



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

October 22, 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, Margaret Zilinsky, Kristine Cheetham and William Prentiss were present. Planner Kate Day, Building Inspector/Code Enforcement Officer, Richard Maloney and Planning Director, Karen Nelson were also present.

STAFF BRIEFING

Day informed the Board that she had a photometer with her, and was planning on going to sites to take some foot-candle measurements after the meeting. She invited members of the Board to join her.

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**).

OTHER MATTERS

3 Pasture Lane. Request by Robert and Diane M. Chapruet for endorsement of Form A plan to divide and convey a portion of the premises encompassing approximately 1,333 square feet of land to the neighboring lot at 4 Hidden Place. (Assessor's Map 31, Lot 106). (*Approval Not Required Action Date: October 23, 2013.*)

Attorney Dennis Flynn appeared before the Board on behalf of the applicants, Robert and Diane Chapruet. He explained that approximately 1,300 square feet of land was going to convey land along an existing fence line to a neighbor. He told the Board that they had received approval from the various departments.

Zilinsky asked about the drainage easement shown on the plan, and wanted to confirm that he was referring to Lot 5B, which would not be a buildable lot. Flynn stated the easement was presently there, and he confirmed that it was not a buildable lot.

MOTION: Zilinsky read the Certificate of Action and moved to find that Planning Board approval is not required for the proposed conveyance of parcel 5B to the abutting homeowners. Cheetham seconded the motion. The motion passed by unanimous vote.

195, 195A and 197 Centre Street (Twin Echo Lane). Request by Thomson Development Corp. for establishment of Performance Guarantee for incomplete site improvements for the Definitive Subdivision known as Twin Echo Lane. (Assessors Map 39, Lots 50, 50A and 51).

Sears recused himself from the hearing.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Thomson Development Corp. John Thomson was also present. She informed the Board that Twin Echo subdivision is well under way; the road is constructed and the binder coat has been completed. They want to begin to construct homes and sell lots. They are looking to establish a bond in the form of a Tripartite Agreement, and Engineering came up with an amount of \$100,000 for work to be done. She submitted a signed standard Tripartite Agreement as well as a Release of Covenant form to be executed by the Board.

MOTION: Prentiss motioned to accept the Tripartite Agreement and to release the covenant for the Twin Echo Lane Subdivision. Cheetham seconded the motion. The motion passed by unanimous vote.

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 Dan Casey appeared before the Board on behalf of the applicant, Dan Martignetti, who was with him. He informed the Board that after the meeting with the Danvers Affordable Housing Trust (DAHT), the Trust approved and endorsed the concept of adding an additional bedroom to the unit. They hope this was communicated to the Board.

Zilinsky read the letter from the Trust stating they recommend the option of adding a third bedroom, making repairs and funding additional reserves to the condominium. She stated that she was happy with Option 1.

Cheetham stated that she did not have a problem with this unit, even without the option of adding a third bedroom. Prentiss, Sears and Henry stated they agreed with this option.

Day asked the Board how they wanted to deal with the request of the Trust that they review the deviations of the proposed additional bedroom.

Cheetham stated that the applicant would have to submit plans to the building department. She felt the request of the Trust that the plans be aesthetically pleasing could be approved administratively by Day and other staff.

MOTION: Sears read the Certificate of Action and moved to approve the plan for an off-site affordable unit for Riverview Condominium. Prentiss seconded the motion. The motion passed by unanimous vote.

Day stated that she needed to make a change to Condition 2 so that it would read “Certificates of Occupancy may be issued for units one through five ...” stating that they needed to clarify that all the Certificates of Occupancy can be issued because the applicant complied with this plan. However Condition 3 in the Special Permit Certificate of Action stated that there is a condition for the Certificate of Occupancy to be issued for Unit 6. Day said she would tweak the language.

Casey stated that there was no waiver in the requirement of No. 4 of the actual decision. He asked that the language be reread concerning approving the plans, and Henry read “. . . the applicants shall submit plans and elevations for review and approval by the Planning staff.”

Casey addressed the Board and stated that this condition may hold up financing review and approval.

A discussion ensued amongst the Board concerning this financing matter.

Henry responded that it is a requirement that the staff needs to see it, and asked if the Board was okay that this not be in writing. Zilinsky stated that the minutes would reflect this.

Casey stated that he had no problem agreeing to submit the plans and architectural renderings, and he has no doubt that they will be acceptable. Prentiss stated that he does not have a problem making the change for the applicant.

Sears said that he would be comfortable allowing this, and Day stated she would strike the language from the Certificate of Action.

Casey thanked everyone on the Board.

Zilinsky wanted to personally thank Maloney with coming up with the suggestion of adding a unit to the affordable unit.

POTENTIAL ZONING AMENDMENTS

Day passed out a packet of draft articles to the Board.

ARTICLE 1

Medical Marijuana Treatment Centers: Final review of draft warrant article.

Day told the Board that it is in the same form as the previous draft. After a brief discussion, the Board approved the draft language.

ARTICLE 3

“Housekeeping items” and miscellaneous changes to Bylaw.

Day stated that under Section 4.8, the only change from the last meeting was under Section 4.8.e. Language was added that when simultaneous applications for site plan and special permit are filed, the special permit action date shall govern both applications. This would have them streamlined together.

Day stated that under Section 4.10.1.c. Prentiss had requested the restaurant drive-through queuing regulation be increased to nine spaces. Cheetham asked if that matched what they presently had and asked about pharmacies. Prentiss responded that pharmacies have their own stacking requirement.

Henry pointed out that this is only for restaurants. Prentiss stated he wanted to keep the numbers the same. Zilinsky wanted to confirm a total of 13 cars. Henry felt as long as they preserved the higher standard, he is okay with the change.

Sears asked if they needed to clarify the total for the restaurant is 13 cars. Cheetham read the explanation, and Sears wanted it set forth in the bylaw. Henry stated he agreed either way.

Prentiss stated he did not have a problem, and said that in a few years they will be taking it out because it is redundant.

Henry does not disagree, but he felt it should be explained.

Zilinsky stated she would like it explained because the language is confusing.

Site Lighting

Day stated there is a notation where it states the Planning Board intends to evaluate the lighting. A number could be inserted, or the Board and staff could do a site visit tonight. Zilinsky asked if they were specifically saying LED, and asked if it could read “LED or high efficiency lighting” since lighting is constantly changing. Henry said he was okay with this change.

Cheetham asked where in town did they have the new efficiency lights, and Henry said the Kelly VW dealership has them.

Sears told the Board that they are not making replacements for these old lights, and people will have to purchase the updated lights.

Day suggested changing the language to read, “LED or other types of high-efficiency lighting.” This would open up the range of choices.

EFLA

Day stated that based on the Table of Consanguinity, she used the guidance provided under the categories and used the boxes chosen by the Board at the previous meeting to highlight the chart.

Maloney suggested that a section be added under the use table section stating you cannot have a boarder if you have an EFLA. Henry felt it was good to have this language if there was a complaint.

Maloney stated that since 2007 EFLAs have worked well.

ARTICLE 5 Special Permits

Day pointed out what was being stricken from the bylaw, and Henry asked why No. 1 was there. He felt that there should be an explanation why this is being removed.

Zilinsky stated that the language of 300 vehicles per day per acre is very strange, and does not make sense. Day stated she would add language stating that there are still many controls for traffic.

ARTICLE 6 Multi-Family Affordability Provision

Henry agreed that language needs to be added for units granted by variance.

Day stated she did not know if the Planning Board can condition grants of variance from the Zoning Board of Appeals. Henry responded that we are not saying this; the bylaw is. She read the change in the bylaw stating that units need to be comparable to units being built, and the number of bedrooms constitutes comparability.

Cheetham felt that two and three-bedroom units are good for affordability, but asked how this would be mandated if it is a four-bedroom luxury unit.

Zilinsky responded that the alternative is to provide an on-site unit.

Maloney stated that there are no four-bedroom multi-family homes. Henry responded that the need was across the spectrum, and there are plenty of families that need four-bedroom affordable units.

Maloney asked what section of the bylaw this was, and was told it was under Special Permit. He stated that if they ever had four-bedrooms, they could seek a variance or provide a unit on-site.

Zilinsky stated she was fine with the changes.

Sears asked what would happen when you have a mix of one, two and three-bedroom units. Henry stated they could use the modal average, the number that occurs most in the range.

Zilinsky did not agree with this, and asked if they have a right to negotiate and request a waiver. She is concerned with off-site units.

Maloney asked if a developer builds fifty one-bedroom units and fifty two-bedroom units, what do you do? Sears replied to take the higher of the modal average. He asked if you did a mix, would you want one of each?

Henry asked if they should go to the higher bedroom, and Sears responded yes.

Day's concern was that this not be made so complex that people did not understand it. She felt the language sets forth the ratio. Sears responded that they know that developers interpret it their own way.

Day felt that existing language as proposed made it clear that the number of bedrooms must be proportionate to those at market rate.

Henry and Sears suggested that they look at the DHCD regulations during the upcoming revisions as part of the public hearing process.

ARTICLE 7

Table of Allowable Uses

Day stated this proposed change addressed Maloney's recommendation to add funeral homes by Special Permit in the R-1 and R-II Residential Districts.

The Board briefly discussed a query by Day and Maloney regarding whether to strike the option of allowing crematoria as part of the definition or permitted funeral uses in R-I and R-II.

ARTICLE 8

Chickens

Day stated that nothing has changed from the language previously presented. Cheetham asked if the number of chickens should be stipulated in the Zoning Code, and Henry responded no. He felt the Board of Health should regulate this, and that this amendment took chickens out of the zoning scope regulation in an appropriate way.

ARTICLE 9

Motor Vehicle Filling Stations

Day recommended that the language should change the "P" to "Special Permit" in the bylaw after further discussions between staff.

ARTICLE 10

Small Training Facilities

Day explained that the ZBA has issued use variances for these small training facilities. The current definition is very broad and causes a lot of applicants to come before the ZBA. Maloney felt they should allow a facility that was up to 5,000 square feet by right.

Henry asked about the parking standard for these places, and Maloney responded it would be under Section 4.

Day felt they should come up with a metric or standard for this. She will add a parking space-holder.

A discussion ensued about other areas where this could be allowed, and I-I and I-II were added to the draft.

ARTICLE 11
Research and Development

Day explained that this language would allow research and development in the I-I and I-II areas.

ARTICLE 12
Signs

Day presented her recommendation to the temporary sign language. She tried to capture the concept that the sign is very temporary, and there is surety on the table. She stated that sometimes people want multiple signs, so she changed the language to read, “sign or signs with a stipulation of sixty (60) square feet in the aggregate.” This way, people could break up the square footage for multiple signs. She came up with this figure after looking at the requirements for hanging a banner over Maple Street.

Henry wanted to be clear that this was only for grand openings. Maloney told the Board that they presently tell people they cannot put up signs for grand openings, and they do it anyway.

Sears asked about “for sale” signs on homes, and Maloney stated that they are supposed to get a 90-day permit.

ARTICLE 12
General Accessory Use for Parking

Day stated they were trying to clean up the general accessory uses for parking. Day and Maloney agreed to address language for parking of one commercial vehicle.

The purpose of this change is to stop redundant language found in parts (d) and (h).

ARTICLE 13
Menu Board

Day stated that based on field visits and measurements with Maloney, the average menu board is five feet by seven feet; many have a lot of add-ons and wings. She recommended adding the requirement for the maximum size of the board at 40 square feet.

Sears asked that the Board not forget the issue of guest parking for new developments.

DRAFT OVERLAY DISTRICT

Day directed the Board to the MAPC draft mixed-use bylaw for overlay district, I-1 area at Holten/Pine Street for getting it to the Board so late. She liked the title, and felt it captured the intent of earlier discussions with focus groups.

Henry asked if anyone saw anything that jumped out at them. He thought the concept was good, but felt the drive-throughs were out of order.

Day directed the Board to Page 2 of the draft where they cut the Maximum Building Lot Coverage down to 50%. The Waterfront Village District is 70%, and she felt they would want at least as much as that district.

Day stated that on Page 3, she did not know if 14 was the magic number for density. The building height is 45, and Maloney felt this was similar to the Holten Street project. The Board agreed. Day stated that she liked the guidelines MAPC provided.

Day directed the Board to Section 5(e). The language should say that Planning Board may allow for a flat roof.

Henry suggested under Section b, they should change the word “shall” to “should”.

ADJOURNMENT

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

The meeting adjourned at 8:45 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on November 12, 2013.