



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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**Daniel J. Toomey Hearing Room**

**May 22, 2012**

**7:00 p.m.**

**MINUTES**

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

**STAFF BRIEFING**

Day updated the Board with upcoming projects. Right now the meeting scheduled for June 12<sup>th</sup> looks quiet and if there are no last minute requests/applications, the Board may not need to meet on the 12<sup>th</sup>.

Day stated that they have received an application and plans for the Riverview Marina. She indicated that they need a Special Permit along with the Site Plan review, and they have asked to combine the process. She stated that it is an interesting project that triggers the multi-family affordability provision.

A developer is looking to do another multi-family project on Collins Street that would also trigger the mutli-family affordability provision.

Day stated that Turner Restaurant was starting the process for a liquor license. She indicated that this would be a Site Plan opportunity adjacent to Hollywood Hits movie theater behind BJ's Wholesale.

Day stated that the Rail Trail celebration scheduled for June 2<sup>nd</sup> is shaping up nicely.

**FORM A**

**97, 99, 99R 101 Andover Street.** Request by Group 1 Realty, Inc. for endorsement of Form A plan to combine individual lots into one lot. (Assessor's Map 56, Lots 13, 14, 27 & 28). (*Approval Not Required Action Date: June 6, 2012*).

Nancy McCann appeared before the Board on behalf of the applicant Group One Realty, Inc. She indicated it is a combination of four lots, 97, 99, 99R and 101 Andover Street, into one large lot containing 19.375 acres. She informed the Board that there is plenty of frontage on Andover Street.

**MOTION:** Sears read the Certificate of Action and moved that Planning Board approval is not required for the proposed combination of the four lots presently known as 97, 99, 99R and 101 Andover Street. Prentiss seconded the motion. The motion passed by unanimous vote.

## **OTHER MATTERS**

**186 Endicott Street.** Request by Taco Bell for release of performance guarantee.

Bill Coponen, from Boss Contractors, Inc., appeared before the Board on behalf of the applicant, Taco Bell of America, LLC. He is requesting a release of the bond and stated that all work has been completed at the site. Day said she looked at the site and there was an improvement with the landscaping, which had been installed according to the original plan. She noted that four cranberry bushes at the exit area of the drive-through did not look too healthy. She indicated that should the plants fail subsequent to the release of the bond, it can be revisited. She also stated that the fencing along the rear of the site has very good signage relative to no snow storage and the area is well screened against the marsh.

**MOTION:** Prentiss read the Certificate of Action and moved to release the bond for the property located at 186 Endicott Street. Sears seconded the motion. The motion passed by unanimous vote.

## **PUBLIC HEARINGS**

**121 Conifer Hill Drive.** Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Kavanagh Advisory Group for property located at 121 Conifer Hill Drive. The applicant proposes to modify the previously approved Site plan by replacing the retaining wall with a rip-rap slope. (Assessor's Map 19, Lot 12) (*SPA action date: June 29, 2012*)

Henry read the legal notice to open the hearing.

Nancy McCann appeared before the Board on behalf of Kavanagh Advisory Group requesting a modification to the original Site Plan Approval for this site. She stated that as the construction was proceeding forward it seemed that a rip rap slope would make more sense.

Alan Roscoe from Hancock Associates stated the applicant had appeared before the Board about a year ago for Site Plan Approval. He stated the trigger for this modification was due to the need to move parking spaces shown on the original Site Plan. He showed the Site Plan that had been approved last year pointing out the two tiered wall having a modular design. After construction began, experts suggested the change.

He pointed out that between buildings 1 and 3 is a play area. He stated when they were looking at construction and site preparation elements, they decided to eliminate the retaining wall and replace it with a rip rap wall. He showed that the area where the retaining wall would be replaced runs along the

boundary of Route 95. He stated the wall would be 16 feet at the highest point, and then it would go down to grade.

He indicated the rip rap wall would impact parking spaces. He showed where the parking spaces would be placed by shrinking the landscape islands. All other details on the approved site plan would remain the same.

McCann addressed the Board stating that Bill Peach from J. Masterson Construction and David Henderson from Windover were present at the meeting.

McCann pointed out to the Board that the Building Inspector and Engineer had no comments for the plan that was submitted.

Prentiss stated he was not a big fan of rip rap because of the appearance; however, as long as the engineer did not have any concerns, he was also in agreement.

Sears inquired about the slope of the rip rap wall. Roscoe replied that it was a one to one slope throughout. Sears asked about fencing around the play area. McCann stated that they did not have fencing, and this was not a requirement of the original site plan. Roscoe stated there is a chain link fence along the property line with Route 95.

Zilinsky stated that she is not a fan of the rip rap wall but is willing to go along with the Engineer. She stated she is happy there is a fence along the perimeter of the property.

Sears inquired if there was going to be a fence at the bottom of the wall so that children could not get to the rip rap wall.

Zilinsky did not see the need for a fence stating that children would find a way to get over the fence if they wanted to climb the wall.

Henry stated he was trying to remember if there originally was a fence between the row of parking and the rip rap wall. Day stated there had been discussion about this, but there was a decision to eliminate the fence.

Henry asked about the section view of the rip rap slope. Roscoe showed this view on the plan as well as a drain toward the slope to drain water out of the wall.

Day stated that due to the phasing of construction, there had been a condition at the time of Site Plan approval that the proposed playground plans would be submitted to recreation staff for review and approval. Recreation Director David Mountain recommended a dramatic reconfiguration of the plans. Originally, the first playground would be a toddler playground, and Phase 2 would be a playground for older children. Mountain was emphatic in his statement that if you put the toddler playground in the central location, it would just end up being destroyed by older kids. She thanked the applicant for his cooperation on this matter.

Henry stated he is concerned with the top of the wall, but he finds the plan acceptable. Prentiss feels fencing would not keep children off the wall.

**MOTION:** Zilinsky read the Certificate of Action and moved to approve the Major Modification to Site Plan for 121 Conifer Hill Drive. Prentiss seconded the motion. The motion passed by unanimous vote.

## **CONTINUED PUBLIC HEARING**

**15 Kirkbride Drive.** Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Hathorne Hill Development, LLC for property located in the Hathorne West Zone District. The applicant proposes to modify the previously approved Site Plan with the addition of a 675 square foot building to be used for storage of equipment used in the operation of the nursing home. (Assessor's Map 18, Lots 863) (*SPA action date: June 12, 2012*). **(APPLICANT REQUESTS TO WITHDRAW THIS APPLICATION.)**

**MOTION:** Prentiss moved to close the public hearing for the Major Modification to Site Plan for 15 Kirkbride Drive. Zilinsky seconded the motion. The motion passed by unanimous vote.

**MOTION:** Prentiss moved to accept the withdrawal of the public hearing for the Major Modification to Site Plan for 15 Kirkbride Drive. Sears seconded the motion. The motion passed by unanimous vote.

**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: May 25, 2012*)

Henry voiced his concern whether abutters were notified of the hearing. Day stated that no one appeared when the hearing was opened. Day informed the Board that she contacted direct abutters and did not hear back from them.

Bob Griffin, from Griffin Engineering Group, LLC, appeared before the Board on behalf of the applicant, Peterson-O'Donnell Funeral Home. Ed Nilsson, Architect from Nilsson & Siden Associates, Inc. was also present.

Griffin apologized for the delay in appearing before the Board. He stated that the original plan was significantly scaled back and thoughtfully adjusted to reflect cost constraints. Once approval is given, construction would be started within a month or two.

Griffin described the site as being oblong with parking, a decrepit garage, as well as the present funeral home. The site consists of 0.7 acres surrounded by residences. There is an upcoming transition from the funeral home from Thomas O'Donnell to his son, Anthony. One of the problems with the site is that it does not meet the professional requirements in anticipation of the transition of ownership.

Griffin showed the layout approved by the Zoning Board of Appeals, which showed a garage as well as a chapel. Griffin stated that the chapel was removed from the plan, and the garage was moved, providing a larger side yard which no longer had a setback issue.

Griffin pointed out they were looking for two waivers for landscaping. They want to maintain access and egress to the property, and therefore do not plan to add additional landscape areas along the street frontage. Presently the site has a lot of landscaping. The second waiver affects the interior parking area. There are 43 parking spaces with a lot of landscaping along the perimeter, and adding a landscaping island would not be a functional idea on this site.

Griffin described the access and egress from Maple Street. He showed the steel handicap ramp at the back of the building, which has a small grade. The two entrances to the funeral home will be very visible. He showed how the garage is going to be removed and moved into the body of the funeral home. The strip along the side will be a ramp in order to get supplies from the basement. The administrative functions will be on the second floor of the building, and mechanical equipment will be on the third floor.

Ed Neilson addressed the Board. He described the ramp along the side of the building. He stated the building will be brought up to code for handicap access along with handicap restrooms. He also said a sprinkler system was going to be installed. He described the main entrance to the building and stated that no work was going to be done on the second or third floor of the building.

Griffin stated that a new water main was going to be needed to feed the new sprinkler system. He stated a new water retention chamber was being added to the site for stormwater purposes. They will need to connect into a sewer line. Griffin stated they are happy to change from a sewer light hole to a standard sanitary sewer manhole as requested by the Engineering. New electric service will be coming onto the site.

Griffin stated that when they went to Historic Preservation regarding the removal of the garage, they were asked to keep aside the hay holder.

Griffin stated their stormwater management will be underground. He pointed out that Sheet C-4 on the plans showed foundation plantings. He stated the planting bed along the front will be extended along the side of the house. There will be five ornamental trees and 80-90 shrubs on the site.

Zilinsky asked if there was going to be landscaping on top of the four foot wall along the back and two foot wall along the front of the entrance. Griffin confirmed this was the case.

Prentiss stated that he was happy the owner was looking to keep the look of the present building. Prentiss does not have a problem with the waivers since parking is very important for this site. Prentiss asked if wakes will be done one at a time. Griffin responded that generally there is only one wake at a time; however, it is possible to do two viewings at once. Prentiss asked if parking is adequate for two viewings. Griffin stated that it depends on the individual being waked. He pointed out stacked parking can be done. Prentiss asked how often does the applicant use some form of detail for traffic. Griffin

stated this depends on who died. Sears stated that they use the staff of the funeral home to direct traffic. Griffin pointed out that there is off street parking and sidewalks to the site. He knows that Route 62 does have traffic issues.

Sears was concerned about the impervious surface, not having a landscape island, and snow storage. Griffin showed the snow storage would remain the same as it has been for the past years and pointed this out on the plan. It was agreed that in a major snow storm, snow would have to be trucked off the site.

Sears inquired about the new lighting on the site. Griffin stated that C-4 of the site plans showed the lights that would match the present style. Sears asked about cut out sheets for the lights. Griffin did not provide a catalog of the lights. He stated that they are lantern heads 6 to 8 feet off the ground and on a timer.

Sears inquired if the colors for the building were going to remain the same, and this was confirmed.

Sears inquired about the sprinkler system. Griffin stated it was a fire sprinkler system, the landscaping would be watered by hand. They are not anticipating landscape irrigation at this time.

Sears inquired whether there was going to be outdoor audio. Griffin confirmed there would be none. Sears confirmed that a spot on the left hand side of the site was going to be used for snow storage. Griffin stated this is what they have been using and will continue to use it.

Sears asked if there is a fence on the right hand side of the property. Griffin confirmed this.

Henry asked if the wood stockade fence belongs to the neighbors. Griffin confirmed that it did belong to the neighbors.

Griffin stated that at the Zoning Board of Appeals meeting the wood fence on the left could be changed to vinyl to match the neighbor's fence on that side of the property.

Henry brought up the fact that a variance was issued for the site, which they no longer need. Henry asked Sears if he thought they should go back to the Zoning Board of Appeals to change the variance that was granted.

Neilson stated if the variance is not used it expires.

Henry is concerned with the mechanicals on the site. He pointed out the cooling units on the side next to the neighbors. Griffin stated that that is where the units are presently. He stated all the units are being replaced with units that are energy star rated with compressors that are quieter. He is also concerned that a concrete slab is being placed near the drainage retention system.

Griffin stated that concrete foam pads are used today instead of pouring slabs for the units. The applicant is sensitive to the neighbors, and they are planning on using sound dampening blankets.

Neilson stated that the air conditioning unit at the front of the building will be removed.

Sears asked about the size of the air conditioning units. Griffin replied that they would be like the units used on a residence. They determined that it would be more efficient to use five small units instead of one large unit.

Henry stated he is concerned about the lack of details regarding lighting as well as sediment and erosion control for the abutting property.

Griffin stated erosion control would be set up in front of the site. Henry wants erosion control along the perimeter. Griffin replied he would have no problem with this.

Henry stated he is happy with the site and thinks it is a nice re-do of the property.

Day pointed out to the Board that one of the plants set forth in the landscaping plan may be invasive. Griffin said he would be sure no invasive plants would be planted on the site.

Henry again stated he is concerned with the lighting because there is no cut sheet for the lights. He confirmed that the up-lighting is pre-existing.

Prentiss inquired about the lighting near the neighbors. Griffin confirmed that there is lighting near the neighbors.

Griffin described the pole for the light is six feet in height. Prentiss asked if they would be averse to downward lighting. Griffin suggested shielding the light on the back of the fixture.

Henry is concerned that the Board does not know what is being planned for lighting. He requested that all lights near neighbors and wall packs be fully shielded.

Prentiss stated they are adding lights to what they presently have. He does not feel they need to come back before the Board with photometrics. He feels the Planning Staff approving the lights is sufficient. Prentiss stated the difference with the previous applicant is they were using the lighting for advertisement. He pointed out this applicant is adding to lighting they currently have. He reiterated that he does not have a problem with staff approving the lighting.

Sears stated they could restrict the lighting by requiring they be shut off at a specific time.

Zilinsky asked for a description of the pole. Henry asked to add a waiver for lighting.

Henry went over the conditions and waivers with the applicant: waiver from street trees, photometric plan submittal and requirement for 15% parking lot interior green space.

He also went over the conditions to be met prior to endorsement of plans: sewer light hole to become a sewer manhole; detail of the manhole to be added to the plan; sound dampening blankets to be added to condenser units; and confirmation that no non-invasive plants be planted on the site.

Henry also confirmed that there would be no outdoor audio on the site.

He also suggested adding the condition that prior to the issuance of a Certificate of Occupancy, lighting fixtures shall be subject to review and approval of the Planning Staff; the applicant will shield lighting on the site; and adequate erosion controls shall be employed during the construction process to prevent water and sediment running onto the neighboring properties.

**MOTION:** Prentiss moved to close the public hearing for the Site Plan Approval for 167 Maple Street. Sears seconded the motion. The motion passed by unanimous vote.

**MOTION:** Sears read the Certificate of Action moved to accept the Site Plan approval for 167 Maple Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

## **MINUTES**

May 8, 2012

**MOTION:** Sears moved to approve the draft minutes of May 8, 2012. Prentiss seconded the motion. The motion passed by unanimous vote.

## **ADJOURNMENT**

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

The meeting adjourned at 8:30 p.m.

Respectfully submitted:

Francine T. Butler

The Planning Board approved these minutes on June 26, 2012.