



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 27, 2015
7:00 p.m.
MINUTES

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

STAFF BRIEFING

Day said if tonight's meeting permits, the Board may have time to discuss some new reports that have been received. Nelson Nygard has completed its parking study, which will be valuable to the Planning Board as it considers moving forward with a downtown zoning initiative. The report is on the main page of the Town's website, as well The Planning Board page of the website.

An action plan was prepared by the MAPC as the culmination of their work for rezoning the Industrial I zone at the intersection of Maple Street and Hobart Street.

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: October 30, 2015/Special Permit action date: 90 days after the close of the public hearing*)

Zilinsky addressed the audience and said that the previous hearing had to adjourn quickly due to a participant becoming ill during the hearing. A person was about to speak when the meeting was adjourned, and she would like him to be allowed to be the first to speak. Regarding Mrs.

Connolly, at the meeting held on September 22nd, the Planning Board had a moment of silence for her. The Planning Board expressed deep condolences to the family. Mrs. Connolly had come before them many times, and she was always prepared, respectful and gave the Board pause to think due to her presentations.

Zilinsky went over the protocol and described how the meeting would run. She said that the applicant's attorney would present first, and they would listen to her as a Board. Then the Board would begin discussions. The meeting would then be opened to the audience.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Whipple Hill, LLC. With her this evening was John Thompson, Gordon Thompson and Cheryl Marshall. Scott Cameron, the Project Engineer from the Morin-Cameron Group, Inc., and Heather Monticup, the Traffic Engineer from Greenman-Pederson, Inc. were also present. McCann said that they had met with the Board twice before, and she did not intend to represent what had already been heard. She said she would summarize the project.

The property is a portion of the Annunciation Cemetery consisting of 13.5 acres of land, abutted by Clark Farm, Endicott Park, several residential subdivisions and the balance of the cemetery property. In 2001 this property was identified as desirable open space under the Danvers Open Space and Recreation Plan. When Whipple Hill put this under agreement, it did take into consideration comments made during the marketing process and open space plan. The applicant decided to present this development as an open space plan instead of a conventional plan. An application for a Special Permit for an open space development plan was filed together with a Preliminary Subdivision plan based on the open space special permit. The Special Permit is needed to move on to the Preliminary Subdivision process.

What we have before you is the first step, not the final plan. This plan proposes 20 single-family house lots. One-third of the property would remain open space in perpetuity. Of the open space, 100% of it would be restricted under a conservation restriction for passive recreation. McCann said that a conventional layout was also presented which was required. The issue before the board is the determination whether this is an appropriate parcel for an open space development. If the Special Permit is granted, then they would proceed forward with a Definitive Subdivision application. If the Special Permit is denied, they will move forward with a conventional subdivision plan. Either way, they end up in a Definitive Subdivision plan.

A road length waiver is being requested. Since the last meeting, a brief in support of the waiver was presented to the Board. Under Planning Board rules and regulations, there is a 600-foot maximum road length requirement. Water supply is the issue. The plan presented meets the purpose and intent of the regulations. In addition to providing the water service indicated, the water loop will address a safety issue the Town has. Neighborhoods do not have adequate water supply for fire protection since the fire flow in the area does not meet the current Danvers requirement. The water loop addresses the subdivision issues and improves the fire protection flow in the existing neighborhoods. There will be better water quality as well. In addition, a waiver is consistent with the state Subdivision Control Law. The purpose of the law is to add adequate access and utilities to the subdivision. The Planning Board has a history of granting

road length waivers. McCann said she went through the files of subdivisions in Danvers and discerned that over 30 road length waivers were granted. Not one waiver request was denied. For those reasons, the road length waiver is something that is consistent with this Board's past actions. This property is uniquely suited for an open space project.

Cheetham said that they have listened to this presentation twice. After the first meeting, she reviewed the cluster development bylaw. The Choate Farm subdivision was recently approved. When you drive down the road, the vista is still there. There is a lot of open space. The density of the houses are nestled in the back. The houses are back to back, but everyone who bought into this subdivision knew this. Cheetham said Choate Farm did not impact any neighborhoods, and she did not see that in this project. She lives in this neighborhood, and the only open space being gained is woodland that no one sees. She does not see the cost benefit. She felt the dense size of the lots are not in the character of the neighborhood. This is a ½ acre lot area where there are wooded lots. There are mature lots with mature trees that allow buffering with neighbors. She felt this would be a change in use. Cheetham said she also had a problem with drainage and stormwater. When you build on a hill, you need to think about everything very carefully. She is concerned with water coming off the property, as well as how this project is going to affect the property around it. There is a natural flow of water, and she felt this may need some work. She felt it would be a better project with a traditional subdivision.

Henry said that he still has a couple of questions. In general, he prefers the cluster subdivision to the conventional subdivision because some of the metrics are better. Unfortunately, all the options are not on the table. Of the choices presented to them, he would prefer the cluster. He has some questions. He asked who was going to hold the conservation restriction.

McCann said under the bylaw, the Conservation Commission holds the conservation restriction.

Henry said that the water looping would not be detailed until the Definitive Subdivision stage. McCann said it would be a condition of the Special Permit to improve the water.

Henry said he appreciated the information regarding the dead-end. Henry said that the letter from the abutter, Amy Maxner, raised issues.

Farmer said he was on the fence. When he first looked at this, he thought it was a traditional subdivision. He said they have heard from some people as to why they do not want the cluster zoning. One way or the other, this land will be developed. The Town wants to see more cluster zoning. He is looking for input from the neighborhood. If they are in favor of the cluster, the Board would like to hear it.

Prentiss said that most of his questions were answered. He was going to reserve his comments until after hearing what the public had to say. He said he was more in favor of the cluster development. The audience needs to have a chance to talk.

Zilinsky had a question concerning the easement. She said they talked about allowing the public to go through the easement. The homeowner's association would be responsible for the open space. She asked if the applicant would do a walkway over to Endicott Park.

McCann said that the residents of the subdivision would have the right to access the walkway. She said that they discussed with the applicants about a provision for public access from the Town land to this property. They looked to the Open Space and Recreation Plan that the Town has which states that the desire of the Town is to make a provision for the connection from Endicott Park to this land. McCann said that the applicant would be willing to take a condition that would provide a pedestrian access to Endicott Park and the Clark Farm pedestrian easement that already exists.

Zilinsky asked about the residents living on Bayberry and Sandpiper using this, and McCann said that is not being contemplated.

Zilinsky asked if the applicant did a conventional plan, would that access be able to be provided. McCann responded no.

Henry confirmed that this easement would only be for the residents of the subdivision. He asked if someone was coming up from Endicott Park, how would they know not to proceed. He asked how the homeowners would police this.

McCann said that the Town was looking for the connection between these two parcels. She said on the definitive plan, there will be the layout of the access easement. She asked if they were looking for an additional easement or connection.

Zilinsky said that she was. She felt there would be access through that open space for people walking through this area. She pointed out that there is no access to Choate Farm. Zilinsky said that she had been leaning towards a cluster. She wants this walkway used by people that do not reside in the cluster zone.

Cheetham said that she found a letter written in 2014 in opposition of this development. She noted that the signatures were from people living in this whole community. The neighbors are not happy with this. The Board has always listened to the people. She felt that they need to put themselves in their shoes. When people come out meeting after meeting, it should guide us.

Zilinsky pointed out that that the letter came out before the plans were presented. She wondered if people wanted conventional verses cluster. Cheetham said these people wanted Endicott Park expanded.

McCann said that she thought that the open space plan was preferred. This is what she took away from the previous meetings. She said that if it the Board's desire was not to grant the Special Permit, then they will do a conventional subdivision.

Eileen Harris, 37 Bayberry Road. Harris asked if there was any possibility for another exit from the subdivision during construction to allow big equipment in and out of the subdivision. She

said that she was for a conventional subdivision. She said the reason she moved to this neighborhood was because it was laid out so nicely.

McCann responded that there would be no other access. She pointed out that this entry point was laid out in 1966 when Bayberry Road and Sandpiper Lane were created. This is where the connection would be into the subdivision.

Robert Shay, 5 Ashley Lane. Shay said he was not in favor of the cluster. He wants more of the conventional element. He felt the cluster was not consistent with the character of the neighborhoods. He felt the open space was landlocked and could only be used by the residents of the development. This area will not be used by the Town. Shay said he wants this development consistent with the character of the area.

Sean Connolly. Connolly thanked the Board for the kind words regarding his mother. He said he was born and raised in Danvers. He said that his mother joined the "Save Whipple Hill" Facebook page because she did not want this land to be developed. This land is contiguous to Endicott Park, and he went through this area as a child. He felt that you did not need to be a planner or land-use lawyer to see that one plan makes more sense. You want all the open space together. He said that everyone was shocked that the church wanted to sell this land. He felt the paths have historic value. He said his mother was in favor of the cluster development. Cluster development is a win/win situation by being good for the developer, town and environment. Since the open space is being given to the Town, the town should require a condition of the Special Permit to preserve 100% of the whole area for a conservation area. There are natural easements where people can find their way into the woods. He asked that the Board to honor his mother's wishes. His mother wanted what was best for her town and her neighborhood. She preferred no development, but a cluster was the best way to go. He asked the Board to grant the Special with the condition that the open space be 100% passive conservation area, with no formal easements.

Carla Van-Bennekom, 4 Lantern Lane. Van-Bennekom said that her property abuts the development. She likes clusters, but she has concerns about this cluster. Her primary concerns are stormwater management and the proposed buffer zone. She said she had concerns regarding the retention pond for Lot 8 because the slope is very steep. Her property is downhill from that development, and they do not want water issues. She questioned how a retention pond could be built on that slope. She felt re-contouring would need to be done which could cause the topography to change to have water flow in all directions. She also felt there may be more impervious area in the cluster area verses the conventional development. She felt the proportion of impervious land is higher with a cluster, and this concerns her. She also said that if the 10-foot buffer zone was enlarged it would allow for more drainage.

McCann said that the stormwater plan has not yet been designed. It will be thorough and reviewed by the Town. The areas shown on the cluster plan are potential areas. She said that the water needs to be managed on-site whether the development is cluster or conventional.

Toni Lyn Kucker, 6 Ashley Lane. Kucker said that she had big concerns since this development will be right in her back yard. She is on the opposite side of the cemetery. She felt if you disturb

the roots of trees with soft land, the trees may fall on her house. Presently the trees are large and established. She felt the entire Town should have access to the open space.

Andrew Kowalski, 4 Ashley Lane. Kowalski said he was against the cluster. He felt it did not fit in with the neighborhood. He is concerned with the small lot sizes with the steep hills. He felt if there were bigger lots, they would have room to deal with the slopes. Large lots are more beneficial. He asked if there were no-cut zones in the conventional. He said that he has a no-cut zone along the back of his property, and he felt a 10-foot buffer would not sustain any vegetation.

Joseph Orloff, 27 Bayberry Road. Orloff said that Sally Connolly had given an excellent speech. She had pointed out a lot of traffic and safety issues. He asked the Board if these concerns had been investigated, and if there were any answers to her questions.

McCann said that they did a full traffic report which is not required with this application, but they knew traffic would be discussed. The traffic consultant is here if there is a specific question. The report showed that traffic from a 20-lot subdivision is very low. All site distances were met as well as other requirements. She felt the traffic analysis was accurate and reflected that this project was not going to have a negative impact on area traffic.

Orloff pointed out that the traffic study is paid for by the applicant. He said that most of the residents in this neighborhood are elderly. You have to sit at the intersection for ten minutes in order to take a left hand turn onto Route 62. He felt there was a lot of water in that area of the hill, and he is concerned that they will get more with this development.

Zilinsky said that the drainage plans do not get developed until the definitive stage.

McCann said that either project needs to conform to regulations. Stormwater needs to be managed on-site. That can be done in a number of ways, and this is fleshed out with the definitive plan.

Zilinsky told Orloff that a project cannot make a situation worse for him.

Orloff asked what if that happened? Zilinsky asked the engineer, Scott Cameron, to address this.

Cameron said that with the stormwater design will be more finite with the definitive plan. He described the rate of runoff calculations for the audience comparing the cluster vs. conventional.

Zilinsky told Orloff that even though Cameron is paid by the applicant, the Town Engineer needs to advise the Board of his opinion when someone comes in with a drainage plan. These plans are being presented to another expert.

Orloff asked if the Town Engineer had advised the Board on this matter, and Zilinsky responded that won't be done until the definitive stage.

Cheetham asked if there is a difference in drainage between conventional versus cluster, should the Engineer review and guide the Board. She felt this could be done. Shouldn't we know if there is a difference as we are trying to weigh these two plans?

Zilinsky responded that the water needs to stay on-site.

Orloff asked what would happen if the water did not stay on-site.

McCann said that the calculations would not be given to an engineer, because they are still in the preliminary stage.

Orloff asked if the open space was going to be maintained to be private property or public property.

Zilinsky said there is a link between Endicott Park and Clark Farm. The Board is interested in having other pieces public. She confirmed that the land would be private, but the link would be public. She explained that in a cluster subdivision, there would be a conservation restriction maintained by the homeowner's association which would be in the cluster zone area.

Orloff said that other towns ask for cluster alternatives. Zilinsky explained that this was not required. She said the applicant has decided on a cluster plan, and if approved, they will go through the definitive stage.

Orloff said that he was in favor of the conventional subdivision.

Amy Maxner, 4 Sandpiper Circle. Maxner said she read what was submitted. She questioned the assumption that the wetland crossing is allowable since the applicant does not have an order of conditions in hand. She argued that the lots that gained access from that crossing are not proofed out and that would impact the yield plan. Maxner said that this cluster project should not come at the expense of neighbors. She felt the project was too dense and too intense for the area allotted for the cluster area. She felt a 15,000 square foot lot is fine for an R-15 zone, but this is an R-20 zone. The size of the houses are not regulated. She felt that a conventional plan left more room to work around. The intensity of the cluster will be pushed towards the neighborhoods. The applicant should be required to submit two additional conceptual plans. Creative thinking can happen, and there would be a lot of input from other Boards. Distributing open space throughout the development would be better. She said that she was a planner by profession, and she has gone through the permitting process for cluster and OSRD. She has an insight to what works and what doesn't. If Planning Board is going to approve the cluster, she would like some potential conditions around the 10-foot buffer zone. She felt 10 feet was not adequate. Tree roots do not obey a tree line. Not every tree is healthy in a 10-foot zone. Evaluation of that zone will take some investigation. She read the nine conditions that were set forth on a letter she forwarded to the Planning Board.

Maxner confirmed that with a conventional plan, if the road is longer than 600 feet, a water loop was required. She asked if a traffic study was required for a conventional plan, and the Board

told her this was not required. She said she lived in an R-10 zone and moved to an R-20 zone on purpose. She felt this did not fit in this neighborhood.

McCann said that the yield plan meets the requirements of the Bylaw. The crossing over the wetland is very small and can be permitted. It does not exceed 500 square feet of alteration of the wetland. She said that a design could be done that would be permitted, and they do not need to go through the process of getting an order of conditions. That would only be required in a conventional plan.

McCann said that the land dictates where the open space should go, and this is why the open space is pushed to one side. They meet the requirements of Danvers.

Zilinsky asked if they had any other conceptual plans for cluster or conventional. McCann said they did, but it laid out best the way it was presented. She said that this plan was presented to the planner and building inspector.

David Gagnon, 4 Lantern Lane. Gagnon said he was worried how the stormwater management would look 50 years from now. He would like to avoid a stormwater management plan that a homeowner's association may not live up to. What matters is the amount of permeable and non-permeable land that is within the 100 feet of the borders. He felt there would be more impermeable land in the area of the cluster. He cares about the side near Lantern Lane. He is concerned about vegetation becoming overgrown. He felt the 10-foot buffer zone was a fig leaf. He lives along a 25-foot buffer zone between Lantern Lane and Ashley Lane. There is an easement between Lantern Lane and Ashley Lane that goes to Endicott Park. He would like to see this easement maintained.

McCann said that they love to have a less complicated stormwater management system. She pointed out that they need to meet stormwater requirements in Danvers.

Kathy Connolly. Connolly said that she was Sally Connolly's daughter. She said that the neighbors on Bayberry are elderly and asked that the Board keep this in mind as they think about the voice of the public.

Keith Lucy, 7 Ashley Lane. Lucy said that he submitted a letter to the Planning Board regarding his concerns. He went through the letter with the Board listing his concerns about density, road length, open space, new growth, pedestrian easement and stormwater.

He asked that the Board reject the cluster development. He felt the conventional plan is the appropriate use of this property.

Lucy requested to have a connector easement across one of the lots to allow access from Clark Farm to Endicott Park. He asked for a pedestrian easement.

McCann said that the new growth numbers are not issues for this Board. McCann said that the people who got the pedestrian easement will lose the easement. It has always been a dead-end.

There are no rights for access to the parcel for development. She felt a lot of assumptions had been made to make the points. She pointed out that houses may not be on the same spot on the lot if you have a conventional. The houses remaining in a similar distance from the lot line is one not based on any facts. McCann said that you do have some protection of privacy and views in a cluster. McCann address the impacts of a conventional verses cluster subdivision on Lucy's lot. She said that in a cluster subdivision there were two lots abutting Lucy's property. In the conventional there were two lots abutting. McCann said that the cluster gave more protection because of the buffer.

McCann said that Lucy said that clustering puts the open space in one area, and he felt it would be better to spread it out. He said the back yards should be open space. She pointed out that his back yard once was open space, but not anymore. The cluster provides protection that the open space will always be open space.

Lucy said that he picked up a third abutter with the cluster, and he showed this on the plan

William Clark, 163 Hobart Street. Clark said that he was the largest abutter to this property. He was more in favor of the cluster. There is an easement from his property, and it could connect along the extreme east portion of the farm. The easement is 600 feet from the development. He said that he maintains a road. Water runoff concerns him because 70% of the water will run onto his property. The cemetery has been raised eight feet. There has been water problems on his property since the 1970's. He needs to grow things on his farm, and he can't grow things under water.

Joseph Orloff, 27 Bayberry Road. Orloff asked what the developer's motivation was for pushing a cluster subdivision.

Zilinsky said that they take the applications as they are presented.

McCann said that they had heard a lot of different concerns. The reason an open space plan is being proposed is it makes sense. This property can be developed either way. She said they heard about concerns dealing with buffering, cutting of trees, access to open space and open space generally. Those are things that can be reviewed and controlled through the cluster subdivision process. There are regulations within the bylaw. Buffer zones do not exist on a conventional plan. If open space is of a concern, the open space plan gives you the jurisdiction to deal with those issues.

McCann said that the developer does not make more money with an open space plan. This is what works on the site. She said that they got this direction from the Town. They do not have a conventional subdivision. She wanted to remind everyone that they were not voting on a preliminary plan for a conventional development.

MOTION: Prentiss moved to close the public hearing for the Cluster Development Special Permit for Whipple Hill. Henry seconded the motion. The motion passed by unanimous vote.

MOTION: Prentiss moved to close the public hearing for the Preliminary Subdivision Plan for Whipple Hill. Henry seconded the motion. The motion passed by unanimous vote.

Cheetham asked the Board to look at the bylaw for the Special Permit. She felt that Numbers 1, 2 and 3 were not being met. She felt the density was intense and questioned the grading. She felt there were more opportunities to do a better site development with a traditional subdivision.

Cheetham felt there was an adverse impact on the neighborhoods. She felt all the neighborhoods would have wooded lots with a conventional subdivision.

She felt they are not meeting the conditions of the Special Permit. There is a change of use. She said that she will not have her support. She asked the Board to consider those thoughts.

Henry said he would defer his comments for now.

Zilinsky felt the site was better suited for a cluster, and she is more comfortable with the open space. With regard to Item 2, there is not a requirement that there will be a larger buffer. With the cluster they have more of a chance to have a buffer. The applicant has the right to develop their land, and she felt there will be a buffer with a cluster. Zilinsky said she would prefer the cluster.

Prentiss said that he disagreed with Cheetham on Item 1, Preservation of Natural Resource. The lower portion has open space. If that land is developed, flooding could be caused. Water mitigation would be better overall for the community with a cluster. He said there is no ledge on this site. With regard to creating a buffer zone, when people own land, they will do whatever they want to do. He would rather go with a cluster because the water mitigation at the bottom due to the natural flow of the land. Public wants to see a cluster as well as a conventional.

Farmer thanked the applicant and the public. He is the newest member to the Board. He thought the process was healthy. He felt that cluster zoning has a place in Danvers, but he does not support cluster zoning for this development. The neighborhood would rather see the conventional subdivision. He said that he did not support the cluster.

Henry said that he prefers the cluster.

Zilinsky said that they need a supermajority for this to pass. This means that four out of the five members need to vote to approve.

MOTION: Henry moved to approve the Cluster Development Special Permit for Whipple Hill. Prentiss seconded the motion. The motion failed by a vote of 3-2. Cheetham and Farmer voted to deny.

MOTION: Henry moved to deny the application for the Preliminary Subdivision Plan for Whipple Hill. Prentiss 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: 11/13/15*) **(To be continued without discussion at the request of the applicant to November 10, 2015)**

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

OTHER BUSINESS

Discussion: MAPC draft report "Danvers Maple Street I-1 Visioning Report" MAPC

Discussion: "Downtown Danvers Parking Study" Nelson Nygaard

Zilinsky said that with regard to the discussion concerning the MAPC Report and Downtown Parking Study, she would prefer to wait for James Sears to be able to discuss this. She asked that they defer discussion until the next meeting.

Cheetham asked if Jeremy Lee had any questions they might be able to answer. Lee confirmed the meeting on November 5th. He said he would attend the presentation.

MINUTES

October 13, 2015

MOTION: Cheetham moved to approve the minutes of October 13, 2015. Henry seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 9:40 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on November 10, 2015.