



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 14, 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 the upcoming site plan application for the Essex Aggie project which will be brought before the Board within the next month or two. This will be an enormous project and it will be on the fast track position. She indicated that there was a meeting with DTAC and Technical Review Committee regarding traffic issues.

Day stated there was no update from the meeting with a subcommittee that was formed for the Hilltop-Folly Hill modification. She has attempted to contact the applicant by phone and e-mail twice with no response. They are required to submit plans and have not done so.

Day informed the Board of a site plan approval application received for 167 Maple Street for an addition to be constructed to the Peterson-O'Donnell Funeral Home along with site improvements. She also stated there may not be anything to be heard at the upcoming Planning Board meeting on the 28th of February.

The last matter was an application submitted to the Zoning Board of Appeals for a modification to an existing comprehensive permit for 356-360 Andover Street which was the site of the former Natalie's Restaurant. The original site layout was a disappointment. This project went into foreclosure and purchased by PF DANVERS LLC. The group intends to change the request from condominium units to rentals and reduce the project to two buildings and one management building. This will be helpful in meeting the SHI requirement of 40B. There is good circulation on the site and a tree buffer. There will be 6 one-bedroom units, 53 two-bedroom units and 12 three-bedroom units along with a playground and community garden. Day stated that the Planning Board does not have jurisdiction over this project, but if the Board would like a letter sent to the Zoning Board of Appeals on the Board's behalf, she would prepare one. Attorney Nancy McCann was in the audience for another matter coming before the Board, and she confirmed that there will be 71 units. The applicant is looking to move this project forward. McCann stated the applicants are experienced developers and built a similar project in Lynnfield. She

indicated that the developers do not flip projects; they manage them. Henry asked whether this project will be rental and indicated that this would bring the gap to less than 20 units for affordable housing under the Danvers SHI.

Henry inquired about the Essex Aggie project. He asked if staff could give the Board a report prior to the submittal. Day responded that the applicant is trying to firm up the plans. She and Rick Rodgers from Engineering are concerned with the roadway. She indicated the staff is meeting with the team later this week and looking for potential accommodations on the road width issue. The applicant is going to claim they are financially constrained; however, Danvers is the host community of this project and needs to be satisfied that the road modifications will be safe and functional.

Prentiss asked if Day had been contacted by the Zoning Board of Appeals concerning discussions between the two Boards. Day responded that she would follow up.

PUBLIC HEARING

72 Andover Street. Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Cathleen Kavanagh, Trustee of 72-74 Andover Street Realty Trust for property located in the Route 114 Zone A District. The applicant proposes to demolish two buildings and replace them with a single new dealership building containing approximately 32,177 square feet. (Assessor's Map 56, Lot 9) (*SPA action date: March 16, 2012*)

Attorney Nancy McCann appeared before the Board representing the applicant, along with Brian Kelly and Jeff Clickstein. Also present were Curtis Quitzau from Vanasse Hangen Brustlin, Inc. and Len Cubellis from CM & B, Inc. McCann explained the property is located on Andover Street abutted by the Michaud Mitsubishi dealership and Kane's Flower World. The site consists of approximately five acres with the back portion of the site located in Peabody. McCann informed the Board that the building was built in 1964 with two additional buildings built in the 1970's. The site is unattractive, and all the buildings are in need of attention. McCann stated the applicant wants to address these issues, make a quality dealership and address the non-conformities. There are two buildings that are in non-compliance that are proposed to be removed and replaced to create one dealership building that will fully conform. The dealership in the front will be a Kelly VW dealership with a second pre-owned dealership in the existing building in the rear which will be refaced. McCann indicated that there will be good quality landscaping. She said that they did meet with staff prior to filing the application, and the package does incorporate comments from the Building Inspector, Planner and Town Engineer. McCann informed the Board that the comments from the Engineer were short and favorable.

Quitzau addressed the Board explaining the existing conditions. He reiterated that the site is approximately five acres located on the Route 114 corridor with three existing non-conforming buildings and a wetland buffer in the rear. He explained that the town line splits the site. He further described the site including access easements, a power line easement and a high pressure gas pipeline. There are cross agreements in place for the utilities. The access and utility easement on the site benefit the neighbors. Quitzau indicated that 350 cars could park on this site. The site previously was a multi-tenanted site. The proposed site plan indicates the demolition of the two forward buildings and

construction of a 32,000 square foot sales and service building. He also stated the retention of the building to the rear, referred to as the "Sears" building, is for the certified pre-owned dealership. Quitzau stated the site presently has three curb cuts; the middle driveway would be eliminated. He indicated there would be a landscape island between the two dealerships, and the site would be resurfaced and regraded. The building will conform to setback requirements. Quitzau commented on the parking indicating that there were going to be 152 spaces combined between customer, display, employee and inventory parking. He stated there would be 113 spaces at the back of the site for inventory. He stated there would be two-way traffic in every aisle, which allows circulation back out onto Route 114. He showed the entries into the building including where cars would go for servicing, where deliveries would be made and where retail customers would enter the building. Quitzau stated there would be 22 service bays. He pointed out the extra-large lane in the rear of the building for car carriers or fire trucks as well as a walkway between the VW dealership and the pre-owned dealership. He said that the dumpsters would be placed where the previous loading dock was located at the back building. He also explained that the utilities (gas, electricity and telephone) were going to be severed, taken out and reused if possible. He stated that the landscaping along Kane's would have a drainage system which would flow out towards the back of the site and reduce the runoff onto Route 114. He stated the drainage is remaining the same. He did state that the benefit to the stormwater would be the water quality; grit and oil separators would be installed which would provide treatment prior to the water being reintroduced into the ground.

Len Cubellis, from CM & B, Inc., presented parking calculations to the Board. Cubellis explained the site, pointing out the buildings to be demolished and that the Sears facility in the rear would remain. He stated the streetscape would be significantly impacted with greenscape in the front yard creating a 20 foot buffer with Route 114. He explained that they were going to be eliminating one curb cut, and 32 feet of green space would be added. He explained the new look for VW dealerships is white with aluminum. Cubellis further explained that markings would make it very clear where customers would go on the site. He described the new building being white with a two foot border of aluminum panel along the façade of the building; a glass curtain wall would turn the corner. The remainder of the building would be white stucco finish. The former Sears service building would become a certified pre-owned dealership building which would be updated to take on the image of the new VW building. He explained that the applicant had thought about taking the building down, but decided to use it for car storage. He described the square footage of the floor plan and the landscaping. He stated that water flowing off the Kane's site would be captured in a crushed rock/mulched area and collected before it sheets onto the site. He described the plantings that would be used. Regarding the photometrics, Cubellis asked an electrical engineer to do comparisons. He stated that this is not a parking lot for a retail establishment; there would be customers shopping for cars at night. He explained that light levels are typically higher at a car dealership. There is nothing in the code specific for a car dealership, so there is no standard to follow. He explained that the engineer would make a grid and look at light levels throughout the site. Cubellis explained the LED lighting the applicant wants to use and he felt they are in line with other dealerships in the area. McCann added that the applicant received zoning relief from the Board of Appeals since the Board felt what was being proposed was not going to be more detrimental than what was presently on the site.

Prentiss asked the applicant whether the car wash was going to be an automated drive-through. Cubellis explained the car wash was going to be recirculated water. Clickstein addressed the Board stating the car wash would be a reclaiming system so no excess water would be going into the drains. He approves the site overall; he likes the curb cuts. Prentiss commented on the waiver regarding landscaping. He inquired what the percentages were regarding landscaping and how much of a waiver was being given. McCann explained the existing landscaping was at 6.2%, and the proposed landscaping would be 8.7% in Danvers. McCann stated they are constrained and showed that they are at about 20% landscaping overall. Prentiss asked about snow storage and was told that the inventory parking would be displaced by snow.

Prentiss asked about the waiver on lighting and commented on the 21.5 light level at the front of the site.

Zilinsky asked about the parking area between the inventory stock and inquired how often cars would be going to the back parking lot. Kelly explained that the back lot was for inventory only, and the site would have a crosswalk and speed bumps. Zilinsky is pleased with the site plan but would love more landscaping. She would like to see more vertical plantings rather than grass. She was informed that there are trees and bushes set forth on the plan. She is pleased with the curb cuts. She is not quite sure about the lighting. McCann explained how the lighting has to be different when you are shopping for cars and looking at the inventory in the display area. This is why they looked at lighting levels at other dealerships. Overall Zilinsky felt this is a good plan, however, she reserves lighting to her fellow members.

Cheetham is concerned with the lighting and water runoff from Kane's. She is concerned about chemicals used at the Kane's site and are these going to be captured. Quitzau explained the runoff to the Board and stated a stone infiltration area will be built. Water will go into the stone and under the stone are drains which will take some away. The runoff will be reintroduced into the groundwater. Stormceptors will replace the drain holes. Cheetham is concerned with the pipes getting clogged. Zilinsky questioned whether there is a guardrail, stating there is no raised curbing. Quitzau said there will be a new fence along the Kane site. Cheetham questioned a small area of lawn on the back of the site and Quitzau explained it may be where a hydrant will be moved or a future site for an electrical transformer.

Henry wants to address the lighting issue. MHD is going to be happy about eliminating a curb cut and defining two entrance points. Henry stated he is pleased with the submittal. McCann stated that they did a lighting comparison and explained what is being lit is the parking lot and display area. There is no residential neighborhood near this site. Prentiss is concerned with the numbers. Henry is concerned with the LED lights and feels that they are already at the high range. Kelly addressed the Board and stated the lights at his Route 1 dealership were changed to LED lighting. They cannot tell the difference between the old light poles and the new light poles and that this lighting is better for displaying the cars. Prentiss stated he was not concerned with the waiver because it is not near a residential area, but wants clarification regarding the numbers.

Henry asked about light trespass. Cheetham brought up the lighting levels being at 21. She stated that the average shows that this is very bright and is concerned about spillover. Discussion between Board

members as to how to control the light. Kelly addressed the Board and stated the neighbors are actually happy about spillover. Zilinsky is still concerned with the lighting after reviewing the chart of different dealerships in the area. She stated that the applicant's lighting levels are higher than others on Route 114. She asked why the lighting is so high at the front of the site. Discussion ensued regarding the lighting. Henry stated that the Board does not want to set a precedent allowing a site with such high lighting levels, because once this is approved, it will become the new norm. Henry asked the applicant if they would be willing to condition for a third party review from a lighting consultant for advice on the lighting levels. McCann spoke saying that they are in range for lighting levels compared to other sites. Cheetham asked if there could be a reduction in the lighting levels. Day stated the electrical division typically declines to offer lighting reviews. Zilinsky asked what would happen if they needed to change this? The Board answered that a minor modification would need to be presented to the Board. McCann addressed the Board regarding the entrance lighting. Henry and Cheetham had a discussion concerning not just the lighting at the entrance but the whole site. McCann brought up the lighting chart to ease their concerns. McCann is concerned about lighting peer review because it is subjective, and Henry responded they are looking for input whether these levels are acceptable. Kelly asked Cubellis about changing the allocation of the lights. McCann said they would take a condition on this issue and present it to Day for review. Kelly said he would like the lighting to be more even. Day pointed out the lighting was submitted that evening, so the Board did not have time to look and review this photometric plan. McCann said they hired a consultant to provide these results. The Board stated that a revised photometric plan would be a condition.

Henry brought up the landscaping in front; he would like to see two to three trees planted. Cheetham said they are planting rhododendrons. Zilinsky again stated that she would like a tree with some sort of height. Kelly addressed the Board's concerns about the landscaping, but indicated trees are hard to grow, which is why they prefer grass. Kelly stated he would get plants that had height.

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

MOTION: Prentiss read the Certificate of Action and moved to approve the Site Plan for 72 Andover Street.

McCann addressed the Board asking if #6 on the Certificate of Action can be moved to "prior to issuance of a building" rather than "prior to endorsement of plans".

MOTION: Cheetham moved to amend #6 on the Certificate of Action to be moved to "prior to issuance of a building permit". Zilinsky seconded the motion. The motion passed by unanimous vote.

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*)

Greg Burnett appeared before the Board on behalf of the applicant, Texas Roadhouse. He stated that in 2008 there was a Site Plan Approval for this site. He showed how the site sits on the lot with the addition. He stated they are looking to enclose the area and create 38 more seats. There will be no change to landscaping, impervious area or utility construction. Drainage will be affected slightly from the runoff from the roof drain.

Day relayed to the Board comments from the Building Inspector. Plans have been submitted to renovate the bathrooms and the Building Inspector is confident that these plans are acceptable. The three fixtures being added will be in compliance with the state code.

Cheetham questioned the bathrooms. Burnett explained there will be two additional stalls in the women's room and one in the men's room and these areas expand into dry storage space. Burnett stated that the Texas Roadhouse did not want to create a unisex bathroom. Prentiss inquired if the Inspector said anything about water usage. Day replied there is a water mitigation fee in the Certificate of Action. Prentiss asked if there was going to be outdoor audio and Burnett reported the applicant was removing the outdoor audio. Burnett stated the applicant would be willing to have a condition regarding the outdoor audio. Zilinsky has no issue concerning the site.

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

MOTION: Zilinsky read the Certificate of Action and moved to approve the Site Plan for 301 Andover Street. The motion passed by unanimous vote.

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: March 1, 2012*)

Prentiss stated he cannot vote on this hearing; a majority of the Board is needed to vote. Henry pointed out that Cheetham and Zilinsky were comfortable with this proposal. Zilinsky stated she is happy with the proposal before the Board. Henry wants to confirm procedurally they are in compliance.

The applicant revised the plans to reflect parking and landscaping and he hopes these are acceptable to the Board. It is a small area so it has to be feasible in order for him to do the project. Day stated that a shield needs to be put on the light and it is something they can work out. The applicant does not want to upset the neighbors.

Cheetham asked about the amount of cars on the site. The applicant stated there would be two rows of cars leaving the front area open. The maximum amount of cars that can fit on the site is 15. He stated he submitted a letter stating the hardships with the site.

Cheetham stated she did not have a problem with this project at the last meeting and she indicated she is in favor of this plan.

MOTION: Cheetham read the Certificate of Action and moved to approve the site plan for 13 Hobart Street. Zilinsky seconded the motion. The motion passed by a vote of 2 to 0, with Henry abstaining.

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: July 10, 2012*) **(TO BE CONTINUED WITHOUT DISCUSSION AT THE APPLICANT'S REQUEST TO FEBRUARY 28, 2012.)**

OTHER MATTERS

Wadsworth Farm Definitive Subdivision. Subdivision to be renamed Saratoga Lane at the request of Public Safety. Request for endorsement of plans and acceptance of easement and covenants.

Day pointed out that Engineering requested significant changes to the plans, all of which were satisfactorily addressed by the applicant.

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

Day explained the easement and covenant documents have been modeled on prior easements. The covenant is in lieu of securing a bond. Day stated that Town Counsel has reviewed these documents and he did have a concern about land being conveyed to the Town of Danvers and Day confirmed that no land will be conveyed to the Town. The land will be taxable to the owners and there is no open space with this subdivision.

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

MOTION: Prentiss moved to accept the grant of easements. Prentiss seconded the motion. The motion passed by unanimous vote.

MINUTES

MOTION: Zilinsky moved to approve the draft minutes of January 24, 2012. Cheetham seconded the motion. The motion passed by a vote of 3 to 0, with Prentiss abstaining.

ADJOURNMENT

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

The meeting adjourned 9:40 p.m.

Respectfully submitted:

Francine T. Butler

The Planning Board approved these minutes on March 13, 2012.