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

Daniel J. Toomey Hearing Room
September 8, 2015
7:00 p.m.

MINUTES

Chairman James Sears called the meeting to order at 7:15 p.m. Planning Board members James Sears, Margaret Zilinsky, Kristine Cheetham, Aaron Henry, William Prentiss and Associate Member John Farmer were present. Planner Kate Day was also present.

STAFF BRIEFING

A staff briefing was not done due to the lengthy agenda.

FORM A

19 Purchase Street. Request by Mark Occhialini for endorsement of Form A plan to reconfigure lot lines for the property located at 19 Purchase Street. (Assessor's Map 58, Lot 66). *(Approval Not Required Action Date: September 9, 2015)*

Attorney Michael Landers appeared before the Board on behalf of the applicant, Mark Occhialini. He told the Board that the applicant went before the Board of Appeals in 2008. The property was transferred, but the Approval Not Required plan was never recorded. He said they were looking to rectify the problem by recording the plan with the Registry of Deeds.

> **MOTION:** Zilinsky read the Certificate of Action and moved to find that Planning Board approval is not required for the ANR for 19 Purchase Street. Prentiss seconded the motion. The motion passed by unanimous vote.

OTHER MATTERS

100 Kirkbride Drive. Request for a Minor Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Hathorne Hill Homes, LLC for property located in the Hathorne West Zone District. The applicant proposes to relocate parking spaces. (Assessor's Map 24, Lot 22) *(SPA action date: September 22, 2015)*

Jeffrey Rhuda, from Hathorne Hill Homes LLC, appeared before the Board. He explained that this plan is the amended site plan approved by the Board in 2010. He showed the parking approved by the Board. They are proposing to add spaces to some areas, and remove spaces from other areas. Rhuda explained that when they purchased the property, some of the buildings were constructed, but parking had not been installed correctly. He explained the reasons for moving the spaces. Rhuda said that they worked closely with the Trustees, but they do not have unanimous approval by all the residents. The Declarant and Trustees are the ones that want to do this. Engineering, Fire and other departments have been out to the site.

Henry asked if the vote of the Trustees could be described. Chuck Wayne, one of the Trustees said there were three unanimous votes in favor of the revised plan.

Rhuda showed the changes in parking on the plan, and a discussion ensued about the change in the configuration in parking.

Cheetham asked about the change with the transformers, specifically that the electric company wanted to see bollards where the transformers were. Rhuda pointed out where the proposed bollards would go. Rhuda said that the electric department will come back and tell them where they want the bollards.

Zilinsky asked Rhuda how the parking compared to the original plan. Rhuda said the parking was even. He said thirteen (13) spaces were being added and thirteen (13) spaces were being removed. Zilinsky confirmed that they were still in compliance with the modified site plan.

Prentiss said that all his questions were answered by Engineering.

Farmer asked if the spaces being proposed were for unit owners or visitors. Rhuda responded that they would serve both. He said that certain spots would be assigned to units, but the majority were guest spots. He said that Danvers does not recognize stacked parking.

Cheetham asked Rhuda if bushes could be added to one of the areas where the grass was being removed. Rhuda agreed.

Attorney Susan Dimiano addressed the Board on behalf of Dr. Kevin Ennis who resides at Unit 104, 100-218 Kirkbride Drive. He objects to the parking pad next to his property. Dr. Ennis said that he is the longest dwelling resident in the project. He has lived there for six years. He has lawn, trees and flowers. What is being proposed by the Trustees and Rhuda is that they are going to rip up the lawn and put a parking pad. He has pictures to present. He would like the Board to agree that this space should not be put down. There is an irrigation box and electric box near his property. He said that he never received the engineering report. He is concerned about his property value. He does not see the need for this parking. He is concerned with the parking pad being near the street light. He is also concerned with snow removal, since the snow will be pushed onto the complex landscaping. He is concerned that the curbing around the pad will be ripped up by the plows. Ennis said that he had no disclosure that any parking was to be put on his front lawn. He distributed pictures to the Board. Sears pointed out that this area was a

common area due to this being a condominium. Sears said if Ennis had a problem with the condominium association, he would have to deal with them.

Henry pointed out the original site plan was subsequently modified. The plan on record shows these parking areas. Ennis said he bought the property from Ellis.

Rhuda said he felt for Mr. Ennis since the parking spaces were not constructed when the buildings were completed. Ennis was notified of the hearing for the modification of the parking. If parking is removed, it needs to be added somewhere else or relief is needed. Rhuda explained that he can't pave the roads or do curbing until the parking is completed. Rhuda said that Ennis signed off on the Master Deed to increase the number of units in the complex.

Sears pointed out that they are zoning for the future.

Rhuda agreed that this condominium is over-parked. The driveway holds six cars, along with two spaces behind the garage doors. He said that this needs to be worked out and agreed upon by the Trustees.

Fred Toomey, 210 Kirkbride Drive. He is one of the Trustees. He wanted confirmation that the Board can grant relief from parking. Sears confirmed this. Toomey asked if they needed to go to another board. Sears said that relief could be given tonight.

Ruth Murphy, 241 Kirkbride Drive. Murphy said that the proposed new parking space is three feet away from the walkway to get into her home and directly in front of her window. She said that she was never notified about this change in parking. She said that she was asked if they wanted to increase the number of units from 64 to 71. She asked that they eliminate the space closest to her building and remove the one next to the hydrant.

Dimiano asked that the waiver be approved and not put parking adjacent to Ennis' property. She said that Ennis does plan on appealing if the waiver is not allowed.

Sears suggested that people meet with Rhuda to work out the parking differences. Rhuda said that they need to work this out with the Trustees

Cheetham said when looking at the plan, it does seem that that one side of the development needs more parking. She felt that they needed to work out parking that is best for the community.

Henry pointed out that what was being shown for parking was the approved plan, and this is what the developer is obligated to build.

Sears felt this was not the appropriate forum to resolve this. The plan as presented has been approved by Engineering. We are trying to resolve complaints. This hearing can be continued.

Zilinsky said that she would vote for a waiver if everyone was in agreement.

James Curley, 112 Kirkbride Drive. Curley felt the plan required too many parking spaces. They do not have a parking problem. He felt they are putting in spaces that are not necessary.

Henry explained that the parking is determined by what is in the bylaw. The Planning Board has learned the hard way regarding parking. The Board cannot count stacked parking. He said that this needs to be done as a consensus, and this is not the forum.

Toomey asked if the Trustees authorize the waiver, doe the spot need to be put somewhere else? Sears responded that the spot could be held in reserve, or it could be removed.

Henry asked if the Board would be okay with removing spaces. He would want them held in reserve. Zilinsky felt they could decide how many were needed, but they would be held in reserve, not removed.

Bruce Robinson, 131 Kirkbride Drive. He felt they have too many parking spaces. They removed 13 parking spaces and added 13 parking spaces. The perimeter road eliminated 7 parking spaces and added 10.

Rhuda requested to continue this discussion to the next meeting.

> **MOTION:** Cheetham moved to continue the Minor Modification to the Planning Board meeting of September 22nd with an action date of September 25th. Zilinsky seconded the motion. The motion passed by unanimous vote.

120 Water Street. Request for a Minor Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Sapori Italiani, Inc. for the property located in the Waterfront Village District. The applicant proposes to expand the restaurant use to occupy the entire building. They are also requesting to remove the restriction on interior seating and waive the off-street parking requirements. (Assessor's Map 60, Lots 60 and 61) *(SPA action date: October 9, 2015)*

Attorney Jill Mann appeared before the Board on behalf of Sapori Italiani, Inc. With her this evening were Giuseppe El Mimouni and Marcello Franciosa. Mann explained that Franciosa entered into a lease to rent half of the building. In July, 2015, they took over the lease for the other portion of the building. They are before the Board to lift the limitation on seating in the restaurant. They would like to revise a condition of relief previously granted. They are also looking for a waiver of the parking requirement. Presently the requirement stated for every three seats you should have one parking space. They would like to change this to be for every four seats they will have one parking space.

Mann explained that when the building was constructed, the Board restricted parking to balance the need for parking and inserted a provision of only 24 seats in the restaurant. A plan was submitted. The Fire Department wanted improved access to the front of the building and asked that one space be removed to have easier access to the building. The Building Inspector, Rich

Maloney, said that the parking could be moved to the side of the building. A relocation of a parking space was necessary. Those are the only changes to the site plan. They are presently going before the local licensing authority to finalize the liquor license.

Prentiss asked how much landscaping would be lost with moving one space towards the landscaped area. Mann responded 135 square feet. She said they could make adjustments to the landscaping to make up the 135 square feet that is being lost. She said they can improve other landscaped areas.

Prentiss said that he would like landscaping in front of the building. Mann said that they could add plantings to be inviting to customers. Prentiss said he was okay with staff approving the relocation of the landscaping.

Zilinsky said that she was concerned with the landscaping and anything that could be done to improve the landscaping would be appreciated. Planters or window boxes would help. Mann said that the applicants would like to have window boxes.

Zilinsky is concerned with the parking. She asked Mann if they were looking to have 68 seats. Mann said it would be 68 seats with the waiver, or 48 to 51 seats without the waiver. Zilinsky said she was concerned about the parking since there is no on-street parking. Zilinsky said she would like to see something on this site.

Farmer asked if retail enterprises can be abandoned, and Mann confirmed this. He said he was concerned with the parking and felt it would be more a destination spot. Mann said that they are hoping that people will know that this is a family restaurant. It is not a bar or tavern.

Mimouni said that he was one of the owners. Based on his experience, restaurants are busy Friday and Saturday nights. The first 50-60 people come between 6:00 p.m. and 8:00 p.m. The first wave will be gone when the next wave comes. This will be a fine dining restaurant which will make it a more organized establishment.

Cheetham would like landscaping in the islands. She asked if the grass area is fenced, and this was confirmed. Cheetham wants to be sure there is enough plantings for the neighborhood at the back of the site. Cheetham is fine with Day working with the applicants for landscaping.

Henry said he likes the landscaping. He is not interested in limiting the number of seats in the restaurant. He is willing to go along with it. He is confused with the three to four parking spaces for employees. Mann responded that they wanted as many spaces as possible available for patrons. She said all the employees of the restaurant live within blocks of each other and will be commuting to work together.

Mimouni said that he worked at Toscana's Restaurant in Peabody, and they can seat 100 people. Not all 100 people come at once. To fill up all those seats at once is impossible.

Cheetham showed where two additional parking spaces could be placed.

Zilinsky asked if the dumpster in the back was enclosed. Mann said it was enclosed with a stockade fence. Zilinsky asked how it would be accessed, and Mann responded by the street that leads down to the marina. Mann said that the dumpster can go behind the employee parking.

Sears asked where snow storage would go. Mann showed the back corner of the site which is only a small space. Most of the snow would have to be removed off-site.

Henry wanted clarification that the parking was capped at 24. Sears confirmed this and added that this was with the retail space next door. If this is doubled, that is how you arrived at the 48 seats.

Sears wanted confirmation that the two issues that the Fire Department had been dealt with, and Mann responded that they had already been taken care of.

Henry was concerned with the employee parking. Henry asked if spaces numbered 16, 17, 18, 19 and 20 could be employee parking. Sears agreed with this. Henry said he could go along with one space per four seats with five spaces for employees and landscaping being maximized as discussed. This would allow 60 seats for the restaurant.

Zilinsky confirmed that this would drop the seating down to 60 seats for the restaurant. Zilinsky said she would be more agreeable to what Henry suggested.

Prentiss would rather see five spots changed into employee spaces. Farmer, Cheetham and Zilinsky agreed.

Mann asked if they could do four spaces instead of five, since two of them will travel together.

Mimouni said that they need to be there together, and they always take one car.

Sears explained that the parking is being established for the future. He felt they were getting a good result for the plan presented.

Mann thanked the Board for their indulgence and accepted the five parking spaces for employees. If needed in the future, they would come back to the Board.

MOTION: Zilinsky moved to find that the requested modification represents a Minor Modification an Approved Site Plan. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Henry read the Certificate of Action and moved to approve the Minor Modification to the Approved Site Plan for 120 Water Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

Discussion: Potential expansion of Transene facility at Danvers Industrial Park.

Michael Castagna, from Castagna Consulting Group, appeared before the Board on behalf of Transene Company. With him this evening were the civil engineer, Hoyle, Tanner and Associates, Inc., along with the owner of Transene, Christopher Christuk. Castagna said that they appreciate the preliminary discussion to have parking reduced by 25% prior to making a full Planning Board submission.

Bill Davidson, from Hoyle, Tanner & Associates, Inc., addressed the Board for the proposed Transene building addition. He showed the 13,000 square foot addition at the back of the building. The current building has 15 parking spaces. In an Industrial II Zone, the requirement is 3 spaces per 1,000 square feet. They do not feel that this is required for this use. Davidson said they would like to submit an application to request 66 parking spaces. He explained that the addition is not for an increase in production or employees. It is for storage. There is no access in the back of the building. There is a loop for some fire access if any issues arise. There is room for additional parking spaces, but there is not a need for this particular use. The owner knows what his expectations are. By having a waiver, they can have a detention basin that will be a grass area. This would not happen if more spaces were required.

Sears asked what the amount was for spaces being waived. Davidson responded 21 spaces. Sears asked where the spaces would be shown if they needed to be on the plan. Davidson showed the areas.

Zilinsky asked if the spaces in back were new parking spaces. Davidson confirmed this.

Cheetham asked how many employees there were, and Christuk said there were 15 employees. Cheetham confirmed that they would put in a total of 66 spaces. Christuk also confirmed that there was only one shift.

Day said the dilemma was that should they get the waiver, a detention pond can be created in front of the building. If the Board did not want this, the applicant would need to do an infiltration system. She said that they do not feel they need the 66 spaces, but it influences the planning and engineering process.

Cheetham said that they have been there for 20 years. She felt it was a reasonable amount of parking. She would be comfortable with this as proposed.

Sears said that at Cherry Hill they kept spaces in reserve in case there was a change in ownership. Maybe they could do that here.

Day said they were constrained by the language in the bylaw that says you can waive down to 25%.

Zilinsky asked if all the spaces need to be constructed, or can they be in reserve. It was confirmed that they could be in reserve.

Henry said that they would like to see if they can get to the ratio if and when needed.

Castagna said that they had this discussion with staff. They can get to the 87 spaces if needed. He said that would be a change of use that would come before the Board anyway.

Zilinsky said that she did not want to see them have to have the added expense for detention or infiltration when they did not need the spaces. If there was a new owner in the future, they would need to do the infiltration system.

Day explained the Bylaw stating that the Planning Board can waive up to 25% of the parking, or for good cause, any parking requirement can be waived.

Prentiss said that when a waiver is done, the usage would drive the number of parking spaces. He asked if there was a change of use, would that trigger a modification to come to the Board for parking?

Day said that this was discussed at TRC. You could have another industrial company that did not constitute a change of use have a different parking requirement.

Prentiss said he was concerned with parking.

Day said that they talked with the applicants. She said that there was a willingness to condition the approval so that should there be a change in ownership for different parking requirements, the entire site could be open for review. If someone needs more parking, they could rip up the basin and put in an infiltration system.

Castagna asked what the mechanism would be that would do this.

Henry said that the Board was supportive of the 25% reduction.

Sears asked if they could show the 87 spaces, have 25% reserve, and build the 66 spaces.

Zilinsky asked if they show the 87 spaces, do they have to change the detention pond.

Sears responded that this would not be necessary if it was in reserve. Sears asked if the detention pond be pushed back a little. Davidson responded that they have it as close as could without impacting the 25-foot buffer.

Sears asked if the addition was a warehouse. Davidson responded that the whole building was a warehouse.

Sears felt the applicant should stick to the Bylaw. Show the plan with 87 spaces with the reduction. If that is not done, they could have a problem in the future.

Prentiss would like the reserves shown.

PUBLIC HEARINGS

27 Garden Street, Unit 3. Request for a Special Permit under Section 30 of the Zoning Bylaw submitted by Insight Motor Works, Inc. for property located in the Route 114A Zone District. The application is requesting a Special Permit for an automotive repair facility where automotive hobbyists may work on their own personal vehicles, with storage of such vehicles to be allowed only inside the fully enclosed workshop proposed within the rear portion of the building. (Assessor's Map 49, lot 036A) *(Special Permit action date: 10/09/15)*

Nick Treantos, from Insight Motor Works, Inc., appeared before the Board. He wanted to correct the record that there is no repairing going on at this location. These are collector's cars, and they are not allowed to be repaired. All the cars come in dry. There is no fluid in them. There is no threat of any discharge into the sewer system. Fluids are removed and given to Autozone. With respect to noise, there is no autobody work allowed, and they do not use compressor-driven equipment. This is a cinderblock building to the rear of Lowes, and the nearest residential property is 300 feet away from the nearest unit. Treantos said there are no outside signs, and no customers coming to the site. This is just individuals working on their own personal vehicles. Most people do chroming where a part is removed and sent to a chromer. Treantos explained that this is a bunch of individuals that have a hobby reconstructing vehicles. There will be strict rules for use of the facility. All members sign an agreement, and anyone in violation agrees to be locked out. He has a location in Lynnfield that is near a multi-family home and has had no complains.

Cheetham asked Day if any comments had been received from the neighbors on Garden Street. Day said that she did speak with a representative of the Meadows, but no written comments were received.

Henry wanted confirmation that a Special Permit is needed procedurally because of use. Day agreed. Henry asked how they got customers. Treantos said that people are waiting in line to get into his locations. He said that it was a place where you could leave your tools to have a place to work on your vehicle.

Zilinsky said that she was wondering the same thing. She confirmed that a special drain was going to be needed. Day confirmed that a MWRA trap needed to be installed. Day said that the applicant has spoken to the Building Inspector, and they are working around the code issues. Day said at minimum, he wanted a trap in the floor drain. Treantos said that there are no drains. It is not applicable in this issue.

Zilinsky said that she was comfortable with this. If Engineering is requiring a floor drain, he would need to speak to Engineering to discuss this.

Prentiss said as long as Engineering's desires are met, he is fine with it.

Farmer thought it was a great reuse of this property.

Sears asked the hours of operation. Treantos said that it was not a place of business. It was a place where hobbyists would go. Sears said he does not want people working on their cars at unreasonable times. He wants to limit noise, and he would like hours of operations set.

Treantos said that people cannot run an engine in the building. Sears asked if he would be okay with a restriction.

Zilinsky asked if once the vehicle is rebuilt, is it brought outside the facility or brought to another location? Treantos said the vehicle is started and off it goes.

Janet Santa-Anna, Trustee of the Meadows. She said that they had a level of concern, and there were 10 residents present. She said that have a petition signed by 29 of the 35 unit owners. They are concerned with revving of engines, noise, traffic and environmental issues. She asked if the applicant is responsible for insurance, OSHA and EPA protocols. Treantos said that they carry insurance, and everyone has their own insurance. All members indemnify the corporation and will comply with anything applicable.

Santa-Anna said automotive facilities are the biggest pollutants and asked about waste. She asked how many participants there would be. Treantos said that initially there are six individuals, but more are coming on board. Depending on the space in the buildings, it could be from 12 to 15 cars.

Santa-Anna asked how many customers were at the Lynnfield operation, and how much traffic was generated. Treantos said the maximum was probably 15, but they were not going to be there at the same time.

Santa-Anna said that compressors are very loud. Treantos said that technology has advanced, and they are not that loud any more. They also have baffles.

Santa-Anna asked what type of containers would be used, and how would the waste be moved. Treantos said it was the responsibility of the tenant to remove the waste.
Santa-Anna would like to see the user agreement. She asked how cars were transported, and Treantos said by tow truck or flat beds.

Santa-Anna said she was concerned with traffic.

Thomas Mann, 28 Garden Street. Mann said he was a master plumber and stated if you are working on vehicles, a gas and sand trap are needed. This is done by the MWRA. Sears said that the applicant would not get an occupancy permit without the drain.

Mann said that he has been down this road before with Prime Speed. They said that they were not going to do dyno-testing, and the garage doors would be closed. He has complained to the Building Department, police and the landlord. He felt they were lied to three years ago.

Bob Seger, 30 Garden Street. Seger felt there should be compatibility with the neighborhood. Garden Street is a residential island in a sea of commercial industry, and they are drowning. He has almost gotten hit multiple times. He felt Garden Street was a runway.

Norman Dearborn, 19 Garden Street. Dearborn said that 27 Garden Street is a dance school. He is concerned about noise and odors. He felt compressors were loud. They hear noise from Lowes. He felt the compressors were going to be an issue. He asked who would be transporting the fluids to Autozone.

John Coughlin. Coughlin said that he is the project manager for Gateway Realty Trust. He is going to maintain the building. To alleviate some fears, his lease will be much tougher than what this Board wants. They are on that property three to four times a week. They are very cognizant of the tenants. He said that the compressors will be in a well-insulated room. He said that they have restrictions that go into every lease.

Santa-Anna asked if the hours of operation had been determined. Sears said that would be discussed.

Santa-Anna felt that with hobbyists, would they be there weekends and nights? Sears asked Treantos the hours of operation, say from 8:00 a.m. to 8:30 p.m. Treantos said that they have had no complaints in Lynnfield. He said that these cars are not going to be raced or driven. A vehicle will be brought in and worked on. Most people have a job, and this is their hobby. Zilinsky confirmed that the cars would be worked on inside.

Zilinsky asked about the hours of operation. Coughlin said that they can be operational 24 hours per day. The Board imposed truck deliveries to be made between 7:00 p.m. and 8:00 p.m. with no outside idling of trucks. Coughlin said that they allow no overnight parking in the area. Coughlin said that Turboparts has a compressor running constantly. He said that they took the Planning Board restrictions and further expanded them.

Sears said that the Fire Department regulates the hazardous materials on site. With every tenant, they need to call the Building Inspector to find out what needs to happen. A building permit needs to be pulled for every re-occupancy. A new tenant sits with Captain Brooks, and he checks everything that the new tenant may need in the space. Then the tenant goes to the Building Inspector.

Sears confirmed that Coughlin was aware of the requirement of a drain. Coughlin said if they need to do it, it will get done.

Sears asked how many days a week and the hours of operation. Treantos said it was the spare time of the individuals. Sears asked if he was proposing 9:30 a.m. to 8:30 p.m.?

Prentiss asked if Treantos was on the premises, or was there a manager. Did tenants open access with their own keys? Treantos said it was open access, but they are only allowed one person.

Prentiss asked how hours of operation were controlled. Sears said if there was a complaint, they could voice the complaint to the Building Inspector/Police Department. Treantos said that internet cameras were in the facility. The security system can limit the time entering the building with a code.

Cheetham said that Route 114 is a difficult area. The site plan was developed by our Board, and this is a multi-tenanted facility. The owner would not jeopardize the entire site. She is okay with the Special Permit.

> **MOTION:** Prentiss moved to close the public hearing for the Special Permit for 27 Garden Street, Unit 3. Zilinsky seconded the motion. The motion passed by unanimous vote.

> **MOTION:** Henry read the Certificate of Action and moved to approve the Special Permit for 27 Garden Street, Unit 3. Prentiss seconded the motion. The motion passed by unanimous vote.

121 Conifer Hill Drive. Request for a Major Modification to an approved Site plan pursuant to Section 4 of the Zoning Bylaw submitted by submitted by Kavanagh Advisory Group for property located in the HC (Highway Corridor) Zone District. The applicant proposes to add a 10 by 14 foot shed adjacent to the water pump station. (Assessor's Map 19, Lot 12) *(SPA action date: 10/09/15)*

Day said the applicant was not present. This application is for the addition of a 10 by 14 foot shed adjacent to the water pump station. She deferred to the Board how they wanted to approach this. It is a small accommodation. They have the shed design.

Sears said that the action date was October 9, 2015. The applicant can come to the next meeting.

> **MOTION:** Prentiss moved to continue the public hearing for 121 Conifer Hill Drive to September 22, 2015. Henry seconded the motion. The motion passed by unanimous vote.

Chair James Sears recused himself from the rest of the meeting. Margaret Zilinsky assumed the role of Chair for the remainder of the meeting.

1 Southside Road, 120 and 122 Centre Street. Request for a Major Modification to an approved Site Plan submitted by Gateway II Trust of 1997 for property at 1 Southside Road, 120 and 122 Centre Street (Map 40, Lots 36, 35 and 34), pursuant to Section 4 of the Zoning Bylaw. Said property is located in the Route 114 B Zoning District. The applicant proposes to modify the site plan by the addition of 20,000 square feet of land to the 1 Southside Road lot to provide additional parking, and to modify site lighting, the building façade, landscaping and stormwater management. (Assessor's Map 40, Lots 36, 35 and 34) *(SPA action date: 10/09/15)*

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Gateway II Trust of 1997. With her this evening was John Coughlin as well as Charlie Wear, the Project Engineer. McCann said that the property has an industrial commercial building which predated site plan approval. The applicant has acquired the property and is renovating the building for office use. The amount of parking on the property does not meet the needs of the building, nor the parking requirements. 90 spaces are required under zoning, and there are 25 spaces on site. There is an application that will allow the applicant to acquire 20,000 square feet from each abutter located at 120 Centre Street and 122 Centre Street. Both properties have excess land and have entered into an agreement to sell some land for the purpose of adding much needed parking. McCann said that they were going to meet and exceed required parking for the building. It will be a benefit to the neighborhood. McCann said that they were requesting a site plan modification to allow the development of a parking area to help meet the parking needs of this building, which will facilitate the re-use of the building. Northeast Arc will be the tenant. McCann stated that all the proposed renovations are fully non-conforming.

Charlie Wear, from Meridian Associates, addressed the Board. He described the parking plan. Utilities are already connected to the site. The new pavement will be permeable pavement. Stormwater will infiltrate through material into the groundwater. There is good soil below. The Stormwater Management Report showed required maintenance and procedures for the porous pavement. The site flows to the east, and there is a drop-off to the w est as well. The back of the building flows to the abutter at the rear. Wear said that a water quality swale was put in place for roof runoff. He described the landscaping plan stating there were shrubs along the front of the building, as well as pear trees on the northerly side of the property.

Cheetham asked if there were any rain gardens. Wear said there was just a vegetated swale. The swale provides infiltration from the rooftop and diverts the runoff. He said that it was probably not needed, but it was introduced into the design.

Cheetham asked about lighting, and Wear said that lighting specifications were submitted. There will be full cut-off fixtures on poles, which he showed on the plan. He said there would be three wall-packs on the back and front of the building. He said that the lights would be shielded so there would be no spillage. Cheetham asked if they were LED, and Wear confirmed this. Cheetham asked the height of the light poles, and Wear said they were 16 foot poles.

Henry asked where the porous pavement specs came from, and Wear said the Mass DEP Stormwater Handbook.

Prentiss asked if Wear could adhere with all of Engineering's comments. Wear said that they had no issue with them, and had no problem putting them on the approval.

Farmer asked how the four handicapped parking spots were determined, and Wear said the ADA. Farmer asked if this was enough for this tenant. Wear said that more spaces could be added and pointed out that the tenant saw the plans.

Zilinsky asked what the percentage was for landscaping. Wear said that the requirement was for 70% open space, and they had 69.8% landscaping. Wear said they could have asked for a waiver to get more spaces.

Zilinsky asked about snow storage. Wear said there was 10 feet along the side of the building. He showed the snow storage areas on the plans.

Don Spencer, 122 Centre Street. Spencer asked about the plantings along the abutting property. Wear said there were three pear trees, and an eight-foot fence. Spencer felt this was sparse and asked if it could be reviewed. Coughlin said that they did not have a problem adding a few more pear trees along the lot line. They agreed to add two more trees and space them out.

Tomas Palacios, 120 Centre Street. Palacios asked if there was a way to have a timer on the lights. Coughlin said they had photocells that go on when it is dark, and there is a timer override. They historically all go off at midnight.

Palacios asked if there could be a sensor. Zilinsky confirmed that Palacios' property was above the site.

Henry asked what the hours were for the building. Coughlin said Northeast Arc would set the hours.

Jerry McCarthy, CEO from Northeast Arc, said that they had no problem shutting off the lights at 10:30 p.m.

> **MOTION:** Prentiss moved to close the public hearing for the Major Modification for 1 Southside Road, 120 and 122 Centre Street. Cheetham seconded the motion. The motion passed by unanimous vote.
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> **MOTION:** Cheetham read the Certificate of Action and moved to approve the Major Modification for 1 Southside Road, 120 and 122 Centre Street. Prentiss seconded the motion. The motion passed by unanimous vote.

FORM A

1 Southside Road, 120 and 122 Centre Street. Request by Gateway II Trust of 1997 for endorsement of Form A plan to reconfigure lot lines for the properties located at 1 Southside Road, 120 and 122 Centre Street. (Assessor's Map 40, Lots 36, 35 and 34). *(Approval Not Required Action Date: September 15, 2015)*

Attorney Nancy McCann appeared before the Board on behalf of her client, Gateway II Trust. As indicated earlier, the major modification to this site is pending on the ANR to allow a change in the lot lines to accommodate the 10,000 square feet from each property to be added to 1 Southside Road. 120 Centre Street and 122 Centre Street will remain fully conforming.

MOTION: Henry read the Certificate of Action and moved to find that Planning Board approval is not required for the ANR for 1 Southside Road, 120 and 122 Centre Street. Prentiss seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARINGS

Whipple Hill. Request for a Cluster Development Special Permit and Preliminary Subdivision Plan submitted by Whipple Hill, LLC for a portion of 155 Hobart Street containing approximately 13.5 acres of land as shown on Assessors Map 42, Lot 8A pursuant to the Rules and Regulations Governing the Subdivision of Land, Town of Danvers Planning Board. Said property is located in the R-II Zoning District. The applicant proposes to construct a 20-lot Cluster Subdivision under Section 33 of the Danvers Zoning Bylaw. (Assessor's Map 42, Lot 8A) *(Preliminary Subdivision action date: September 30, 2015/Special Permit action date: 30 days after the close of the public hearing)*

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Whipple Hill, LLC. With her this evening was Scott Cameron, the Project Engineer from the Morin-Cameron Group, Inc.; Heather Monticup, the Traffic Engineer from Greenman-Pederson, Inc.; Cheryl McDonald, John Thompson and his father, Gordon Thompson. McCann said that they would present from where they have been since the last meeting. Cameron will address the comments. A traffic report was submitted but not required.

McCann said that they were requesting a Special Permit for a Cluster Subdivision. A site view of the property was done with the Planning Board. The entire site was walked, and they specifically walked the area that would remain open space. The area was reviewed and questions raised at the last meeting were addressed.

Cameron addressed the Board and presented colored plans showing the difference between a cluster and conventional subdivision. They put together a grading plan. On a conventional plan the roadway would cross through the wetland. The houses are sited around the cul-de-sac at the end. He described the driveways onto the site.

He said there were questions on drainage areas. He showed the water on the site, and he described how the drainage would flow off the site. For the preliminary design, a majority of the roadway and development would be sent to a detention area. He said that they would be looking at the lot development to creatively minimize runoff. They want to try to incorporate elements into the stormwater management.

Monticup addressed the Board and described the traffic report. She said that a traffic study was not required. They prepared a trip generation and traffic letter. They focused on Sandpiper Circle and Bayberry Road intersection, as well as the Bayberry Road and Maple intersection. Most collisions are rear-end collisions. She said there were no safety issues to be fixed. She described how much traffic this site would generate. She said between a.m. peak and p.m. peak, it would be 24 vehicles per hour. There would be one additional vehicle every 8 to 8 ½ minutes.

Cameron showed a chart with the comparisons between a conventional and cluster development.

McCann said the question was whether a cluster or conventional subdivision is a better plan. By doing a cluster, the footprint of the development is being decreased. The question is whether you prefer a conventional subdivision or cluster subdivision which has fewer impacts and results in significant open space being retained.

Cheetham asked about setbacks. Cameron said the minimum setbacks are in the Bylaw. There is a ten foot no-disturb buffer added onto the setback. There was a discussion about the 10-foot buffer zone.

Zilinsky confirmed that the buffer is not owned by the owner of the lot. McCann agreed that it was part of the open space. It is a permanently restricted open space not owned by any of the owners.

Henry told Cameron that the chart he provided was very constructive. Henry asked if the numbers could be made better.

McCann said another way they could sharpen the numbers is to allow reduction in pavement width of the roads.

Prentiss said that the Board addressed most of the questions that he had. He asked if the applicant would be amendable to some type of easement for leftover land. McCann said that open space is proposed to be used by the residents of this subdivision.

Farmer thought the chart was well done.

Zilinsky questioned the 600-foot dead end. McCann said she had a memorandum to the Board in support of the road length waiver which will give you a great deal of data. The subdivision rules and regulations state that the length of a dead-end street for the purpose of restricting the length of a water line. The water loop addresses this issue. It also improves the water quality to the existing and proposed neighborhood. The fire flow will meet or exceed the requirements.

Sean Connolly. Connolly grew up on Bayberry Road. He felt the cluster jams the development onto one side of the site.

McCann responded and said that by the end of this cluster development, there will be no land left to develop. The other side of the property will be permanently restricted open space that would not be available for development.

Sally Connolly 19 Bayberry Road. Connolly said she prefered cluster development. She liked the open space being preserved. Connolly said that Engineering's comments said that the layout widths and roadway cross sections do not conform to the subdivision regulations.

McCann responded that that would be addressed later. The Town Engineer is stating that under a certain type of road, there needs to be a certain layout with a certain amount of pavement. McCann said they are showing what they would like to do. They can accommodate what the Town Engineer is requesting. She said that they may be requesting a waiver to have less pavement.

Connolly felt the waiver should not be granted and therefore, adequate access would not exist. She said that Sandpiper is a stub off Bayberry Road, which is the only means of access and egress. Bayberry is a dead end. She said that road length is very important for water pressure. Connolly felt that they were putting two dead-end streets into another dead-end street. She is concerned with safety. She felt the traffic report downplays important facts and felt the totals were underestimated. Connolly said the volume on Maple Street was not correct. There is more volume with St. John's Prep opening with 300 new students. A new drug treatment facility is coming to Lindall Hill, which will be the sixth largest employer in the Town. She had issues regarding the site distances set forth in the report. The curve at Maple Street and Berry Street impedes visibility. She knows the danger of driving on Maple Street. The speeds driven are between 35 and 40 m.p.h. She felt further review was necessary.

Rob Shay, 5 Ashley Lane. He is an abutter on Ashley Lane. He asked if any consideration had been made to the suggestions from the last meeting for expanding the buffer zone by shifting the subdivision.

McCann said that they looked at this by comparing the cluster and conventional subdivision. They felt that the cluster offers a greater buffer than the conventional subdivision.

Shay felt they were trying to compact more houses onto one side of the site.

McCann showed that it would be the same number of abutters with a cluster subdivision and conventional subdivision.

Henry felt that Shay was trying to suggest that the buffer could be widened to twenty feet, and was trying to determine if that had been considered. Henry felt the answer was that no; it had not been considered.

Sharon Orloff, 27 Bayberry Road. Orloff thought that part of the reason for a cluster was to preserve the integrity of the neighborhood. She said that she appreciated the comparison between the cluster and conventional. She felt that the expansion of the 10-foot buffer zone would maintain the integrity of the neighborhood.

Keith Lucy, 7 Ashley Lane. Lucy said that the intent of the cluster was to reduce the footprint. He pointed out that the cluster should have no adverse effect on developed neighborhoods. His privacy and views are being impacted. With the cluster he will have four abutters, and with the conventional he would have two abutters. He felt that a cluster would affect his privacy and views more than a conventional subdivision.

Henry pointed out that his lot had been cleared, and asked why the rules for this development should be different than his development.

Lucy said that he offered $50,000 to purchase 10,000 square feet of land, and the owner did not want to sell. Stormwater management is of paramount concern. People want back yards. They want shorter driveways closer to the street. His privacy is impacted.

Henry pointed out the alternative with a conventional subdivision is a zero buffer zone. They clear lot line to lot line.

Zilinsky pointed out that they have noted the requirements of a Special Permit.

Lucy said that the open space should be beneficial to the Town by being usable open space. This space is full of poison ivy and is a cliff. He felt it was not usable land. This land abuts Endicott Park where there is 165 acres of open space. He felt the water runoff would be the same.

Zilinsky said that they need to prove that they will not impact other properties. She said that they do not want the wall of his pool to fall in.

Lucy felt the conventional subdivision benefits the entire Town. The tax base would be increased to the maximum amount. He felt this would be the highest and best use of property. Lucy said that the homeowners' associations are not good with single-family homes. He asked that the Board vote against the cluster.

Bill Clark, 163 Holten Street. Clark said that the Clark Farm was the largest abutter to this property. He felt his property would get the vast majority of surface runoff. Water will run down onto his property. He pointed out that zoning for cluster is preferential. He is asking the Board that should this open space be granted, it not be just for the sole proprietary use of the property. He pointed out that Choate Farm cannot be used or accessible. He pointed out that the Conservation Commission can assume the responsibility for the open space property.

John Harris, 37 Bayberry Road. Harrison asked if there had ever been another way to get in and out of this site.

McCann said that they would look into this.

> **MOTION:** Cheetham moved to continue the public hearing for Whipple Hill to October 13, 2015. Farmer seconded the motion. The motion passed by unanimous vote.

22 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 Page Street located in the C-1A Zoning District. The applicant proposes to redevelop the property by removing the existing three buildings and constructing a new residential building with two one-bedroom units on the first floor, and one two-bedroom unit on each of the second and third floors, for a total of four

residential units. (Assessor's Map 43, Lot 369) *(SPA action date: 10/06/15)* **(To be continued without discussion at the request of the applicant to September 22, 2015)**

76 Newbury Street. Request for Special Permit and Site Plan Approval pursuant to Section 30 and Section 4 of the Zoning Bylaw submitted by TMC CF New England, LLC for property located in the Highway Corridor District. The applicant proposes to demolish the existing building and construct a 4,738 square foot New England-style retail convenience store along with the installation of three sets of double row dispensers (six gas dispensers). (Assessor's Map 48, Lot 7) *(SPA action date: October 16, 2015/Special Permit action date: October 16, 2015)* **(To be continued without discussion at the request of the applicant to September 22, 2015)**

MINUTES

August 11, 2015

The vote for the minutes of August 11, 2015 was deferred to the next meeting.

ADJOURNMENT

> **MOTION:** Cheetham moved to adjourn. Henry seconded the motion. The motion passed by unanimous vote.

The meeting adjourned at 11:30 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on September 22, 2015.