



# 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

## April 10, 2023 7:00 p.m. ZBA MEETING MINUTES

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

Staff present: Brian Szekely and Georgia Pendergast

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

Motion to accept minutes from February 27, 2023, March 13, 2023, and March 27, 2023 made by Jeff Sauer. Seconded by Kenneth Scholes. In favor: 5. Opposed: 0.

### 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).***

Ken Scholes read aloud application for 154 Water Street (a/k/a 170 Water Street) docket 23-5012.

Attorney Nancy McCann-presented on behalf of applicant. Reviewed what is being requested with this application. Also present Steve Sacco (Chairman-NEHD Board of Trustees); Adam Stein and Rami Schneider (WinnDevelopment); Steve Prestejohn (project architect-Cube3 Architects); Jesse Johnson (project engineer); Mike Blier (landscape architect). Reviewed past meeting; provided updates. Site visit conducted with Board. Market study conducted and results shared; reviewed waitlist that exists for property. Development Team met with neighborhood representatives; reviewed content of those discussions; concerns that came up have been

addressed. Noted that, if approved, Special Permit is recorded at Registry of Deeds which secures conditions of said permit. Will meet with Affordable Housing Trust. Presented information provided from Danvers Housing Authority; statistics express the need for senior affordable housing.

Steven Sacco-reviewed statistics regarding the amount of deaf and hard of hearing population in Massachusetts and in the country. Notes awareness of independent people wanting to age in their own homes, which this project will allow, along with sense of community among deaf, deaf/blind and near deaf.

Mr. Boughner-how will care be provided? Visiting doctor? Why WinnDevelopment?

Steven Sacco-independent people in new building will not require care; as they age and needs change, can transfer to different facility on campus. Continuum of care. WinnDevelopment has skill set needed and worked well with our team; Winn sent a team to learn from architects regarding needs of community-has gone to great lengths to help.

Steve Prestejohn-outlined revised goals based on feedback from community and board. Building is mix of 4 story and 3 story portions; 3 story portion facing Jacobs Landing. Reviewed initial and revised elevations. Discussed materials being proposed and colors to be used. Noted changes in exterior design elements. Worked with code consultant and will adhere to all life safety and design features as required. Reviewed sound decibel impact of rooftop equipment on abutters.

Mr. Boughner-rooftop equipment not in current renderings? How many sound units on rooftop? Screening?

Steve Prestejohn-correct-not in current. Will be one for each unit (140 total), in center of roof, behind pitched roof. Screening if needed.

Mr. Boughner-no questions from board regarding architectural renderings.

Mr. Sauer-no questions.

Mr. Scholes-no further questions.

Ms. Doherty-affordability component-deeply affordable and affordable tier? Noted rates listed for each category. Potential challenge finding people who meet these criteria to live in these units. Concern is with restrictions in place, plus affordability component, units are not filled after one year-cannot find people that meet all criteria. Provided potential scenarios causing concern. Do the Danvers residents on list comply and can they move in when project complete?

Adam Stein-Winn Development has extensive portfolio regarding housing management. Market study work shows there is a market demand. All units are rental. Income tiers will capture wider market. Reviewed how projects are funded and how rent is determined. Would need to do income check prior to moving in. Winn Development will do income qualification checks. Danvers residents preference given after deaf, deaf/blind and hard of hearing.

Mr. Jarvinen-rounded hallways and safety features?

Steve Prestejohn-rounded at all corners in corridors.

Ms. Hislop-no questions.

Mr. Boughner-review preference and tier of applicants. Over age 55 preference? Person outside of Danvers who is deaf; deaf/blind; near deaf will get in before Danvers resident? People in Danvers housing will need financial verification?

Attorney McCann-All over age 55. First preference deaf; deaf/blind; near deaf. Second preference Danvers residents. If person is deaf Danvers resident, they are at top. Yes-verification needed for everyone. Reviewed tiered affordability plan.

Mr. Boughner-Winn and NEHD entering land contract? NEHD owns the building? Terms of agreement?

Attorney McCann-land development agreement. NEHD owns property. Winn providing construction and development expertise and operational management.

Adam Stein-time limit on agreement. Landowner-NEHD; developer-Winn; building-NEHD and Winn as co-owners. Winn and NEHD develop building; building leased from NEHD as ground lease for 99 years. Development agreement between Winn and NEHD to allow for application process.

Mr. Boughner-lighting plan – if changes needed, would you come back before ZBA? Landscaping changes?

Attorney McCann-photometric plan included in plan submitted. If changes made to approved plan, would be reviewed with planning staff to determine if applicant needs to come back before the board. Advised clients to prepare to have to come back to board if making changes from approved plan.

Staff-Planning Board instructed to go through site plan review as if this was a Planning Board applicant. Planning Board provided feedback to ZBA.

Attorney McCann-before occupancy permit issued, building is inspected with approved plan; if it does not match approved plan, will delay occupancy permit.

Ms. Doherty-discretion over which units are affordable?

Attorney McCann-state mandated.

Mr. Scholes read aloud summary of letter from Ed Reed-12 Jacobs Landing in favor of project.

Gardner Trask (on behalf of Danvers Affordable Housing Trust)-reviewed history of DAHT. History of success working with large developers who are familiar with process regarding affordability. Not a voucher program; not section 8. Housing Trust supports effort.

Bernie Miezwa (27 North Shore Ave)-voiced traffic and potential accident concerns.

Jesse Johnson (Weston and Sampson-Civil and Traffic Engineers)-full traffic study conducted and results submitted; did not receive any feedback requesting changes. Reviewed results of traffic study.

Alan Fiorente (18 Jacobs Avenue)-reviewed concessions applicant has made regarding traffic and sound. Noted concerns that are still existing. How long is agreement in affect? Can party terminate agreement?

Mr. Boughner-since this is a special permit, it is deed restricted and requirement will exist forever. Would have to come before board to vacate or modify special permit.

Attorney McCann-could not ask board to eliminate senior housing.

Chris Farrin (8 Jacobs Landing)-house close to development. Concern with foundation of home shifting during construction and liability. Stormwater runoff towards property is concern. Lighting concerns.

Attorney McCann-soil testing conducted. Contractors cannot cause harm to abutters; responsibility that construction is done properly to not damage other property.

Jesse Johnson-reviewed results of soil testing; no concerns based on those results. Noted stormwater process to be followed including reviewing existing conditions and potential impacts. Working with Town Engineering on this; plan designed so that runoff is not directed towards abutters. Lights low, turned and have back shield along abutters.

Anna Farrin (8 Jacobs Landing)-noise pollution concerns.

Mr. Boughner-applicant putting in efforts to mitigate noise-taken into consideration on plan presented.

Chris Farrin (8 Jacobs Landing)-may decrease our property value.

Trip Knox (11 Jacobs Landing)-in favor of needs being addressed with this project. Concern is about if this is proper building to be built on the property. Reviewed letter sent to the Town regarding bylaws which allow additional restrictions. Building too high. Nonconforming use.

Mr. Boughner-board to take input of community and applicant goals.

Cindy Dunn (Director-Danvers Housing Authority)-clarified data provided with regards to waitlists existing for Danvers residents. Wait is now 3-5 years for senior affordable housing.

Mike Daley (36 North Shore Ave)-voiced concerns regarding development and history of zoning at the property. Provided examples of other affordable housing in Danvers.

Sandy Lane (Town Meeting Member Precinct 3)-reviewed meetings with development team. In favor of project; noted concern regarding two levels as opposed to three and four is they relate to Town Meeting decision.

Attorney McCann-not a nonconforming use. This is a permitted use by Special Permit. Can include conditions. All requirements met for granting of Special Permit. Variance for height; highest point at elevation lower than existing NEHD nursing home building. Proposal from Mr. Knox was parking under the building-not viable for this project. Hardship requirements for dimensional variances are met.

Mr. Boughner-applicant to accept condition that stonewall rebuilt to match existing at entryway? What other conditions have been requested?

Attorney McCann-will accept condition. Reviewed conditions that have been requested thus far which will be included in decision if approved.

Ellen Sturtevant (152 Water Street)-concern regarding access road behind property with NEHD easement. New roadway for construction vehicles?

Attorney McCann-construction vehicles will use new access road.

Mr. Sauer-noted benefits of project, but too large. Would vote no.

Mr. Scholes-development team noted meeting with community; community feedback at meeting tonight different from what applicant said. Too big. Would vote no.

Ms. Doherty-not opposed to project; opposed to size-too big. Would vote no.

Mr. Jarvinen-in favor of design and meets housing requirements and needs. Would approve.

Ms. Hislop-noted need for this in the community. Would approve.

Mr. Boughner-appreciate changes made. Would like it reduced in size. Do not have the votes.

Attorney McCann-balance between needs of community and needs of NEHD. Feedback seems too many units and too high. Would like to focus on feedback. Anything else?

Mr. Boughner-other concerns have been addressed. Unit count and height are concerns.

Attorney McCann-would like to continue to May 8, 2023.

Motion to continue 154 Water Street docket 23-5012 to May 8, 2023 made by Jeff Sauer.  
Seconded by Ken Scholes. In favor: 5. Opposed: 0.

***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 aloud application for 139 Endicott Street docket (23-5013).

Present remotely: Bobby Zule (Starbucks); Brian Dundon (RJ O'Connell & Associates-site Civil Engineer); Tom Petzold (Petzold Enterprises-owner of shopping center).

Bobby Zule-reviewed two pre-menu boards at Starbucks and bylaw restrictions.

Mr. Boughner-can you address questions from board?

Bobby Zule-reviewed stacking numbers in car lanes at drive through. Pre-menu board items reviewed; pre-menu boards to move orders along. Two drive through lanes which can operate at same time.

Ms. Hislop-no questions.

Mr. Jarvinen-no questions.

Ms. Doherty-hours of operation for Savers? Concern with drive through and people dropping items at Savers at the same time.

Tom Petzold-do not have that information on hours.

Brian Dundon-flow of traffic addressed with Planning Board. Traffic flow and drive through lanes designed to mitigate Savers and Starbucks traffic movement.

Mr. Scholes-no questions.

Mr. Sauer-no questions.

Mr. Boughner-site opened-two order takers and 16 car queuing? Time for orders to go through?

Bobby Zule-correct. Under one minute is preferable. Faster is better.

Mr. Boughner-what is value in pre-menu board?

Bobby Zule-people decide what they want at pre-menu board; pull to ordering station already knowing what they would like which speeds up process. Speaker is separate.

Ms. Hislop-do not see need for this. Would vote no.

Mr. Jarvinen-not detrimental to community. Would be in favor.

Ms. Doherty-Do not see need for this. Would vote no.

Mr. Scholes-do not see necessity. Would vote no.

Mr. Sauer-need this to improve traffic flow; location does not impact anyone. Would vote yes.

Mr. Boughner-you do not have the votes. You can withdraw without prejudice or we can take a vote. Need 4-1 votes. If this becomes a problem with traffic, you could come back before board if you withdraw. If denied, need to wait two years.

Bobby Zule-will withdraw without prejudice.

Motion to withdraw without prejudice 139 Endicott Street docket 23-5013 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 5. Opposed: 0.

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