



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

Daniel J. Toomey Hearing Room

June 26, 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, Kristine Cheetham, James Sears and William Prentiss were present. Planner Kate Day was also present.

STAFF BRIEFING

Day informed the Board that they do not have a long agenda for the next Planning Board meeting. The continuance of 56-58 River Street is the only probable item on the agenda. She thanked the staff for attending the Rail Trail celebration held on June 2nd.

FORM A

9 Winthrop Street. Request by Richard J. Parker and Laura A. McGee for endorsement of Form A plan to divide the existing lot containing 27,321 square feet into two lots. (Assessor's Map 35, Lots 97). (*Approval Not Required Action Date: June 29, 2012*).

Scott Cameron from McKenzie Engineering Group, Inc. appeared before the Board on behalf of Laura McGee and Richard Parker. The property is located at the corner of Lindall Street and Winthrop Street containing 27,321± square feet including the existing home and carriage house constructed around 1900. The applicant is requesting the ANR to divide the land into two lots; one lot containing 14,238± square feet and a second lot containing 13,083± square feet. Both lots contain less than the 20,000 square foot minimum. The applicants obtained a variance for area reduction. The lots meet the frontage requirement and are set up with existing driveway. They now comply with dimensional requirements.

Sears asked the applicant what the hardship was for forming two lots. McKenzie stated the applicant was trying to preserve the historic carriage house. He explained to the Board that there are smaller lots in the neighborhood and the division of the lot would be consistent with the neighborhood.

Prentiss inquired if the decisions of the Zoning Board of Appeals could incorporate the members' reasoning for their vote. Day stated their decisions tend not to capture the reasoning of the Board.

Cheetham stated that at the Zoning Board of Appeals meeting the applicant had received a letter from the Preservation Commission in favor of this project. Cheetham inquired how many people the carriage house is suitable for. Cameron described the house and stated that substantial renovation will be necessary in order to make it a livable space.

MOTION: Prentiss read the Certificate of Action and moved that Planning Board approval is not required for the proposed lot division at 9 Winthrop Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

390 Andover Street. Town of Danvers for endorsement of Form A plan to divide the existing lot containing 932,079 (21.4) acres) square feet into two lots. (Assessor's Map 30, Lots A & B). (*Approval Not Required Action Date: July 13, 2012*).

Karen Nelson, Director of Planning and Human Services for the Town of Danvers appeared before the Board on behalf of the applicant. She indicated that the Town of Danvers has a time constraint under the Purchase and Sale Agreement with the Trust of John Lebel. She stated that the division would create two building lots with proper frontage for Lot A which contains approximately one acre of land and for the Lebel family to reside under a life tenancy. Lot A meets the minimum requirements for an R-III District. She indicated the second parcel, Parcel B, will contain approximately 20 ½ acres with the intent that no building will happen on this lot in the future.

MOTION: Sears moved that Planning Board approval is not required for the proposed lot division at 390 Andover Street. Prentiss seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARINGS

56-58 River Street and 6 River Street Court. Request for Special Permit and Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Danvers Riverview LLC for property located in the R-1 Zoning District. The applicant proposes to construct an 11 unit townhouse condominium in four buildings, with related site improvements including 11 boat slips and a utility dock for the private use of the condominium residents. (Assessor's Map 60, Lots 7, 8 & 9). (*SPA action date: July 13, 2012*) (*Special Permit action date: September 24, 2012*).

Attorney Daniel Casey appeared before the Board on behalf of the applicant, Danvers Riverview LLC. Casey thanked the staff of the Planning Department and Building Department for their help during the application process. With Casey were the architect for the project, Steve Livermore; the landscape architect, Hugh Collins; the engineer from Eastern Land Survey Associates, Inc., Jim MacDowell; and the owner of the property, Daniel Martignetti, Manager of Danvers Riverview LLC.

Casey described the property as a parcel of land containing 1.99± acres of land at the end of River Street. It was previously a boat yard and marina. Martignetti purchased the property at foreclosure, and Casey stated that this site was previously permitted for a 13 unit condominium which looked similar to this project. All permits have lapsed. He indicated that the underlying nonconforming use of a boatyard that the previous 13 units were based had also lapsed and now they needed to look to the present zoning

bylaws. The Multi-Family Affordability Housing provision is now applicable to this project under the requested Special Permit. Casey stated this was an interesting waterfront site, and indicated they were contemplating high-end condominiums, a substantial improvement that would be consistent with the neighborhood. Casey informed the Board that the project required a variance from the Zoning Board of Appeals, which was obtained in August, 2010, to allow a dimensional variance.

The variance was appealed by the neighbor, Ronald Phillips, who lived across the street, and was later dismissed. Casey stated the variance would expire in August and they went before the Zoning Board of Appeals last week and got a six month extension to the variance. He also informed the Board that a new Order of Conditions was received from the Conservation Commission.

Casey stated there are presently two Chapter 91 Waterways Licenses on the site allowing individual slips with some restrictions for transient use. He stated the waterways licenses do not specify the number of units allowed. He informed the Board that the licenses will expire mid 2013 if not acted upon, but they can go before the Department of Environmental Protection to get them extended. The licenses also provide for public access/walkway. Casey stated they went before a Technical Review Committee which was very helpful and he appreciated the comments from various departments. He feels they have satisfied their requests.

Casey noted that this was the first project subject to the Multi-Family Affordability provision. Casey stated that the project is proposing 38 parking spaces when 33 are required by the zoning bylaw. This includes garage spaces, driveway spaces and outside spaces. He stated that a snow storage area is designated on the plan.

James MacDowell, the Engineer from Eastern Land Survey Associates, Inc., addressed the Board regarding the sewerage system which will be a gravity source system that will tie into the South Essex Sewer District. Regarding storm drainage, the back of the property will be sheet flow toward the river. The runoff on the parking area will be handled by two catch basins that will tie into the Town of Danvers system. They propose a stormceptor unit that the DEP wants to see used for new construction. It has a water quality system that removes solids.

McDowell stated that grading will be within a foot of what is presently on the site. The lowest building would still be above the 100 year flood plain. They are looking to adapt to the site that is presently there, but grading of one foot to 18 inches would be expected.

Ken Cram, the Traffic Engineer from Bayside Engineering, prepared the Traffic Impact and Access Study, and the Conclusions/Recommendations are set forth on Page 20 of the report. They studied the property for peak hour generation and impact on the intersection at Liberty Street which is controlled by a traffic light. There would be approximately 9 to 10 new trips in the peak morning hours at Liberty Street. The intersection with the light based on 2017 Build and No-Build configurations found the intersection will continue to function at a level of LOS C. Casey stated if the Planning Board has more questions, Cram will be at the upcoming meeting. The study did recommend a STOP sign and striping with landscaping set back to maintain clear sight lines.

Casey stated that the comments from Rick Rodgers from Engineering incorporated both Planning and Conservation Commission. Casey stated notes will be added to the plan to comply with the water

division, and the plans will be stamped with the Engineer's seal. Casey stated that the Fire Department wants a standpipe at the docks. Casey also informed the Board that they are providing a grass block that will allow fire trucks to get closer to the water line.

Casey explained that the walkway, which is publicly accessible, will traverse along the back of the site connection from the end of River Street to the end of the Town land. This walkway is on the existing waterways license.

The architect, Steve Livermore, described the site to the Board. He stated there would be three building types that will have three bedroom units. They will contain 2,200 – 2,900 square feet of living space with gable style buildings and exterior covered porches. Sears inquired what color was being proposed and Livermore replied that had not yet been determined. He stated he believed the color would be similar to the smaller colored renderings provided with the application.

Livermore stated that the porches are low and have steps down to the ground. He showed a view of the garage areas in Building A indicating they would be carriage type doors. He stated that the building ridge would be a maximum of 30 feet to keep the building look low to the ground.

Sears asked if they were in a flood zone. Livermore stated the floors are being raised, and there will be no basements. Flooding should not be an issue.

Landscape architect Hugh Collins addressed the Board. He stated that the landscaping was designed for a dual purpose of function and aesthetics. The functional part are the shade trees that will grow in height over time. The intent is to have the landscaping fit well with the neighborhood. The plan calls for different layers with shade and flowering trees to enhance the architecture rather than hide it. He indicated that there would be a low profile on the water side of the site. He stated there will be lawns in front of the units facing the water and the walkway will run through it. Flower trees near the buildings will draw them down to the ground and provide color through the growing season.

Casey indicated to the Board that they were looking for a waiver from the lighting requirement. Collins stated that the lights would be lantern style that would be used on a residential property. He stated they would be simple low level lighting with lighting at door entrances. There would be no major lighting along the water unless the Town requests this for the public walkway.

Sears asked the engineer to point out the snow storage area on the plan and asked if they thought this was adequate for the site. MacDowell stated the area would be good for a 6 to 8 inch snow storm. Sears stated he would like to see some snow storage in the lawn area. MacDowell stated he would coordinate this with Collins.

Sears asked if they were granting public access to the walkway.

Zilinsky and Henry stated they would like to see a walkway to Sandy Beach.

Sears indicated he would like to see a trash receptacle placed on the site near the end of the walkway. Sears said since the property is adjacent to wetlands, he would like to see a trash receptacle. Cheetham stated they could have sign to indicate a carry in/carry out policy.

Zilinsky inquired what type of material would be used for the walkway. MacDowell replied that it would be bituminous with maintenance provided by the condominium association.

Zilinsky is concerned with parking. She asked which units have the two car garages. Livermore replied that Units 3 and 6 have a two-car garage; all the other units have a one car garage. Zilinsky asked if there is enough space for tandem parking. This was confirmed indicating there were an additional 12 spaces on the site. MacDowell confirmed that there were 38 parking spaces on site which includes 13 in garages, 13 tandem parking spots and 12 additional spaces. Zilinsky stated she is always concerned about parking and feels they have adequate parking.

Zilinsky would like to see how the driveway across the street relates to the driveway for the site. Cheetham showed her the existing condition plan which showed the driveways. MacDowell also showed the cul-de-sac at the end of the street along with the other homes on the existing condition plan.

Cheetham inquired whether this was a stormceptor Number 102. It was confirmed that the water will flow into the existing town drain and will then go into the ocean. She is concerned with runoff into the ocean and inquired about the drop off into the marsh. Cheetham inquired about fencing to the boats and inquired whether the docks are gated. It was confirmed that the docks are gated for no public access.

Cheetham questioned whether they were planning on limiting chemicals for treatment, since the lawn is near the water. Casey apologized that the wetlands consultant was not at the meeting. He indicated that an Order of Conditions was issued by the Town. Cheetham inquired whether this was a restriction.

Cheetham described the flooding at the Liberty Street condominiums near the Riverside School and stated that there had been a special requirement that no chemicals be stored in garages in case of flooding.

MacDowell stated the floor elevation of the lowest garage is above the 100 year flood plain determined by FEMA. She asked MacDowell to show the 100 year flood line. MacDowell showed the line on the plan indicating the garage is above the flood zone. He explained that the lowest elevation is 10.75 when the flood plain is 10.50. He stated the driveway could have water in a 100 year coastal event.

Cheetham inquired how they were going to be addressing the Multi-Family Affordable Housing provision. Casey stated they intend to provide one affordable unit off site, and will also be subject to a payment-in-lieu requirement based on the average sales price of the units. He stated they will not know the selling price until they are ready to sell. Cheetham asked Day if there is a time constraint. Day stated they could add a condition to establish a clear path for a time line.

Casey stated they will not have a precise number until units begin to sell. They can make estimated payments since the bylaws do not provide a mechanism for this. He stated they can try to make sense of this from a practical standpoint. Henry stated that no Certificates of Occupancy will be issued until this

is resolved. Casey stated that the developer will need to get cash flow going from the sale of the initial units and that fractional fees could be triggered near the sale of the 9th, 10th and 11th unit. Henry asked if the money can come out at the time of conveyance. Casey stated they need the certificates of occupancy in order to close. Henry stated the Certificate of Occupancy could be given and then a payment would be received from the sale. Henry is concerned with identifying where the unit is.

Cheetham asked how much does the Affordable Housing Trust do for the applicant. Henry stated that it is the developer's responsibility to find the unit.

Casey stated to the Board that this is a team effort and does not feel they will have a problem finding a unit. He stated this is the first application before the Board regarding this Multi-Family Affordable Housing provision. He has researched the bylaw regarding the fee and off site unit, and it is pretty straight forward.

Prentiss asked if the roots of the trees would be an issue for the sea wall and whether sea water kills trees. Collins stated they are planting hardy trees. Collins asked Prentiss if he is concerned with damaging the sea wall, and Prentiss stated two trees in particular stood out on the plan. Collins stated a root system is actually good for stabilizing the earth.

Prentiss confirmed that the eleven slips are for the residents. He likes this plan more than the prior plan. He inquired about boat storage on the property. Casey stated boat storage will not be allowed. He also informed the Board that the boat ramp will be removed. There will be no hauling, storage or transporting of boats on the site.

Henry stated that the decision in 2007 talked about a \$25,000 payment for improving the public access from Sandy Beach to this path. He does not like the abrupt end of the path; he would like the public access to be meaningful and connect to something. Henry would like to see a copy of the Chapter 91 Licenses.

Henry stated with regard to the affordable housing provision, he would like that condition to be very clear because he feels it can easily get out of hand. He is looking for clear indication of who has to do what and when. Casey stated he is happy to work with the Board to do this. He would have to weigh the \$25,000 for continuing the path.

Sears inquired the asking price of the units. Casey did not have one. Sears asked if there was a ball park figure. Casey stated the market is changing very quickly and they are not sure of the prices of the units. Martignetti stated they have not started process of bank financing, so this has not yet been determined.

Sears stated he is concerned with the parking for three bedroom units, and the fact the units do not have basements. He is worried that people will use their garages as storage and this will result in a loss of parking spaces. He inquired if there is a way to accommodate this. His experience with condominiums is that people are not going to pay a large amount of money and not have parking on their site.

Casey stated they are here under existing bylaws and maybe the Board needs to revisit them to see if they are valid. He stated they can discuss the idea regarding the garages, but they cannot police what people do.

Henry inquired whether a restrictive covenant could be issued so that the garages be open and available for parking.

Martignetti stated that the marketing is going to be towards empty nesters. He suggested deeding some of the 12 spaces to units as a third parking space, which would mean the two larger units would have four parking spaces. He stated that this can be put into the condominium documents, and there can also be a restriction for trailers and boats.

Sears questioned the guest parking, and Martignetti responded that some of the spots will be marked visitor parking.

Casey reiterated that the garage spaces satisfy the parking requirement under the current bylaw.

Sears addressed a letter forwarded to the Board by Garden City Realty, LLC, a neighbor to the property, stating his concern about sewer waste disposal being interrupted. He is requesting a bond during construction in case the sewer line is damaged. Rodgers replied to this letter indicating normal permitting requirements would cover any issues.

Henry asked the audience if they had any questions regarding the presentation and reminded them of what the Planning Board has the authority to control.

Andrea Daley, Town Meeting member, Precinct 3. Daley inquired whether this project has been granted the right to build a sea wall under the Chapter 91 License. Casey responded that the current license simply provides for a dock with eight slips with an existing sea wall.

Daley inquired what type of sea wall presently exists at the site.

Martignetti stated the wall is granite at the north side of the property. The boat ramp will be closed and replaced with a granite wall. There is curbing along the top edge, but there is no sea wall. The rest of the sea wall is sheet piling which will be repaired. This was part of the Order of Conditions that was approved.

Jeanne Argento, 41 River Street, Precinct 3 Town Meeting member. She inquired if the sea wall was the same as shown on the architectural renderings since the existing sheet pilings are in disrepair.

Livermore stated Martignetti indicated this would be repaired.

Daley informed the Board that the sea wall on the opposite side of the river on Eden Glen is in terrible disrepair, and anything done on the water to restore a sea wall takes time, money and a lot of permits. She inquired whether the Conservation Commission has approved any of the work to be done on what is claimed to be an existing sea wall. Henry stated this falls under the Chapter 91 license, and her question is not in scope of what the Board is authorized to approve.

Daley stated this relates to the site plan since she feels the land will be eroded by tidal action. This will cause the land mass not to be the same, and she feels the solution is to build a sea wall.

Henry responded that the applicant has already gone through the process, and the Chapter 91 issues are not relevant to the Planning Board proceedings.

Cheetham addressed Henry stating that she would like to see the Order of Conditions and Chapter 91 license.

Daley stated she has an issue with parking since there is a unique feature with this site in that it will have the draw of boat slips. She feels the boats are going to be a draw in the summer, and if the slips were not there, parking would not be an issue. She indicated that there is no parking on River Street, and there is not a cul-de-sac at the end of River Street.

Casey responded that they cannot police River Street, and there is a large municipal lot up the street. He pointed out that boat slips are one type of amenity.

Daley inquired what hours the public will be allowed to access the walkway. Casey responded that this has not yet been determined.

Daley would like the board to address this issue. Henry responded that the condominium association will set the time of access.

Daley inquired who will clear the walkway during inclement weather. Casey responded that this would be done by the condominium association.

Daley inquired if there is going to be excessive lighting at the docks so that boats coming in at night will be able to find their slips. Casey indicated there is only going to be ambient lighting for access/egress to the boat and nothing more.

Daley stated she cannot see how they are going to store snow in the snow removal area shown on the left hand corner of the plan. Casey stated the plan is designed and calculated by a professional engineer. He said that during excessive storms, the snow will be removed off site if necessary.

Bertha Helinsky, 53 River Street. Helinsky stated she lives right across the street and inquired whether the cul-de-sac is set forth on a deed. Mr. Phinney owns the house, and his deed shows that the property line is straight. Helinsky stated that Cargill made the cul-de-sac when he owned the property.

Henry asked what her concern was. She indicated she would like the cul-de-sac to remain.

Henry would like the cul-de-sac clarified.

Henry asked where the driveway opening was going to be to the site. Livermore stated it was going to be where the present two family is located at 6 River Street Court.

Helen Gahagen, 43 River Street. She is here as a representative for the tenants of the building owned by Garden Street Realty. She is concerned about the exit and entrance to the site. She stated that John George Park has extra parking, but this gets filled quickly during the summer with people attending sports activities and patrons of Sandy Beach. She feels that this will limit parking and you cannot depend on this area to be used for additional parking.

Henry responded that people will park where it is available. He stated there are parking restrictions already in place and feels the neighborhood does not have to worry about this issue.

Gahagen questioned the traffic study regarding the egress out of River Street being prolonged because of the back-up of traffic. She has a concern about this very congested area being impacted by the construction.

Argento stated she has been attending these meetings for 8 years. She stated that she is not against the development, but wants it to be the right project for the neighborhood. She has a concern about parking. She is asking the Board to do anything within their jurisdiction to have it be the best development for the neighborhood. She is concerned about rats.

Sears responded that when a building permit is issued, this issue will be dealt with.

Henry stated that the next meeting will be July 10th with a site visit to be scheduled.

Sears inquired about signage. He asked if there is going to be a marquee sign. Casey stated that there will be a pedestrian walkway sign, and if there is going to be a sign, it will have to be part of the approval.

Henry went over the issues to be addressed:

- Public access
- Trash receptacle / carry in/carry out
- Public access. Should an easement be obtained? Casey stated an easement will not need to be obtained
- Can the Chapter 91 license be relied on?

Henry stated he would like to mull over the prior condition in the 2007 approval regarding the condition of the \$25,000 payment to have access from Sandy Beach to the public walkway. Casey pointed out to the Board that that permitting plan when the prior decision was rendered did not require the applicant to spend the money for the Affordable Housing issue. Zilinsky would like the Board to review the conditions from the 2007 project. Cheetham stated the prior approval indicated there was a railing along the walkway. Casey stated this was a different project. Livermore stated Collins placed landscaping along the edge as a buffer. Casey told the Board to review the Certificate of Action for the prior project and let them know what they are looking for.

Casey indicated he would provide the Chapter 91 licenses, Order of Conditions and stamped plans.

Additional issues that Henry would like to address are: flood plain, affordable housing issue, chemicals on the lawn, parking (restrictive covenant preventing unit owners from “cannibalizing” other unit owner’s spaces) and cut sheets for the lights since this is a waiver request.

Casey pointed out Martignetti stating they are proposing lanterns. Henry stated they will need some lighting to light the area between the docks and condominiums. He stated this can be worked out later with staff. Cheetham stated that the grass pavers show lighting by bollards, which is nicer than higher posts.

Henry addressed his concern of the grass paver area being used as snow storage if this is to be used as access by the fire department to reach the boats. Martignetti stated there would be a time frame for allowing boats to be put in or out of the water.

Henry asked Day if engineering could further explain the explanation they provided.

MOTION: Zilinsky moved to continue the hearing to the Board’s next meeting on July 10, 2012. Sears seconded the motion. The motion passed by unanimous vote.

MINUTES

May 22, 2012

MOTION: Prentiss moved to approve the draft minutes of May 22, 2012 as amended. Zilinsky 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 9:15 p.m.

Respectfully submitted:

Francine T. Butler

The Planning Board approved these minutes on July 10, 2012.