



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

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**Danvers Senior Center**

**March 13, 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, William Prentiss and Margaret Zilinsky were present. Planner Kate Day was also present.

**STAFF BRIEFING**

Day informed the Board that she received an e-mail from Ronald J. Baser informing her to remove her from the e-mail distribution list because he sold his home and is moving to Florida.

Day stated that she received plans for playground equipment which was a condition on the Conifer Hill project. She indicated that she will review the plans with the Recreation Department. Because she feels it looks small, Day wants to be sure the children have enough room to play.

Day stated to the Board that the Engineering Department has taken the lead on a revised Flood Plain Bylaw. She stated that the rate insurance maps which were reviewed by FEMA & MEMA have been redone for Danvers. She stated that if they did not adopt the bylaw and new maps, then the town would not be eligible for flood insurance. Because this is a zoning bylaw amendment, it needs to be advertised and the Board needs to hold a public hearing.

Day stated that the Rail Trail celebration is planned for June 2<sup>nd</sup>. She also stated that there is a new parking lot on Route 97 in Wenham for Rail Trail use.

Cheetham asked Day about the crosswalk on Water Street. She feels it needs to get back on the agenda for DTAC. Day state they may be getting more money for the bridge project on Water Street.

**PUBLIC HEARING**

**167 Maple Street.** Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Peterson-O'Donnell Funeral Home for property located in the Residential II district. The applicant is requesting approval for an addition to the existing building and expansion of the existing parking lot with associated utility and landscaping improvements. (Assessor's Map 35, Lot 80) (*SPA action date: April 13, 2012*)

**MOTION:** Zilinsky moved to open the public hearing and continue it to the Board's next meeting on March 27, 2012. Prentiss seconded the motion. The motion passed by unanimous vote.

## **CONTINUED PUBLIC HEARINGS**

**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*)

**MOTION:** Prentiss moved to convey to the applicant the need for a third party peer review of the plans. Zilinsky seconded the motion. The motion passed by unanimous vote.

**MOTION:** Prentiss moved to continue the hearing to the Board's next meeting on March 27, 2012. Zilinsky seconded the motion. The motion passed by unanimous vote.

## **OTHER MATTERS**

### **Discussion with ZBA: Variances and multi-family development in Danvers.**

The following members of the Zoning Board of Appeals were present: Joseph Miele, Robert Cignetti, John Harrison, Robert Pariseau and John Boughner. This meeting between the Zoning Board of Appeals and Planning Board was to discuss the issues that arise from the site plan approvals that come to the Planning Board through the variance process. The main issue of a variance that is granted for zoning relief does not automatically grant a waiver through the Planning Board. Both Boards are looking to clarify and streamline the process.

Pariseau stated that site plans are difficult. Prentiss asked if a Planning Board member should address the Zoning Board of Appeals on matters coming before their Board. Pariseau stated hearing input from the Planning Board regarding site plans would be helpful.

Boughner stated that he was pleased the Holten Street project came back before the Zoning Board, because this process reduced the density. There was discussion whether a zoning change was needed.

Prentiss addressed the issue of going back and forth between the two Boards. Pariseau stated going back a number of years, the Planning Board would deal with planning issues and the Zoning Board would deal with zoning issues. Prentiss asked whether a project should first go before the Planning Board.

Miele suggested if there is a project going before the Planning Board and Zoning Board of Appeals, the application be presented to both Boards.

Pariseau stated there was a project before the Zoning Board the previous night that was a 40B project. He stated he would like some input from the Planning Board. Bougher stated that the 40B project did have a provision put into the approval for landscaping.

Sears stated that density has become an issue over the years. He pointed out the Elm Street project had increased density, and the Cherry Street project is enormous. It was pointed out that the Cherry Street project did not go before the Zoning Board. NB: This is actually not the case – the Zoning Board of Appeals granted the relief for this multi-family project and did set the number of units at five (three in the main building, two in the rear building). He feels they need to tighten up the language in the 40B requirements. Density has become shocking. Sears feels the Holten Street project had horrible parking.

Pariseau stated that if the Zoning Board gets involved in parking, they are now getting into site plans which should be under the discretion of the Planning Board. He feels there needs to be a better form of communication between the Boards.

Miele suggested that the Planning Board list the concerns of a site plan, and the Zoning Board will make a note prior to the meeting. Henry stated the applicant should be up front with the Zoning Board with the amount of waivers being requested.

Zilinsky confirmed that a Zoning Board application goes to the Building Inspector. She feels the applicant should be responsible for the waivers needed. The Building Inspector can then forward the waivers to the Planning Board which can be reviewed by Day. She then may be authorized to point out the waivers that would be allowed.

Day stated the level of detail going before each Board is different. The applicant should know the waivers being requested. Day stated the Planning Board could give the Zoning Board a checklist.

Pariseau replied that Planning Board waivers are different than what the Zoning Board is looking for.

Day suggested the multi-family issue would be a good place to start.

Henry confirmed that the Planning Board will comment on applications being presented to the Zoning Board regarding waivers being requested.

Cheetham questioned whether this would be considered reviewing a project without the applicant being present.

Miele stated a list of concerns from the Planning Board would be helpful.

Zilinsky stated that an application presented to the Zoning Board should be presented with waivers.

Cignetti stated that all applicants play dumb.

Zilinsky felt that multi-family applications presented to the building inspector should go through Day.

Bougher asked the Planning Board if parking was their main concern.

Henry stated that Planning Board cannot pass on density. Zilinsky stated the Planning Board cannot control density if the applicant has appropriate parking. Prentiss stated there is nothing in the zoning book about parking for a guest.

Zilinsky questioned how to control what a developer presents? Henry stated that this may have to be a zoning change for parking.

Henry addressed Cheetham's concern about reviewing the application without the applicant being present. He felt that they would not be beyond the scope.

Boughner stated that letters from neighbors and engineers are read at the Zoning Board meeting, so he felt they could read a letter from the Planning Board.

Day indicated she would check with town counsel on this matter. Prentiss wants to be sure not to overstep meeting laws.

Miele felt a letter from the Planning Board would make the Zoning Board aware of their concerns.

Henry inquired how many applications, or what percentage of the applications, going before the Zoning Board require site plan approval? Pariseau replied that it varies on the size of the project.

Henry stated he would like to get a map of density of the area, and he feels the information can be at their fingertips.

Sears stated the Planning Board would like to address issues of industrial zones on High Street and Maple Street for example. Sears stated that the Planning Board is there to plan for the town, and it is an arduous task to get zoning changes passed by the town. The Zoning Board needs to know what the plan is for the town. He feels they need to be careful, specifically regarding neighborhoods and parking concerns. They need to determine what the main goal for planning that is good for the town.

Cignetti stated that he was under the opinion the Planning Board wanted apartments over stores.

Cheetham stated that it seems that maximum units are approved through the Zoning Board, and this can be changed through the Planning Board.

Pariseau stated he thought maximizing the project was to provide revenue and get an affordable unit from the project. He also stated they are constantly adding units here and there down at the port area, and there is the possibility of constantly putting in an additional unit. He stated that the Zoning Board use to be able to look through the zoning book and see what was the intent of the project.

Cignetti informed the Planning Board that an issue that seems to come up frequently is cell towers. He stated there is no protocol for using town land. Inquired whether this would require selectmen approval? Who would approve cell towers? Cignetti stated he was informed that the cell tower companies do not know who to approach in the town. He asked if town meeting should pass a bylaw granting authority? He feels the town is missing serious revenue.

Cignetti would also like to bring up the issue of new businesses coming to town. He would like an opinion regarding a grace period for signs until the business is established. Could there be a 2-3 month trial? Sears asked about sidewalk signs and was told businesses just put them out on their own. The intent is to give new businesses help, but what about the old businesses?

Cignetti suggested calling it temporary signage. He feels it is something to think about.

Pariseau feels signs are a problem. Going down Route 114 on a Sunday there are a lot of additional signs that are put up.

Miele stated allowing this trial period would make it more difficult for the town in the future.

Cignetti stated there once was a signage zoning board in the town.

Henry asked to revisit the variance issue, specifically, that the Zoning Board does not feel that there is the necessity for a zoning change? Pariseau stated that this may be the most opportune time to do a zoning change so that when demand gets heavier, the system is already in place.

Day stated that this is the way by-laws (special permit, site plan, multi-family) are set up. Some zones do not allow multi-families, and this may be the way to look at the areas where this is prevalent. Special Permit requirements are very definitive. Is this another avenue that could be used if the Zoning Board is open to this option? What triggers the multi-family affordability provision? Does this happen when the Planning Board is granting a special permit? It works well legally. The Planning Board is not getting the benefit. Every unit added under a variance adds a unit to housing, but not necessarily adding a unit to the affordable housing requirement. Pariseau questioned whether this was the job of the Planning Board. He feels this should be dictated by the Planning Board. Pariseau again stated that he feels the Zoning Board should be offering zoning relief, and the Planning Board should be doing the planning.

Henry asked the Zoning Board if all multi-family applications were to come through the Planning Board, would they be upset?

Pariseau indicated that it is not a problem if it is for planning purposes. But if the project needed zoning relief, they would need to go before the Zoning Board.

Miele said they could add Special Permit to the application.

Henry said that most developers pursue the zoning relief first.

Day stated that the Elm Street project was in a Zone C-1 where multi-families are not allowed, so the applicant needed to go to the Zoning Board for zoning relief. If this was made a Special Permit, the Planning Board would have more control, and could review the project under Site Plan and Special Permit simultaneously.

Pariseau stated that two businesses had relocated to Elm Street, and they thought the Planning Board wanted residential units above the businesses.

Henry stated that the scheme of mixed use is okay, but there is a density concern.

Day stated that a developer should list the Planning Board waivers they are seeking in the Zoning Board of Appeals application as a preliminary solution.

Sears pointed out that a lot of properties are being foreclosed, and people may start to purchase them to try to resell with the intent to maximize the lot.

Cheetham stated spreading the density in the neighborhoods is a concern. The Cherry Street project looked good on paper.

Zilinsky likes the density. She would like to rewrite the by-law to increase parking.

**Conceptual review of Essex Agricultural and Technical School-North Shore Technical School merger plans.**

Day stated she was in attendance at a Traffic Advisory meeting, and she indicated that there have been a few Technical Review meetings about the site design.

To date there has been a filing of a Notice of Intent. Day dismissed a project summary to the Board.

Day stated that the project is going to be a combination of three schools: The Essex Agricultural and Technical School, North Shore Technical and Vocation School, and the Peabody High Vocational School. There will be approximately 1,440 students and 200 faculty members. The plans presently in their possession are for review by the Conservation Commission. The development is going to be on the north side of Route 62.

Day stated the major project poses serious traffic challenges. Some of the buildings on the north side of Route 62 will be demolished. The project does require extensive parking relief. Day read from the overview regarding parking. The applicant acknowledges that they are not close to the numbers for parking requirements. The applicant is still working out turn lanes and traffic flow in and out of the site.

Cheetham inquired about a traffic analysis due to the schools in the area. She is concerned about the dropping off and queuing of buses. Day stated that the applicant has retained PARE for traffic analysis; the town has limited resources for BETA to do a peer review. Day stated that it is critical that the Board ensures that traffic and circulation function safely. Cheetham stated the Board did not review the middle school and high school projects, and traffic is a major concern on Route 62 which is a major thoroughfare. Day indicated the applicant has funding constraints, however, since Danvers is the host community, the fact that they do not have funds does not allow the applicant not to follow what is required.

Day reported that the applicant is not a state agency. The site plan review fees should run around \$70,000.00. Henry pointed out the possibility of trading fees for traffic reviews. Day stated there is an internal design for drop off. What happens on Route 62 and other neighborhoods should be a major concern. Henry stated that a peer review only enhances the project.

Prentiss asked whether the parking was by permit parking only? This does not solve the numbers issue. Day stated the faculty could park across the street, and there would be no concern about students crossing the street. Sears asked if they could limit only senior students to be allowed to drive cars to school. He inquired about the bus routes. He asked if the school could encourage using buses verses cars. Sears inquired about expanding MBTA routes for this project. Day said she would look into the possibility.

Cheetham pointed out the hospital project stated they would come back and talk about a bus route.

Henry suggested the town talk to the MBTA about cutting bus routes. He had read an article about two options. One would cut bus service altogether in Danvers, and a second would have a route going only to Salem.

Robert Pariseau, an abutting neighbor to the Essex Aggie, spoke about the project. He addressed the Board stressing the importance of obtaining all the information. He likes the idea about a traffic study being done, but he is concerned about a three lane highway being built. He feels trees along Route 62 should be moved to safely widen the highway. The trees can be replanted, and a sidewalk can be constructed. Pariseau is requesting the Planning Board look at the three means of access and egress opposite from Prentiss Road. He feels traffic will be turning into each other, and he is concerned with traffic flow. He wants the Planning Board to be aware of a road at the back of the site off Manning Road; and he would like this road to be a consideration for traffic. He feels the traffic study was based on monetary considerations.

## **MINUTES**

**MOTION:** Zilinsky moved to approve the draft minutes of February 14, 2012.

Cheetham seconded the motion. The motion passed by a vote of 4 to 0, with Sears abstaining.

## **ADJOURNMENT**

**MOTION:** Prentiss moved to adjourn. Zilinsky 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 27, 2012.