



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

May 10, 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, James Sears, Aaron Henry and Associate Member John Farmer were present. Karen Nelson was also present.

STAFF BRIEFING

Nelson reminded the Board about the PATH Grant that Kate Day had applied for. They have not heard anything yet, but it was a very positive submittal. This will allow them to look into the details of the Maple Street/Industrial I area. While they are waiting to see if they have received the grant, Nelson suggested sending the Board a draft of an RFP to review for comments. They can put this on the next meeting's agenda if they hear that they have received the grant.

Another matter that she would like to discuss is that the Chair of the Board of Selectmen would like to sit with the Planning Board on a joint meeting. This has been done in the past and included the Zoning Board of Appeals (ZBA). Nelson said that Zilinsky was approached by a member of the ZBA about a joint meeting. She said that she would discuss this with the Town Manager at her next meeting. Nelson said that Zilinsky needs to be scheduled for a Chairman/Town Manager meeting, which has been done in the past.

Zilinsky said that she told the ZBA member asking about the workshop that her preference was to wait until Kate Day returns. She felt it would be a good time to have this meeting during the summer when it is quiet. Zilinsky reminded the Board that she would not be at the meeting on May 24th.

Henry said that he noticed that at there are four to five steel box containers on the Meninno Brother's site. There are rat traps around the containers indicating that they have been there long enough to notice a pest problem. He asked that this be looked into when time allowed. Nelson said that she could speak with the applicant's attorney or the Building Inspector to determine what stage this project is at.

CONTINUED PUBLIC HEARING

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: June 17, 2016*) (**Continued without discussion at the applicant's request to June 14, 2016**)

MOTION: Henry moved to continue the application for the Definitive Subdivision known as Whipple Hill to June 14, 2016 and extend the action date to June 17, 2016. Cheetham seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARING

2 Newbury Street. Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Anthony Alba for property located in the Highway Corridor Zoning District. The applicant is proposing a change in use of the Danvers portion of the parking lot to be used as a parking lot for the outdoor retail sale of vehicles. (Assessor's Map 54, Lot 4) (*SPA action date: June 10, 2016*)

Zilinsky read the legal notice.

Attorney James Cote appeared before the Board on behalf of the applicant, Anthony Alba. Cote said that they appeared before the Zoning Board of Appeals (ZBA) and received a use variance. They are not changing the use of this site as a parking lot, but the Building Inspector said that they needed a use variance and site plan approval. Cote said that he had a revised plan with him this evening that removed five parking spaces at the rear of the property as requested by the Building Inspector.

Cote said that the only other comment he saw was from the Danvers Fire Chief. Cote said that he had a discussion with him, but Peabody has the jurisdiction over this site. The Danvers Chief has notified the Peabody Fire Department of his concerns. If Peabody wants to inspect the property and let them know what they think, they will do whatever Peabody tells them to do. Cote told the Board that when they were before the ZBA, the Building Inspector specifically told the Board not to look at the Peabody side of the site. He felt the same holds true with this Board.

Cote passed out a copy of the revised plan to the Board. Zilinsky confirmed that the plan showed a tank on the Peabody side of the property. He said that they had to go through a Special Permit process in Peabody, and none of these issues were raised.

Cote said that they were adding landscaping to the site. Zilinsky asked what was the percentage of landscaping. Cote said that he believed there was not a requirement for landscaping in the Highway Corridor.

Cheetham asked if a post or baluster would be added to the area where the parking spaces were removed to stop people from being able to park in this area. Cote said that part of the ZBA decision was that the gate at the back of the property would be closed.

Zilinsky asked if there was a bathroom facility in the existing building, and it was confirmed that there were two bathrooms on the site.

Cote explained that since they are selling cars out of Peabody, they have a license to sell 24 vehicles. The ZBA has limited them to 15 vehicles in Danvers. Alba said that they would have a total of 15 vehicles in Danvers and 12 in Peabody for a total of 27 vehicles.

Zilinsky asked Cote for the amount of pervious area, and he responded that the pervious area was 2,804 square feet. The non-pervious area was 6,420 square feet. Prentiss confirmed that this was over 30 percent.

Cote said that the landscaping would be shrubbery.

Zilinsky asked about snow storage. Cote said that he was not sure what they had done in the past, but if necessary, they would remove the snow off-site.

Zilinsky confirmed that they had a pre-existing five-foot by eight-foot sign.

Henry questioned the waivers that were being requested.

Prentiss asked if there was anything from the ZBA minutes that described Mr. Pariseau's decision to vote against the site. It was confirmed that there was nothing in the minutes regarding his decision. Cote explained that Pariseau said that he was on a committee for zoning 15-20 years ago, and he was against used car lots in the Highway Corridor zone at that time. In order for him to be consistent with what he said then, he was going to vote against it. Cote felt every project should be looked at individually.

Sears felt this would be an improvement to the site. He asked if there was a description of the landscaping that was being planted. Alba said that there was already grass on the site, and they were going to plant low shrubs. Sears pointed out that they needed to plant drought resistant plants.

Henry said that the waivers requested were all the submittal and design standards. He said he did have a concern that the first plan was stamped by a structural engineer. The revised plan is not stamped at all. He has a concern about lot dimensions. He agrees that the site will be improved.

He is concerned that the plan was not drawn by a civil engineer. Zilinsky felt if this application was approved tonight, that it be approved subject to a stamped plan. Henry said that they could waive the fact that it is not a stamped plan, but felt it was not wise to do this. The Danvers rules state that the plans should be stamped by a civil engineer. He pointed out they are requesting a waiver regarding the requirement of a civil engineer. Cote pointed out that the plan stamped by the structural engineer was required by the City of Peabody. Cote took the blame saying that he was looking at a site that is a parking lot, has always been a parking lot and is going to continue to be a parking lot. Henry said that he would like to see the site on an actual surveyed plot plan.

Zilinsky asked Sears how he felt. Sears asked if the previous owner had a plan. Cote said he could submit the plan done by Carpenter-Costin that separated this lot from the back lot. Sears felt they need to be consistent with what they require. Sears felt if they had a previous plan that was consistent with the boundaries shown on the plan submitted, they would be more comfortable with it.

Henry said he was fine with a condition that someone on staff confirms that the plan conforms to the plan filed at the Registry of Deeds.

A discussion ensued about the need for a stamped plan from a civil engineer.

Zilinsky said that they would require a condition for administrative review of the previous stamped plan to be consistent with the plan submitted.

Cheetham asked about site lighting, and Cote responded there was none. Cheetham asked about the hours of operation and whether people would be working there at night. Henry said the application said 7:00 a.m. to 9:00 p.m.

Cheetham asked if there were any small van deliveries to the site and was concerned about flow. She asked if people would be entering the site from East Coast Road. Cote responded that there were two curb cuts.

Cheetham asked about the width of the aisle. Cote said that the spaces shown were very large (25 feet). They will be the standard size.

Cheetham asked if there were any directional signs proposed. Alba said there was nothing presently there. He said one entrance is on East Coast Road. Cote said most people will use the Route 1 entrance. It was agreed that a "Right Turn Only" sign would be put at the curb-cut to Route 1.

Prentiss acknowledged that the Fire Department went out of their purview in commenting on the Peabody part of the site. But should something happen, Danvers will take care of an incident that is happening on the Peabody side.

Prentiss confirmed that the Danvers Fire Department was going to speak with the Peabody Fire Department. He asked if the Peabody Fire Department evaluated the Danvers side of the site.

Cote said that the site had been approved in Peabody, but a fire department can come onto a site and make changes for public safety. Prentiss felt for the safety of the applicant's workers on the site, he should be concerned with some of the issues mentioned. From the Danvers side of it, he does not have any issues with the site. He agrees with the Board regarding the condition of staff administratively approving the stamped plan.

Zilinsky pointed out that the comments from the Danvers Fire Department listed items that he is concerned with and states that he has discussed these issues with the Peabody Fire Department. She asked Cote if Peabody addressed any of these issues when they were going through their approval. Cote said not yet.

Cote told the Board that the plan approved in the City of Peabody was the same plan submitted to the Town of Danvers. Zilinsky asked if the Peabody Fire Department had a chance to review this, and Cote responded that the City Council reviewed it. Alba said that the Peabody Fire Department did approve this. There is a switch in the building that goes directly to the Peabody Fire Department. He would not have received an occupancy permit if not approved by the Peabody Fire Department.

Cote felt that the Peabody Fire Department could come back to the site should there be problems in the future. He pointed out to the Danvers Fire Chief that the Planning Board can't rule on a property in Peabody. Zilinsky said that she felt that the Danvers Fire Department was looking for coordination with the Peabody Fire Department. Cote said that they would abide to whatever they are told by the City of Peabody Fire Department.

Farmer had the same questions regarding the fire departments. He confirmed that Danvers had a responsibility to respond to the site for a fire. A discussion ensued as to how Danvers and Peabody would respond to a fire.

Cote pointed out that the Town's bylaws do not have a provision for when a town line bisects a property. Many other communities do have one.

Zilinsky hoped that the Danvers Fire Chief would get together and pursue this with the Peabody Fire Department. Henry said he felt comfortable that if there was an issue, both fire departments would communicate with each other.

Cheetham asked if there was a designated handicapped parking space. It was determined that the applicant would provide a handicapped spot based on the ADA regulations.

Sears questioned what was going to happen in the area where the five parking spaces were being removed. Alba said the space would remain. A wall was going to be built in the back, and it would be filled with crushed stone. It was determined that this area would be the snow storage area.

MOTION: Henry moved to close the public hearing for the Site Plan for 2 Newbury Street. Sears seconded the motion. The motion passed by unanimous vote.

MOTION: Cheetham read the Certificate of Action and moved to approve the Site Plan for 2 Newbury Street. Prentiss seconded the motion. The motion passed by unanimous vote.

MINUTES

April 12, 2016

Sears recused himself from voting since he was not at the meeting of April 12th.

MOTION: Henry moved to approve the minutes of April 12, 2016. Cheetham seconded the motion. The motion passed by a vote of 4-0.

April 26, 2016

MOTION: Henry moved to approve the minutes of April 26, 2016. Cheetham seconded the motion. The motion passed by unanimous vote.

A discussion ensued amongst the Board concerning the need for regulations in the Town's Bylaws for zoning that bisects town/city lines.

ADJOURNMENT

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

The meeting adjourned at 7:50 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on May 24, 2016.