



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
October 13, 2015
7:00 p.m.
MINUTES

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

STAFF BRIEFING

Day said that the applicant for Whipple Hill has asked the hearing be continued without discussion until the next meeting scheduled for October 27, 2015. Day said that they intend to put that hearing as the first item on the agenda in order to allow ample time for public comment.

Day told the Board that they have a draft of the downtown I-1 study. There needs to be some fact checking and edits; Day will provide a draft of for the next meeting.

Day said that they have received a draft of the parking analysis for the downtown. She said this is at an in-house review at this point and will be presented to the Selectmen at their meeting scheduled for October 20th. She said it was a high quality job. She will provide a copy to the Planning Board for review after the 20th.

Sears said that he will not be at the next meeting scheduled for October 27, 2015.

Cheetham said that she was driving around the mall and had a question concerning the site plan approval for the project at 140 Commonwealth Avenue that had the ATM kiosk. She saw small shrubs planted and thought that an arborvitae wall was to have been planted. Day said she saw this and checked with the applicant's attorney and engineer. Apparently no work has been initiated, but this does not relieve them of the obligation to get the landscaping done.

Henry asked if they have the easement for St. John's Prep. Day said that the easement is being delivered as part of the as-built plans. She said that they were given their Certificate of Occupancy as a courtesy since school was starting. Day said that traffic mitigation payments have been received.

Henry asked about the stone wall that ran along the street where the STEM building is located and questioned whether more of a wall should have been left. Prentiss said his recollection was that the wall was further down the road on Spring Street. Henry said he thought they were going to move the wall back. Day said that the neighborhood was concerned about the stone wall further down the street. She said the revised intersection of Spring and Summer Street worked very well.

Keith Lucy, 7 Ashley Lane. Lucy addressed the Board and said he was here to ask a procedural question regarding site visits. He said that the Planning Board did a site visit of Whipple Hill in late August/early September to become familiar with the parcel, and four out of five members attended the site visit. Lucy said that he invited the Planning Board members to a neighborhood site visit. One Planning Board member responded that they were away, and another said that they preferred not to. He received another response that said neighborhood site visits were not allowed under Open Meeting Law. He asked if the Board could clarify why a neighborhood meeting is not allowed under the Open Meeting Law, when a site visit without the public present would be allowed.

Sears said that the concern is that if there is more than one Planning Board member present, it could be considered a meeting. Since the Board had a site visit and is familiar with the site, perhaps they felt it was not something that they needed to do.

Lucy understood not seeing the need for it, but why would it not be allowed? Sears said that the site visit the Planning Board did was posted and advertised. Lucy pointed out that the public was excluded.

Day said this was due to the site being private property, and it is up to the applicant. Day said this can be found under Mass General Laws, Chapter 40A.

Lucy thanked the Board for the information provided.

PUBLIC HEARINGS

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: 11/13/15*) (**To be continued without discussion at the request of the applicant to November 10, 2015**)

MOTION: Prentiss moved to extend the action date and continue the application for the Site Plan approval for 22 Page Street to the next Planning Board meeting scheduled for November 10, 2015. Cheetham seconded the motion. The motion passed by unanimous vote.

Henry felt the neighbors should be re-noticed. Day said she had no problem with this. McCann said that the delay was caused by a change in engineers.

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: October 30, 2015/Special Permit action date: 90 days after the close of the public hearing*) **(To be continued without discussion at the request of the applicant to October 27, 2015)**

MOTION: Prentiss moved to continue the application for the Cluster Development Special Permit and Preliminary Subdivision Plan for Whipple Hill to the next Planning Board meeting scheduled for October 27, 2015. Cheetham seconded the motion. The motion passed by unanimous vote.

153 Andover Street. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Group 1 Automotive, Inc. for property located in the Route 114 A Zone District. The applicant proposes to modify the site plan to allow a portion of the existing parking lot to be used for off-site outdoor storage of inventory motor vehicles and the construction of a 10' by 10' maintenance kiosk which is accessory to the storage use. (Assessor's Map 55, Lot 15) (*SPA action date: November 10, 2015*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Group 1 Automotive, Inc. With her this evening was Chris Allen, from Group 1, and Neil Sander, from Dynamic Engineering. McCann said that they were requesting a change of use for that portion of the site. She said the fact that the applicant was proposing an increase in square footage of structures with the addition of a 10 foot by 10 foot kiosk kicked the application to be a major modification. She said that they were looking to allow a portion of the expansive Lowes parking lot to be used for off-site parking storage for Group 1. McCann said that Lowes is overparked. At the time of permitting, there was a requirement for 900 parking spaces. The zoning bylaw has been amended, and they are in excess of 400 parking spaces on the site that are not used. She said that there is a parking field that is never used except by attractive nuisance. She explained this to be tractor trailers using the lot to park. She pointed out that they were not Lowes tractor trailers. McCann said that the Meadows Condominium have complained about the tractor trailers on the site. This lot is not used and not utilized by Lowes for parking of customers or employees. McCann said that Lowes entered into an agreement with Group 1 for parking. It would be an efficient, clean and quiet use of the lot. McCann said that the applicant has received a use variance for inventory storage to be located on this site. Part of this approval is that the vehicles use the right-of-way for access to the lot. They are not to use Garden Street. No auto carrier trucks will be used. The vehicles will be individually driven to and from the lot. There is no customer access to the lot. Group 1 employees will take the vehicles to and from the site.

Group 1 will not send customers to this lot to view inventory. The cars will be brought onto the lot between 7:00 a.m. and 9:30 p.m. There are small signs that state “Reserved for Group 1 Automotive Parking”.

McCann said that this process allowed them to have a discussion with the Meadows Condominium. The condominium came to the first ZBA meeting, and then the Trustees of the condominium attended a meeting at her office. The Trustees addressed the issues they have with Lowes. The condominium then forwarded a letter in support of the application.

McCann said that they felt this was an efficient and reasonable use of the property. They have favorable comments from the Building Inspector, Engineering Department and Fire Department.

McCann said nothing is being changed on the site. There is only a change in use. There will be a 10 foot by 10 foot small kiosk that will be 8 feet in height to hold shovels and vehicle keys. This kiosk may or may not be constructed.

Prentiss asked if they have thought about security issues, since this kiosk will not be manned on a regular basis. McCann responded that they do not feel that they will have security issues. If they do, they will be addressed. They are not looking to gate this area.

Prentiss thought this was a good use of the space. He asked about lighting and whether neighbors to this site had any concerns. McCann said that they had concerns along the back of the site, and the applicant agreed to check the light fixtures. If needed, they would put shields on the fixtures. Prentiss asked if there were any concerns about the light coming from this portion of the parking lot. McCann said that there were only one or two lights on the site, and these would be addressed as well.

Zilinsky said she had the same questions. She confirmed that the cars will be driven on and off the site, and there would be no car carriers. This was confirmed by McCann.

Cheetham questioned the snow removal from the lot. McCann said that these were not display cars. They will keep the cars brushed off, but it is not the same intensity of snow removal for a display lot.

Cheetham questioned whether the conditions requested by the condominium were in writing. McCann said that all the conditions were read at the Board of Appeals meeting. A letter was presented by the condominium association which was written into the meeting minutes. McCann confirmed that the conditions were not in the ZBA decision.

Day said she added the conditions discussed at this meeting into the decision. She read the conditions.

Cheetham said that they hear from the Meadows Condominium complaining about Lowes. She felt if they have a chance to get those modifications in writing, it would be helpful. McCann said there was going to be a second part to this site that will be coming before the Planning Board.

The applicant will be Lowes, and it would probably be more appropriate to put those operational conditions on that application.

Henry said that the Board covered all his concerns. He is intrigued that there is no security. He is surprised by the lack of a fence.

Sears said that all his questions have been answered.

There were no questions from the audience.

MOTION: Henry moved to close the public hearing for 153 Andover Street. Cheetham seconded the motion. The motion passed by unanimous vote.

MOTION: Zilinsky read the Certificate of Action and moved to approve the Major Modification to Site Plan for 153 Andover Street. Prentiss seconded the motion. The motion passed by unanimous vote.

MINUTES

Cheetham asked if the minutes from the Whipple Hill meeting were available to the public. Day said that they are on the Town website. Prentiss felt it might be a good idea to have a few copies available for the public when they come in for the next meeting.

September 22, 2015

MOTION: Cheetham moved to approve the minutes of September 22, 2015. Henry seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 7:30 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on October 27, 2015.