



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
November 26, 2013**

7:00 p.m.

MINUTES

Chair Aaron Henry called the meeting to order at 7:00 p.m. Planning Board members Aaron Henry, Margaret Zilinsky, Kristine Cheetham and William Prentiss were present. Planning Board Member James Sears arrived at 7:10 p.m. Planner Kate Day, Building Inspector/Code Enforcement Officer, Richard Maloney, and Planning Director, Karen Nelson were also present.

STAFF BRIEFING

Day stated that the STEM Building for St. John's Prep should be filed in the near future.

OTHER MATTERS

20 Pope's Lane. Request by Warren Manter, Trustee of Manter Realty Trust for endorsement of Form A plan to divide the parcel into two lots. (Assessor's Map 40, Lot 18). (*Approval Not Required Action Date: December 6, 2013.*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Warren Manter, Trustee of Manter Realty Trust. This is part of a Site Plan/Special Permit application that was submitted and approved at the last Planning Board meeting.

McCann stated that this parcel contains close to two and one-half acres of land located in the Highway Corridor Zoning District that requires one hundred feet of frontage. The purpose of this plan is to divide the property into two lots. Lot A1 will have close to one acre of land (43,560 sq. ft.) with 283.35 feet of frontage, and will house the new development approved at the last meeting. Lot A2 will have close to one and one-third acre of land (57,124 sq. ft.) with 417.93 feet of frontage.

Henry informed the Board that the various departments had recommended approval of this plan.

MOTION: Henry read the Certificate of Action. Prentiss moved to find that Planning Board approval is not required for the proposed division of the property located at 20 Pope's Lane. Zilinsky seconded the motion. The motion passed by a vote of 4-0. Sears was not present.

PUBLIC HEARING

Proposed zoning amendments for February 3, 2014, Special Town Meeting.

Henry read the legal notice and opened the public hearing.

Sam Cleaves and Chris Kuschel, from the Metropolitan Area Planning Council (MAPC), appeared before the Board. They were here to present an overview of the study to determine whether this area would benefit changing to an overlay district versus doing a base zoning change. Cleaves stated that this was the second public meeting for the Tapleyville District, and the study is being funded by a Barr Foundation Grant.

Cleaves showed a powerpoint presentation. He showed a locus plan of the study area which indicated that the Tapleyville District consists of only six acres which is currently zoned Industrial 1. The project at 78 Holten Street was a nice plan for mixed-use, but presently applicants need to obtain a variance. He stated that this study was built on work that the MAPC had done with Danvers a few years ago with underlying zoning. Cleaves pointed out various properties on the screen as well as zoning in the area.

Cleaves stated that they were looking at the vision for this area. The Town had indicated a desire for more uses in the downtown area. Many properties may or may not develop for years to come, but planning ahead is useful. He stated that there was great work around the Rail Trail that allowed them to look at transportation. They were building on prior plans such as the Stantec Plan and Community Development Plan which looked at the Tapleyville District, among other areas.

Cleaves addressed comments he heard at the first public meeting such as keeping the character of the buildings and neighborhood. The zone is close to downtown with great access to the Rail Trail, Tapley Field and McKinnon's Market. He stated that there were people from Wenham using the trail that had stopped to shop at Cherry Street Fish Market. Their goal is to avoid applicants having to go through the variance process, and the Overlay District Zone could help permit the kind of uses that are already there.

Cleaves stated that the main means of transportation was by car.

Cleaves described the draft vision statement: presently an active mixed-use neighborhood, expand retail and offices, include more active uses like cafes and restaurants in the overlay, development around the Rail Trail, easier access north and south to the Rail Trail, and safer pedestrian and bicycle environment.

Kuschel addressed the Board and discussed connectivity with concentration on pedestrian and bicycle transportation. He had heard a lot about the Rail Trail, which is a huge amenity for this site and the Town as a whole. His first recommendation for pedestrians is Holten Street. The sidewalk is missing, and there is a need to have sidewalks on both sides of the street. He felt the number of sidewalks should be increased, and they need to connect the 78 Holten Street property with McKinnon's. They could incorporate bicycle lanes, and there is the opportunity to engage

the Rail Trail. The Cherry Street Fish Market is a great example, and he felt they could do similar types of things along the trail by redeveloping parcels. He pointed out that there is bus service in the area.

Kuschel stated that they could add bike lines, but they found that these types of improvements are gradual. Extending bicycle and pedestrian amenities could be the beginning of a broader network. Kuschel went over the existing conditions on Pine Street, which has sidewalks on both sides. Mass DOT recommends travel lanes to be between 10 and 12 feet. The width of the travel lanes presently are 13 feet, so they have space to work with. He indicated that they could have a bike lane in the northbound direction with an 11 foot travel lane. On the southbound side, you could envision the grass buffer becoming a bike lane, or shared lane with cars.

On Holten Street, Kuschel stated that they have travel lanes of 17 feet. They could provide sidewalks on both sides, and still allow a bicycle lane of four feet with a buffer lane of two feet.

The main pedestrian improvement he suggested was a ladder style crosswalk. They recommended not using bricks for crosswalks due to the accessibility issues. If they want to slow traffic, they could have a raised crosswalk, or have a pedestrian sign in the road. They could also have advance yield markings that a crosswalk is coming ahead. Along McKinnons, a curb extension could be installed that would allow a pedestrian to have a shorter distance to cross the street and allow a motorist to see a pedestrian.

The study also showed that four feet is acceptable for a bike lane, but five feet is better next to parked cars. They recommended a bus shelter as well as incorporating seating for people to linger, and inject life into the site.

Kuschel said they were looking for a test site for green infrastructure. They suggested making a rain garden between sites along the Rail Trail to stop sheet runoff to protect the Trail, improve drainage, and make it more aesthetically pleasing.

Cleaves wanted to touch on existing land uses. A 2005 flyover provided by the state was to provide an idea of the land uses. He stated that they found residential and industrial uses, as well as commercial uses, public and institutional uses, a parking area owned by the Town, and open space.

He stated this was an I-1 zone district surrounded by R-1 and C-1A across the street. The theme was to create an overlay district designed to reflect interest in pedestrian/bike oriented mixed-use development close to downtown and the Danvers Rail Trail. They felt that they could create a set of uses to unify the area to provide for commercial mixed-use and residential activities with the district. Cleaves said they felt they could create an alternate set of dimensional standards to enable more compact development. They wanted to include overlay district guidelines for parking, pedestrian access, building design and landscaping.

Cleaves showed the comparison of the existing I-1 zone and the proposed Tapleyville Overlay.

Henry told Cleaves it was a thorough presentation. He felt it was a big overview scheme for the entire area, and zoning is one piece of that vision.

Cheetham stated there were a few parcels off Pine Street that are commercial properties including the landscaping business across the street. She felt they should be included in the overlay.

Cleaves responded that they did talk about them initially, and in the final conversation they decided to leave them out. They are open to including them.

Day thought it could be done. She stated that sticking with an I-1 zone and overlay, it is very clear to visualize what the zoning is. She deferred to the Board.

Zilinsky said Chet's Lockshop is a commercial use in an R-2 zone.

Henry felt they would just be extending the overlay district, but he is not opposed to it.

Prentiss remembered talking about it in May. He referenced the Water Street area that had parcels outside the area that chose to stay in the I-1 zone. He felt if they start to consider those two sites, you may want to consider McKinnon's. It reminded him of what they went through with the Waterfront District, however that was a change in zoning. He felt if they include residential sites, there may be pushback from Town Meeting.

Cheetham stated that when the Waterfront Village Zoning was done, two maps were offered at the Town Meeting floor, and they were allowed to decide. The community chose which map they wanted.

Day stated there was extensive outreach to the I-1 District, and it may be late in the game to talk to the owners of these additional properties. This could be a pilot parcel to get the community comfortable, and could easily expand over time.

Sears stated he liked the proposal.

Zilinsky agreed with Sears. It made sense to look at Chet's Lock Shop and the landscaping area across the street. She stated that they have been looking at this for a long time. They have wanted to address this and present something that would appeal to the owners of the properties to better address what is the future of that area. She would like to stick to what is being proposed at the moment, and revisit Pine Street in the future.

Sears told Cleaves that he was concerned with the dimensional change to the front and side setbacks, as well as density. He asked if the area between buildings could be wider. He is concerned with residential parking. It will come up in conversation, and he suggested one space for five units.

Day pointed out that the setbacks are identical to the Waterfront Village District. These are just benchmarks. A discussion of dimensional requirements and density ensued.

Cleaves said there was flexibility for setbacks with a lot of latitude for front setback requirements. This is a compact development that needs to allow buildings to be close together,

but they need to allow for the additional uses on the parcel like parking, landscaping and buffering. He said that generally people struggle with this, but there is going to be a fair amount of latitude under a special permit. It is the overall site plan that really matters when there is the latitude to waive the setbacks.

Zilinsky said that knowing the parking problems in this area, her concern would be that people would be pushed off the site. She would like to have one guest parking space with every five units. She pointed out this area does not benefit from public parking like other areas of Town.

Cleaves stated that they could start higher and waive the parking requirements. If you have a high ceiling, you can always come down. A discussion of guest parking requirements ensued.

Henry stated that he was willing to go to one guest parking space for every five units. Prentiss agreed with Cheatham on four units for the inclusionary language. Sears was comfortable with four, Zilinsky wanted five. Henry felt that Site Plan proposal allowed them the flexibility to approve a good project, and he does not want to send someone packing

Zilinsky had been supportive of increasing the parking in condominiums, and understood the problems with the amount of asphalt. If it is the will of the Board, she can go with one guest space for every four spaces.

Sears said if an existing building exceeds that, how would that affect density.

There was discussion amongst the Board as to how to vote on the articles.

MOTION: Sears moved to close the public hearing for amending Article 15 and 16 of the Zoning Map. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 15 – Amendment to add a new Section 17, “Tapleyville Overlay District” and moved to approve. Zilinsky seconded the motion. The motion passed by unanimous vote

MOTION: Sears read the Certificate of Action for Article 16 – Amendment to add a new Section 17, “Tapleyville Overlay District.” Prentiss seconded the motion. The motion passed by unanimous vote

Article 1 – Registered Marijuana Dispensary Overlay District

Henry explained that there was a moratorium adopted to allow the Town sufficient time for planning that expired in twelve months. The Attorney General’s office must approve the zoning bylaw changes, and municipalities cannot prohibit the use. It must be allowed in some form. He explained that there are three categories: growing, production and distribution. All three categories must be allowed in this community. They have come up with the Cherry Hill Industrial Park and Danvers Industrial Avenue as being best suited for this type of land use. Henry said the Department of Public Health at the state is very involved. He stated that the

Planning Board's job was limited to simply defining where in Town this use must be accommodated. The use consists of growing, production and retail distribution. They forwarded their recommendation to the Selectmen, who supported the proposal.

Cheetham asked Henry if they were going to address the letter sent to the Board by a neighbor. There were a few questions raised such as retail uses. The Industrial Zones do not allow retail use. The letter questioned the hours of operation since one of these cannot be used differently than other businesses. Cheetham said that she did not know if they had the issue of residences being nearby with Industrial Avenue.

Prentiss said he was comfortable with what was put forward, and he was going to hold off on his comments. He felt most of the questions raised were answered through the state level.

Cheetham stated that she did not have a problem adding language for a setback requirement.

Day responded that there was an opinion issued by the Attorney General's office cautioning about this being done. It should be allowed by right, or allowed with a lot of conditions. They took a cautionary approach of what was the justification for that type of setback, and what were the grounds for stipulating that a setback be needed.

Philip Harris, 180 Conant Street. He explained that the owner of this parcel is his wife, Elizabeth. He stated he was concerned with an overlay district for an industrial zone that does not have retail. There is no retail at Cherry Hill. He stated that they are a great neighbor. He stated that in the early morning hours the traffic is so bad that you cannot make a left hand turn off the property to go east, and adding retail would make this problem worse. He pointed out that his property is in an R-3 zone which is the most restrictive.

Harris stated he was concerned with traffic in the morning, and felt they would be landlocked during rush hour. He would like the facility not to open before 9:00 a.m. and close after 6:00 p.m. He felt marijuana was a gateway crime. In Colorado they have been trying to make the medical marijuana work, and the federal government had to get involved. They would like to stop the retail at night.

He is also concerned with the other residents on Conant Street as well as the Conservation Land. He wants the Conservation Land area to stay safe. He wanted the growing, production and retail further back. He knows that no one has applied for this type of use on this site, but zoning needs to be done for the future.

Cheetham felt during permitting there could be a problem since this was going to be allowed by-right. Henry said that it would trigger site plan review. He pointed out that these facilities need to be fenced, so the industrial areas were the most likely places to put them. Cheetham stated that she wanted these parcels fenced.

Harris is concerned with the customers coming and going, and felt it would increase the risk of crime. If it was further away from residences, he felt it would be more protective of public safety.

Cheetham stated that she did not have a problem adding language that stated the site had to be 500 feet from a residence. They did this for the adult zoning zone. She asked how this would affect the map for the Route 1 parcel.

Maloney said that residential properties abut the Route 1 parcel.

Sears asked if there a way to add additional protection. There are constraints, and he asked if there was any way they could add protection for the neighbor since there was a concern. He is all for additional protection for the residents.

Henry agreed with what Harris said. He said that the hours of operations will be dealt with by the Department of Public Health (DPH), and he felt they would not allow sale at odd hours. As far as the buffer zones are concerned, that could be a slippery slope. There is the potential for problems that could arise even under the best of regulatory schemes.

Zilinsky is concerned with whatever they do. They are trying to find a spot so that it doesn't end up in a retail area. She doesn't want it to be so restrictive that the Attorney General does not accept it, because then they will be at square one. She is concerned with the DPH, their regulations, and what they put in it. She does not want to box themselves in so that the Attorney General felt it was too restrictive. There are always abuses, but her hope is that the objective will come through.

Day had met with the Mr. and Mrs. Harris. She wanted to remind and encourage them to read the DPH regulations that address the hours of operations and regulate security concerns.

Sears asked about removing the Cherry Hill site and look at the adult use zone. Cheetham pointed out the adult zone was commercial. She said that they knew they would require fencing, so they stuck with industrial uses in town. This is more of a medical dispensary.

Henry said the DPH is thorough.

Gardner Trask, Town of Danvers Selectman. He said that this is not a retail use. This is a medical dispensary with a rigorous program. He explained that a person needs to see a certified physician, who will then issue a note that will be taken to the State. The State then gives the individual a card which is highly regulated. He pointed out that the building inspector gave him a map that notes that there is already a 500 foot buffer around both areas with the first available building being more than 500 feet from a residence. He stated that this Board was to identify land use. Security and rules and regulations are a two-prong approach with the selectmen and the State. He felt that people would not congregate on the site. He said that a lack of knowledge makes people infer or project certain things. He said that they do not know if there is going to be a higher per capita crime rate. He supports the overlay because it can go anywhere in Town, and he wants to regulate and mandate a location where it can go.

John Mroz. He asked why the North Shore Medical Center was not chosen, and Henry explained when there is federal money involved, there is a huge risk. North Shore Medical Center does not want to be in this district. They had to find a place, and these two places were best with what was left.

Prentiss said that he has been grappling with this since it was approved. He does appreciate Mr. and Mrs. Harris' concise and to the point presentation. He said that he was surprised that they were the only ones coming to the Board. Prentiss stated that the Board has never regulated anything regarding hours of operations. He felt a buffer zone restriction may not be accepted by the Attorney General. That may make the whole Town available, which would cause more problems.

Henry said that they needed to make an effort to describe this to Town Meeting, and explain the alternatives. If the moratorium lifted and there is no solution, there is a bigger problem.

Prentiss stated that Trask pointed out the amount of restrictions the State is involved with. He would have to put his faith in the State regulations that they will be able to restrict this. He will stick with what they have now.

MOTION: Cheetham moved to close the public hearing on Articles 1 and 2. Zilinsky seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 1 – Registered Marijuana Dispensary Overlay District and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 2 – Registered Marijuana Dispensary Overlay District Zoning Map Amendment and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 3 – Amendment to Section 4, “Site Plan Approval”

Henry explained allowing permitting for Special Permits and Site Plan Approval to proceed simultaneously streamlines and informs the process. Henry also stated that there are presently two standards in the bylaw for queuing standards for drive-throughs. With this change, there will be only one standard.

MOTION: Cheetham moved to close the public hearing on Article 3. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 3 – Amendment to Section 4, “Site Plan Approval” and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 4 – Amendment to Section 9.3, “Extended Family Living Areas (EFLA)”

Henry explained that the proposal was to allow an amendment that will clarify the bloodline of relatives living in an EFLA to be children, grandchildren, great grandchildren, parents, brothers and sisters, nephews and nieces, grandparents, uncles and aunts, and great grandparents. There will also be the clarification if you have an EFLA, you lose your right to have boarders, roomers or lodgers.

John Zavaglia, 34 Roosevelt Avenue. He told the Board that there is an EFLA across the street. He wanted clarification that a non-family member was allowed for a caretaker. Maloney confirmed this would mean a live-in nurse. Zavaglia stated that they have family friends, or uncles or aunts, not related by marriage. He told the Board that he has had a very close relationship with children for many years, and he asked that 30 years in the future, if they are not related by marriage, would they not be allowed to build an EFLA. He stated that the Town of Windsor, Connecticut has waivers of provisions in their law. He thought it might be a good idea if the Board could waive this requirement if people have been very close for years.

Maloney told Zavaglia that it could be waived by Special Permit.

Zavaglia asked where that was located in the bylaw, and Maloney responded it was under Section 9.3.3.3.

Zavaglia said he wanted to be sure it could be done.

Cheetham asked about enforcement. She stated that some communities write EFLAs in as a family living area or an accessory apartment. She has one on her street. A lot of non-family members live in EFLAs in Town. She appreciates that they are adding language, but the real question to the community was how are they enforced.

Maloney responded that they are not increasing who can go into an EFLA, they are decreasing who can go into the EFLA. He told her that they go into a site when they get a complaint. If the property is sold, and the new owner does not want to keep the EFLA, the kitchen is removed.

Henry asked how many EFLAs were being permitted a year, and Maloney said a dozen or less.

Henry asked about units where there had been enforcement, and Maloney said that one EFLA voluntarily removed the kitchen. He said that there are not a lot of problems that they know of.

MOTION: Prentiss moved to close the public hearing on Article 4, Amendment to Section 9.3, "Extended Family Living Areas." Sears seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 4 – Amendment to Section 9.3, "Extended Family Living Areas (EFLA) and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Henry pointed out on Article 3 there was a change on the second page that made a change to Site Lighting. The Board stated they were aware of that change.

Article 5 – Conditions for Special Permits

Henry explained that language for traffic has a curious requirement that none of the other findings have. The Board has run into problems, and we are asking Town Meeting to strike that provision from the bylaw.

MOTION: Prentiss moved to close the public hearing on Article 5 – Amendment to Section 30.3, “Conditions for Special Permits.” Zilinsky seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 5 – Amendment to Section 30.3, “Conditions for Special Permits” and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 6 – Multi-Family Affordability Provision

Henry explained this was for the comparability of off-site units to add clarification to avoid problems that they have had to date.

He stated that Day had added a second sentence that states the unit shall be in the “same proportion.”

Zilinsky stated that she likes the language of comparability in the bylaw.

Prentiss likes this and approves of the way it is worded.

Gardner Trask, a member of the Danvers Affordable Trust. He stated that he is happy with the language. It speaks to more than one, but there is a lack of language if there is only one unit and felt more clarity was needed. He asked how a decision would be made if there was a blend of one and two-bedroom units in a six-unit development. Conifer Commons is a mix of one, two and three-bedroom units.

Henry said they thought about proposed language, and felt the second sentence should read, “where the bedrooms in the affordable unit is no less than the rounded average of the bedroom/unit dispersion at the site.”

Cheatham asked if they are building a majority of one-bedroom units, and they have two and three-bedroom units, do you ask the applicant?

Maloney said that he is the final determining factor as Building Inspector.

Henry pointed out at this is when there is an appeal. When the applicant is at the table, they might not know what the mix of units is going to be.

Henry felt this would allow no ambiguity, and we would then not have to squawk about it.

Sears felt the language should read, “the greater of.”

Cheatham pointed out that a unit is not the same as number of bedrooms.

Henry stated it would be presented at the time of application because the formula is there. The Board felt there was a need to pursue this.

Day stated this could be discussed with the Selectmen and Finance Committee.

Henry asked if Day could work on language for the next meeting.

Day stated that she will try drafting language and e-mail it around. She stated that they can respond to her, and she will forward comments and let everyone know what will be presented at the next meeting.

The Board agreed.

MOTION: Prentiss moved to continue the public hearing on Article 6, “Multi-Family Affordability Provision”. Sears seconded the motion. The motion passed by unanimous vote.

Article 7 – Amendment to Table 1, Table of Allowable Uses

Henry explained that this article was to add funeral homes back into the bylaws since the current bylaw does not allow funeral homes within any zoning district in Danvers.

MOTION: Zilinsky moved to close the public hearing on Article 7 – Table of Allowable Uses. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 7 – Table of Allowable Uses and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 8 – Amendment to Table 1, “Table of Allowable Uses” and “Definitions”

Henry stated this amendment is intended to respond to the growing interest in keeping chickens on residential property, a use currently restrict to the R-2 zone. The intent was to delete the entire row from the table so it can be regulated by the Board of Health.

MOTION: Prentiss moved to close the public hearing on Article 8 – Amendment to Table 1, “Table of Allowable Uses” and “Definitions”. Zilinsky seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 8 - Amendment to Table 1, “Table of Allowable Uses” and “Definitions”. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 9 – Amendment to Table 1, “Table of Allowable Uses”

Henry explained that automobile filling stations are currently not allowed in the two principal districts servicing as commercial corridors in Danvers. This amendment would allow this use by Special Permit in both areas.

Anthony Adezio. He told the Board that he supported this amendment. They are going to be developing a property on the highway corridor zone. The building is a two-story building with retail that they are trying to lease. They like this amendment and felt it would make the property more leasable. He asked the Board if they were going to change fast food as well.

Henry stated that they did not look at this use in particular. He encouraged him to communicate this to staff to get it in the pipeline. The Board needs to hear this, or policy never changes.

MOTION: Prentiss moved to close the public hearing on Article 9 – Amendment to Table 1, “Table of Allowable Uses.” Zilinsky seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 9 – “Table of Allowable Uses” and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 10 – Amendment to Table 1, “Table of Allowable Uses” and Section 40, “Definitions”

Henry explained this was for technical changes regarding athletic and physical training facilities. He said that facilities that were under 5,000 square feet could be by-right in all commercial districts. They would add a row in the parking standards.

Day looked at the parking requirement for 150 Andover Street, and asked if they wanted to add an additional parking space. Cheetham said this was usually a requirement for a small plaza.

Henry said he was comfortable with the standard the way it was. They still have time to tweak it if necessary.

Sears pointed out that the building inspector is the one that came up with the 5,000 square foot figure.

Cheetham said these would be small facilities and they would not set up shop if they can't having parking. She does not have a problem with the way it is.

MOTION: Prentiss moved to close the public hearing on Article 10 – Amendment to Table 1, “Table of Allowable Uses” and Section 40, “Definitions.” Cheetham seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 10 – Amendment to Table 1, “Table of Allowable Uses” and Section 40, “Definitions” and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 11 – Amendment to Table 1, “Table of Allowable Uses”

Henry explained that research and development in the industrial districts are prohibited. This article would replace this as being by-right in I-1 and I-2.

MOTION: Prentiss moved to close the public hearing on Article 11 – Amendment to Table 1, “Table of Allowable Uses.” Cheetham seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 11 – Amendment to Table 1, “Table of Allowable Uses” and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 12 – Amendment Section 37.7, “Sign Bylaw”

Henry explained this would allow the ability to do a temporary sign if the building inspector is given surety. The applicant would only be allowed a ten day window.

Day informed the Board that the selectmen thought that 10 days was too short.

Henry felt it was a scope issue. It is presently prohibited, and now it will allow for ten days. It would be within the scope to go from ten to thirty days. He felt 10 days was appropriate.

Prentiss stated that he was fine with ten days.

MOTION: Prentiss moved to close the public hearing on Article 12 – Amendment Section 37.7, “Sign Bylaw.” Zilinsky seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 12 – Amendment Section 37.7, “Sign Bylaw” and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 13 – Amendment Section 9.1, “General Accessory Uses”

Henry explained that this pertained to parking commercial vehicles on resident’s premises.

MOTION: Prentiss moved to close the public hearing on Article 13 – Amendment Section 9.1, “General Accessory Uses” Zilinsky seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 13 – Amendment Section 9.1, “General Accessory Uses” and moved to approve. Prentiss seconded the motion. The motion passed by unanimous vote.

Article 14 – Amendment to Section 40, “Definitions” and Section 37.7, “Sign Bylaw”

Henry explained this amendment pertained to the size of menu boards for drive-through facilities.

MOTION: Prentiss moved to close the public hearing on Article 14 – Amendment to Section 40, “Definitions” and Section 37.7, “Sign Bylaw.” Zilinsky seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action for Article 14 – Amendment to Section 40, “Definitions” and Section 37.7, “Sign Bylaw.” Prentiss seconded the motion. The motion passed by unanimous vote.

Day informed the Board that one article fell off in instances where the ZBA was issuing a variance under the multi-family scenario. This was taken to Town Counsel, and he strongly discouraged it because the Planning Board cannot reach into the authority of the ZBA.

MINUTES

MOTION: Prentiss moved to accept the minutes of November 12, 2013. Zilinsky 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 10:30 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on December 10, 2013.