



Town of Danvers
Planning Board

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

James Sears, Chairman
Margaret Zilinsky
Kristine Cheetham
William Prentiss
Aaron Henry
John Farmer, Associate
Member

Daniel J. Toomey Hearing Room
February 24, 2015
7:00 p.m.
MINUTES

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

STAFF BRIEFING

Day told the Board that the applicant for the Major Modification Application for 140 Commonwealth Avenue requested the matter to be continued without discussion to the next meeting.

PUBLIC HEARING

140 Commonwealth Avenue. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Liberty Tree Medical Condominium Trust for property located in the Commercial-III Zone District. The applicant proposes to construct a 4,000 square foot single-story addition to the rear of the building to accommodate office space needs and adjust a small section of the parking area. (Assessor's Map 62, Lot 176) (*SPA action date: March 24, 2015*) (**Continued without discussion at the applicant's request to March 10, 2014.**)

Sears read the public notice to open the public hearing.

MOTION: Prentiss moved to continue the public hearing for 140 Commonwealth Avenue to the next Planning Board meeting scheduled for March 10, 2015. Henry seconded the motion. The motion passed by unanimous vote.

OTHER BUSINESS

Zoning: Planning Board working session -- review and discuss 1st public meeting held on January 13, 2015 regarding the I-1 district at the intersection of Hobart and Maple Streets. MAPC staff member Sam Cleaves was present.

Day told the Board that this was a follow-up session from the first public meeting on the I-1 zoning matter. The objective is to come up with a game plan for the contents of the report. The Board may want to take up the matter of the Selectmen's meeting after working through the conversation about I-1 zoning.

Sam Cleaves, from the Metropolitan Area Planning Council, introduced himself and said that he was here to recap the discussions about the Maple Street mixed-use meeting. He highlighted comments from the Board by reading the minutes of the last meeting. He would like to verify those comments, talk about what the report will look like and discuss the pros and cons that we might like to see addressed. He told the Board that they started off keeping the spirit of the overlay zone. They discussed the role of the downtown and demographics of the downtown area.

Cleaves said that it was interesting running through the pictures shown at the presentation. He came away with a feeling that it is similar to what has been heard in the past relative to spacing, boundaries, setbacks, density and height. He recapped the conversation from the pictures shown at the previous meeting which disclosed the desire of a sense of tone and balance.

Cleaves said that the MAPC and the Planning Board have a lot of experience within mixed-use districts including setbacks, densities, and allowances for design on a per site basis. He said that this is a savvy Planning Board with a lot of development experience. Cleaves said that as a starting point, they are going to show examples from other regions. They will take all these comments into consideration when drafting the report. He said that the height will remain at 45 feet to stay even with the height of the C-1 zone, which is a request of Zilinsky.

Cleaves said that it was great to have Bill Clark from the Board of Selectmen at the meeting. There is a need for affordable housing downtown for elders and younger people.

Cleaves said that there was a discussion why the Board chose to focus on this I-1 district rather than the entire downtown corridor. There was a hope to focus on looking at this area as a gateway to the downtown. Cleaves said that even if the money had been available, extending into a large corridor may open a Pandora's box which would allow too many questions to come up. He applauds the Planning Board's willingness to work through this.

Cleaves said that the Lees made some positive comments at the meeting. He said that the MAPC would also be looking at the uses in the Industrial-1 area, which was a concern of Cheetham. They discussed the possibility of a better location for industrial land if it was not going to be in the downtown area.

Cheetham asked about the timing of this study, and whether there was going to be a neighborhood walk. The Board planned to schedule a site visit when the weather improves.

Day said that Ethan Forman, from the Salem News, posted the Powerpoint presentation from the meeting on-line, and also included a video walking through the neighborhood.

Cleaves said that they are supposed to get together in April, and Day suggested the walk to be prior to that meeting.

Day said that Nelson had a conversation with Town Manager, Steve Bartha, and he is willing to hold a special Town Meeting in January – February 2016.

Cleaves went over the format of the report. There will be sections that would lead off with the project overview. There would be the existing conditions, recommendations and impact. They would discuss the pros and cons about this change. Cleaves said that he would like to get the Board's input one more time and discuss what type of impacts you would be looking for given the scope of work. Shared parking may become an issue.

Day said that there is the potential of an economic impact that comes with increased residential density. When you increase residences, you have a market for restaurants, shops and bakeries. Development of this zone could bring a lot of foot traffic into the downtown area. This is the area that has the real opportunity to get people downtown.

Henry said that the reality under Prop 2 ½ is that a town needs to grow, but it needs to grow in the right way.

Sears felt it was worth revisiting a topic that Cheetham brought up concerning outdated uses in the Industrial Zone. Cheetham said there were six uses that were removed from the Danversport area, and it may be worth looking at this in this area.

Cleaves pointed out that if uses are taken out of this I-1 area, it will come out of all I-1 areas. You cannot take it out of one place and leave it in another.

Cheetham asked how different this was from the Waterfront Village District.

Cleaves said they need to determine what is appropriate for the I-1 area for the entire community. These are fair questions to be asking of the entire I-1 district. Just because you have an overlay, someone could come along with an underlying use.

Cheetham pointed out that there are areas of Industrial-1 on the Highway Corridor. There are several contractors' yards that do utilize that zoning in that area.

Henry said that you could do base zoning and break it off and call it a new district.

Prentiss felt it would confuse the issue even more. Henry agreed, but he just wanted to point out that it can be done.

Zilinsky said that the overlay at Tapleyville reduced the height to 45 feet. She confirmed that someone could go to 55 feet if they went underlying zoning in Industrial-1. Zilinsky said that the height issue always comes up. Prentiss said that this is because 55 feet may be appropriate in another part of town.

Henry said that if they have twelve months, there can be a conversation between the Planning Board and Selectmen to discuss this. There is a willingness to talk with the Selectmen about bite-size items in the I-1 Zone.

Prentiss asked if they could address obsolete uses in I-1. Height was not an issue because they were talking about residences above commercial. He felt that in mixed-use, this height is okay, but in some industrial areas it could be too high. He felt that it cannot be taken off the board totally. He thought that it was important that those heights are useful in certain areas of town.

A discussion ensued concerning the height requirements.

Prentiss felt that they need to keep the business owners in mind.

Zilinsky said that the objective when they were looking at the I-1 area was to look at zoning district. They felt that I-1 was outdated. The Danversport Zoning was made in character with that area. They are now doing overlays, but we are getting away from the fact that we have an outdated zoning district. She said that in an overlay in an I-1 area, you can still have a building that is 55 feet high. She would be concerned with height when High Street is addressed.

Cheetham said that the residents pushed the difference in the waterfront area. They did not like the overlay, and they also left one Industrial area. Uses were removed, but a few were added. The question when you look at Maple Street is whether you should deal with underlying zoning or not.

Prentiss said that the waterfront area was unique. That area had changed in the last 30 years.

Henry confirmed that they took the original underlying zoning and added the overlay to come up with a new base zone. This is the reason why we can't take this on in too big a scope.

Day said that Bartha conveyed to the Planning Board that the Selectmen had a conversation about the scope that was chosen. At that meeting, Sears restated to the Selectmen the rationale with the choice to go with a limited, phased approach.

Day said that everyone agreed that biting off the other I-1 area on High Street is a much bigger discussion. Maloney brought up the question of what was wrong with the C-1 area. The answer was that residences were not allowed on the second and third floors of a building. She asked if they could think about introducing simply a change that allowed residences on the second and

third floors by Special Permit. The Special Permit would be used because it envelopes the Multi-family Affordability Provision. If this was bundled with the northerly I-1 Zone, they could address housing in the C-1 zone. There would be parking implications, but by Special Permit it could be examined in a case-by-case basis. Day said that C-1A allows residences by Special Permit on the second and third floors.

Sears said that he would not be comfortable with this. They have seen that if left on a case-by-case basis, the ZBA had allowed a lot of density. He would want to see the areas spelled out. They are looking at smaller areas to do justice to the downtown. The people that live there should have some input to this. He felt it should not be rushed. He liked the focus being on the area that they were dealing with. He would be an advocate not to do too much. Sears felt the commercial zoning in the downtown needed further study.

Cheetham said that the Cherry Street proposal for housing development in the downtown was very dense. She would like to see a build-out of a couple of parcels within this study to see what it would look like. If this is done for the area, it would give people a reality check of what density looks like. She felt that this would go for C-1 as well. Do build-outs to see what it would look like.

Cleaves said they could project numbers based on Tapleyville zoning.

Henry said that he was not opposed to talking about the C-1 area, but he would not want to just add residences to C-1.

Sears said that his biggest concern was parking. As housing is increased, you will lose these downtown parking areas because they will be filled. You end up with more cars, and this area will be affected. They may need to look at the bylaw concerning parking.

Prentiss does not have a problem looking at the commercial zones. He felt they may be more complex than we think.

Zilinsky agreed that they need to look at the whole area. She is all for looking at the parking bylaw.

Gardner Trask addressed the Board. He said that he is a Selectman and the Chair of the Danvers Affordable Housing Trust. He told the Board that Selectmen change over time.

Sears said that he was encouraged by the tenor of the Selectmen.

Trask said that he understood the point the Planning Board was trying to make. The Trust looked at funding the next study if the Planning Board does not get a grant. The Selectmen have a passion for what the Planning Board is doing. His recommendation is that the next approach would be residential over commercial downtown. He suggested looking at C-1 before the other I-1 area.

Sears asked Cleaves when they would meet again. Sears suggested meeting April 28th, and to do a walk-through the end of March or beginning of April. He asked Cleaves if they were to look at the C-1 area downtown, could the cost estimate be determined to do a project that size if the Board was willing to explore that prior to doing the other end of High Street. Farmer said he liked that idea. Prentiss agreed. Zilinsky said she had no problem. Sears asked Cleaves his opinion from going from I-1 to C-1 to I-1.

Cleaves said that he would probably be more inclined to do a parking study and marketing analysis since that question will come up. People will want to know how they are going to fit comfortably and how will their life be affected.

Henry and Cleaves said that they could do their own parking study.

Henry said that if you want to do this downtown, it needs to be funded. Cleaves said that the Town did pay for more than half of the waterfront village.

Cleaves said that they do have some grant money available for the next fiscal year. There are a lot of different ways to cut the cake. Cleaves said that he would look at separate pieces.

Sears said that there are large snow drifts throughout town, and he knows that there are limits. It is an economic burden, but he asked when the snow drifts would be addressed. Day said that the zoning enforcement officer has been looking at roofs this week. He can add this as well. Sears asked if edges can be cleaned out.

Sears said he would recuse himself from the last two items under Other Business on the agenda.

OTHER BUSINESS

101 Andover Street. Request by Group One Realty, Inc. for release of performance guarantee for completed site improvements. (Assessors Map 56, Lot 14).

Nancy McCann appeared before the Board on behalf of her client, Group One Realty, Inc. for the release of a performance bond for the property located at 101 Andover Street, which is now known as 99 Andover Street. McCann said that \$41,000 was held for landscaping which has been completed. She said that the Engineer, Rick Rodgers, indicated he would support the release of the performance bond.

MOTION: Zilinsky read the Certificate of Action and moved to approve the Release of Performance Guarantee for completed site improvements for 101 Andover Street. Prentiss seconded the motion. The motion passed by unanimous vote.

MINUTES

February 10, 2015

MOTION: Cheetham moved to approve the minutes of February 10, 2015. Prentiss seconded the motion. The motion passed by unanimous vote.

OTHER BUSINESS

[Sears recused himself.]

33 Princeton Street. Request by New England Land Trust for release of covenants and establishment of performance guarantee for incomplete site improvements. (Assessors Map 16, Lot 32 and 39).

Nancy McCann appeared before the Board on behalf of her client, New England Land Trust. They were requesting a release of the Planning Board Covenant and substitution of a Tripartite Agreement for the completion of ways and municipal services. She said that Engineering estimated that \$113,000 would be necessary to complete the work in the subdivision.

Prentiss said that neighbors have said that the drainage is worse. Zilinsky said that they told neighbors that there were already water problems at the site. The new development would not make it any worse.

Farmer asked who the bank was, and McCann said GloucesterBank. He asked who was qualified under a Tripartite, and he said you want to make sure the Bank has experience with Tripartite Agreements. Farmer described the issues with Tripartites.

Day said that the Board does not have the power to challenge the authority of the bank in the Tripartite.

Farmer questioned that the funds were being held back, and McCann confirmed this.

MOTION: Henry moved to accept the Release of Covenant and Tripartite Agreement in the amount of \$113,000. Prentiss seconded the motion. The motion passed by unanimous vote.

31 Elliott Street. Request by Thomson Development Corp. for establishment of performance guarantee for incomplete site improvements. (Assessors Map 44, Lot 26).

Nancy McCann appeared before the Board on behalf of her client, Thomson Development Corp. They were requesting a bond for Unit 11, since each unit was a separate phase. The Certificate of Action stated that when a unit was sold, it would be secured. There is a small amount of work to be done which had been itemized to total \$3,800. McCann said that there was a memo from the Engineer that this amount was sufficient.

Henry confirmed that this was for a Certificate of Occupancy for the unit.

Henry heard that the fireworks were cancelled because of this project. A discussion ensued concerning the fireworks.

MOTION: Prentiss read the Certificate of Action and moved to accept the Establishment of Performance Guarantee for 31 Elliott Street. Henry seconded the motion. The motion passed by unanimous vote

ADJOURNMENT

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

The meeting adjourned at 8:35 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on March 24, 2015.