



Town of Danvers
Planning Board

Danvers Town Hall
One Sylvan Street
Danvers, MA 01923
www.danvers.govoffice.com

Planning Board Members:

William Prentiss, Chairman
Kristine Cheetham
Margaret Zilinsky
James Sears
Aaron Henry

Daniel J. Toomey Hearing Room
January 10, 2012
MINUTES

Chairman William Prentiss called the meeting to order at 7:00 p.m. Planning Board members William Prentiss, Kristine Cheetham, James Sears and Aaron Henry were present. Planner Kate Day was also present.

STAFF BRIEFING

Day informed the Board that the grant application has been submitted to the Department of Housing and Community Development (DHCD). This \$10,000 grant would allow hiring a consultant to evaluate potential zoning changes to address housing in the downtown area. Cheetham inquired what was considered the downtown area? Day indicated it is consistent with the area specified in the last DHCD grant.

Day stated that there is an Application for an Approval Not Required which will be coming before the board at the next meeting as well as a Site Plan for 13 Hobart Street.

Sears noted that MAPC recently held a forum on rising sea levels and inquired whether this affects our shoreline. A discussion ensued, and Cheetham commented that she is concerned with the bridge near the Riverside School and residences along the shores. Day stated there are updated flood maps available.

PUBLIC HEARING

301 Newbury Street. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Texas Roadhouse (Texas Roadhouse Holdings LLC) for property located in the HC Zoning District. The applicant proposes to construct a 465 square foot addition to the existing building for additional seating for the restaurant. (Assessor's Map 19, Lots 8 & 9) (*SPA action date: February 16, 2012*) **(TO BE CONTINUED WITHOUT DISCUSSION AT THE APPLICANT'S REQUEST TO JANUARY 24, 2012.)**

MOTION: Henry moved to continue the hearing to the Board's next meeting on January 24, 2012. Cheetham seconded the motion. The motion passed by unanimous vote.

107 Andover Street. Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Herb Chambers of Danvers, LLC for property located in the 114A Zoning District. The applicant proposes to construct a 3,696± square foot addition to be used predominantly for showroom area. (Assessor's Map 56, Lot 5) (*SPA action date: January 17, 2012*)

Attorney Theodore Regnante appeared before the Board along with James Clements, General Manager of the facility. Regnante indicated that they have complied with all recommendations suggested by Town Engineer, Rick Rodgers, including the submittal of the application to the Massachusetts Highway Department. He also pointed out that a sign was erected indicating no public access to the vehicle storage area behind the building; a picture of the sign was presented to Day at the meeting.

Cheetham commented about a walk she had taken on the Rail Trail. She stated that she initially had concerns regarding water/drainage issues.

There was a discussion regarding the speakers on the building, and Regnante informed the Board that the speakers had been removed.

Day spoke for Board member Margaret Zilinsky who was not present at the meeting. She indicated that she and Zilinsky had gone to the site together because of Zilinsky's concerns regarding the landscaping. In response, a new maple tree and additional landscape beds were added. Day commented that she felt Zilinsky would be pleased with the final design.

MOTION: Henry moved to close the public hearing. Cheetham seconded the motion. The motion passed by unanimous vote.

MOTION: Cheetham read the Certificate of Action and moved to approve the Major Modification for 107 Andover Street. Henry seconded the motion. The motion passed by unanimous vote.

Hilltop Estates-Folly Hill Subdivision [Lot 19 (Hilltop Road) and Lots 29, 30 & 31 (Ardmore Drive)]. Request for Modification to Previously Approved Definitive Subdivision Plan Approval submitted by Folly Hill Danvers, LLC for property located in the R-II Zoning District. The applicant proposes to eliminate retaining walls shown on the endorsed Subdivision Plan, with associated modifications to grading and topography in the areas of Lot 19 (Hilltop Road) and Lots 29, 30 & 31 (Ardmore Drive). (Assessor's Map 45, Lots 191, 201, 202 & 203 (*Subdivision Modification action date: February 20, 2012*))

Peter Ogren appeared before the Board both as Engineer from Hayes Engineering and as one of the Trustees which holds ownership to the project. He stated that they were told by the Planning Board of the need to file a Modification to a Definitive Subdivision Plan for the grading situation on the site. He indicated that they were not aware of this requirement when they applied for the building permit for Lot 19. The first plan showed two (2) retaining walls. Subsequently, Mr. Ellis, the additional owner of the project, met with the prospective owners of Lot 19 and they indicated they wanted a swimming pool. The plan shows the existing foundation and the

approximate location of the pool and grading. He also showed the amended grading plan at the end of Ardmore Drive. The walls shown on this plan will require a building permit.

Ogren stated that he had met with Town Engineer, Rick Rodgers, relative to his memorandum. Rodgers did not feel the grading on Ardmore Road is what people would want to see. He felt the neighbors would not like seeing a 26 foot high wall. Rodgers recommended a separate grading plan. Ogren indicated they had submitted a revised plan for Lot 19, and there was a subsequent memo from Rodgers. He requested the Board to approve the grading plan for Lot 19; he will reappear before the Board with an alternate grading plan for Ardmore Drive.

Prentiss addressed the Board and audience stating that Day discussed the option of approving one portion of the application with various Town boards, staff and Town counsel. He pointed out that most of the discussion would be concerning Lot 19.

Day said that she had spoken with the Rodgers regarding Lot 19. Rodgers assured her the grading changes on Lot 19 are acceptable. Day drafted the decision that allowed the Board to act on the changes for Lot 19 and to continue the discussion for the larger issue of grading on Ardmore at a later date.

Discussion was then opened to the Board.

Sears asked whether there should be a motion to allow the Board to act in this fashion. Henry stated he is agreeable with Lot 19. He felt that this is a good process in place for the larger picture.

Cheetham asked clarification from Ogren about the cluster of trees between Lots 19 and 20 and if the riprap is on Lot 18. Ogren responded the riprap is on Lot 33, which is below Lot 18. He also responded that the riprap wall was deleted and slopes have changed. He was not sure of the cluster of trees she had mentioned. Cheetham inquired about the large boulders on Lot 19. Ogren responded they would be below the wall and were put there to help stop erosion. She questioned the 26-foot wall at the end of the cul-de-sac on Ardmore Drive and whether the cul-de-sac needed to be as large as shown on the plan. She asked if there could be the possibility of planting trees between the wall and the neighborhood when reconsidering the engineering. Ogren stated the trees could be put in the area known as the "tree line area". The evergreens may hide part of the large wall. Cheetham stated she is aware this is an engineering plan that requires a lot of thought. Ogren stated that he is willing to work with the Board and suggested the possibility of a subcommittee to discuss the upcoming issues.

Prentiss responded to the idea of a subcommittee and felt someone from the Board being on this subcommittee would be a good idea.

Henry questioned the height of the wall. Ogren responded the 26-foot height is the maximum height in the center. The wall slopes from low to high and then back to low. The height is crescent shaped. It is 2 feet high at the beginning and grades up to 26 feet at the maximum height. Henry questioned whether the cul-de-sac can be modified to a turnaround or hammerhead. He thinks this is something to think about and would be an improvement as far as

fire is concerned. Ogren stated he would be happy to sit down with the Fire Department to see what alternatives might be available. Ogren pointed out this would require another public hearing to change the layout of the street.

Dayna D'Angelo, 28 Bradley Road. D'Angelo had questions regarding the walls and boulders. Her property is Lot 33 as shown on the plan, and there are presently trees between Lot 19 and 20. Ogren indicated there is a riprap wall. The wall shown on the plan is solely on Lot 19. The boulders are on Lot 18, and they are not going to be moved since they were placed there to prevent erosion. D'Angelo questioned whether the grading and drainage affect the homes below? Ogren showed the drainage patterns. D'Angelo questioned whether there was going to be a change to the grading around the wall.

Kristin McLaughlin, 26 Bradley Road (Lot 32). McLaughlin indicated her property is Lot 32 on the plan. The lot is below Lot 19 to a certain extent. She asked for an explanation and assurance regarding the drainage from Lot 19. She inquired about the reports from the third-party engineer and asked who reviewed them other than Ellis and the Town. She was informed that Engineering is comfortable with the change for Lot 19. Third-party peer review will be required for the other portion of the project. McLaughlin questioned who would be responsible if there are adverse effects to her lot? Henry stated there is a lot of work to be done; he felt there is not a drainage issue and is comfortable with the change for Lot 19. Cheetham commented Lot 32 and 33 at the end of Bradley were walked in the fall. She sees erosion problems and a pre-existing problem for drainage. Cheetham wants to be on record that she is not happy with the existing conditions in this area. McLaughlin is concerned with drainage in her back yard. She is not comfortable hearing "I think" from the Board. She would like to know who she can hold accountable. Sears informed McLaughlin they are not engineers, but plans are reviewed by engineers, and the third-party peer review is being recommended by the Town engineer. Prentiss responded that a third-party peer review will be conducted for the overall revisions to the slope. Ogren indicated he would be more than happy to go to the site and take a look.

Tom Campbell, 9 Ardmore Drive. Campbell stated he moved to this property 30 years ago, and the hill had vegetation. He stated that the hill was torn off and now is a crater filled with puddles and pot holes. He stated that water is coming into basements and swimming pools. Residents who never had water issues now do.

Kevin Campbell, 19 Ardmore Drive. Campbell stated he has water issues, and his swimming pool fills with ½ inch sand from the hill. He has filled three dumpsters with ruined furniture from his basement. He feels the erosion needs to be addressed since these water issues never happened before.

Thomas Campbell stated the retention pond is filled.

Kevin Campbell stated that he contacted Ogren who came and said the water issues were coming from the roof of the house.

Ogren stated he welcomes being contacted by residents.

Thomas Campbell, 9 Ardmore Drive. Campbell inquired whether the tiers of walls were going to be behind the houses on Ardmore Drive.

Prentiss responded that this issue will be the subject of subsequent review.

Sears stated that he had been on the Board since 1996, and Ogren is not the original applicant. He pointed out the original plans were reviewed by the Town and another third-party engineer. The goal is to build the safest and best situation. Sears explained there are several ways to go about a grievance against an applicant. The Planning Board's duty is to approve the plans.

Cheetham commented she wants to insure that when Ardmore is reviewed regarding drainage, it addresses Lot 19 down the road. She would like to see Lot 19 approved and feels the language in the Certificate of Action is sufficient.

Henry addressed Thomas and Kevin Campbell and stated that their concern regarding sediment and erosion control will be addressed during construction.

Sears questioned approving the first part of the application. Day indicated the plans were submitted separately as a grading plan and Armdore plan. She indicated Town Council stated the Board can approve a portion of the application by moving to close the discussion and approve Lot 19 and then move to continue the hearing on the rest of the project. Discussion ensued regarding grading/drainage and how it should be set forth in the Certificate of Action. Sears raised the question of how to modify the grading and discussion again between the Board members regarding the walls on the plans. Sears wants the Certificate of Action to be clear that two walls need to be built on Lot 19. Prentiss addressed Ogren telling him of the opportunity to hear and comment on the conditions. Ogren agreed and assented to all conditions set forth in the Certificate of Action.

Ogren requested that the Board waive the modification filing fee. Henry stated he was agreeable to the waiver, but the third party peer review fee would be paid by the applicant. The Board agreed to waive the fee.

MOTION: Henry read the Certificate of Action and moved to approve a Major Modification for Hilltop Estates with respect only to Lot 19. Sears seconded the motion. The motion passed by unanimous vote.

MOTION: Cheetham moved to continue the public hearing for a Major Modification to a Definitive Subdivision for Hilltop Estates to the Board's meeting scheduled for February 28, 2012. Henry seconded the motion. The motion passed by unanimous vote.

Cheetham volunteered to be on the subcommittee to be formed to discuss the grading plan for the slope above Ardmore Drive.

Prentiss instructed the audience to communicate with Day to stay abreast of developments.

OTHER MATTERS

Election of Chair, Clerk for 2012 term.

MOTION: Cheetham moved to elect Henry chair of the Planning Board, and Sears as clerk. The motion passed by unanimous vote.

MINUTES

MOTION: Cheetham moved to approve the draft minutes of December 13, 2011. Sears seconded the motion. Henry abstained from the vote since he was not present at the meeting. The motion passed by unanimous vote.

MOTION: Henry moved to approve the draft minutes of December 27, 2011. Cheetham abstained from the vote since she was not present at the meeting. Sears seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT:

MOTION: Cheetham moved to adjourn. Henry seconded the motion. The motion passed by unanimous vote.

The meeting adjourned at 8:45 p.m.

Respectfully submitted:

Francine T. Butler

The Planning Board approved these minutes on January 24, 2012.