



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 27, 2012

MINUTES

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

STAFF BRIEFING

Day asked if any members of the Board had an opportunity to drive by the property located at 74 Elm Street that had a temporary handicap ramp. She stated that the applicant pursued his rights with the vendor and were able to get their money back for the metal ramps they purchased. Day thought the site looked better. She stated that vegetation planted in front of the ramp was attractive.

Day passed a draft letter to the Board addressed to the owner of the McDonald's site, and she welcomed feedback after they reviewed it. Henry asked Day if McDonald's would be coming back before the Board, and Day stated there were indications in e-mails that this may be the case.

Cheetham stated that this would be the time to look at the bigger picture of the property, and they would have the opportunity to reconfigure the site and have a better drive around for everyone.

Prentiss inquired if this would be considered a major or minor modification for the second drive-through, and Day replied it would be considered a minor modification. Day stated that No. 4 under Major Modification could be used, but the final call would be the Building Inspector.

Henry stated that this was the time they needed to get what they wanted from the site. He wants the landowner to be brought in before the Board because it is a site plan review.

Prentiss thought they would not meet the queuing requirement.

Henry asked about traffic. Did the volume of traffic double going through the restaurant? Henry would like to see a traffic analysis for the second menu board. Prentiss said they want more business, but there has to be statistics for one menu board verses two menu boards.

Cheetham stated this data is available pointing out that Dunkin' Donuts had this information when they came before the Board.

Day stated that the Marriott Courtyard located off Dayton Street had contacted her regarding handicapped parking. Their handicapped parking did not have striping between the parking spaces as required, and this increased striping would take away two parking spaces. Day asked the Board if they were agreeable to her approving this administratively, and the Board responded that they were fine with this request. Day stated that she checked with the health agent, and he stated that the Marriott has been flawless and she would approve this administratively.

FORM A

33 Cherry Street. Approval Not Required. Request by Chris R. Legare, Manager of Legare Homes, LLC for endorsement of Form A plan to divide the premises into two conforming lots which will comply with zoning regulations for zoning district Residential – I. (Assessor’s Map 43, Lot 453). *(Approval Not Required Action Date: December 4, 2012.)*

Henry informed the Board that staff recommended endorsing this plan. He asked the Board if they had any questions for the applicant.

Cheetham confirmed that this property was near the corner of Pickering Street and inquired where the driveway was located for Lot 1. The applicant, Ben Legare, stated there was an existing driveway and they are creating a shared driveway easement. Cheetham stated that this was a difficult intersection and was concerned with the number of cars using this driveway.

Cheetham asked if the new house was going to replace the garage. Legere replied that the house will be closer to Pickering Street. Cheetham asked if the garage was going to remain, and Legere stated it was going to be removed. They are in the process of going through the Preservation Commission.

Cheetham inquired why the applicant considered one driveway rather than two, and Legere replied that he is still not against a second driveway.

Prentiss asked if they are replacing or renovating the exiting home, and Legare confirmed they are renovating the present home.

Legare told the Board there was a historic aspect to this home. He was told that Calvin Coolidge had stayed in the home while campaigning.

Cheetham stated if the Lot 1 driveway is off Pickering Street, it will be better for Lot 1. This way they will not have two families exiting and entering the site with the same driveway. She asked the applicant if they would consider two driveways to take some of the traffic out of the intersection. Legere indicated that they were not against two driveways and would consider it an option.

MOTION: Sears read the Certificate of Action and moved to find that Planning Board approval is not required to divide the property located at 33 Cherry Street into two lots. Prentiss seconded the motion. The motion passed by a unanimous vote.

OTHER MATTERS

Hanson Road Extension. Request by Sergio Coviello, Manager of Shelby, LLC for release of performance guarantee for completed site improvements for the Definitive Subdivision known as Hanson Road Extension. (Assessors Map 45).

Day informed the Board that the Hanson Road Extension matter is not ready to be before the Board. Henry suggested that they continue to the next meeting, and Day agreed with this. Day stated that engineering was clear with the applicant that there was one item outstanding that needed to be completed. They may need to drop off the agenda until the spring.

MOTION: Prentiss moved to continue the request for Release of Performance Guarantee to Site Plan for Hanson Road Extension until the next meeting. Sears seconded the motion. The motion passed by a unanimous vote.

Discussion: Process and schedule for update of Subdivision Regulations.

Henry stated his goal as chair was to update the subdivision regulations, which he feels is a really good task. Day stated she had e-mailed the draft regulations to the Planning Board members. She stated the original regulations were adopted in 1979 and are a little dated from a contemporary planning practice. She stated that she has been working with engineering. It is hard to find what you are looking for in the present regulations, so a table of contents has been added which links to the appropriate section. This is a huge plus, and the flow is better. A copy has been given to engineering, but it is hard to find the time to review them. Day suggested that the Board take the time to work out the other pieces of this. She stated that it is the same document in a different form with placeholders such as a provision for alternative stormwater management, further language regarding clustering design and road width conversion. She feels engineering as well as fire will push back on road width conversation. She stated that a new document has been prepared with Mass Home Builders and Mass Planners that reduces the road diet with recommendations that they can point out to engineering when they start having the conversation. She suggested that maybe pieces of the regulations can be parceled out.

Henry addressed the Board to do a little homework and peruse the draft, but how is the best way to do this? He asked the Board to take a look at the regulations and then they can come up with a plan at the next meeting. He suggested doing a section at each meeting.

Sears asked if there are sections that they have had conflicts with? The building inspector wants certain interpretations.

Day stated that Wadsworth was the first subdivision to come before the Board while she has been working with the town and was textbook. Everything with this subdivision flowed smoothly. She stated that the bones of the regulations are good.

Cheetham brought up Folly Hill and Choate Farm. Henry said Choate Farm was a special permit. Cheetham stated that they worked with the prior planner, Evan Belansky, and they did a zoning

overhaul, especially for adult use and assisted living. She pointed out if you do not go through the regulations line by line, you will miss things.

Henry stated that this is not zoning, and Cheetham stated it would be worth the Board's time to go through them.

Day indicated that she had asked who had updated subdivision regulations through the Mass Planners website. She stated that she got a lot of feedback. Many had gone through their regulations, and others were looking forward to completing the task.

Henry stated they should think about fees. Day agreed stating that ANR fees are \$50.00 per lot, which is very low.

Sears would like to go through projects to see what is outstanding such as Bridle Spur. He went by Bridle Spur and saw that the pot hole had been filled. Sears would like Bridle Spur tidied up for the winter. He inquired about Wadsworth Farm, and Day told him it looked good with three houses built.

Day updated the Board regarding Folly Hill telling them she met with Town Counsel, David DeLuca, Abbot Reeves, Albert Ellis; the Town Accountant, Marlene Locke and Town Treasurer, Joe Collins. She said the key person at the meeting was the Special Project Manager for Peoples Bank. This was an introductory meeting. Day stated that she had prepared a memo with all the documentation, and she is meeting with DeLuca on Thursday. She stated that they are trying to work things out with the bank. The bank is aware there are three tri-partites in effect, and there is no suggestion that there is anything flawed with the security that the town holds. She will keep the Board posted on the progress.

Sears asked if they have been making payments to the town, and this was confirmed.

Cheetham asked how much is being held for stabilization of the wall, and Day stated \$10,000.00

Sears asked if Ardmore is okay for the winter, and Day said no. They only have \$10,000.00 for the stabilization of the wall.

Cheetham is worried about the spring.

Henry stated that they need to send a message from the Planning Board that they are done. Cheetham wanted the fact that they are concerned with erosion control conveyed. Day stated that they have been alerted to the erosion control bond.

Henry stated that language says the amount of surety is in an amount sufficient to the Planning Board. Day reminded the Board that the Ardmore side is secured by covenants, as are most of the undeveloped lots off Hilltop.

Sears brought up the medical marijuana issue that may be coming before the Board. Day stated that she went through the zoning bylaw to acquaint herself with how this would function. It falls under the definition of health care facility/medical clinic; a dispensary is different than a retail establishment.

These are allowed only in the I-II zone such as Industrial Drive, Cherry Hill, 75 Sylvan Street and the Partner's property (Mass General). Cheetham asked about the Beverly Hospital site.

Henry would like to see what the Department of Public Health (DPH) says. He does not want to take action if DPH is going to have a thorough process for this issue.

MINUTES

October 23, 2012

MOTION: Prentiss moved to approve minutes. Cheetham seconded the motion. The motion passed by a vote of 3-0 with Sears abstaining.

ADJOURNMENT

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

The meeting adjourned at 7:50 p.m.

Respectfully submitted:

Francine T. Butler

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