



*Town of Danvers*  
**Planning Board**

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

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

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**Daniel J. Toomey Hearing Room**  
**August 26, 2014**  
**7:00 p.m.**  
**MINUTES**

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

**STAFF BRIEFING**

Day stated that there had not been any new activity, and there seems to be no major projects in the horizon.

Sears addressed the audience stating that they were aware that people were in the audience relative to Whipple Hill. He told them that there had been no submittal to the Planning Department, so the Board could not entertain any comments concerning this. He explained the process and stated that he would take a few questions.

**Jackson Tingle, 109 Holten Street.** He stated that he is one of the moderators for the Facebook page. He read the minutes of the last meeting, and the Board said they were interested in what was possibly happening. He pointed out the strong representation here tonight indicated this project is on their minds. They have an interest in having a public access through this property. Open Space has recommended an easement, and that is something they are interested in. He told the Board that they are willing to wait until the plans are submitted, and they will be back before them.

**Kathy Cimon, 50 Pine Street.** She asked if there was any correspondence that the Board had received from anyone related to the Whipple Hill project within the last eight months.

Day responded that nothing had been presented to the Board. She stated that, if an application is filed, there will be the required notification to abutters in the vicinity of the subdivision. There will be a public notice that will appear in a local paper, usually the Danvers Herald, for two consecutive weeks. She stated that if anyone is interested, to contact her to be put on an e-mail

distribution list to receive a copy of the upcoming Planning Board agenda. This allows residents to follow all development in Danvers.

Henry stated that since there was a large audience regarding this project, he wanted to describe the process. He indicated that if an application is filed, it will probably be a preliminary plan. A definitive subdivision plan will then be filed. A subdivision is a by-right process. We may not like everything that the applicant presents, but if it complies with the rules and regulations of the bylaws, it constrains what the Planning Board can do. In the interim, if you have questions, please speak with staff. He told the audience that the Planning Board cannot be governed by emotions; they need to govern according to the rules. He suggested that those interested in the process familiarize themselves with the rules.

Day told the audience that the Planning Board does not control Open Space. She suggested that they speak to Selectmen and the Open space Committee regarding access issues. She reiterated that they have not seen an application as of yet.

**Conrad Gozewski, 12 Bayberry Road.** He asked if the Planning Board could inform them where the subdivision will be, and whether plans have been submitted.

Sears responded that no plans had been received.

**Steve Kucker, 6 Ashley Lane.** He told the Board that their group had received letters concerning this subdivision, and they had actually received a letter from the church. He asked if he should bring these letters to Day. Sears stated that they have had no plans submitted. Kucker wanted to know who to bring the letters to, and Sears responded it was premature.

Day said that there would be plenty of time for public testimony. She reiterated for people to provide her with their email addresses so that she could forward the agendas.

Kucker stated that there were trees being cut and questioned whether the Planning Board knew anything about this project. Sears responded that they did not know anything.

## **OTHER BUSINESS**

**126 Water Street.** Request by Ventana Investment and Development, LLC for endorsement of Form A plan to divide the property located at 126 Water Street into two lots. (Assessor's Map 65, Lot 54A). (*Approval Not Required Action Date: August 29, 2014*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Ventana Investment and Development, LLC. An application has been submitted for endorsement of an ANR plan for the property located at 126 Water Street. This plan carves out a parcel that is not a separate building lot to be combined with abutting land to the east and south. McCann stated that the Board did have a recommendation from the Building Inspector approving endorsement of the plan.

Henry felt the plan was fit for endorsement. A discussion ensued concerning the frontage of the lot. Henry stated that given the setbacks, the lot is essentially unusable. McCann stated that it functions as access. It would be very difficult to build anything on it.

Sears asked if access was being given to the water. Henry pointed out Bunky's new building and the way that goes down to Liberty Marina. This way has provided access to the marina, and McCann indicated that will not change.

Cheetham said that she remembered when talking about Dunkin Donuts and a bank before that, it was anticipated that this land would transition. She did not have any questions concerning this application.

Zilinsky said that the Town Engineer recommended that this plan not be approved, and she asked McCann for an explanation. McCann stated that he was requesting additional items to be added to the plan that would be required of a site plan. These are not required on ANR plans.

Day stated that she and the Building Inspector discussed this plan when it was received, and the two of them agreed that it satisfied the requirements for ANR endorsement by the Planning Board. She stated that she can't find any requirement under Massachusetts General Laws for a full survey of the Liberty Marina parcel in order to endorse this plan.

Prentiss stated that he too was curious about the Engineer's comments, and he thanked Day for the clarification. He felt the only time that the Planning Board has questions is when it takes a conforming lot and makes it a non-conforming lot. He had no issues with endorsing this plan.

Farmer had no additional questions.

Sears questioned the comments from Engineering, but if the plan met all the requirements as a formality they need to approve the plan as an ANR. Day stated that any denial of this plan would lose on appeal.

**MOTION:** Zilinsky read the Certificate of Action and moved to find that Planning Board approval is not required divide the property located at 126 Water Street into two lots. Prentiss seconded the motion. The motion passed by a unanimous vote.

**Garfield Avenue.** Request by Folly Hill Realty Trust for release of performance guarantee for completed site improvements for the Definitive Subdivision known as Hilltop Estates Subdivision located at Garfield Avenue.

Day read Engineering's Comments to the Board and she described the site. She stated that Engineering had a request that drainage infrastructure be inspected and cleaned prior to the release on or before October 31, 2014.

Sears confirmed that Ellis would clean out the drainage, and Cheetham asked who would check on the drainage. Ogren stated that he was going to use the same company that cleans out the catchbasins for the Town of Danvers.

**MOTION:** Prentiss read the Certificate of Action and moved to approve the Request for Release of Performance Guarantee for the Garfield Avenue portion of the Hilltop Estates Subdivision. Zilinsky seconded the motion. The motion passed by a unanimous vote.

**Bradley Road.** Request by Folly Hill Realty Trust for release of performance guarantee for completed site improvements for the Definitive Subdivision known as Hilltop Estates Subdivision located at Bradley Road.

It was stated that this was the same subdivision as Garfield Avenue. Cheetham asked if the Board knew about the completion of Ardmore and where everything now stands. Day responded that there has been some forward movement between Town Counsel, the bank, and the developer. It is contemplated that they may have a buyer for the lots on Ardmore.

**MOTION:** Henry read the Certificate of Action and moved to approve the Request for Release of Performance Guarantee for the Bradley Road portion of the Hilltop Estates Subdivision. Cheetham seconded the motion. The motion passed by a unanimous vote.

## **PUBLIC HEARINGS**

**22-24 Page Street.** Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by John Ciampa and Joseph Ciampa for property at 22-24 Page Street located in the C-1A Zoning District. The applicant proposes to raze the three buildings presently on the site and construct a three-story mixed-use building comprised of two residential levels above and office/retail space on the street level. (Assessor's Map 43, Lot 369) (*SPA action date: July 31, 2014*) (**Continued without discussion at the applicant's request to August 26, 2014.**)

Day indicated that the Board has been asked to accept the withdrawal without prejudice on this application. She stated that the applicant had some trouble with the stormwater management plans for the property. She felt it was a great site and a wonderful location. She would love to see a mixed-use project go in there.

**MOTION:** Prentiss moved to accept the withdrawal of the application for Site Plan Approval for 22-24 Page Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

**144 Pine Street.** Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by GSC Realty LLC and Meninno Brothers Gourmet Foods for property at 144 Pine Street located in the I-1 Zoning District. The applicant proposes two additions to the existing building: (1) a second story on a portion of the rear of the building primarily for office use; and

(2) a single story addition on the front of the building which will be used for production and warehousing of product and material, with associated parking and site improvements. (Assessor's Map 50, Lot 189A) (SPA action date: September 12, 2014) **(To be continued without discussion at the request of the applicant to September 9, 2014)**

Day noted that the meeting scheduled for September 9<sup>th</sup> must be cancelled because of the conflict with the upcoming election. She suggested going to the following Tuesday, but some members could not make it. Attorney McCann indicated that the meeting on September 23<sup>rd</sup> would work, and they would extend the action date to September 26<sup>th</sup>. Sears suggested extending to October, and McCann responded that they would extend the action date if needed after the meeting on September 23<sup>rd</sup>.

**MOTION:** Prentiss moved to continue the public hearing to the Board's next meeting on September 23, 2014 with an action date extension to September 26, 2014. Henry seconded the motion. The motion passed by unanimous vote.

**22-24 Conant Street.** Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Roman Catholic Archbishop of Boston for property located in the C-1 Zone District. The applicant proposes to construct a 910 square foot addition to the existing church building. They will also acquire the parcel located at 22 Conant Street, remove the existing funeral home building and create an attractively landscaped parking lot to provide parking for the church. (Assessor's Map 43, Lot(s) 250, 250A & 251) (SPA action date: August 29, 2014)

Sears read the legal notice and opened the public hearing.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, St. Mary's of the Annunciation Church and the Roman Catholic Archbishop of Boston, requesting Site Plan Approval for the property located at 22-24 Conant Street. A small addition (910 s.f.) to the church building at 24 Conant Street is proposed. They are also proposing the acquisition of the Mackey Funeral Home at 22 Conant Street for a needed parking lot for parishioners; as there is not parking at the church. Under 40A, Section 3 of the Danvers Zoning Bylaws, the church use itself is exempt from zoning; however, dimensional and other types of requirements, including Site Plan Approval, is applicable to the process and church operations. The church is non-conforming, but the proposed addition is fully conforming. The stairs that come out of the addition encroach into the setback requirement, but they received a finding for the addition from the ZBA. Mackey Funeral Home is of an age where the demolition of the structure does put it under the jurisdiction of the Preservation Commission. They received a Certificate of Determination, which means the building is of historic significance. That is a separate process from the Site Plan process being sought tonight.

The Site Plan package proposes an addition that will allow for some internal renovations to the church to allow fellowship after services. The parking lot is going to provide the needed parking spaces for the church. The parking lot did not need zoning approval by the ZBA. Mackey's Funeral Home has been in existence for a long time. It is moving to Middleton where a new facility is being constructed. They will still service families in the area.

Engineer Scott Cameron from The Morin-Cameron Group, Inc. is the project engineer. George Razoyk from Architectural Design Concepts is the architect, and Michael Radner from Radner Design Associates, Inc. is the landscape architect.

They have received comments from the Building Inspector approving the plans with the exception of revising the plan for handicap parking. The Engineer is satisfied with the plans.

Scott Cameron described the plans. He indicated that a Form A plan is being submitted later in the meeting to extinguish the property line between the two properties. He showed the proposed addition to the plan. He said the bulk of his work was parking. The existing dwelling will be replaced by 36 parking spaces. He showed the snow storage at the corner of the parking lots, and stated the snow can be removed if needed. There will be residential-type lighting sconces that will be shielded. Cameron stated the area was very well lit to begin with. There will be a new curb cut on Conant Street and Central Avenue. All utilities were eliminated from Conant Street. The drainage will flow out to Central Street. The only street work is the curb cut. They met stormwater requirements, and this will be an underground system which exceeds the retention requirements. This system will help the municipal system in this area. On the addition side, an underground drywell will deal with the runoff from the church.

The architect, George Razoyk, described the plans to the Board. He pointed out the addition is being added to relocate seating since the altar of the church is being moved forward.

Henry asked how the stone is matched. Razoyk stated that it is done all the time. A color match will be found.

Cheetham asked if the meeting room shown on the plan was intended to be a pre-school or classroom. She stated that they have seen churches turn into preschools. Razoyk stated that this will be a meeting room only. The use is not going to change. The total seating capacity of 150 does not change, and he confirmed that the use is not changing.

Cheetham asked if they had given any consideration to maximizing the parking lot for events. Cameron said that they had thought about filing a secondary plan to maximize parking, and he indicated that they would come back before the Board if they wanted to maximize parking.

Henry stated that he lives a stone's throw from the church on Damon Street. He indicated that during busy religious holidays people park on Damon Street. He liked getting 30-40 cars off the street. He stated that the Town tinkered with parking in the neighborhood. He does not mind cars parking in front of his house. He felt the parking will be beneficial.

Michael Radner from Radner Design Associates, Inc. described the landscaping. He reviewed existing conditions, noting that Conant Street has several mature trees. One is at the opening of the parking area that will need to be removed. The other trees on Conant Street will remain. There are no trees on Franklin Street. He showed the wide lawn area next to the church. The statuary will be relocated. The spruce trees that straddle the main entry will remain. The older yew plantings provide a nice evergreen space.

Radner stated that the west side of the parking lot abuts another parking lot. This area will be cleaned-up and landscaped. There will be four shade trees, two at each end. Plantings along the rectory will need to come out. He pointed out a red rectangular space on the plan that will be used for a meeting area. He showed where the statuary would be moved. The walkways will provide a barrier-free handicapped access to the front of the church and addition.

Sears asked what the patio would be made of, and Radner stated that had not yet been decided. He stated it would be a budgetary decision.

Sears asked when they anticipated starting the project.

McCann said there were a couple of different aspects to the project. The addition and parking lot can be constructed independently. The church would like to start moving ahead with the addition to the church as soon as possible.

Radner stated that there was a desire to provide a feeling of enclosure to make the lawn area feel like part of the church. There will be decorative fencing along the corner of Conant Street and Franklin Street.

Henry said there was a site line issue with the yews on the corner of Franklin Street and Conant Street. Radner said the yews were being removed and replaced with lower plantings.

Sears asked how high the fence was going to be, and Radner responded four feet. Cheetham asked if the fence would be solid or see-through, and Radner responded it would be see-through metal pickets.

Farmer questioned the grade going up the ramp for handicapped accessibility. Razoyk responded that there would be no ramps and no railings for the handicapped access. They can do a walk that has a five percent grade, which is subtle and does not require railings. He explained they were doing a meditative garden approach.

Cameron showed the Board that the handicapped parking spaces behind the rectory would be upgraded.

Farmer confirmed that the current chapel is going to be the new chapel.

Zilinsky asked about the landscaping between the two parking lots. She asked if the timber wall and concrete wall were going to be removed.

Cameron explained that the wall is present because the grade of the property goes up. The owner of the adjacent parking lot was agreeable to redo the whole strip between the properties.

Radner stated there would be a variety of shrubs. Zilinsky asked if the landscaping would block access between the two properties. Radner explained there would be low plantings that would

not block access. Zilinsky asked if people would park here if they were going to CVS, and McCann indicated that it would be used for church parking only.

Prentiss stated there were revised comments from Engineering regarding the responsibility of repairing the trench patch if there was settling. He asked if any responsibility would go to the applicant, and would that be covered under the general provisions.

Days stated that they could have language that binds the applicant to take care of any settling prior to the issuance of a Certificate of Occupancy. The condition can be added since it is not captured under the general conditions.

Prentiss questioned the current height of snow piles before removal, and the Board responded 12 feet. He is happy to get parking off the street, and he likes the landscaping design. He is concerned with the location of the snow removal areas. If they got too high, do bylaws accommodate people exiting the church? He is concerned about a snow bank being taller than 12 feet in height. He asked if the applicant would be amenable to remove snow at 8 feet, since all the snow piles are adjacent to the sidewalks. McCann said she would be concerned with the exact same thing, but she felt there was enough distance between the parking lot and sidewalk. She said they were agreeable to eight feet, but did not think it would make much of a difference.

Cameron showed where there was going to be a sidewalk parallel with the parking lot. They were agreeable to capping the snow piles at eight feet.

Sears confirmed that they agreed to the eight foot height. Day said that she would make this change under the general conditions of the Certificate of Action.

Sears asked what the landscape percentage was, and Cameron responded north of forty percent.

**Charles Bergeron, 23 Central Avenue.** He stated that he is a neighbor and parishioner, and he was involved with parking changes on that street before. He liked the situation that more parking is going to be added. They have a lot of elderly parishioners, and it is a good thing for people not to have to walk far. He felt it would be a win win situation.

Sears asked if there would be signage on the parking lot. McCann stated they would put signage if needed. This would not be an open public lot.

Henry said that he was not happy to hear that the parking lot belongs to the church and no one else can park in the lot, especially since the church has relied on streets for decades. He hoped that if the Town ever needed assistance for evening use as a relief valve for busy nights when there is a parking shortage downtown, the church would help out.

McCann stated that the church has been, and will continue to be, a component of the neighborhood. If there is a situation, the Town can approach the church for permission to use the lot, but they do not want people parking on the lot all day long.

Henry felt in the long-term economic development of the downtown, it would be nice to have a dance partner if parking needs to be extended.

McCann stated that they can discuss this if it comes up.

Zilinsky said she could see people parking there, and asked how this could be monitored if there is no fence. McCann said it would be monitored. Zilinsky said that the office building next door has an issue with their parking lot, and they try to monitor it. McCann said that there are people in the church during the day, and they will try to monitor.

Zilinsky asked if Peoples Bank allows parking overnight.

Bergeron said that the lot is open during the night, and people know not to park there.

Sears pointed out there would be insurance and liability concerns if the lot is opened to the general public.

**Sally Connelly, 19 Bayberry Road.** Connelly asked if the demolition delay could be explained. Sears explained that if the property is designated historic by the Preservation Commission, they can determine whether they impose a six-month delay. This would encourage the applicant to preserve or move the building. The applicant will not be able to get a demolition permit for six months.

McCann stated that a public hearing is the next step, and that meeting has not been scheduled. Connelly asked if they would be notified of that meeting, and she was directed to Susan Fletcher in the Planning Office.

**Roger Michaud, 4 Bayberry Road.** Michaud said that the bulletin from St. Mary's church stated that this project was going to be financed with the sale of the property at Whipple Hill. He said that the archdiocese needs to consider the people. Sears again stated that they did not know anything about this application. He asked if the applicant wanted to answer the question.

**Audrew Michaud, 4 Bayberry Road.** Michaud said that all this work was being done for only 30 parking spaces. She said that David Trask felt it was a building worth saving. She said that no one answers any questions that they ask. Is a street going to be going through Bayberry? They were told St. Mary's already sold the land. This is not being handled very well. They are not happy with not getting answers to their questions.

Sears told her that that she would be notified as an abutter. He described what the Planning Board can vote on. They cannot comment on a project that is not before them.

Cheetham said she would like to find out if the Fire Department would comment on having more "stacked" parking. Sears pointed out that the applicant would come back before them if they needed the additional parking. McCann said that she does not have a problem looking into this. She said if the Board wants more parking, they would agree to look into it. If the Fire

Department approves it, they would be happy if the Board would approve this, so they did not have to come back before the Planning Board.

Cameron said that the parking would be cumbersome. They did not want to promote this type of parking for regular use.

Henry asked if they could craft something in the decision so that if you did need the additional parking, you would touch base with the Board. This way they could have something in the decision to coordinate with the public safety system to see how it would work.

McCann stated she would agree. She would look into the possibility of providing special event parking. If they want to implement the plan, they will come back to the Planning Board.

**MOTION:** Prentiss moved to close the public hearing for the Site Plan Application for 22-24 Conant Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

**MOTION:** Cheetham read the Certificate of Action and moved to approve the Site Plan Application for 22-24 Conant Street. Henry seconded the motion. The motion passed by a unanimous vote.

## **OTHER BUSINESS**

**22-24 Conant Street.** Request by Roman Catholic Archbishop of Boston for endorsement of Form A plan to combine the property at 22 Conant Street with its abutting parcel at 24 Conant Street to form one lot. (Assessor's Map 43, Lot 250, 250A & 251). (*Approval Not Required Action Date: September 2, 2014*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant St. Mary's of the Annunciation Church and the Roman Catholic Archbishop of Boston. This ANR plan combines the properties at 22 and 24 Conant Street and eliminates the lot line between the two parcels. She stated that they had received favorable recommendations from the Building and Engineering departments and they have no objections.

**MOTION:** Zilinsky read the Certificate of Action and moved to find that Planning Board approval is not required for the proposed combining of the properties located at 22 and 25 Conant Street. Prentiss seconded the motion. The motion passed by unanimous vote.

Request for Planning Board endorsement of street layout plans for the following: **Saratoga Lane and Dimock Street.**

**MOTION:** Henry moved to endorse the street layout plans for Saratoga Lane and Dimock Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

## **MINUTES**

June 24, 2014

Farmer stated that the minutes did not reflect that he was present for the meeting on June 24<sup>th</sup>.

**MOTION:** Prentiss moved to approve the minutes of June 24, 2014 as amended.  
Zilinsky seconded the motion. The motion passed by unanimous vote.

## **ADJOURNMENT**

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

The meeting adjourned at 8:50 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on September 23, 2014.