



Town of Danvers
Planning Board

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

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

Daniel J. Toomey Hearing Room

April 12, 2016

7:00 p.m.

MINUTES

Chairman Margaret Zilinsky called the meeting to order at 7:00 p.m. Planning Board members Kristine Cheetham, William Prentiss, Aaron Henry, and Associate Member John Farmer were present. Karen Nelson was also present.

STAFF BRIEFING

Nelson said that she did not have anything for staff briefing.

OTHER BUSINESS

Hilltop Estates: Request by Folly Hill Danvers, LLC to establish a Letter of Credit in the amount of \$75,000 between LindallWood Realty II, LLC and North Shore Bank as surety against completion of remaining improvements for a portion of the Definitive Subdivision known as Hilltop Estates. The applicant also requests the release of the Tripartite Agreement, originally issued in the amount of \$1,198,000, between Danversbank and Folly Hill, LLC, currently in the amount of \$75,000.

Paul Galanes, from Peoples United Bank, appeared before the Board. Also here was Whitney Ellis representing Folly Hill Danvers, LLC.

Zilinsky confirmed that the applicant wanted to establish a Letter of Credit in the amount of \$75,000 between LindallWood Realty II, LLC and North Shore Bank.

Galanes said that they were simply swapping surety of the Tripartite Agreement with Peoples United with a Letter of Credit with North Shore Bank.

Zilinsky said that Engineering had provided a list of incomplete items for the subdivision that totaled \$75,000.

Cheetham said that she went up to the site and saw some ponding on the main road near the Folly Hill sign.

Ellis said that was what these funds were going to be used for. The street is going to be ripped up and redone. The headwalls are also going to be redone.

Prentiss asked if they were getting rid of the Tripartite. Galanes said that Peoples United wanted the Tripartite released. Prentiss confirmed that this did not change anything with the Board's requirements.

Nelson said that replacing the Tripartite Agreement with the Letter of Credit had been reviewed by Town Counsel.

MOTION: Henry read the Certificate of Action and moved to approve the Release of Performance Guarantee/Establishment of Performance Guarantee. Cheetham seconded the motion. The motion passed by unanimous vote

PUBLIC HEARINGS

50 Spring Street. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by St. John's Preparatory School for property located in the R-III District. The applicant proposes to shift the Wellness Center building location 12.5' to the west and 2.5' to the south. (Assessor's Map 19, Lot 17) (*SPA action date: May 9, 2016*)

Zilinsky read the legal notice.

Attorney Nancy McCann appeared before the Bank on behalf of the applicant, St. John's Preparatory School. Also here this evening were Steve Cunningham, from St. John's Prep, and Katie Cruz, from Hancock Associates. McCann said that back in February they received Site Plan approval for the Wellness Center, a parking area across the street, and a maintenance building. They were now proceeding forward, and at the time the plans were being finalized for construction purposes, it became clear that the Wellness Center had to shift. This property is so massive that the change of the location is not perceptible. They wanted to come before the Planning Board and show them that they were proposing to shift the building 12 ½ feet to the West and 2 ½ feet to the south. Even though this was a very minor change, under the zoning bylaw, if something is relocated more than five (5) feet, it calls for a major modification.

Katie Cruz, from Hancock Associates, described the plan to the Board. Cruz said that the building was shifted to move it off the synthetic athletic field. This will allow the building to be built without any disturbance to the field. The design of the building is the same; it is just shifted. The utilities were shifted as well as the access road.

Zilinsky confirmed the location of the access road is between the stadium and the Wellness Center.

Henry liked that the shift was 12 feet away from the closest abutter. His question concerning the access road was answered.

McCann said that a small stockade fence was being added as a buffer between the project and the neighbor. As the building was being sited, it made sense to put up an eight-foot high stockade fence.

Prentiss pointed out that Engineering had noted things that were not on the site plan such as changes to drainage. Cruz said that these comments were received and reviewed. They will comply with them. Prentiss wanted the approval to be subject to these items.

Zilinsky said that what the Engineer noted would be put into the Certificate of Action.

MOTION: Prentiss moved to close the public hearing for the Major Modification for 50 Spring Street. Henry seconded the motion. The motion passed by unanimous vote.

MOTION: Cheetham read the Certificate of Action and moved to approve the Major Modification to the Site Plan for 50 Spring Street. Prentiss seconded the motion.

86 & 86R Centre Street. Request for a Special Permit for a Access and Egress Across District Boundaries under Section 30.2.7 of the Zoning Bylaw submitted by Michael and Lindsay Demsey for property located in the Residential-II and R-IIA Zone District. The application is to allow access and egress across district boundaries for the construction of a 15-foot wide gravel driveway to one single-family home to be constructed on a 6.4 acre parcel (Assessors Map 41, Lot 182 and 182A) (*SP action date: May 13, 2016*)

Zilinsky read the legal notice.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Michael and Lindsay Demsey. Mike Demsey is here this evening. Gene Demsey, the owner of 86 Centre Street, is here as well. They are requesting a Special Permit to allow access over a district boundary. This is required by the bylaw.

McCann showed 86 and 86R Centre Street on the plan. This was a nine (9) acre parcel that was divided in 1984 by an ANR plan to create a 6.5 acre parcel at 86R Centre Street and a two-acre parcel at 86 Centre Street. There is an antique home at 86 Centre Street. There was a provision made for a 30-foot right-of-way over 86 Centre Street to provide access to 86R Centre Street. Nothing was done with the property located at 86R Centre Street.

Mike and Lindsay Dempsey have entered into an agreement to build a home. They have gone to the Zoning Board of Appeals (ZBA) and received a variance for a buildable lot with no frontage, provided that they had use of the 30-foot right-of-way laid out in the ANR. The variance was received. Since the proposed driveway is under the Historic District jurisdiction, they went to

the Historic District Commission and received a favorable decision that the proposed gravel driveway is acceptable.

Along with the Historic District line that crosses the property, the zoning line also crosses the property. There is the R-II Zone in the front portion and R-IIA Zone in the back. The proposed driveway crosses the district line. Therefore, they are requesting a Special Permit to allow the driveway as shown on the plan. They are proposing a 15-foot wide standard single-family home gravel driveway, which will be 15 feet off the abutting lot line. They will be using all of the 30 feet of the driveway. The Special Permit is usually to protect residential use in an area where there is residential and industrial uses. They are here to request a Special Permit to allow a 15-foot gravel driveway to access a single-family home.

Zilinsky asked if the driveway was going to be a common driveway. McCann said no. This was a Special Permit to access across district boundaries.

Henry noted that Engineering had set forth a condition in their memo, and it was confirmed that this would be put into the decision.

Cheetham asked if the lot was a pork chop lot when it was created in 1984 without frontage? McCann said it was listed as an unbuildable lot because it had no frontage.

Cheetham asked if this would be limited to one house. McCann confirmed that the variance said it was for a single-family home on the property. If someone wanted to do anything else on this lot, they would have to go before the ZBA.

Cheetham asked if language was being proposed for the additional length of the easement. McCann said that easement would be granted.

Prentiss asked if any changes to the home being used as a single-family home would trigger special permit and site plan review, not only the ZBA. McCann confirmed that a change would definitely trigger the applicant to go back before the ZBA since it allowed for only one single-family home. Depending on what is proposed, then it may have to come back to the Planning Board. This Special Permit is for access to one single-family home.

Henry asked if this was going to be treated as a single-family home for setbacks for the variance. McCann said if an addition or deck to the property did not meet setbacks, they would have to go back before the ZBA. Henry asked if they needed to go back to the ZBA every time they did something to the home. McCann said that would not be the case because they did not get dimensional relief for the house. They received dimensional relief for the use.

Prentiss asked if they were creating a non-conforming lot, and McCann responded that it is a lot that is allowed by variance.

Farmer asked if the intent was to have the design of the house be consistent with the neighborhood. McCann said that has not been determined, but the house would not be visible from the street.

Alan Weeks, 96 Centre Street. Weeks said he thought this was a good idea. He thought it was great that a family could help family.

Gene Dempsey, 86 Centre Street. Dempsey asked what the condition was that was mentioned in the Engineering memo. Zilinsky read the condition that the Engineer wanted regarding easements being granted. Dempsey confirmed that this would be in the 30-foot easement.

MOTION: Henry moved to close the public hearing for the Special Permit for 86 and 86R Centre Street. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Farmer read the Certificate of Action and moved to approve the Special Permit for 86 and 86R Centre Street. Prentiss seconded the motion. The motion passed by unanimous vote.

CONTINUED PUBLIC HEARINGS

Whipple Hill. Request for a Definitive Subdivision Plan submitted by Whipple Hill, LLC for a portion of 155 Hobart Street containing approximately 13.5 acres of land as shown on Assessors Map 42, Lot 8A pursuant to the Rules and Regulations Governing the Subdivision of Land, Town of Danvers Planning Board. Said property is located in the R-II Zoning District. The applicant proposes to construct a 20-lot single family residential subdivision. (Assessor's Map 42, Lot 8A) (*Definitive Subdivision action date: May 9, 2016*) (**Continued without discussion at the applicant's request to April 26, 2016**)

8 Southside Road. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Cotter Family Partnership I for property located in the Route 114B Zone District. The applicant proposes to construct a 20 foot by 40 foot addition to the northerly side of the existing building. The addition will take the place of an existing storage container which will be removed. (Assessor's Map 40, Lots 84) (*SPA action date: April 29, 2016*) (**Continued without discussion at the applicant's request to April 26, 2016**)

MINUTES

March 22, 2016

MOTION: Prentiss moved to approve the minutes of March 22, 2016. Cheatham seconded the motion. The motion passed by unanimous vote

ADJOURNMENT

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

The meeting adjourned at 7:40 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on May 10, 2016.