



Town of Danvers
Planning Board

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

Planning Board Members:

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

Daniel J. Toomey Hearing Room
January 24, 2012
7:00 p.m.
MINUTES

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

STAFF BRIEFING

Day informed the Board of a subcommittee formed to meet with Peter Ogren regarding alternatives with respect to the Hilltop-Folly Hill modification for Ardmore. This subcommittee was the suggestion of applicant, Peter Ogren. Cheetham has volunteered to be a subcommittee representative for a meeting scheduled Thursday, January 26, 2012 at 10:00 a.m. Day stated that she, along with Rick Rodgers from Engineering, Rich Maloney from the Building Inspector's Office, and Karen Nelson, Planning Director, will be present at this meeting. Day indicated that there will be more to report at the next meeting.

Day stated that Hilltop submitted an extension to continue their hearing through July 10, 2012. Plans are to be submitted 90 days from the last Planning Board meeting.

Day informed the Board that an application has been received for a car dealership located at 72 Andover Street, adjacent to Kanes Flower World.

Day stated that Rodgers provided a list of all retention basins located in the Town of Danvers which reflects the basins maintained by the Town. According to Rodgers, there is no routine maintenance schedule.

FORM A

11 Robert Road/110 Forest Street. Approval Not Required. Request by James A. Juliano on behalf of Robert V. Palumbo & Rebecca J. Palumbo for endorsement of Form A plan to adjust lot lines between 110 Forest Street and 11 Robert Road. (Assessor's Map 41, Lots 78 and 98). (*Approval Not Required Action Date: January 31, 2012*)

Attorney James Juliano appeared before the Board representing the applicants, Craig Labastie and Robert and Rebecca Palumbo. The applicants are proposing to take 1,641 square feet of land from property located at 110 Forest Street owned by Labastie and deed to Robert and Rebecca Palumbo who own the property located at 11 Robert Road. These are contiguous parcels. The purpose of the ANR is to give the Palumbos more of a buffer zone. Juliano informed the Board that the applicants obtained a variance from the Board of Appeals due to setback requirements. The appeal period has lapsed, and the variance has been recorded with the Registry of Deeds. Juliano stated that there were no recommendations from the Town departments, and he is asking the Board to allow the Form A to allocate the lot line differently.

MOTION: Sears read the Certificate of Action and moved to find that the Board's approval is not required. Cheetham seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARING

13 Hobart Street. Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Automotive Excellence Inc. for property located in the Industrial I Zoning District. The applicant proposes to establish a Class 2 automotive dealership. (Assessor's Map 43, Lot 503) (*SPA action date: February 10, 2012*)

The applicant, Daniel O'Keefe from Automotive Excellence Inc., appeared before the Board requesting Site Plan Approval for the property located at 13 Hobart Street. Tom Manuel was present as a representative of the applicant. The property is currently being used as automotive storage. Manuel stated that the applicant is looking to beautify the lot by taking down the chain link fence, planting trees and installing a post and rail fence.

Henry addressed the waivers being sought by the applicant. He asked if anyone on the Board had comments regarding the waivers being requested, in particular the 30% landscaping waiver. Cheetham stated there is no landscaping presently and does not have a problem with the requested waivers. She feels that what is being proposed by the applicant is what is on the site presently. Cheetham would like to have this site cleaned up. Sears is concerned that the plan is missing the stamp of the engineer. Zilinsky is not concerned with the waivers being requested; however, she does have a concern regarding lighting. She asked if there is an issue with the buffer zone. Zilinsky asked about the zoning and was told the property is in the I-1 district. She would like to see more landscaping and asked what is the percentage. Manuel stated it is at 25% now. Henry brought up lighting, asking if a waiver is needed for the lighting. Zilinsky asked how many cars the applicant was proposing to store on site; the applicant replied there would be between 12 to 15 cars on the property. Zilinsky told the applicant that snow would need to be trucked off site. Henry asked the applicant to explain the meaning of the two lots. The applicant explained how the two lots are situated next to each other. Henry inquired about the license application which needs to be obtained from the Selectmen, and the applicant stated the Planning Board approval was required prior to obtaining the license. Henry inquired about the limitation for this type of license; he does not want the license granted due to site plan review.

Zilinsky inquired what the site was going to look like with the cars, since the plan does not show how the 15 cars will fit on the lot. Sears explained that the plan needs to reflect how the cars are going to fit on the lot, how circulation will flow on the property including access, and how the cars are going to be stacked on the property. Sears asked how the applicant proposed to get vehicles on and off the property and if inventory would be delivered by car carrier. O'Keefe informed the Board that the vehicles were going to be driven onto the lot; car carriers would not be dropping off the cars. He stated there will be a row of cars in the front of the lot and a row of cars in the back of the lot. Manuel pointed out to the Board that there is a curb cut on the plan. Sears asked for the plan to be displayed showing the curb cut, and the applicant showed how the lot is accessed.

Henry stated he was not concerned that the plan did not have an engineer's stamp, but he is concerned with the lack of detail on the plan.

O'Keefe informed the Board that there is an existing auto repair facility on the site next door. The property in question is a vacant lot. Sears confirmed with the applicant that there is no building on the lot. Henry inquired about signage, and the applicant stated there is a sign proposed for the corner, as shown on the plan. Sears inquired whether there would be decorations or flags, and the applicant stated there would be none. Sears stated he is concerned about the appearance of the lot for the neighborhood and asked if there would be landscaping around the sides of the property. Sears also did not want outdoor audio on the site, and the applicant indicated he would not have a problem eliminating this option. Cheetham inquired what is considered a basic car size. The applicant stated the size of a car is approximate 7 ft. x 18 ft., and indicated that the cars would be stacked sideways around the perimeter. The Board determined that parking off site would be an additional waiver. A discussion ensued regarding customer parking, and O'Keefe stated that customers would most likely park at 17 Hobart Street.

Zilinsky stated she went by the site and feels that customers can park across the street at 17 Hobart Street and then walk over to look at the cars. Henry asked if parking can be waived. Cheetham said she was okay with the parking waiver. The applicant stated employee parking is at the auto center across the street. If the parking is waived, it becomes a pedestrian facility. Henry indicated he does not want parking on this site. Cheetham asked if there were any comments from the Fire Department, and Henry responded that fire and engineering offered no objections to the plan.

Henry stated the landscaping is not clearly set out on the plan. He inquired if there can be a mulch bed under the arborvitaes. Henry asked Day about signage, and she responded that this would be handled through the Building Inspector's office. Henry asked about the size of the sign, and Cheetham inquired whether the sign is lit. The applicant confirmed the sign is not lit. Day asked the applicant if he had checked with the Building Inspector's office concerning the sign yet, noting that it is not uncommon to go through signage after permitting.

Zilinsky asked if mulch beds could be put underneath the arborvitaes. The applicant stated he would not have a problem with this request. Henry inquired about the plantings within the 32-foot plant beds. The applicant responded that he was not sure what specific plants were going to be planted; he did not realize that the Board needed this type of information at this point. Cheetham pointed out this is a requirement

in the bylaw. Sears asked about the note on the plan indicating the lot is undersized for site plan approval and requested this note be removed because it is incorrect.

Day stated that a minimum height of six feet is required for the arborvitaes at planting. The applicant stated he will work with staff to come up with a list of plants that are acceptable for the beds.

Sears questioned the need for landscaping between residential and industrial properties. Manuel stated there is no impervious matter on the site. Cheetham stated both properties are zoned I1. A discussion ensued regarding the landscaping. Day stated the landscaping should be 30% of the impervious surface.

Zilinsky again expressed a concern for the amount of cars that can fit on the lot and asked to see a parking plan. Henry asked what the rationale was for the waivers. Manuel indicated that the cost of engineering is the reason for the plan presented.

Cheetham said she felt the applicant should not have to wait three weeks to bring in a layout plan, and that staff could review and approve a final plan. Discussion ensued regarding the small scale of this request for Site Plan Approval. The applicant agreed to provide a parking layout plan for the next meeting. The Board discussed the necessary waivers identified:

1. Engineering's stamp
2. Grading plan
3. Utility plan
4. Dimensional requirements: no building proposed
5. Location, dimensions, capacity of existing buildings and utilities on abutting properties
6. No light trespass over property line
7. Parking requirement compliance
8. Strict compliance with landscape buffer requirement

The Board then discussed the conditions:

1. No outdoor audio
2. Customer and employee vehicles shall not be parked at 13 Hobart Street.
3. A detail shall be added to the plan showing a mulch bed beneath the two arborvitaes in the eastern corner of the lot.
4. Arborvitaes shall be a minimum of six feet in height at planting.
5. A list of plant materials shall be submitted for review and approval of staff.
6. No automobile repairs shall be allowed on the site.
7. Snow shall be removed from the site as in keeping with Item 6 of the attached conditions.

Henry stated he would like a parking layout and a draft decision for the next meeting and Sears requested a lighting cut sheet. Henry requested a letter from the applicant listing all the requested waivers and the rationale for why these should be granted other than financial hardship for the next meeting.

MOTION: Sears moved to continue the hearing to the Board's next meeting on February 14, 2012. Zilinsky seconded the motion. The motion passed by unanimous vote.

Discussion ensued regarding the bylaw's definition of impervious and pervious surface.

Day wanted the minutes to reflect that she spent significant time with the applicant and his representative, Manuel, regarding the lack of an engineer stamp and the full list of waivers being requested.

CONTINUED PUBLIC HEARINGS

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 the existing building for additional seating for the restaurant. (Assessor's Map 19, Lots 8 & 9) (*SPA action date: February 16, 2012*) (**CONTINUED WITHOUT DISCUSSION AT THE APPLICANT'S REQUEST TO FEBRUARY 14, 2012.**)

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*) (**CONTINUED WITHOUT DISCUSSION AT THE APPLICANT'S REQUEST TO FEBRUARY 28, 2012.**)

OTHER MATTERS

Certificate of Vote authorizing signature of plans and documents.

MOTION: Sears moved to approve the Certificate of Vote. Cheetham seconded the motion. The motion passed by unanimous vote.

MINUTES

MOTION: Sears moved to approve the draft minutes of January 10, 2012. Cheetham seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT:

MOTION: Sears moved to adjourn. Zilinsky seconded the motion. The motion passed by unanimous vote.

The meeting adjourned at 8:25 p.m.

Respectfully submitted:

Francine T. Butler

The Planning Board approved these minutes on February 14, 2012.