



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

March 27, 2023 7:00 p.m. ZBA MEETING MINUTES

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

Staff present: 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.

CONTINUED ITEMS

154 WATER STREET (a/k/a 170 Water Street) (R-II) Request for a Special Permit in accordance with Table 1 and Section 30.2.F of the Danvers Zoning Bylaw to allow a new senior (55+ in age) affordable housing development consisting of 140 senior independent dwelling units (70 of which will be deed restricted affordable) with a preference for those residents who are deaf, deaf/blind, and near-deaf, and with an affordable income eligibility from 30% AMI to market rate. The subject applicant has been selected by the Danvers Housing Authority to be the project developer, in accordance with Zoning Bylaw Section 30.2.F.1 The applicant is requesting variances from Section 30.2.F.2 and Table 2 to allow the development building to be four stories in height where two stories is the maximum, to be 49' in height where 30' is the maximum, and to have more than 8 units in the development building. A variance from Section 30.2.F.3 is requested to allow the permanent parking spaces for the new development to be located within the dimensional side and rear setback of the property. **Request made by New England Home for the Deaf, Inc. and WinnDevelopment Company, LP. (23-5012). Continued to April 10, 2023**

Kenneth Scholes read in the request for a Special Permit in accordance with Table 1 and Section 30.2.F of the Danvers Zoning Bylaw to allow a new senior (55+ in age) affordable housing development consisting of 140 senior independent dwelling units (70 of which will be deed restricted affordable) with a preference for those residents who are deaf, deaf/blind, and near-deaf, and with an affordable income eligibility from 30% AMI to market rate. The subject applicant has been selected by the Danvers Housing Authority to be the project developer, in accordance with Zoning Bylaw Section 30.2.F.1 The applicant is requesting variances from Section 30.2.F.2 and Table 2 to allow the development building to be four stories in height where two stories is the maximum, to be 49' in height where 30' is the maximum, and to have more than 8 units in the development building. A variance from Section 30.2.F.3 is requested to allow the permanent parking spaces for the new development to be located within the dimensional side and rear setback of the property. Request made by New England Home for the Deaf, Inc. and WinnDevelopment Company, LP. (23-5012). Continued to April 10, 2023

Kenneth Scholes stated we're in receipt of a letter for a continuation request for a continuance for April 10, 2023.

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

REGULAR ITEMS

139 ENDICOTT STREET (C-III): Request for a variance from Section 37.6.F of the Danvers Zoning Bylaw to allow three menu boards for the associated permitted double-lane drive-thru restaurant where two menu boards is the maximum for the associated permitted double-lane drive-thru restaurant. **Request made by Serrato Signs, LLC (23-5013).**

Kenneth Scholes read in the request for a variance from Section 37.6.F of the Danvers Zoning Bylaw to allow three menu boards for the associated permitted double-lane drive-thru restaurant where two menu boards is the maximum for the associated permitted double-lane drive-thru restaurant. Request made by Serrato Signs, LLC (23-5013).

Serrato Signs, LLC is requesting to allow additional menu boards for the permitted double-lane driveway. The applicant stated the Pre-Menu's help speed up the process for when the customer gets up to the order window.

Jeffery Sauer asked to clarify how many boards they are requesting.

Serrato Signs, LLC stated the board do you consider the menu screen a board.

Ken Jarvinen asked the applicant if there will be any audio to the board.

Serrato Signs, LLC stated no purely visual.

Katie Hislop asked the applicant how far the is pre-menu screen before the order screen?

Serrato Signs, LLC stated referred to the plan and stated about 15 feet.

John Boughner asked the applicant the hours of the business.

Serrato Signs, LLC stated he believes six in the morning and closing at ten at night.

John Boughner opened to public comment.

Bill Bradstreet stated what is presented tonight is not sufficient.

John Boughner closed the public comment.

Jeffery Sauer I would vote for this.

Kenneth Scholes I would not be in favor.

Ken Jarvinen I would vote for this.

Corinne Doherty I would not be in favor.

Katie Hislop I would not be in favor.

John Boughner I would not be in favor.

Serrato Signs, LLC stated he would like to request a continuance for April 10, 2023.

Jeffery Sauer moves to continue this case to April 10, 2023 and was seconded by Kenneth Scholes and all board members in favor.

103 NEWBURY STREET (HCZ): Request for a Finding in accordance with Section 3.10.B.2 of the Danvers Zoning Bylaw to allow the expansion of the preexisting non-conforming Mobile Home Park by increasing the number of mobile homes from fourteen (14) homes to thirty (30) homes; Request for a dimensional variance in accordance with Table 2 of the Danvers Zoning Bylaw to allow the new mobile homes to be within the 25' side and rear zoning setback, but no closer than the existing mobile homes. **Request made by Leah & James LLC and North Shore Property Group LLC. (23-5014).**

Kenneth Scholes read in the request for a Finding in accordance with Section 3.10.B.2 of the Danvers Zoning Bylaw to allow the expansion of the preexisting non-conforming Mobile Home Park by increasing the number of mobile homes from fourteen (14) homes to thirty (30) homes; Request for a dimensional variance in accordance with Table 2 of the Danvers Zoning Bylaw to allow the new mobile homes to be within the 25' side and rear zoning setback, but no closer than the existing mobile homes. Request made by Leah & James LLC and North Shore Property Group LLC. (23-5014).

Nancy McCann on behalf of Leah & James LLC and North Shore Property Group LLC gave a brief history of the property and why the need for the additional mobile homes.

James St. Pierre co-owner of Shady Oak and property manager stated with these additional homes we will be able to make improvements and keep rent down for the current homeowners.

Katie Hislop asked the applicant if the residents had been notified and voiced any concerns.

Nancy McCann stated the improvements and additions will be vast a improvement to the residents and neighbors.

Corinne Doherty asked the applicant if water or sewer will need to be moved or upgraded and asked about the access to the cemetery.

Will Scooter from the Morin Cameron Group stated the water stubs and the sewer stubs were left there from the old trailer so they'll just be extended as needed and hooked up and reused so they're not necessarily abandoned at this time they're just dormant and the hope is to just reuse them.

Ken Jarvinen asked the applicant how close the existing trailer is going to be to the new one.

Nancy McCann stated the new homes will be no closer to the side or the rear lot line than the existing homes.

Ken Jarvinen asked the applicant if there is a chicken coop on the property as well.

The applicant stated it's not a chicken coop but a compost.

Kenneth Scholes asked the applicant are the mobile homes going to be new?

The applicant stated they will all be brand new.

Jeffery Sauer asked Nancy McCann if these units will be part of the affordable units.

Nancy McCann stated unfortunately the state legislature has not seen fit to include mobile homes.

Jeffery Sauer asked Nancy McCann if the units would be used against our account.

Nancy McCann and Brian Szekely states yes.

John Boughner asked Nancy McCann how long the applicant has owned the property.

Nancy McCann stated two years.

John Boughner opened to public comment.

Bill Bradstreet voiced concerns about the applicant maintaining someone else's property regarding the cemetery on the property.

John Boughner closed it to the public and brought back to board to deliberate.

Katie Hislop I would be yes.

Corinne Doherty stated I would be a no with it as it stands. If you decreased the number of units I would approve.

Ken Jarvinen I would approve this.

Kenneth Scholes I would approve this.

Jeffery Sauer I would approve this.

John Boughner would not be in favor as it is presented but would concern if less units.

The applicant stated that G. Mello picks up trash once a week and they leave it out. The snow removal is handled by James St. Pierre and we have snow storage on site.

Nancy McCann stated they would eliminate two units (Unit 12 & 27)

Corinne Doherty would be in favor with the eliminating two units.

John Boughner would be in favor with the reduction as recommended.

Jeffery Sauer moves to Grant a finding in accordance with Section 3.10-point B 0.2 of the Danvers Zoning Bylaw to allow the expansion of the existing non-conforming Mobile Home Park by increasing

the number of mobile homes from 14 to 27. as amended in the plan as the extension expansion or alteration is not substantially more detrimental than what currently exists.

Kenneth Scholes seconded the motion.

John Boughner; Jeffery Sauer, Kenneth Scholes, Ken Jarvinen, Corinne Doherty and Katie Hislop all in favor.

Jeffery Sauer moves to Grant a variance from table three of the Danvers Zoning Bylaw to allow new mobile homes to be closer to the side and rear lot lines than permitted as of the right as permitted as of right in the highway quarter zone as shown on the plans provided by the applicant the hardship is the irregular shape and typography of the lot that renders the southwesterly section of the lot unusable 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 to the public good and will not nullify or derogate from the intent and purpose of the zoning bylaw.

Kenneth Scholes seconded the motion.

John Boughner; Jeffery Sauer, Kenneth Scholes, Ken Jarvinen, Corinne Doherty and Katie Hislop 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