



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
February 12, 2013
7:00 p.m.
MINUTES

Chairman Aaron Henry called the meeting to order at 7:15 p.m. Planning Board members Aaron Henry, James Sears, Kristine Cheetham, Margaret Zilinsky and William Prentiss were present. Planner Kate Day was also present.

OTHER MATTERS

Bridle Spur Extension. Request by Bridal Spur Extension, LLC for reduction of performance guarantee for completed site improvements for the Definitive Subdivision known as Bridle Spur Extension. (Assessors Map 24, Lot 1).

Attorney James Cote appeared before the Board on behalf of the applicant, Bridal Spur Extension, LLC. He noted that the Town Engineer had approved the request for the reduction of the performance guarantee. Day informed the Board that Rick Rodgers from the Engineering Department had provided comments outlining the amount of work outstanding and recommended reducing the Tripartite Agreement from \$441,000 to \$317,000, as well as extending the completion date to June 30, 2014. Cote indicated that one lot was going under agreement in the near future.

Prentiss had questions for Dan Lemieux, the owner of the development, who was also present in the audience, concerning abutter Michael Tripoli.

Henry read the Certificate of Action approved in September regarding the items that needed to be completed at the Tripoli property. The pothole was to be repaired prior to December 1, 2012 and the driveway issue was to be resolved by September 30, 2013.

Michael Tripoli addressed the Board regarding the issues of landscaping and the driveway. He thought the developer indicated that the driveway would be completed when the berm or sidewalks were installed and that the sidewalks were in place. He also pointed out that the Developer would provide a credit of \$1,500 for landscaping, but that has not happened. Henry pointed out this is a civil matter and is out of the scope of the Board's purview on this matter.

Henry told Tripoli that the developer has until September of 2013 to complete the items set forth on the Certificate of Action approved September 25, 2012, and extending the deadline for completion of the subdivision does not affect this.

Sears stated that the Board had the impression that the driveway was going to be done the same time the street was paved. Cote replied that the pothole was filled within 24 hours. He also stated that one berm and one sidewalk were completed, and they need to focus on the street instead of a private driveway. He stated that they would abide by the date of September 30, 2013.

Prentiss stated he remembers the pothole was to be filled as soon as possible. He remembers paving was done right before the last meeting. Tripoli responded that the pavers had come back.

Zilinsky asked if the amount of \$317,000 included the driveway, and Cote responded it did not since the driveway is off-site work.

MOTION: Sears read the Certificate of Action and moved to approve the Reduction of Performance Guarantee for Bridle Spur Extension to \$317,000. Prentiss seconded the motion. The motion passed by a unanimous vote.

Hanson Road Extension. Request by Sergio Coviello, Manager of Shelby, LLC for reduction of performance guarantee for completed site improvements for the Definitive Subdivision known as Hanson Road Extension. (Assessors Map 45, Lots 51, 51A & 51B).

Luke Roy appeared before the Board on behalf of the applicant. As-built plans were submitted to the Board last fall, and a final release of the Tripartite Agreement was requested. There was only one item identified by Engineering which cannot be resolved (loaming and seeding a small area) until the spring, so they withdrew their application for a release and presented the Application for Reduction of Performance Guarantee. The intent is that when the grass starts to grow in the spring, they will resubmit an application to the Board for a Release of Performance Guarantee.

MOTION: Sears read the Certificate of Action and moved to approve the Reduction of Performance Guarantee for Hanson Road Extension to \$1,500. Prentiss seconded the motion. The motion passed by a unanimous vote.

PUBLIC HEARING

Duffill Drive Subdivision (195, 195A and 197 Centre Street). Request for Definitive Subdivision Plan Approval submitted by Thomson Development Corp. for property located in the R-III Zoning District. The applicant proposes to develop a four-lot single family residential subdivision. The property at 195 Centre Street will be razed to provide access to the proposed subdivision. (Assessor's Map 39, Lots 50, 50A & 51) (*Definitive Subdivision action date: May 24, 2013*)

James Sears recused himself from this hearing. Henry read the public notice to open the public hearing. Attorney Nancy McCann appeared before the Board on behalf of Thomson Development Corp. along

with four representatives of the latter. She informed the Board that the present owners of the property, Ruth Morley and John Duffill, along with the Engineer Bob Griffin were also present.

She stated that the applicant was proposing to demolish the existing home at 195 Centre Street and construct a four-lot subdivision by reconfiguring the property located at 197 Centre Street.

McCann stated that a Stormwater Management Report was submitted by Griffin Engineering, and a Traffic Analysis was submitted by Vanasse & Associates, Inc. She indicated that they were requesting a minor waiver regarding the width of the cape cod berm. All other aspects of the proposed subdivision conform to local zoning, and the resulting lots will meet all frontage and area requirements.

Robert Griffin from Griffin Engineering Group, LLC addressed the Board and described existing and proposed conditions. He characterized the topography as having a shallow slope back towards the wetlands. He stated the grade would not change much. Griffin said the roadway would conform with 24 feet of pavement and a sidewalk on one side which would wrap around to serve all lots. The lots would have over 30,000 s.f. of land with the largest lots being Lots 3 and 4. The subdivision would have underground utilities with street trees consistent with subdivision regulations. He described how the drainage would flow and discharge back towards the wetlands. Griffin stated that the Engineer had requested a new height for the catch basins which they would be happy to incorporate on the plans.

Griffin stated that the pond in the back will not have a lot of water retention. He said that the drywells required on each lot will take care of much of the resulting runoff. There will be two pipes coming out of the basin and he does not think it is necessary to put a fence around this pond.

Griffin also stated they were asking for a waiver of the width of the berm to 12 inches and noted that this was approved by the Town Engineer. He said that they are also willing to accommodate the grading changes asked for by Engineering. Griffin stated they are happy to oblige with the request from the Engineer to cut and cap water and sewer services. They also do not have a problem with the requirement that they add a "Dead End" sign.

Cheetham asked for an explanation why the houses shown on lots 3 and 4 were within the buffer zone line, and Griffin explained they wanted to show the houses sitting in the center of the lot. If not, the house would have an odd layout and would not provide any benefits to the wetlands.

Cheetham asked for an explanation of the ruins noted on the existing conditions plan. Griffin speculated it may have been agricultural land, and the debris could be related to those activities. Cheetham asked the Board whether they needed to consult the Historic Commission regarding the ruins.

McCann stated this property is not listed on the Preservation Commission list. She stated that it does not merit any further investigation.

Cheetham questioned the gravel drive on Lot 5, and Griffin described its historic use as a farm right-of-way.

Cheetham asked Griffin why Lot 6 was created and not kept as part of Lot 5. Griffin replied this was due to the lot shape factor calculation.

McCann stated the lot shape calculation results in this type of orphan lot. She stated that Lot 5 is a rectangular lot and can't include the "tail" because then the calculations do not meet the by-law. She stated the Board may want to consider a change in the regulations. Currently, however, because of the way the regulations are written, this is the way the plans need to be drawn.

Henry stated the other lot will require ownership by another entity.

Zilinsky asked what the maximum depth of water would be in the stormwater basin, and Griffin responded that it is 30 inches. Zilinsky felt that fencing around the detention pond was not necessary.

McCann stated the fencing was discussed with the applicant, and all concurred that it would be unattractive and unnecessary. Griffin stated that even under 100 year storm conditions, water in the detention pond will dissipate within 12 hours.

Griffin went over the other possible options instead of fencing such as a stone wall with bushes in front.

Henry felt they could do away with the guardrail if they regrade. Griffin stated they could go over this with the Town Engineer.

McCann stated the applicant did not have a problem installing a guardrail made of wood to avoid an institutional look.

Zilinsky asked if the circle at the end of the cul-de-sac was being entirely paved, and Griffin responded that the road be a public way.

A discussion ensued regarding who would be responsible for the maintenance of the island; Henry suggested Thompson join the "adopt-an-island" program.

Zilinsky stated that she would like to see this maintained well. Henry stated his preference is a vegetated island. Zilinsky agreed and asked the applicant to provide a landscaping plan for the island.

Prentiss questioned how much of Lots 3 and 4 were buildable, and Griffin responded approximately 30 percent.

Prentiss asked if the side road off Patricia Drive was a paved road as an entrance or was it a paper street. McCann stated it was simply an access right of way given to the Town.

Prentiss inquired about the waiver for having 12 inch berms, and Griffin responded that 24 inches is a very wide berm. They were happy to provide the 12 inch berm recommended by Engineering.

Henry stated that he did not have a problem making the street narrower. Prentiss felt the regulations were put in place for safety reasons. Day stated this is a topic for discussion when reviewing the Subdivision Regulations.

Zilinsky inquired if there could be access to the nine-acre parcel of open space adjoining the rear property line. McCann stated this area was conveyed to the Town by the present owners, and felt the residents could go to Patricia Drive to access this parcel. Day inquired if they could have an easement over Duffill Drive, and McCann responded she did not see the need for this since this would be an easement over two valuable lots for the benefit of three houses.

Raeleen Parsons of 191 Centre Street and her fiancé, Skip Mandini, addressed the Board. She presented a Google earth map to the Board to show how close her house was to the property line.

Mandini stated that they did not want to be adversaries to the project, but they did have a lot of questions for the developer. He stated that if the gravel road goes away, they will have no access to their back yard.

A discussion ensued between Parsons and the Board concerning an access and property rights.

Mandini questioned the water levels stating that the water levels do rise on Lot 4 and fill the basement of Parsons' garage. Henry stated that the stormwater report shows there will be less water runoff post development, and that water levels will not be worse as a result of the subdivision.

Mandini asked if the property had been checked for hazardous waste, and McCann indicated this would be done at the time of financing.

Parsons voiced her concern for the roots of the large trees being disturbed that border her property.

Henry explained that the owner of Lot 6 has the right to clear the lot from line to line. He asked the applicants if they would accept the condition to limit the disturbance of the tree roots to be no closer than five times the diameter of the largest tree in the buffer.

McCann indicated that they did not intend to clear cut the lots and wanted to confirm that the Board was looking for the applicant to protect the trees on their own property. Griffin confirmed that they were planning no excavation along the property line.

Henry asked if the applicant would give neighbors some reassurance, and McCann questioned whether this was during construction or through perpetuity.

Zilinsky asked who owned the shed shown on the plan, and Parsons confirmed that it was hers, and acknowledged she had been using the land on Lot 5 for many years. Henry indicated they are not a court of law for adverse possession; the Board needs to deal with the property lines as drawn.

Mandini stated that they were not here to stop the development. He was just asking for access to the back yard. Henry suggested that the parties have conversations between themselves.

Parsons questioned Griffin regarding the layout of the house on Lot 5, and Griffin responded that the new owners of the lot will have their own design. Henry stated that the new owners will have the ability to build what they want on the lot.

Jennifer Miller of 5 Patricia Road stated that everyone in the area has low water pressure and asked how the four new homes will affect this.

Day stated that the Water and Sewer Division reviewed the plans, and the goal is that there will be no external impacts.

Griffin described the water main going into the subdivision.

Bill Nicholson of 209 Centre Street stated that he has fought for water pressure for the 50 some-odd years that he has lived there. He has been told that the closer the homes are to the plant, the lower the water pressure. He asked how the gravity flow system was going to affect the flow from this property onto the street. Griffin described the mains and how the homes would be tied in. Nicholson questioned the size of the pipes going into the detention pond and whether they were going to be screened? Griffin stated the pipes were 10 inches and 12 inches, and they were not planning on screening the pipes. Nicholson stated there were a lot of raccoons in the area that like going into pipes, and Griffin stated they will give some thought to this request.

Cheetham questioned Griffin about the location of the houses on Lots 3 and 4 stating they are shown in the buffer zone and he stated to the Board that the applicants or owners will be free to choose the location of the house. Cheetham stated her preference is that the houses not be in the buffer zone. She asked whether this is left up to the Conservation Commission? Henry does not have a preference with this issue, but he would prefer the curb cuts and driveways stay outside the buffer zone.

McCann stated there will be individual filings for the roadway and two house lots. The design of the home will be determined before filing. If it is a custom home, the buyer will have the right to design the home. Zoning sets forth the setbacks, and the buffer zone is just that, a buffer zone. It is not a resource area.

Henry asked the Board if they were comfortable going forward.

Prentiss stated that most of the unresolved questions were with Engineering, and they did provide comments about items to be completed prior to endorsement. He feels comfortable going forward.

Day stated staff can look at the landscaped cul-de-sac's island to determine what should be planted. The Board did not have a problem not fencing the detention area.

Cheetham raised the question of the water pressure again. Nicholson addressed the Board stating that new subdivisions have been informed the only way to increase water pressure is to install a pump. John Duffill of 197 Centre Street addressed the Board stating that there was plenty of water, just no pressure. When he built his home, he thought the main had not been turned on by the town.

Zilinsky stated that screening the pipes might be a problem, but there may be something that would not cause a blockage. McCann indicated that she would look into this.

Henry confirmed with the applicant that they would stay away from the lot line during construction. Parsons is concerned with the clearing of Lot 6 due to a very large tree that encompasses a large amount of the lot. Henry stated that this conversation should be with the developer.

Zilinsky stated that there seems to be a property line issue. Henry asked if the applicant could put up a snow fence to show the property line and asked if they work something out between themselves regarding the tree.

McCann stated that the roadway being proposed is not near the lot line.

Henry stated that they do not want to hear from the neighbors in the future and is asking for communication between the parties.

McCann agreed to determine and clearly mark the lot lines prior to doing any work.

McCann told the Board that Twin Echo Lane is the preferred name of the subdivision provided that this meets with the approval of the Fire Department and the Assessor.

McCann asked that the Dead End sign not go up prior to construction.

Duffill stated that the abandoned structures were old chicken coop foundations. He also wanted to explain the name of the street. He said that his father and uncle were twins and their farm was called Twin Echo Farm.

MOTION: Cheetham moved to close the public hearing for Duffill Drive Subdivision. Zilinsky seconded the motion. The motion passed by unanimous vote.

MOTION: Henry read the Certificate of Action, and Prentiss moved to approve the Definitive Subdivision for Duffill Drive. Zilinsky seconded the motion. The motion passed by unanimous vote.

CONTINUED PUBLIC HEARING

420 Newbury Street. Request for Special Permit and Site Plan Approval pursuant to Section 30 and Section 4 of the Zoning Bylaw submitted by Ventura Baking Corp. for property located in the Industrial I Zoning District. The applicant proposes to relocate the donut shop located within the Exxon Service station on the northbound side of Newbury Street (Route 1) to the Mobil station located on the southbound side of Newbury Street, to install a small addition to the rear of the building for cooler and storage capacity, and to add a drive-thru window. (Assessor's Map 8, Lots 51A) (*Site Plan action date: March 29, 2013/Special Permit action date: March 29, 2013*) (**To be continued without discussion at the request of the applicant to March 12, 2013**)

MOTION: Prentiss moved to continue the public hearing for 420 Newbury Street at the applicant's request to March 12, 2013. Cheetham seconded the motion. The motion passed by unanimous vote.

STAFF BRIEFING

The Board discussed the possibility of teleconferencing Planning Board meetings. Day said she would look into this matter, and Henry felt that there was a prerequisite action that would need to be taken by the Town.

HILLTOP ESTATES UPDATE:

Day stated that Henry had been invited to a meeting to talk to the new Town Counsel, David DeLuca, who Henry worked with in the past. There are many problems such as back taxes and parcels that have not been conveyed to the Town. There is a dispute regarding how the taxes were assessed. The Assessor was charging the same amount for lots that were still under covenant as the buildable lots. There are a lot of problems that the Board does not need to concern themselves with. DeLuca is speaking with the bank and would like to have an executive session with the Planning Board.

Henry stated that the bank wants this resolved as well and asked that the Board work to constructively resolve the many issues associated with this subdivision.

Day informed the Board that the Aria development is being purchased by Symes Associates from Beverly, and Symes is confident that they can complete this project.

78 HOLTEN STREET

Day passed out information regarding a project coming before the ZBA at the old Methodist Church located at 78 Holten Street across from McKinnon's. It is located in an I1 zone and is a mixed use project. The applicants would like to put a café on the first floor with six two-bedroom units above. The rail trail is to the rear of the property. The project is before the Zoning Board of Appeals, and they are interested in getting the Planning Board's feedback on this project.

Day passed out information with the density of other projects. She stated this project was less dense than the 83 Holten Street project which was 3,000 s.f. per unit. The applicant can meet the parking requirements for residential and zoning requirements for the café parking.

Cheetham felt that with all the parking, it did not allow enough room for landscaping. She would like some work done on the streetscape.

There was a brief discussion between the Board members regarding curb cuts. After some discussion, the Board asked Day to convey to the ZBA that they are happy that they are being asked for their input, and the Board has a generally favorable response to the project as proposed. Henry stated this is an example of the adaptive use finding he wants to use. Prentiss asked if this triggered anything with

affordable housing. Day responded that this would not fall under the multi-family affordability provision under zoning unless they were going to be “for sale” units.

Day stated her daughter is in Sweden and may need to be out for the meeting of May 28th. She will keep the Board posted.

OTHER MATTERS

Discussion: Process and schedule for update of Subdivision Regulations.

Day told the Board that the draft of the revised Subdivision Regulations is minimally unchanged from what is presently being used, but has simply been rearranged based on Engineering’s restructuring and sequencing recommendations.

MINUTES

MOTION: Zilinsky moved to approve the minutes of January 8, 2013. Cheetham seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 9:35 p.m.

Respectfully submitted:

Francine T. Butler

The Planning Board approved these minutes on February 26, 2013.