



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 26, 2023 7:00 p.m. ZBA MEETING MINUTES

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

Staff present: Brian Szekely

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

CONTINUED ITEMS

20 Archmeadow Drive: *Previous docket 21-4958 from December of 2021 required the applicant to return to the ZBA prior to August 1, 2023 to informally discuss the state and operations of the storage containers that were approved as part of the Special Permit from 2021.*

Ken Scholes read aloud 20 Archmeadow Drive docket 21-4958.

Jason Sevinor (owner-Salem Plumbing Supply)-present to speak on application.

Staff-site visit conducted; photos shared with board prior to meeting. Storage area fenced in and screened. Well maintained are-applicant is in compliance with decision.

Mr. Sauer-no questions.

Mr. Scholes-no questions.

Mr. Jarvinen-no questions.

Ms. Doherty-no questions-property in compliance. Applicant does not need to come back for another update.

Staff-this is correct.

Ms. Doherty-next agenda item.

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 request for a Finding for 466 Newbury Street docket 23-5020.

Costas Apostolopoulos (owner-Metro Form Design Construction)-presented on behalf of applicant. Company has remodeled restaurant and kitchen. Noted discrepancy where walk-in cooler is in setback on property.

Ms. Doherty-staff to update.

Staff-Certificate of Occupancy was to be issued and building inspector noted cooler further into setback than is allowed which extends nonconformity.

Mr. Sauer-cooler partially inside existing structure?

Costas Apostolopoulos-correct.

Mr. Scholes-gas station nearest abutter?

Costas Apostolopoulos-correct.

Mr. Jarvinen-no questions.

Ms. Doherty-no questions. Public questions?

Mr. Sauer-plot plan shows fence around property-who's fence is that?

Costas Apostolopoulos-trailer park's fence.

Ms. Doherty-no further questions.

Mr. Sauer-would vote for this.

Mr. Scholes-would vote for this.

Mr. Jarvinen-would vote for this.

Ms. Doherty-would vote for this.

Motion to issue a Finding for 466 Newbury Street docket 23-5020 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 4. Opposed: 0. Motion carries.

REGULAR ITEMS

24A Commonwealth Avenue (C-3): Request a Variance, in accordance with Section 37.4.F to allow for five wall signs, one pylon sign, one directional sign, and one directional electric vehicle totem, where two signs are allowed. Request made by Lauretano Sign Group, Alyson Ibbotson (23-5023)

Ken Scholes read aloud application for 24A Commonwealth Avenue docket 23-5023.

Alyson Ibbotson (presented remotely on behalf of applicant)-proposing more than what sign regulations allow. Reviewed signage package application submitted, which includes two EV charging stations. Noted directions that signs would be facing.

Mr. Jarvinen-total square footage of signs? What is the need for two Nissan signs?

Alyson Ibbotson-walls signs total 203.84 sf. Noted dimensions of each individual sign and direction each faces.

Mr. Sauer-many signs that all say Nissan. Need for pylon sign and additional signs?

Tom Salome (General Manager-North Shore Nissan)-all signs are brand compliant in a package that Nissan sent to us to present. Frontage compliant for what Nissan wants. Would like to receive building signs and willing to compromise.

Mr. Scholes-totem sign-says "zero emission?"

Staff-that is EV charging station.

Bill Bradstreet (Town Meeting Member Precinct 1)-too many signs.

Mr. Jarvinen-too many signs. Totem too much.

Mr. Sauer-no problem with Service and Nissan signs and 3 signs across front; do not like pylon and other signage. Will not vote for this the way it is.

Mr. Scholes-okay with all signage on the building. Will allow directional sign. Will not vote for this as proposed but will compromise. Would like items F, A, and G eliminated then would support.

Mr. Jarvinen-in agreement.

Ms. Doherty-agree with recommendations from the board.

Staff-sign F is the EV charging totem.

Ms. Doherty-sign says “zero emissions” with no other information.

Alyson Ibbotson- item F is not the vehicle charging station itself; sign states that capability is on the property for EV charging.

Ms. Doherty-do not need that sign. Do not have the votes-how would you like to proceed?

Alyson Ibbotson-approval for wall signs?

Ms. Doherty-tonight will only approve signs on building and item H.

Staff-could approve without items F, A and G.

Motion to issue Variance for 24A Commonwealth Avenue docket 23-5023 for 5 new wall signs and one directional sign labeled “H” and to not approve signs A, F and G of plan made by Jeff Sauer. Seconded by Ken Scholes. In favor: 4. Opposed: 0.

106 Sylvan Street (C-3): Request a Variance, in accordance with Section 7, Table 3 to allow for three new Electric Vehicle (EV) chargers and associated equipment to be located within the required 25’ setback. Request made by Danvers Motor Company, Inc. dba Danvers Ford (23-5024)

Ken Scholes read aloud 106 Sylvan Street docket 23-5024.

Attorney David McBride-presented on behalf of Danvers Motor Company dba Danvers Ford. Also present Kevin Guiney (Danvers Ford); Adam Palmer (JM Electrical). Requesting variance to install 3 EV chargers, transformer and electrical panel in setback. Reviewed details of plans submitted including installation points on the property. Ford requires EV chargers at places that sell Ford electric vehicles. Noted challenges at site with installing these items in a different area on site.

Mr. Sauer-has fire department reviewed plan?

Adam Palmer-have not reviewed with fire department. Noted distance from chargers to building.

Mr. Scholes-can anyone pull up and use these chargers?

Attorney McBride-yes. It’s a Ford requirement. Allow any citizen to use it.

Mr. Jarvinen-universal plug?

Adam Palmer-reviewed the kind of chargers that will be used. Compatible with all but Tesla; will be compatible with Tesla in a year.

Ms. Doherty-did Danvers Ford contact the Police Station? Any concerns? If approval granted tonight, any other approvals needed?

Adam Palmer-had informal discussions with police station. Have met with building and electrical. Building Permit required.

Attorney McBride-no concerns shared with us by police.

Bill Bradstreet (Town Meeting Member Precinct 1)-addition is benefit to the Town.

Mr. Sauer-would vote for this.

Mr. Scholes-would vote for this.

Mr. Jarvinen-would vote for this.

Ms. Doherty-would vote for this.

Motion to issue a Variance for 106 Sylvan Street docket 23-5024 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 4. Opposed: 0. Motion carries.

15 Purchase Street (R-1): Request a Variance, in accordance with Section 40: Definitions, to allow the construction of a new 1,716 square ft garage where only a 1,200 square ft structure is allowed by-right. Request made by Eduardo Pereira (23-5025)

Ken Scholes read aloud application for 15 Purchase Street docket 23-5025.

Eduardo Pereira-provided description of work proposed. Also present Mike Lutrzykowski (assisting applicant).

Mike Lutrzykowski-assisted in design drawings; reviewed what Town allows and what is being requested. Discussed what garage would be used for, including boat storage. Applicant spoke to residential neighbors.

Mr. Jarvinen-second story for garage? Use? Power on second floor? Square footage includes second floor?

Mike Lutrzykowski-there is a second story. Upper level storage; no business or commercial use. Restroom on first floor-applicant does commercial fishing. Yes powered according to code. Square footage noted is footprint square footage. Total should be noted on plans.

Ms. Doherty-application says 1,716 sf. Plans show 1,876 sf but does not note if additional space on second floor. Discrepancy noted.

Mike Lutrzykowski-noted on plan where loft area sf is stated.

Mr. Scholes-conversation with rear abutter? Commercial lobstering? Lobster traps on property?
Current garage 1 or 2 car?

Eduardo Pereira-have not spoken to rear abutter. Recreational lobstering; commercial fishing.
All traps stored in garage. Will take as condition. Two car.

Ms. Doherty-open loft or closed room?

Mike Lutrzykowski-noted on plan-open loft.

Mr. Jarvinen-total height?

Mike Lutrzykowski-under 30'.

Staff-full height under 30'.

Mr. Jarvinen-no abutter concerns. Abutter letters in favor read aloud.

Mr. Scholes-too big. Would vote no.

Mr. Sauer-too big. Bigger than a house, but am a yes.

Ms. Doherty-would vote no. Too big. Second floor and bathroom downstairs could be used for possible tenant space in the future with another owner. Do not have the votes. Could continue to next meeting and redesign. Would you like to continue to July 24th?

Eduardo Pereira-yes.

Staff-one July meeting on July 24th. Would need revisions by Thursday prior.

Mike Lutrzykowski-for making it smaller-footprint? Height? Feedback?

Ms. Doherty-second floor is concern. Would be okay with limited storage/crawl space.

Motion to continue 15 Purchase Street docket 23-5025 to July 24, 2023 made by Jeff Sauer.
Seconded by Ken Scholes. In favor: 4. Opposed: 0.

107 Andover Street (Route 114A Zoning District): Request a Variance, in accordance with Section 37.4 (E) (1-4) of the Danvers Zoning Bylaw to allow for a second freestanding sign on a single parcel that will measure 30' in height, 12.1' setback from the front property line and with a sign area of 85.1 square feet. Additionally, applicant is requesting a Finding under Section 3.11(B) and 37.2(A)(2) of the Danvers Zoning Bylaw to allow an extension, alteration, or change to a pre-existing non-conforming building through the replacement of existing building-mounted and freestanding signs, an interior building renovation, the installation of Electric Vehicle charging stations, the replacement of the existing sidewalk and landscaping, and the installation

of an accessory outdoor display unit within the front yard setback. Request made by Jesse Schomer (23-5026)

Ken Scholes read aloud application for 107 Andover Street docket 23-5026.

Attorney Jesse Schomer-presented on behalf of applicant Herb Chambers of Danvers. Present remotely John Welsh (director of construction and facilities-Herb Chambers Companies); David Newhall (remote-Crocker Design Group-civil engineer); Lee Hemenway (remote-Senior Project Manager-Regent Associates). Noted application states sign size being proposed is larger than what is actually being requested. Correct measurements-proposed sign is 20' tall; square footage 48.9 sf. Reviewed scope of work, signage and display features. Discussed site plan layout and location of EV charging stations. Noted details of Variance and Finding that applicant is requesting.

Mr. Sauer-Jeep rock pile-is that a structure per bylaw? Does it need a variance?

Staff-determined to be outdoor display, not a structure. Noted past approval in which a totem was not approved.

Mr. Scholes-existing totem-if we approve this one for Jeep, will existing be removed?

Attorney Schomer-totem will remain; Jeep signage on it will be removed. Will see other 4 brands.

Mr. Jarvinen-extending building-less space for new vehicles?

Attorney Schomer-existing will be narrower but won't lost parking.

David Newhall-front setback being reduced. No space being gained in building; just being reconfigured and remodeled. New door and access. Staying in line with what manufacturers want.

Ms. Doherty-signs in front-Jeep panel being removed? How close is new sign to the street? Distance to other sign? Concern with signs being too close to route 114. Reason for two signs?

Attorney Schomer-Jeep panel on existing pylon will be removed. Totem freestanding sign will just have Jeep. New sign is 12.4' from the street. This is signage package from corporate that they require all dealerships to ask for from local boards. Jeep on the rocks is part of this package.

David Newhall-about 72' between existing and proposed sign.

Bill Bradstreet (Town Meeting Member Precinct 1)-too many signs.

Mr. Sauer-in favor of new dealership design. Will vote for the Finding portion of application. Will not vote for Variance portion. Do not need more signs in front of building.

Mr. Scholes-do not need totem sign. In favor of all except new totem sign.

Mr. Jarvinen-do not like extra totem sign. In agreement with others.

Ms. Doherty-in agreement with board members. Second totem sign is too much and is a safety concern. In favor of other aspects of project.

Attorney Schomer-would like to request separate vote for what would be approved and what would not be approved as this is a corporate requirement that we ask.

Motion to issue Variance for 107 Andover Street docket 23-5026 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 0. Opposed: 4. Motion does not carry.

Motion to issue a Finding for 107 Andover Street docket 23-5026 made by Jeff Sauer. Seconded by Ken Scholes. In favor: 4. Opposed: 0. Motion carries.

Staff-minutes to approve at next meeting.

Motion to adjourn made by Jeff Sauer. Seconded by Ken Scholes. All in favor. Meeting adjourned at 8:30PM.