correct-no variance; just special permit.

**156 Hobart Street (R2): Request a Special Permit from Section 9.2 to create a detached Extended Family Living Area (EFLA) larger than 750 square ft. Request made by Tracey Hope-Ross (23-5040)**

Ken Scholes read aloud application for 156 Hobart Street docket 23-5040.

Tracey Hope-Ross (156 Hobart Street)-reviewed all changes made. Concern stated prior from board regarding parents' mobility and use of stairs. Revisions involve stairlift and making unit ADA compliant. Removed one bedroom; expanded bathroom and bedroom.

Ms. Doherty-pleased with changes. Square footage 975. Calculated differently or new layout smaller?

Tracey Hope-Ross-prior square footage calculation was from outside. Now calculating square footage inside the space at 975 sf. Correct-layout change.

Mr. Jarvinen-no questions.

Mr. Scholes-no questions.

Mr. Sauer-no questions.

Mr. Boughner-second bedroom location on prior? Stairs off deck and then center stairway-center stairway from garage?

Tracey Hope-Ross-noted layout change and removal of second bedroom on plan. Reviewed ADA compliance. Center stairway through garage.

Ms. Doherty-which staircase will have lift?

Tracey Hope-Ross-inside stairs.

Ms. Doherty-complied with all board requests. Will vote for this.

Mr. Jarvinen-like ADA compliance aspect. Will vote for this.

Mr. Scholes-do not like detached EFLA, but happy with changes. Will vote for this.

Mr. Sauer-not happy with detached. Applicant did what we asked.

Mr. Boughner-lot of thought put into new plan. Special permit runs with applicant; if home sells, buyer will have to reregister in 30 days. Will vote for this.

Motion to grant special permit to create detached ELFA larger than 750 square feet for 156 Hobart Street docket 23-5040 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 5. Opposed: 0. Unanimously approved.

## **REGULAR ITEMS**

***144 High Street (R-1):*** Request a modification to a Finding granted under Section 3.11.B.1 of the Danvers Zoning Bylaw to allow an extension of an existing non-conforming structure

*through the addition of living space and a deck, without expanding the footprint. Additionally, the applicant is requesting to modify a previous Special Permit decision that was issued in 1989 (Docket CC-2280) to allow for exterior changes to be made to the structure consistent with the Finding modification requested above. **Request made by Michael and Ellen Fennell (23-5035)***

Ken Scholes read aloud application for 144 High Street docket 23-5035.

John Fennell-presented on behalf of applicants. After prior approval, modifications were found during construction that require approval from the board. Redo stairs from second to third floor-requires dormer on front; not on previous plan. Gambrel on back in disrepair-replace with gable.

Mr. Boughner-spoke with planning director regarding modifications-significant enough to allow board to hear changes.

Mr. Sauer-new elevations-gable no higher than existing?

John Fennell-correct.

Mr. Scholes-dormer-going from two windows to image shown?

John Fennell-correct.

Mr. Jarvinen-no questions.

Ms. Doherty-no questions.

Mr. Boughner-this came about from starting work and seeing need for this?

John Fennell-correct.

Mr. Sauer-will vote for this.

Mr. Scholes-will vote for this.

Mr. Jarvinen-will vote for this.

Ms. Doherty-will vote for this.

Mr. Boughner-minor and simple changes. Will vote in favor.

Motion to modify previously issued special permit decision docket CC-2280 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 5. Opposed: 0. Unanimously approved.

Motion to grant a finding for 144 High Street docket 23-5035 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 5. Opposed: 0. Unanimously approved.

***6 Washington Street (R-2): Request a Finding under Section 3.10 and 3.11 of the Danvers Zoning Bylaw to allow a conforming addition to the rear of an existing non-conforming structure that will include a two-car garage with living space above. Lot is nonconforming due to lack of frontage Request made by Danielle Finocchiaro (23-5045)***

Ken Scholes read aloud application for 6 Washington Street docket 23-5045.

Danielle Finocchiaro-presented plans; existing home lacks storage. Garage will account for storage space; addition will have breezeway; bathroom will be added; laundry room moved to new bathroom. Master suite with bathroom above garage.

Ms. Doherty-like the plans as drawn. Construction timeline?

Danielle Finocchiaro-do not know. Wanted approval first.

Mr. Jarvinen-protected antique house?

Danielle Finocchiaro-no. Prior owners made expansion to home so could not have placard on home.

Mr. Scholes-no side or front setback of new addition under 19'?

Danielle Finocchiaro-correct.

Mr. Sauer-to staff-applicant here because original house nonconforming?

Staff-front property line requires 30' – addition is not more nonconforming but addition will be nonconforming.

Mr. Boughner-to staff-house over 100 years old-does property need preservation board? Square footage of addition? SF of existing home? Curb cut/driveway? Will need to go to DPW if curb cut changes.

Staff-not demolishing the house; would not require preservation.

Ms. Doherty-building inspector would have flagged property if preservation board was needed.

Danielle Finocchiaro-no change being made to existing dwelling. Do not know square footage of addition. Existing home 1400sf. No changes proposed to town curb cut. Driveway may be slightly wider.

Mr. Sauer-new sf is 850sf on each floor roughly.

Ken Scholes read aloud letter of support from managing partners of Crane Brook Crossing (5,6,7,9 Dyer Court, Danvers).

Ms. Doherty-will vote for this.

Mr. Jarvinen--will vote for this.

Mr. Scholes--will vote for this.

Mr. Sauer--will vote for this.

Mr. Boughner--will vote for this.

Motion to issue finding for 6 Washington Street docket 23-5045 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 5. Opposed: 0. Unanimously approved.

***469-471 Maple Street (HCZ):*** Request a Finding under Section 3.10.C and 3.10.B.2 and a Variance under Table 3 of the Danvers Zoning Bylaw to allow the removal of an existing non-conforming three-family dwelling and the construction of a new multi-family structure containing 15 residential units. Proposed structure will be closer to the side and rear property lines than permitted by-right. **Request made by Nancy McCann (23-5046)**

Ken Scholes read aloud application for 469-471 Maple Street docket 23-5046.

Attorney Nancy McCann-presented on behalf of applicant. Also present Jay Martel (with the applicant LLC); Bob Griffin (project engineer-Griffin Engineering); John Seger (project architect). Reviewed what is being requested. Plan to expand residential use at location. Proposing public 12 parking spaces for rail trail expansion; town easement access. Noted existing conditions and nonconformities. Structure deemed not historically significant. ANR from Planning Board allowed the combining of 469 and 471 Maple Street lots to one lot. Proposing 15 units total-11 – two-bedroom units and 4 – one-bedroom units. All required parking on site.

Mr. Boughner-is address Old Maple Street or Maple Street?

Attorney McCann-according to tax assessor's record, this is and dedeed as Maple Street.

Bob Griffin-noted location of signaling lights; reviewed elevation and parking area. Grade changes and snow storage areas noted. Sidewalk to be constructed along property line. Reviewed scope of proposal; landscaping plan not developed yet. Drainage plan to be developed. No wetlands/endangered species.

John Seger-front entrance on Maple Street; elevators and stairs from garage to third level; ADA accessible. Reviewed parking garage and exterior parking layout. Outlined floorplans; exterior scope and materials proposed presented.

Attorney McCann-will comply with affordable housing – one unit affordable; contribution to affordable housing trust. Providing 12 parking spaces and easement given to Town for access to spaces. Site plan approval from planning board will address landscaping and lighting. Met with Rail Trail Committee; received favorable letter of support.

Mr. Scholes-read aloud letter received from Rail Trail Advisory Committee.

Mr. Sauer-possible issue with number of units vs square footage. Area 23,000 sf?

Attorney McCann-approximately 1,570 sf per unit.

Mr. Scholes-height of building from top of parking garage that is below grade to roof?

John Seger-height at 46.5' from average mean grade to average mean rafter.

Mr. Jarvinen-mechanicals on roof? AC units? Dumpster location?

John Seger-condensers on back of building; electric heat with heat pumps or split systems. Still being developed. Nothing on roof. Client will have private trash collection inside building at trash and recycling room garage entrance.

Ms. Doherty-if project passed with affordable unit, accept condition of priority of affordable to Danvers residents?

Attorney McCann-yes.

Mr. Boughner-signage of public access point-condition to add sign regarding rail trail parking lot? Condos or rentals? Cutout for driveway-does it exist; does it need state approval? Plan for trees? Existing sidewalks?

Staff-could condition to work with planning division for signage.

Attorney McCann-would take condition. Not yet determined if condos or rentals. Cutout does not exist; new curb cut-needs Town approval but not state approval.

Bob Griffin-trees removed at pavement and building area. Some trees will remain. Noted possible signage location. Pointed out vegetation to remain. Proposing to connect edge of property line to driveway on sidewalk. Connection between rail trail and parking spaces; not sure on pedestrian pass at moment.

Mr. Boughner-pedestrian access good within site; crossing challenges otherwise. Possible Town crosswalk. Traffic/trip generation? Building looks too much like an office. Anything to soften look? Different windows? Would like more residential look. Project does not meet any setbacks-correct?

Bob Griffin-pedestrian movement and traffic/trip generation to be addressed at site plan review.

John Seger-reviewed design elements incorporated into plan and possible options if changes made.

Attorney McCann-elevations are part of site plan approval. Can incorporate changes into site plan approval with materials, window design. Project meets one side setback. Presented plan to board which shows setbacks; if setbacks were met, challenges to do project on lot. Parking requirements met.

Mr. Boughner-conditions: soften look with Planning Board; signage; priority of affordable for Danvers resident.

Attorney McCann-correct.

Joanne Ragucci (TMM precinct 2-present remotely)-location of fire station in relation to site? Guarantee to keep road in good shape during construction? Would like assurance that street cannot be left in poor condition. Parking spaces-what will they be used for if not rail trail? Two parking spaces per unit?

John Seger-noted fire station location.

Bob Griffin-noted setbacks of building; space on site to do work and have materials. All work would be coordinated with police and fire.

Mr. Boughner-cannot address other projects in other parts of town.

Attorney McCann-easement granted is for parking and access for those using the rail trail; on town property so town will enforce this. Two spaces per unit. 30 total.



David Craig (370 Maple Street)-good use of property. Location appropriate for larger residential development. Noted other properties in area. In support of development.

Jason Morrey (24 Brookwood Lane)-in support of project. Appropriate use of land.

Mr. Boughner-Joanne Ragucci-in favor of project?

Mr. Jarvinen-open to two affordable housing units?

Attorney McCann-would have to review with client. 1.5 units under bylaw so proposing one unit plus substantial financial donation.

Staff-Joanne Ragucci has noted remotely in favor if Hogan property is and street condition can be maintained; one affordable unit plus one for a veteran. Staff notes unit for veteran is not something board can control. Affordable unit with preference for Danvers resident is something board can condition. Ms. Ragucci in favor.

Mr. Boughner-applicant already agreed to affordable preference for Danvers resident.

Attorney McCann-one unit and contribution is requirement under bylaw.

Ms. Doherty-which unit would be affordable?

Attorney McCann-would be a two bedroom.

Staff-EOHLC would require it be a two bedroom.

Mr. Boughner-affordable unit and cash donation to AHT?

Attorney McCann-correct.

Mr. Sauer-opposed to 15 units-too dense and building too big. Too much on too little land.

Mr. Scholes-love the location for building; love units and parking for rail trail. Definite yes.

Mr. Jarvinen-yes. Appropriate spot; great access.

Ms. Doherty-in favor of project; density too big. Scaled back would vote yes. Too big right now.

Mr. Boughner-would like something concrete noting to make it look more residential. Would vote in favor; you do not have the votes.

Attorney McCann-applicant proposing to keep 15 units but make two affordable; 1 one bedroom and 1 two-bedroom with preference for Danvers resident; would attempt veteran preference to be worked out with the state. Net new 12 units.

Mr. Sauer-too big. Vote no.

Mr. Scholes-yes.

Mr. Jarvinen-yes.

Ms. Doherty-too big. Vote no.

Mr. Boughner-yes.

Attorney McCann-could go to 13 units with net new 10 and have 1 two-bedroom affordable with Danvers resident preference and a donation.

John Seger-at 13 units, would have 3 units on third floor and dormers. Would change roofline.

Attorney McCann-roofline will change; lessen mass; reduction of 4 parking spaces.

Ms. Doherty-reduced to 13 and changed roofline-would vote for this. Applicant to return with new plans?

Attorney McCann-could condition that; may not be necessary. Would not change zoning relief requested. Next meeting will not have full board; would like approval tonight to move to Planning Board. Can accept condition of plan revisions being done.

Mr. Boughner-would like to see updated rendering.

Mr. Sauer-would like to see plans. At next meeting if plan is softened and reduced, would vote yes.

Attorney McCann- down to 13 units; soften look of building; 1 affordable unit; decrease mass then board would be in favor.

Mr. Boughner-yes-sounds like favorable decision. Will have 4 voting members on November 13.

Attorney McCann-continue to November 27, 2023.

Motion to continue 469-471 Maple Street docket 23-5046 to November 27, 2023 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 5. Opposed: 0. Unanimously approved.

Mr. Boughner-Tuesday before meeting for updated plans.

***49 Adams Street (R1): Request a Variance and Finding under Section 2.9.2 and Table 2 of the Danvers Zoning Bylaw to allow the construction of a new duplex on site. This application is a Reapplication of a Variance that was submitted in 2021 and has since lapsed. No changes proposed from the original submission in 2021. Request made by Nancy McCann (23-5047)***

Ken Scholes read aloud application for 49 Adams Street docket 23-5047.

Attorney Nancy McCann-presented on behalf of applicant. No changes from 2021 application. Reviewed variances granted prior. Received approval prior from Planning Board for special permit and site plan approval. Adding duplex makes property multi-family; reviewed multi-family regulations. Applicant received building permit then had financing challenges and variances lapsed which is why applicant is back. Asking for variance reissuance.

Mr. Boughner-one member opposed prior. Granted extension previously. What are you asking for? Extension or reissuance? Extended previously and nothing happened.

Staff-approved in 2021 and 6-month extension granted March 2022. Expired September 2022.

Attorney McCann-variances have one year provision. Received one extension. Got building permit during extension. Did not start construction within 6 month building permit window.

Staff-cannot grant a variance for less than one year. Cannot condition that applicant cannot apply for another extension.

Mr. Boughner-when will project start? This calendar year? Financing in place? Start over with permit.

Jared Hazel (applicant)-working with bank. Contractor ready. Could start next month. Financing in place.

Ms. Doherty-extension expired. No questions.

Mr. Jarvinen-no questions.

Mr. Scholes-still working with bank-are finances in place? Guaranteed to get money and ready to start?

Jared Hazel-yes.

Mr. Boughner-bank needs variance to finance you?

Jared Hazel-yes.

Mr. Sauer-no questions.

Mr. Boughner-reissuing and starts clock today?

Staff-brand new variance and new docket number.

Ms. Doherty-would vote for this.

Mr. Jarvinen-would vote for this.

Mr. Scholes-would vote for this.

Mr. Sauer-no.

Mr. Boughner-will vote in favor.

Staff-public comment via Teams.

Joanne Ragucci (TMM precinct 2)-uncomfortable with developer guaranteeing financing. Preapproval letter from lender? If approved, should not do this again.

Staff-preapproval letter not part of criteria when evaluating application.

Mr. Boughner-if approved, would not extend again.

Motion to issue variance for 49 Adams Street docket 23-5047 made by Ken Scholes. Seconded by Ken Jarvinen. In favor: 4. Opposed: 1. Jeff Sauer opposed. Motion carries.

Motion to adjourn made by Ken Scholes. Seconded by Jeff Sauer. In favor: 5. Opposed: 0. Meeting adjourned at 9:30PM.