



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
Rebecca Kilborn
Jeffery Sauer
Kenneth Jarvinen
Corinne Doherty
Katie Hislop, Alternate

February 13, 2023 7:00 p.m. ZBA MEETING MINUTES

Board members present: John Boughner; Jeffery Sauer, Kenneth Scholes, Ken Jarvinen, Corinne Doherty.

Staff present: Georgia Pendergast and Brian Szekely

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

John Boughner briefed the public on the proceedings of the evening.

Jeffery Sauer motioned to accept minutes from January 9, 2023 meeting and was seconded by Kenneth Scholes.

CONTINUED ITEMS

42-44 SUMMER STREET (R-II) Request for a Special Permit in accordance with Section 30, and for a Finding in accordance with Section 3.12, of the Danvers Zoning Bylaw, to allow the expansion of an existing grandfathered nursing home/ memory care facility use to accommodate thirty additional nursing beds. Request made by Danvers MC Owner, LLC and Gambrel LLC (22-4987). Request to continue to February 27, 2023.

Kenneth Scholes read in the request for a Special Permit in accordance with Section 30, and for a Finding in accordance with Section 3.12, of the Danvers Zoning Bylaw, to allow the expansion of an existing pre-existing nonconforming nursing home/ memory care facility use to accommodate thirty additional nursing beds. Request made by Danvers MC Owner, LLC and Gambrel LLC (22-4987). Mr. Scholes is in receipt of a letter to request to continue to February 27, 2023.

Jeffery Sauer motioned to accept and was seconded by Kenneth Scholes. All in favor.

48 CRANE BROOK DRIVE (HCZ): Request for a Use Variance from Table 1 of the Danvers Zoning Bylaw to allow the use of the existing property to change from extended stay hotel to multi-family rental apartment. Request for a Dimensional Variance from Section 10 of the Danvers Zoning Bylaw to allow a reduction in the number of required parking spaces for the proposed multi-family use. Request made by PEG Boston Danvers Property, LLC (22-4992). Request to continue to February 27, 2023.

Kenneth Scholes read in the request for a Use Variance from Table 1 of the Danvers Zoning Bylaw to allow the use of the existing property to change from extended stay hotel to multi-family rental apartments. Request for a Dimensional Variance from Section 10 of the Danvers Zoning Bylaw to allow a reduction in the number of required parking spaces for the proposed multi-family use. Request made by PEG Boston Danvers Property, LLC (22-4992). Mr. Scholes is in receipt of a letter to request to continue to February 27, 2023.

Jeffery Sauer motioned to accept and was seconded by Kenneth Scholes. All in favor.

11 RIVERVIEW AVENUE (R-II): Request for a Finding in accordance with Section 3.11.A of the Danvers Zoning Bylaw to allow the expansion of a legally pre-existing non-conforming single-family dwelling by adding a 15' x 21.9' addition, to be no closer than the existing 5' side setback. Request made by Jordan Ryan (23-5005).

Kenneth Scholes read in the request for a Finding in accordance with Section 3.11.A of the Danvers Zoning Bylaw to allow the expansion of a legally pre-existing non-conforming single-family dwelling by adding a 15' x 21.9' addition, to be no closer than the existing 5' side setback. Request made by Jordan Ryan (23-5005).

Jordan Ryan, homeowner of 11 Riverview Avenue spoke briefly about the proposed expansion of a legally pre-existing non-conforming single-family dwelling by adding a 15' x 21.9' addition, to be no closer than the existing 5' side setback.

John Boughner did a site visit and noticed a dumpster and work started. Mr. Boughner asked Mr. Ryan the status of permits at his residences.

Mr. Ryan replied he has been issued permits.

Jeffery Sauer asked if the roof line was going to be consistent with the existing structure.

Mr. Ryan replied yes, it is.

Kenneth Scholes asked to confirm the side setback.

Mr. Ryan stated it is 5 to 5.8 feet.

Ken Jarvinen has no questions.

Corinne Doherty has no questions.

John Boughner stated there is no address posted on the home. Mr. Boughner suggested for safety reasons he should do so immediately. Mr. Boughner also asked how long the process should take.

Mr. Ryan stated he will and the process should take at least 4 months.

John Boughner opened to public comment and turned back to board.

Jeffery Sauer would vote for this.

Kenneth Scholes would vote for this.

Ken Jarvinen would vote for this.

Corinne Doherty would vote for this.

John Boughner would vote for this along with the request for adding your house number to the property.

Jeffery Sauer I moved to issue a finding in accordance with section 3.11.8 of the Danvers Zoning bylaw to allow the expansion of a legally pre-existing non-conforming single-family dwelling by adding a 15 by 21.9 foot addition to be no closer than the existing five foot side setback, 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, and granting this will not create a substantial detriment to the public good and will not nullify or derogate from the intent and purpose of the zoning.

Kenneth Scholes seconded the motion. All in favor.

8 MILDRED ROAD (R-II): Request for a Special Permit in accordance with Section 9.2 of the Danvers Zoning Bylaw to allow an 856 square foot Extended Family Living Area (EFLA) addition on a legally pre-existing non-conforming lot. Request made by Antonios & Nancy Vatousios (23-5006).

Kenneth Scholes read in the request for a Special Permit in accordance with Section 9.2 of the Danvers Zoning Bylaw to allow an 856 square foot Extended Family Living Area (EFLA) addition on a legally pre-existing non-conforming lot. Request made by Antonios & Nancy Vatousios (23-5006).

Bill Nolan of Savoie Architects spoke on behalf of the applicant. Mr. Nolan gave a brief overview on the proposed EFLA. Mr. Nolan presented two letters of support from 6 and 10 Mildred Road.

Kenneth Scholes read in the two support letters. Letters can be found in the Land and Planning Use Department.

Corinne Doherty has no questions.

Ken Jarvinen asked what is the existing non-conformity?

Mr. Nolan replied the lot size is 16,800.

Kenneth Scholes has no questions.

Jeffery Sauer stated he notices the gable sticks out towards the setback but I see in your plot plan you have over 20 feet.

John Boughner asked for the applicant to confirm if the garage will be removed.

Mr. Nolan stated there really isn't a garage now. It is more like a storage shed and is eight feet deep. It was a garage at one time and we are keeping the garage door.

John Boughner opened to public comment.

John Talisburday of 9 Mildred spoke in support of the project.

John Boughner closed the public hearing after no additional comments.

Corinne Doherty stated she would be a no unless they came down to the 750 square feet.

Ken Jarvinen I will vote for this.

Kenneth Scholes I will vote for this because the neighbors agree with it.

Jeffery Sauer I will vote for this.

John Boughner I will vote for this.

Kenneth Scholes motioned to issue the special permit in accordance with section 9.2 of the Danvers Zoning Bylaw to allow an 856 square foot extended family living area add on a legally pre-existing non-conforming lot the Municipal Water and Sewer should not be overloaded by the EFLA the public streets shall not become overloaded by the EFLA the value of other buildings and property shall not be depreciated by the EFLA the specific site and appropriate location for the EFLA the EFLA will not adversely affect the neighborhood there will not be undue nuisance to vehicles or pedestrians inadequate and proper facilities will be provided to ensure the proper operation of the proposed EFLA the proposed EFLA will be in harmony with the general purpose of this bylaw.

Jeffery Sauer seconded the motion. John Boughner; Jeffery Sauer, Kenneth Scholes, Ken Jarvinen, in favor and Corinne Doherty opposed.

REGULAR ITEMS

8 CORTLAND ROAD (R-II) Request to appear before the Board to informally discuss the status of the dog kennel operations which were permitted by Special Permit from the Zoning Board of Appeals on May 9, 2022. Request made by Gloria Duhaime (22-4973)

Kenneth Scholes read in the request to appear before the Board to informally discuss the status of the dog kennel operations which were permitted by Special Permit from the Zoning Board of Appeals on May 9, 2022. Request made by Gloria Duhaime (22-4973).

Kenneth Scholes read in a letter from 6 Cortland Road in support. The letter can be found in the Land and Planning Use Department.

Gloria Duhaime stated she is down to 5 dogs at this time. I have four little Cavalier Spaniels and one golden doodle.

Jeffery Sauer has no questions.

Kenneth Scholes asked the applicant if she will be at the 4-dog count for the May 13th deadline.

Gloria Duhaime stated to the board she will be.

Ken Jarvinen has no questions.

Corinne Doherty has no questions.

John Boughner has no questions.

Mr. Boughner thanked the applicant for the update.

Mr. Boughner requested a two-minute recess.

130 LIBERTY STREET (C1-A) Request for a dimensional variance from Section 37.4.C.2 of the Danvers Zoning Bylaw to allow a proposed wall sign to project 3 ft., 3 in. off an existing building frontage, where 12” is the maximum allowed. Request made by William Nolan (21-5008)

Kenneth Scholes read in the request for a dimensional variance from Section 37.4.C.2 of the Danvers Zoning Bylaw to allow a proposed wall sign to project 3 ft., 3 in. off an existing building frontage, where 12” is the maximum allowed. Request made by William Nolan (21-5008)

Mr. Nolan spoke about the proposed wall sign to project the 3 ft., 3 in. off an existing building.

John Boughner stated the applicant will have to go to the select board if approved from here because it goes over town property.

Jeffery Sauer has no questions.

Kenneth Scholes has no questions.

Ken Jarvinen asked the applicant if the sign could blow off.

Mr. Nolan replied one of his clients is Lawton welding and I had them fabricate the bracket for this.

Corinne Doherty asked Mr. Nolan if he was renting out any other spaces in the building who would want signs.

Mr. Nolan stated no the upstairs is residential and staying that way.

John Boughner asked if the sign is going to be lit up.

Mr. Nolan stated not at this time.

John Boughner opened to public comment.

David Messinger of 166 High Street spoke in opposition of the proposed sign. Mr. Messinger doesn't want to set precedent.

Jonathan Messinger of 166 High Street spoke in opposition. Mr Messinger also presented a letter from a neighbor that couldn't attend tonight. Mr. Messinger submitted the letter to the Planning Staff.

Bill Bradstreet stated he is in opposition.

John Boughner closed the public hearing after no additional comments.

Jeffery Sauer would be in favor.

Kenneth Scholes would be in favor.

Ken Jarvinen would be in favor.

Corinne Doherty would be in favor.

John Boughner would be in favor.

Planning Staff Georgia Pendergast stated the docket number is incorrect and should be 23-5008.

Jeffery Sauer motioned to issue to issue a dimensional variance from section 37.4.3.2 of the Danvers Zoning bylaw to allow a proposed wall sign to project three feet three inches off an existing building Frontage where 12 inches is the allowed maximum 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 and granting this variance will not create a substantial detriment for the public good and will not nullify or derogate from the intent and purpose of the zoning bylaw.

Kenneth Scholes seconded the motion. All in favor.

160 ANDOVER STREET (RT-114-A) Request to modify an existing one-time, 6-month variance extension decision issued by the ZBA on June 27, 2022, which is set to expire on February 24, 2023. The requested modification to the existing decision includes incorporating language which would permit an additional 6-month extension to the approved use and dimensional variances, to expire on August 24, 2023. Request made by PMG Northeast LLC (21-4943)

Kenneth Scholes request to modify an existing one-time, 6-month variance extension decision issued by the ZBA on June 27, 2022, which is set to expire on February 24, 2023. The requested modification to the existing decision includes incorporating language which would permit an additional 6-month extension to the approved use and dimensional variances, to expire on August 24, 2023. Request made by PMG Northeast LLC (21-4943)

Brian Levy was presented via zoom. Mr. Levy is seeking a request to modify or to request an extension. Mr. Levy has updated everyone on the steps and where they are in process.

Jessie with Collier Engineering and Design stated the only modifications we made were at the request to the Planning Board and Town Staff.

Corinne Doherty asked the applicant what steps do they have left.

Jessie with Collier Engineering and Design stated the only item not done is the actual building permit and to post a bond with the Conservation Commission.

Ken Jarvinen,has no questions.

Kenneth Scholes has no questions.

Jeffery Sauer has no questions.

John Boughner has no questions.

John Boughner opened to public. Closed to public comment.

Corinne Doherty I will vote for this extension.

Ken Jarvinen I will vote for this.

Kenneth Scholes I will vote for this.

Jeffery Sauer I will vote for this.

John Boughner I will vote for this.

Jeffery Sauer I motion to modify the current use variance extension decision for 160 Andover Street docket number 21-4943 by striking the term one-time issuance limitation and by adding language that extends the variances for an additional six-month period to expire on August 24th 2023.

Kenneth Scholes seconded the motion. All in favor.

ADJOURNMENT

Jeffery Sauer motioned to close the meeting. Kenneth Scholes seconded. All were in favor and the motion passed unanimously.

The meeting adjourned.