



Town of Danvers
Planning Board

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

Planning Board Members:

Aaron Henry, Chairman
Kristine Cheetham
Margaret Zilinsky
William Prentiss
James Sears

Daniel J. Toomey Hearing Room
September 24, 2013
7:00 p.m.
MINUTES

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

STAFF BRIEFING

Day informed the Board that she had spoken with Sam Cleaves and the MAPC study is running farther behind than anticipated. There were hopes that the Planning Board and MAPC would make progress on this so it could be bundled into the February Town Meeting which is scheduled for February 10, 2014. Cleaves wants to come back and do a public meeting on either November 26th or December 10th which is going to be late, but because it is mixed-use zoning, they can at least advance the model for the meeting on February 10th.

Day stated that she had been approached by DCAT and they are interested in taping the Planning Board and Conservation Commission meetings for broadcast to the public.

Day asked the Board if they might like to schedule a sight-lighting view. She could get a photometer and they could go out to get some benchmarks as to what a footcandle actually feels like.

Day told the Board that St. John's Prep was looking to change the lighting at the tennis courts and asked if the change they are proposing rose to the level of an administrative review. She reminded them that an abutter was present at the hearing and had concerns about the property line and lighting. She asked if the Board was agreeable to her approving this administratively.

Cheetham stated she would be okay with this if Day contacted the abutter. She asked what the height was for the light fixtures. Day replied that McCann had indicated they were the same type of light fixture, with the same height and are shielded. Sears said he would agree to it being approved administratively.

Day confirmed that the lighting was for the parking lot of the residence on the Prep property.

PUBLIC HEARING

20 Pope's Lane. Request for Special Permit and Site Plan Approval pursuant to Section 30 and Section 4 of the Zoning Bylaw submitted by BitCon Corporation for property located in the Highway Corridor Zone. The applicant requests a Special Permit for a contractor's yard under the Table 1 and Sections 6 and 30 of the Zoning Bylaw, the Site Plan Approval under Section 4 for the construction of a new 4,000 square foot building. (Assessor's Map 40, Lot 18) (*Site Plan action date: November 29, 2013/Special Permit action date: November 29, 2013*) (**To be continued without discussion at the request of the applicant to November 12, 2013**).

Henry read the legal notice to open the public hearing. He indicated that the applicant had requested a continuance without discussion to November 12, 2013.

MOTION: Prentiss moved to continue the public hearing for the Special Permit Site Plan Application for 20 Pope's Lane at the applicant's request to November 12, 2013. Sears seconded the motion. The motion passed by unanimous vote.

OTHER MATTERS

Hanson Road Extension. Request by Sergio Coviello, Manager of Shelby LLC for release of performance guarantee for completed site improvements for the Definitive Subdivision known as Hanson Road Extension (Assessors Map 245, Lots 51, 51A & 51B).

Day stated this is pretty straight forward release, however, the mylars have not yet been received. It was agreed that the release would be given after the mylars were received by the Planning Department.

MOTION: Prentiss moved to approve the Release of the Performance Guarantee for Completed Site Improvements for the Definitive Subdivision known as Hanson Road Extension upon receipt of the mylars. Zilinsky seconded the motion. The motion passed by unanimous vote.

Bridle Spur Extension. Request by Bridal Spur Extension, LLC for extension of Tripartite Agreement for the Definitive Subdivision known as Bridle Spur Extension. (Assessors Map 24, Lot 1).

Day explained that Dan Lemieux of Bridle Spur Extension, LLC was before the Board to extend the Tripartite Agreement since there is a difference between the expiration of the Tripartite Agreement and completion date of the subdivision. The completion date of the subdivision was extended at a Planning Board meeting in February, 2012 to February, 2013.

Henry reminded the Board that this subdivision is the one that had been presented them before, and there was a driveway dispute with the neighbor.

Cheetham asked what the status was of the paving.

Sears stated that the Developer had agreed to repair the driveway by September 30th.

Lemieux stated that he repaired the pot hole the next day after the last Planning Board meeting. He stated that they have another lot closing in late October, and at that time they will be able to go forward with the paving project. They were hoping to do all the paving at once. He stated that they are selling lots and when they have the performance bond, they will pave the whole project.

Henry confirmed that he would be coming back to the site to do the final coat of paving.

Lemieux stated that they have done a portion of the sidewalks. They want to complete the sale of the last couple of lots, and then they will be able to go ahead with the project. He wants to get the Tripartite up to day with the completion date.

Henry pointed out that that would mean the issue with the neighbor might not be resolved until June of 2014. Prentiss thought this was to have been completed to the satisfaction of the abutter by the end of this month, which is why this was agreed to a year ago.

Sears asked why this was not completed when the paver was on-site.

Lemieux pointed out it would not look good if it was paved from the saw-cut down. He can have it done this way, but it will not look good.

Cheetham stated that she did remember that the developer wanted to do the whole thing at one time.

Zilinsky thought everything would be done by now. She stated she was disappointed that this had not been done. She asked Lemieux if he was saying if he goes in and does the driveway and paves, Tripoli's driveway is going to look like crap again.

Lemieux responded that he would do it any way the Board wanted.

Henry asked the abutter, Michael Tripoli, his preference and he responded that he wanted it fixed now.

Henry stated that this needs to be completed by September 30th, and he has no problem extending the date of the Tripartite.

Lemieux stated he is happy to do whatever the Board wanted. He will complete Tripoli's driveway prior to September 30.

The Board stated that the Certificate of Action will not be released until the paving is done.

MOTION: Zilinsky read the Certificate of Action and moved to approve the extension of the Tripartite Agreement provided that paving to the sawcut on the Tripoli driveway is completed by September 30. Cheetham seconded the motion. The motion passed by a unanimous vote.

Tripoli asked what he should do if the work is not done by the 30th, and Day told him to contact her.

Daniel Martignetti – Riverview Condominiums, 56-58 River Street. Request to discuss proposal for the provision of an affordable housing unit pursuant to Section 30.2.16 of the Zoning Bylaw.

Attorney Daniel Casey appeared before the Board on behalf of Dan Martignetti, the manager and principal of this project. He informed the Board that they are aware of the requirement that they provide one affordable off-site unit along with a fractional fee pursuant to the bylaw. They have identified and put under agreement a duplex townhouse unit on Venice Street. It is a two-bedroom, one and one-half bath duplex in nice shape. Martignetti intends to do more work to the site to put it into good condition.

Henry stated after reading the material, the Danvers Affordable Housing Trust (DAHT) is not in favor of this unit. Henry stated that Day offered a baseline methodology as an alternative to this offer. There are reservations about this particular unit, because the condominium association is not up on capital reserves, not because of the sales price. There is also some question as to the exterior of the unit. The other issue is what is going to be done with the unit. Once the unit is conveyed, it must go on the SHI as a rental unit or ownership unit.

Casey stated that the intention was that the unit will be sold as affordable and with the proper restrictions. The real issue tonight is whether this is a suitable unit, and they are prepared to discuss any issues the Board may have.

Henry stated that it was great that they could find a unit for \$165,000; however, he felt there may be a problem with DHCD because the condominium reserves are not in place. The DHCD is going to make sure that the capital reserves are where they should be. His concern is that they may have to put \$150,000 into it in order to get DHCD approval. He asked whether it would be better to buy a \$250,000 to \$300,000 unit and not have the headaches.

Casey responded that they will have to render the unit affordable, and meet these hurdles to complete the project. This is a fortunate find having a 10,000 square foot lot with a duplex style two-unit condominium. There are a lot of attributes in terms of comparability and livability, and he felt it was a wonderful spot. He was not aware if there were any deficiencies with the condominium budget. He asked Martignetti if he had seen the budget. Henry pointed out that the DHCD works the condominium fee into the price. Casey stated that the unit will be put into a condition that it will not require major capital improvements. The developer will take care of any repairs that need to be done.

Henry felt that they do not need to resolve this issue within the next thirty minutes, and he does not want to do something that is not good.

Cheetham thought they were looking for money to give to the Trust to find a unit. She applauded finding the duplex allowing ownership and asked if comparability is defined in the bylaw. A lengthy discussion ensued regarding what the Bylaw requires in terms of comparability.

Sears asked what the price was for the units being sold at Riverview. Martignetti stated that none of the units had sold. They are going to try to market them in the middle \$700,000's. If one of these units were used for affordable, the fees and taxes would not allow people to afford it.

Sears responded to Martignetti stating that the Planning Board, along with Casey's input, changed what the Planning Board proposed for the Multi-Family Affordability Provision to assist them with their project. He now found it offensive that he came back to the Board with one of the lowest priced condominiums on the market. Sears stated the unit needs a lot of work. He felt two-unit condominiums are unsuitable because people do not pay the condominium fees and do not pay into condominium reserves. Sears stated that he thought this proposal to be offensive.

Martignetti responded that they had taken a dilapidated site and made it better. He felt that part of the idea was that this project would be one that Danvers would be proud of. He told the Board that the expenses of the Riverview project were overwhelming. They had to repair two sea walls, and expenses have skyrocketed. He reminded the Board that they are still giving a fractional portion of the sale of some of the units to the Town. This house is a bargain because it is under market price. The other unit sold for \$187,000, and this one is a nicer unit.

Henry stated that the DHCD has the call regarding helping with financing for the condo fees. This unit needs to get on the SHI.

Casey stated if it requires an increase in capital reserves such as new decking, they are willing to do this. He understands the problems in small condo units, but on the other hand, the two-unit concept is a simple process. He felt this was a good unit in terms of providing a quality family unit with real family livability. He felt this was a wonderful opportunity and does not think this is going to be more difficult.

Zilinsky agrees with the issues with two-bedroom condominium units. She was emphatic that she thought that the off-site unit must be a comparable unit (three-bedroom). The banks scrutinize these small units. She herself has been looking into the real estate market, and you cannot keep properties in Danvers. Houses are moving at the open houses. She has been uncomfortable with this situation all along, and felt strongly that they need to listen to the Danvers Affordable Housing Trust (DAHT). She would like to hear what the DAHT has to say.

Prentiss stated when the Affordable Housing Committee drafted the initial bylaw, we kept it open to allow flexibility. They felt if it was too stringent, it would create unattainable goals. The committee wanted to get more units rather than more money. He remembers at the last meeting he wanted to put their trust in the Trust. Prentiss stated there are many questions as to how this should proceed, and if the Trust is uncomfortable with this, they are the ones deciding whether the unit is acceptable and how to proceed with it.

Gardner Trask, Chairman of the DAHT, addressed the Board. He stated that they labored over drafting the bylaw. The DAHT is an extension of the Danvers Affordable Housing Committee. This section regarding off-site locations was designed exactly for this type of situation. He stated that comparability is for an on-site unit which came from the 40B language. He explained that comparability is that the

unit cannot be distinguishable from other units in the project. Trask pointed out that Section 5 is specific to on-site units.

Trask stated that off-site was raised by the developers. The Trust understood that an affordable housing family could not maintain a lifestyle in a luxury development. This is unachievable, and in this way they could get a comparable unit off-site. He stated that they never measured comparability in dollars. Rather, it is in the size and number of bedrooms. In this case, they are building three-bedroom units that have 2,000 square feet. If this unit was comparable in bedrooms, baths and size, they would embrace a comparable unit. This unit is a two-bedroom, one and one-half bath and is under 1,000 square feet. Trask pointed out that the units being built will be brand new. We should consider the current solution being presented, and what would happen in a reasonable time. He felt the lack of reserves could be an issue. He stated that the Trust has alternatives that could be offered. There are presently issues in the economy which more direly affect people trying to purchase and get into a home. The dire need is for a three-bedroom unit. Trask stated that he has no issue if the unit is sold at a profit. The off-site is an option which they embrace. The Trust felt comparable is matching the number of bedrooms, as well as closeness to the bathrooms and to the square footage. The minimum requirement is the number of bedrooms.

Cheetham stated there is nothing in our bylaw that asks for the Trust's opinion, or allows them to weigh-in on the decision making process. Trask has said that the Trust met and decided what is a comparable unit, but she does not know if the Trust adopted this in their action plan. If the Trust was just to receive funding in lieu of a unit, then they would find an affordable unit. Is the comparability that the Trust asking for in print and voted on? If not, will it change in the future? She has considerations that they need to stick with the bylaw in the book. She is comfortable with what is written in the bylaw, and the Planning Board needs more assurances for the language from the Trust.

Henry is sympathetic to the Trust's position because he felt the "ask" is the number of bedrooms. Henry mentioned the project is similar to a 40B. Casey did not agree with this comment. Henry said that this 40B reference is a semantic point. Henry stated that for a local initiative program it is a 40B program. It is a subsidy.

Sears asked whether it was unreasonable for us to talk to the Trust when we administer this. Maybe we do need to tighten up the language at the next Town Meeting. We have discretions as a Board. He asked how many other places were looked at.

Martignetti said the broker was actively looking for properties. She found some in condominium buildings that he did not feel were the family type. His frustration is that he has a deposit on the condominium. Martignetti is concerned that if this unit does not have enough bedrooms and the next one does, but not located in a family neighborhood, this could happen again. Martignetti said that he makes his living supplying homes for people.

Henry said that the point was that when the Planning Board was finalizing the bylaw, you approached us about an off-site unit. You heard language that you were happy with. We heard what we wanted to hear, and you heard what you wanted to hear. He stated that he did not realize that they had put a

deposit down on the unit. He thought this was going to be a discussion about setting up the rules for looking for a unit.

Casey asked the Board if he could have the opportunity to address Trask's points. Cheetham stated that having a developer hunt down the off-site unit rather than the Trust is more problematic. The Trust had the ability of finding the best off-site unit to suit their needs.

Henry reminded Cheetham that we never wanted the money, we wanted the unit.

Cheetham stated if the Trust had the money, the ability to find a unit might be a better way to handle this. Right now, it leaves it up to the developer. Finding a unit that is tied to a development is difficult to manage, and you can see that now.

Zilinsky stated that when they came before us, she was concerned with procedures. She felt this was a DAHT issue, and they could work with them. She is concerned that a deposit has been put on a condominium, and that they never received notice. We have a letter from the Trust, and they could be working this out together.

Casey told the Board that properties are flying off the market in order to schedule a time to come and speak with the Board and discuss the unit is not possible. We have to put it under agreement.

Zilinsky told Casey that they could have come in earlier with a proposal. Casey responded the Planning Board could have come to them with procedures. They are all in this together and need to figure it out.

Henry addressed Trask about the middle ground idea. Trask told the Board that they are an agency of the Town. He appreciates the offer to respond. He said that he never said suitable; he said comparable. DAHT appreciates the effort they have gone through. At the DAHT meeting the previous night, they said the unit would be acceptable if there was a satisfactory escrow account of \$6,000. A member of their Board, Tish Lentine, is a real estate agent. She got the current listing of available units, and the average price for three-bedrooms available is roughly \$298,000. The Trust then figured out the delta of the unit being offered and the three-bedroom units on the market. The developer could give the Trust cash to manage the delta to make this comparable. They are willing to work with the Venice unit. They are concerned that the people who purchase this should have a reserve fund. They are willing to work and get past this. They do not want to hold up the project and felt it is a beneficial project to the Town. Trask stated the Town just went up 27% with the number of families in motels this month. When you come and build that many units, you are then putting the Town that far behind in the inventory of affordable units.

Henry said that comparable to him means bedrooms.

Zilinsky suggested that the developer may want to talk further with DAHT.

Sears pointed out that according to the agenda this is a discussion. He said it is somewhat that we are not okay with the proposal. He would like a three-bedroom unit.

Henry remembers telling the developer that they needed to get with fair marketing. He said that they have a deposit on a unit, and they have yet to retain a fair housing specialist. The realtor has to be approved by DHCD. Henry said that they asked the developer to do this with the DAHT, and that has not seemed to have happened. He said that they are uncomfortable with the proposal. Henry said that a majority of the Board is leaning towards comparable being the size of bedrooms not square footage. He recommended talking to DHCD. He felt there may be issues with this unit, and they need to do due diligence because this unit may not have worked anyway.

Casey stated that unfortunately the Board has not given them any real helpful guidance, and stated the Planning Board is on record with Cindy Dunn stating that our obligation is to provide a two-bedroom unit and a payment in lieu. He is not accepting the concept that this unit has to be a three-bedroom unit. He said if the Board felt they needed to tighten up the bylaw, they should go forward. He felt this unit is in many respects a very suitable unit.

Martignetti stated that he felt he was being accused of trying to hoodwink the Board. This is a sizable deal, and he is looking forward to the completion. He is very thankful that the Board approved this, and we are going to honor the agreement that we made. It was always his understanding that they needed to provide a two-bedroom, one-bath unit. He felt there will be an issue time after time, and they are getting closer to the point that it doesn't work. He may not be able to take care of everything on this project.

Sears pointed out the fact that they put a deposit on a unit and came to us after the fact. It was at their own peril. He stated there is ambiguity that we should have been aware of.

Casey asked how they could hold this against them.

Sears responded that Casey is referring to a smoking gun that there is an email stating the Planning Board approved a two-bedroom, one-bath unit.

Casey showed the e-mail from Cindy Dunn. Trask said she is not a member of the Board. She is employed by the Danvers Housing Authority.

Zilinsky said they should have called the Trust.

Martignetti said that properties are selling like wildfire. The realtor works with Habitat for Humanity, and they brought him to the property. He reminded the Board that Zilinsky had stated she was at an open house, and seven checks were given with the offers. There is an urgency with finding a property, and he felt this was the perfect example of what he was required to do.

Sears asked if they were saying they could not sell a unit without getting this done first.

Casey pointed out that they cannot get a Certificate of Occupancy until the unit is approved.

Sears said there could be a way to change this to allow the sale of units. He said they could get a solution to the immediate property so long as they are going towards a solution of fixing this problem. They can do this.

Martignetti stated that he planned on honoring the agreement that he made.

Sears responded they can extend that.

Casey stated the trigger could be at the 6th occupancy which is the payment-in-lieu unit.

Cheetham said the other problem could be the requirement to get this unit secured through the State. She said that can take a long time and we may have to revisit this and waive some features.

Sears said that they let occupancies go through as long as they were doing the work.

Zilinsky said that she does not want to take this up tonight.

Henry asked for Day's opinion. She felt there was merit with talking with Town Counsel and see how he interprets this. She felt she could turn this around quickly. She is acutely aware as staff how long the acquisition and certification of an affordable unit takes. She also read the language of the Certificate of Action, reminding the applicant that it states: ". . . 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."

Day offered to provide Casey with names of people familiar with the certification process who could potentially help with different perspectives and could partner in the conversations.

Henry stated they should get Town Counsel to determine the flexibility the Planning Board has with Section 6. He also suggested Casey talk to the DHCD to see if the Venice Street unit is acceptable.

Henry suggested coming back in two weeks to discuss this after speaking with Town Counsel and consultants.

Casey thanked the Board for their time and consideration.

Andrea Daley addressed the Board and said that she was initially going to vote against the DAHT, but she realized the rationale and voted for it. She agreed with Day that they should seek guidance from Town Counsel. She said that she had a five-year relationship with the project and is very happy and very grateful to the developer. She felt there is confusion about tightening the language. She is happy to see how every Board member is taking their position for the better of the Town. She felt Town Counsel can make sense about the confusion regarding the language since this is going to come before the Board more and more.

Casey said he was available for Town Counsel.

Martignetti asked if the subsequent meeting was going to be about the language going forward or what the agreement was that they had.

Henry said they were looking for an explanation of the agreement and whether they have the discretion to deny a unit being offered.

MINUTES

MOTION: Sears moved to approve the minutes of August 13, 2013 and September 10, 2013. Prentiss seconded the motion. The motion passed by unanimous vote.

POTENTIAL ZONING AMENDMENTS

EFLAS

Andrea Daley appeared before the Board describing the existing bylaw. She instructed the Board where to turn to in the packet she had previously distributed. She stated that the EFLA shall not exceed 750 square feet by right under design standards. The bylaw does provide for an increase over 750 square feet by Special Permit.

Daley described the areas where EFLAs were located. She stated that people are asking what to do with their big houses. She checked with other towns for the square footage requirements. She found that Salem does not allow EFLAs since they do not see the need for it; Ipswich is very liberal with 900 square feet.

Daley stated she spoke with Robert Pariseau from the Zoning Board of Appeals, and he said he would love to stay in his home. She stated that she could have gotten 100 signatures to bring this to Town Meeting, but she wanted to see how the Board felt about this. The Danvers Housing Authority has one-bedroom units, and if it is a family, there are larger units. She stated there was a study that found that people over 55 years of age, seventeen percent have separate bedrooms. She found that a husband and wife want to stay in their home, and allow other members to come and live in the larger portion of the home.

She described the home located on Riverside Street that was built for handicapped people. It has larger hallways, showers with a washer and dryer in the bathroom. If an EFLA was constructed for a handicapped individual, the additional square footage would be eaten up by the larger hallways, shower stall and washer and dryers. Daley stated that homes that were recreated from the blast now have the washer and dryer on the main living floor. The elderly want to stay in their neighborhoods. She felt expanding the square footage will not open the floodgates.

Daley stated that in seven years, the Town has only developed 134 EFLAs. She felt this increase in square footage will keep people in the Town. It will not generate any density, but will allow more taxes to be obtained on that unit.

Henry told her the information that she supplied to the Board was helpful. He had not realized there was an escape clause, and he was a little nervous about raising the square footage. He pointed out that the permitting history reflects that the square footage is at 750, and people could come in and ask for

permits for relief. He felt that if an application set forth a specific situation, they could get a Special Permit to accommodate the household.

Daley responded that she is trying to get this information from the ZBA. She is not sure how many Special Permits were issued or the reason behind it. She indicated she would look into this.

Henry stated that this information gives him comfort that the existing bylaw is in good shape. He does not see the need for increasing the square footage of EFLA's in the short term.

Zilinsky pointed out that if the square footage for the EFLA is 750, the applicant still needs to get a Special Permit from the ZBA since they are the zoning granting authority.

Sears felt there is a way to allow a larger unit.

Daly responded that in a lot of cases, the ZBA had different mind sets.

Sears stated that there are only five EFLAs a year, and does not think it is a reason to change the bylaw. He felt expanding it will encourage larger two-family units.

Daley stated that EFLAs are all over the place, and Sears responded he did not feel there was a need.

Henry stated that they were meeting with the ZBA at the next meeting. Day will talk with Maloney regarding applicability/eligibility requirements.

Prentiss stated that he agreed with the Board. He agrees with the 750 square feet for EFLAs knowing people are able to get more square footage if needed. He felt a ZBA member would agree if there was a need, they could get more square footage. He did not feel allowing larger square footage would be a good idea.

Daley asked the Board if they would bring this up with the ZBA.

Henry stated Day would talk about it with the ZBA, and stated if there was something that needed to be corrected they would have a better idea in two weeks.

Cheetham reminded the Board that it did take two years for this to pass. There was considerable debate about the size of the unit, and it was intended for an in-law. She stated the bylaw for the EFLA is written the way it is so that the ZBA can waive the square footage requirements if the need is there.

Zilinsky agrees with the Board, and remembers the debate about density and the fact that it needed to be an accessory structure.

MEDICAL MARIJUANA TREATMENT CENTERS

Day informed the Board that Karen Nelson presented an update to the Board of Selectmen with conversations they have been having.

Day described the packet she gave to the Board and directed them to Page 2 where Barbara St. Andre, a planning law expert, set forth the options that communities have: 1. Allow the centers as an ordinary use. 2. Create an overlay district specifically for medical marijuana treatment centers to allow additional uses. 3. Allow use similar to “adult uses” requiring the centers to be located a certain minimum distance from other uses, but felt they are on thinner ice with this.

Prentiss asked if this was something that the Attorney General has discussed, and Day responded that the Attorney General has not taken a position on this.

Prentiss stated that he thought people were using the adult use zones.

Cheetham noticed that Day had selected the areas of I-II and Healthcare Districts. She asked Day if she had thought about I-1.

Day stated that when they looked at existing zoning prior to the moratorium, Medical Marijuana Treatment Facilities made sense in these zones.

Day stated that there is a forward trajectory for reasoning this through.

Day told the Board that there are two areas that have the strongest potential. The Danvers Industrial Park provides access, but is not near residential areas. It is built out with leasable space at present. The Cherry Hill Industrial Park has 104 acres with vacancies with allow biotech qualities. She felt that if the Danvers Industrial Park was acceptable, why would you not chose Cherry Hill? It has a huge amount of land and offers a lot of choices.

Day stated she was looking to the Board whether they wanted an Overlay District, “By Right”, or Special Permit. The Special Permit option would have different criteria specific to medical marijuana.

Henry stated he would prefer overlay and felt the two areas presented were acceptable. He said if they come out too small, they will have no wiggle room. He stated that he would prefer “by right” given the nature of the use. He does not want to be put in a position where people think they are going to be able to do a lot with this review since this is highly regulated above us. The Board of Selectmen and the Board of Health have a huge role in this. Henry felt if they do it by Special Permit, they should have a separate standard for it.

Prentiss agrees with the overlay district. He does not have a problem with the two areas suggested. He is surprised by the lack of public interest and hopes that they do not get circumvented. He would like to advertise and make sure the Town Meeting body is aware of this. He felt it was a good start.

Zilinsky felt it should be overlay and likes the sites proposed. She agreed with Prentiss that they could end up with a problem at Town Meeting.

Cheetham stated that she does not have a problem with the direction they are going. She felt Cherry Hill will draw the Thorpe Hill neighborhood. She told the Board that she felt that people are going to have a

hard time between a Medical Marijuana Treatment Center and a “clinic” such as a meth clinic. She felt they need to define what is being allowed to Town Meeting members.

Zilinsky stated they need to focus on having the Board of Health and the Selectmen involved.

Trask stated he is happy with overlay and felt the Special Permit requirement would be better for specifics like security.

Henry felt this is why the Selectmen should regulate this saying this was similar to a liquor license.

Trask asked why the adult zone was not considered, and Cheetham replied that they are commercial sites.

Trask stated he agrees with the Danvers Industrial Park and felt that Cherry Hill had a lot of pedestrian traffic.

Day pointed out the potential housekeeping items and asked the Board to look at these.

Sears stated they need to clear up the affordability language.

Trask asked the Board what their preference would be. Did they want the DAHT to make recommendations with language for the zoning. Henry stated they would welcome their input.

ADJOURNMENT

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

The meeting adjourned at 9:55 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on October 8, 2013.