



*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**

**July 10, 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 and James Sears were present. William Prentiss entered the meeting at 7:25 p.m. Planner Kate Day was also present.

**STAFF BRIEFING**

Day indicated that since permitting filings were quiet she wanted to poll the Board relative whether they would like to cancel one of the scheduled meetings. The Board decided to have a meeting on August 14<sup>th</sup> and take August 28<sup>th</sup> off.

With regard to new business coming before the Board at the next meeting, Day stated that an ANR application had been submitted for 10 Water Street. This is owned by the Danvers Housing Authority which has worked with Habitat for Humanity to divide off one lot to build a duplex to be served by a common driveway for the school.

Day also indicated that a Minor Modification and Major Modification would be coming before the Board on August 14<sup>th</sup> for Kirkbride. The applicant had previously submitted an application for a Major Modification and realized there were other modifications which they wanted to combine concerning fencing and signage. Day stated there may have been a stipulation in the decision to review the signs before they were installed.

Day said that she has not heard of any new projects coming before the Board. They have not had TRC for a while, and there is a traffic problem at Garden Street which is being handled by DTAC. It seems that trucks are turning towards Route 114 from McDonald's and bash into the traffic island. The DPW took the plans to the site, and found the island was not placed where it should have been. Day stated they may want to revisit this with Lowes or Olive Garden. Zilinsky inquired who paid for it. Day believed Olive Garden paid for it. Zilinsky stated that if they put it in the wrong place, it should be relocated.

Sears asked about the enforceability of the Adopt-An-Island program. He said the island across from Kelly's is full of weeds. Cheetham stated that the islands across from stores located at the mall (Pier 1 and Broadway) are not in good condition. She stated that the new tenants may not know that they have

to maintain these islands. Day stated she can check with Kristan Farr, who runs the Adopt-an-Island program, to try to get better compliance. She indicated that enforceability is hard to handle. The next time this comes before the Board, maybe they can take a passbook or some sort of surety to guarantee a way for maintaining islands that need work. Day assured Sears she would look into it. She indicated that Lowes had a problem regarding the maintenance of the detention basin in front of Olive Garden, but after speaking with the manager they have now resolved the problem.

## **MINUTES**

June 26, 2012

**MOTION:** Zilinsky moved to approve the draft minutes of June 26, 2012. Cheatham seconded the motion. The motion passed by a vote of 4-0.

[Prentiss arrived at 7:25 p.m.]

## **CONTINUED 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*).

Henry stated that a site visit was conducted at the site at 6:00 p.m. this evening.

Casey addressed the Board and thanked everyone who came to the site visit. He stated that the development team is here except the architect, Steve Livermore. The wetlands expert, William Manuell, and the traffic engineer, Ken Cram, were present. Casey stated they were happy to address any issues that may come up this evening and any issues that remain from the prior meeting. He stated they had an updated lighting plan and the landscape architect, Hugh Collins, was present. Casey stated the site lighting is clearly minimal, and if there are any concerns, they would be happy to provide details.

Henry had wanted to review the Chapter 91 Licenses and Order of Conditions, and he thanked the applicant for sending them. He felt the Affordable Housing piece needed to be addressed in greater depth.

Henry noted that the applicant wanted to exercise the off -site option, and Henry stated he was not sure how to issue the final condition.

Casey stated that the unit being off-site was a key component of this project, and it is not feasible to offer one of the units as the Multi-family Affordable Housing unit. He requested the Board to give their indication that an off-site unit would be acceptable. He would like to talk about the concept of coming back before the Board after receiving all necessary permits. He would like to time the process to a

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threshold of the 6<sup>th</sup> or 7<sup>th</sup> unit sold and he would like to fraction the fees over the remaining units to apply to units 9, 10 & 11. He was open to breaking the fees out over three to four units at the time of closing, but they will not know the actual fee until they sell the last unit. They would like the ability to agree on the projected fee along with a provision that the fee would be adjusted at the sale of the units.

He feels that if the applicant is going off site, he would like more assurances to feel more comfortable that this is not an afterthought of the project. This unit is in the development, and it needs to be as front and center as the main project. Henry stated there are a lot of hiccups trying to launch the Affordable Trust.

Zilinsky feels the affordable unit should be on site and feels that is what the bylaw is for. However, it does provide for the unit to be off-site. She would like to know why it is not feasible to provide an on-site unit, and if it is off-site, she wants the unit in a market rate area.

Casey stated the price of the units are going to be at a high level and offering one of these units would not allow the developer to go forward with the project. He stated the bylaw provision is valid where it is off-site; and he feels it was intended for a project like this which is a high-end project. The burden on the applicant would render the project financially unfeasible.

Prentiss stated he was a member of the Affordable Housing Committee bringing this issue before Town meeting. The intent was to look for units rather than monetary reimbursement, which is when the off-site units came about. He does not have a problem going off-site and is in favor of an off-site unit.

Henry inquired whose job is it to find the unit. Casey stated he has spoken with selectmen, Gardner Trask and Dan Bennett to start the dialogue to come up with a comprehensive plan. He feels it needs to be provided in the most advantageous way.

Prentiss recommended leaving it to the new Affordable Housing Trust to work out the details of the off-site unit. Zilinsky is concerned that units will be chosen in an area that is not like the area where the project is being built, and would prefer that the unit be provided on-site.

Casey suggested that a final plan be presented to the Board prior to the issuance of the first Certificate of Occupancy.

Henry read the condition as set forth in the Certificate of Action.

Zilinsky is still uncomfortable with the off-site unit.

Cheetham stated that she was present at the Affordable Housing Subcommittee meetings where developers raised the question where at times it may be possible to integrate a unit at the site and other times it may not be feasible. Cheetham stated the applicant knows he needs to provide a unit and cash. Henry asked what if they are not satisfied with the unit? Day stated if they are not happy with the unit, no Certificate of Occupancy will be issued.

Casey indicated the bylaw states the unit could be on or off-site and requires the unit be a family unit containing a minimum of two bedrooms. Casey stated he and Trask have exchanged correspondence regarding the unit and the cash contribution in lieu. He feels maybe the Committee and the Trust might have a better idea for the combination of the two. Casey stated the applicant wants to do it in a way that is the best bang for the buck regarding affordability since this is a requirement. Casey stated that the Board has the ability to modify the provisions. He feels the Committee is in the best position to work with the applicant.

Henry asked whether they wanted to maintain ownership of the unit to rent or convey the unit to the Town. He brought up the Local Initiative Program (LIP) and feels they would want to convey the unit.

Casey stated they did not intend to rent the unit. They would want to sell the unit according to the Affordability Housing guidelines. He stated if the Trust wants to purchase the unit, that can be figured out as the project evolves.

Prentiss stated a member of the Board could be sent to the Trust meeting. Prentiss asked if they have all the members yet, and it was reported that at the last meeting they were missing one member.

Day suggested the Board review the draft language of the Special Permit to read, "well in advance of the request for the first Certificate of Occupancy, with the understanding that the provision of one affordable unit requires time, planning and potential collaboration with other partners including the Danvers Affordable Housing Trust, the Danvers Housing Authority, Habitat for Humanity or other non-profit organizations."

Sears stated he is okay with the off-site unit. He indicated it was an accepted change to the bylaw in light of the expensive nature of the unit. Sears said that the Board had approved this previously and he agreed to the change. Zilinsky responded that the unit should be provided on-site.

Sears indicated his concern regarding parking with respect to garages and seasonal use of the boat slips. He asked if there was any thought to adding parking spaces where there is a grass area to assist with this issue. He knows Casey talked about calling out guest spots, unit spots and encouraging use of garages for cars.

Casey stated he was happy to submit the condominium documents to the Board which will demonstrate by deed the assignment of parking spaces to the units.

Henry stated Day set forth a provision in the approval regarding the parking spaces/boat slips.

Sears inquired about adding parking where there is presently snow storage.

MacDowell addressed this question stating that adding parking to the snow storage area would not work because the grass area needs to be kept open for the fire department. He feels that there is not enough room in this area.

Sears pointed out the island in the lower left corner of the plan, stating a space could be added in that area.

Henry polled the Board asking if anyone else felt the need for more parking on site. Casey stated that the applicant had exceeded the requirement for parking. Sears knows this, but feels the boat slips are going to draw people to the site. Casey stated there is plenty of parking up the street at the public lot. Sears stated he would like a few more spaces. He indicated he is willing to part with an island that does not do anything because all spots will be filled during the summer.

Henry stated if this is something the applicant wants to offer (to propose a revision to remove the island to turn it into a parking space) that is acceptable, but he wants to poll the Board to get a sense of what the other members think.

Prentiss would love to see an increase in parking even though the bylaw is being met and exceeded. He thinks that there may be a need to re-evaluate the bylaw. He stated he would like it if the applicant can give an additional space that will not affect turning radius or impede units.

Cheetham stated she would like an additional parking spot. She is a fan of public parking and sees no problem with this site. She stated the owners could move their cars and have their guests park closer to the units. She does not want to lose anything else from the site.

Henry asked if the applicant could change the island to provide another space.

Martignetti stated they would make this change if it would please the Board.

Peter Clement, 9 Jersey Lane. Clement suggested removing the island and replacing it with pavers.

Casey replied this would cause maintenance issues to clear it out during snow storms.

Cheetham reviewed her punchlist for the project. One of the items was the condition of the sea wall, which she felt was in pretty decent shape. She stated the steel is going to be replaced because it is rusted. She had questions regarding the Order of Conditions and Waterways License specifically Conditions 92 & 93 on the Order of Conditions. She noted that Conditions 92 stated no salt or deicing allowed on the site at all. She pointed out this is a very important component. She noted that Condition 93 stated no lawn chemicals allowed due to run off.

Casey stated the Order of Conditions is going to be recorded and binds the property. He feels putting a condition on the Certificate of Action is not necessary since they already have to comply. Cheetham stated she is looking to see that this is addressed.

Cheetham pointed out in the previous plan there was safety fencing along the walkway in front of the salt marsh area and asked if this can be reinstated.

MacDowell stated the fencing gets into the “no build” area.

Sears stated the fence was there because the layout was different.

MacDowell checked the grading on the plan and stated this was not a safety issue since it was six to seven inches from one side to the other.

Cheetham stated she is happy with the project after the site visit.

Carol Helinski, 51 River Street. Helinski asked where the trash receptacle/dumpster was going to be located. MacDowell stated the trash would be stored in the garages and brought out for trash pickup.

She asked where the closest fire hydrant was located. MacDowell pointed out the three (3) hydrants on the utility plan.

Helinski inquired if they were going to limit the units to rentals. Casey replied there are certain restrictions as a practical matter to make these units financeable. The lending community has its limits to rental units. He stated that owners of the units would be free to rent them.

Helinski asked if there was any limit to overnight parking for larger trucks. Casey stated that if they can fit into the parking space, it would be allowed. They have not addressed commercial vehicles. Henry asked staff about prohibition regarding commercial vehicles, and it was pointed out that general ordinances would still apply.

Helinski asked if there was underground wiring. MacDowell confirmed that the utilities would be underground.

Jeanne Argento, 41 Riverside Street. Argento feels the affordable housing should be on site. She would like the neighborhood to stay in its current nature.

Henry stated the applicant cannot get one occupancy permit unless there is a plan in place.

Argento asked what happens if the units are not selling or moving. It is reassuring to her that the affordable unit comes into play during the course of the granting of Certificates of Occupancy.

Argento stated she was appreciative to Sears regarding his comments regarding parking. She stated this is a densely populated area and with ball games held at the park, parking is a tremendous drain on the neighborhood. She thanked Sears for pushing the parking issue.

Argento inquired about Lots 7, 8 and 9 being combined. Sears stated that has already happened. The ANR was recorded, and this is now one parcel.

Argento asked if the 2007 Planning Board Site Plan Approval conditions will be part of the new approval. Casey responded that this would not happen since that permit has lapsed, and they are not applicable to this project. Henry stated that was a different plan and a different project.

Bertha Helinski, 53 River Street. Helinski asked if the cul-de-sac on River Street was going to remain. Henry stated there would be no changes to the street layout.

John Penni, 57 River Street. The road as used is now on his land. He was informed that if the Town is encroaching on his property, this is an issue that needs to be addressed with the Town.

Casey sympathizes with the neighborhood. He stated there is nothing about the nature of the proposed use that has anything to do with the road or Penni's property. Casey stated this is not a boat yard, and there is more than adequate parking and circulation. These are residential units, and the access and egress have been reviewed by the Town and Board.

Sears stated that the Selectmen should be contacted regarding traffic issues. He informed the audience that the applicant is not required to do off-site improvements. Sears stated that all Town departments have signed off on this project.

Argento asked if there were only 11 slips for the 11 units. Casey stated there was also a utility dock which is under the jurisdiction of the Waterways License.

Penni asked how many boats would be at the utility dock. Casey stated this is restricted under the Chapter 91 License.

Peter Clement, 9 Jersey Lane. Clement asked if the Chapter 91 License was seasonal and if there was specific boat length that was allowed. The license dictates that the maximum length of the boat is 36 feet.

Carol Helinski, 51 River Street. Helinski inquired what the season was for the boats, and she was informed it was April to November.

Zilinsky inquired about the lighting plan, and Collins approached the Board and went over the lighting.

Casey stated since there is limited open areas for parking, the site lighting is very minimal.

Collins described the lighting of the site to the Board. He indicated that the lighting is cast downward. There is no light pollution going outward. Cheetham asked about street lighting, and Collins pointed this out on the plan. He stated that the lights on the building will be wall mounted, and the porches will have recessed lighting pointing down.

Cheetham inquired about the lighting on the dock, and Collins indicated the scheme on lighting will be low-key, residential lighting. There will be no commercial lighting on the site. He stated the lighting will be very compatible with the residential neighborhood.

Cheetham pointed out since the island on the lower part of the plan changed with the additional parking space, the lighting would need to change.

Peter Clement, 9 Jersey Lane. Clement inquired about the lighting on the docks asking if there were going to be spotlights. Casey stated that the lighting would be typical pedestal lights. Cheetham showed a picture of the dock lighting.

Henry stated he would like to read the conditions out loud to the applicant before closing the hearing. He stated the first list of conditions would be for the Special Permit for Multi-family Use, and the second list of conditions would be for the Site Plan approval.

Henry read the proposed conditions out loud.

Casey inquired whether he should interject when he had a question or comment regarding the condition being read, and he was told to ask the question when the condition was read.

Casey interjected concerning being permitted to have the unit off-site. Prentiss stated he voiced his opinion earlier. Casey stated this is a fundamental issue. Henry asked where would the language be inserted? Casey asked that a sentence stating the unit the applicant will opt for will be off-site. Casey felt there was no need to record an easement because the public access walkway was required and exists by the statute that requires it.

Peter Clement, 9 Jersey Lane. Clement stated that Danversport Yacht Club has the same type of permit for their public access area.

Casey stated that the Certificate of Action will be recorded along with the Waterways License setting forth the walkway, as well as the site plans.

Sears confirmed they would water the landscaping by a private well. He inquired if they could use the well for the boats? Martignetti said they would look into this.

**MOTION:** Prentiss moved to close the public hearing for 56-58 River Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

**MOTION:** Prentiss moved to insert a condition in the draft decision specifically acknowledging that the affordable unit will be provided off-site. Cheetham seconded the motion. The motion passed by a vote of 4-1, with Zilinsky opposed.

**MOTION:** Sears read the Certificate of Action and moved to approve the Special Permit for 56-58 River Street. Prentiss seconded the motion. The motion passed by unanimous vote.

Henry read the Certificate of Action for Site Plan Approval with waivers. Henry explained this to the audience.

**MOTION:** Sears moved to grant the requested Site Plan Approval with waivers. 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 9:30 p.m.

Respectfully submitted:

Francine T. Butler

The Planning Board approved these minutes on July 24, 2012.