



*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

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**Daniel J. Toomey Hearing Room**  
**December 8, 2015**  
**7:00 p.m.**  
**MINUTES**

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

**STAFF BRIEFING**

Day confirmed with the Board that the meeting for December 22<sup>nd</sup> has been cancelled, and the next meeting will be the second Tuesday in January.

She asked the Board if they had received their copy of the letter of support she drafted from the Planning Board relative to the Plains Train Station. Sears asked Day if she knew when this may go forward. Day responded that this was in a little bit of a hold, and she will let them know when the Selectmen will resume this discussion.

She said that there was a letter in process to the MAPC for collaboration for a zoning initiative. They are waiting to see what their timing is like. This is for a potential zoning change for the High Street corridor.

Day told the Board that the Locust Street project should be coming in this week to be heard in January. She also said that Whipple Hill is being re-engineered.

Zilinsky told the Board that the unregistered Volvo she had seen in the Hobart Street parking lot is gone.

**FORM A**

**43 Hobart Street.** Request by Janis Saulnier for endorsement of Form A plan to divide the property into two conforming lots. (Assessor's Map 43, Lot 461). (*Approval Not Required*  
*Action Date: December 15, 2015*)

Jason Ellis, from Hancock Associates, appeared before the Board on behalf of the applicant, Janis Saulnier. The lot presently contains 21,482 square feet. This will be cut into two even lots with more than enough minimum frontage and area for each lot. There is no zoning violation for the remaining shed or house.

Cheetham asked where the driveway was going to go. Ellis said that based on the grade of the lot, the logical place would be near the present parking lot for the YMCA. Cheetham asked if this area was wetland. Ellis responded that there were wetlands on the abutting lots, but not on this lot.

Henry said he had no comments.

Zilinsky asked if this lot would be on Pickering Street, and Ellis confirmed this.

Prentiss and Farmer had no comments.

Sears said that his only concern was the steepness of the lot.

**MOTION:** Zilinsky read the Certificate of Action and moved to find that Planning Board approval is not required for the ANR for 43 Hobart Street. Prentiss seconded the motion. The motion passed by unanimous vote.

## **OTHER BUSINESS**

**Bridle Spur Extension.** Request to extend completion date of remaining improvements and Tripartite Agreement from December 30, 2015 to February 29, 2016.

Dan Lemieux appeared before the Board regarding Bridle Spur Extension LLC. He said that all the work has been completed on the site. He has met with Engineering. The as-built plans need to be done.

Day told the Board that what needed to be completed was the documentation such as the as-built plans, the street acceptance plan and easements to the Town for access to water, sewer and utilities. She said that she was reluctant to release the Tripartite Agreement under such circumstances, so she asked Lemieux to extend the Tripartite. She said that there is a lot of money in the Tripartite to complete the work that needs to be done.

Lemieux told the Board that all the physical work has been done on site.

Day said that the island has been completed. She commended him for the use of riverstone for the surface for the island.

**MOTION:** Cheetham moved to extend the completion date to February 29, 2016. Henry seconded the motion. The motion passed by unanimous vote.

## **PUBLIC HEARINGS**

**100 Independence Way.** Request for Special Permit pursuant to Table 1 and Section 30 of the Zoning Bylaw submitted by WOW Family Amusements to allow an indoor family-oriented electronic game center in the C-III Commercial District pursuant to Table 1 and Section 30 of the Zoning Bylaw for property at 100 Independence Way (Liberty Tree Mall). WOW is a family oriented game center, consisting of a variety of electronic games, photo-booths, redemption games, car simulators, air hockey, skee-ball and other family type amusements. (Map 63, Lot 004) (*SPA action date: January 14, 2016*)

Sears read the legal notice.

Michael Fabrizi addressed the Board stating that he was requesting a Special Permit to open his business at the mall.

Sears said that they had the application and because of the use, it required coming before the Planning Board for approval. He asked the Board if they had any questions or comments.

Prentiss and Farmer said they had no questions.

Zilinsky said she had no questions.

Henry had no questions.

Cheetham asked Fabrizi to tell them about his other operations since this is a new use which is targeting children and teenagers.

Fabrizi said that the target age group would be twelve years old and under. They win tickets to redeem for prizes. They have ten other stores that operate the same way.

Cheetham asked how many employees there would be, and Fabrizi said there would be one employee.

Sears thought there was a similar facility existing at the mall. It was confirmed that this facility was no longer there.

Sears asked Fabrizi if the hours of operation were the same as the mall hours, and this was confirmed.

Henry felt it was superfluous to have applicants go through a Special Permit process if the location is inside the mall. He felt every new store did not need to apply.

Cheetham pointed out that they once received an application for an outdoor festival to use the parking lot outside. She asked if this was something that needed to be defined in the bylaw.

Sears said there is a definition.

Sears confirmed that there would be no wagering.

**MOTION:** Henry read the Certificate of Action and moved to approve the Special Permit for 100 Independence Way. Zilinsky seconded the motion. The motion passed by unanimous vote.

## **OTHER BUSINESS**

1. Discussion: MAPC draft report “Danvers Maple Street I-1 Visioning Report” MAPC
2. Discussion: “Downtown Danvers Parking Study” Nelson Nygaard

Day said that she would like to consult the Board regarding the possibility of inviting the staff from the Department of Housing and Community Development (DHCD) to talk to them about Chapter 40R. She told the Board when she was looking at the density and recommendations, she started to think that the Board may want to revisit where Chapter 40R stands now. Chapter 40R allows for certain benefits to accrue to a Town if they agree to zone for higher density housing than allowed. There is a cash payment to the community once the zoning is passed. The density they require is really not inconsistent with what they are talking about. She felt that they could be more informed about it. The minimum density required is something in the range of 20 units per acre. She called DHCD, and they would be happy to give an overview to the Planning Board for the first meeting in January.

Cheetham said that they had a presentation regarding Chapter 40R years ago and thought they did not fit the mold regarding mass transit. She thought that they had 40R in their minds when they were considering rezoning Tapleyville due to the high density in the area along with it being close to the malls. She asked if High Street was a candidate. Day responded that it could be applicable to the High Street corridor because the I-1 district downtown has a bus service which makes it a smart growth candidate. They also want a walkable, bikeable downtown. Day felt they qualified, but the Board needed to decide whether they wanted to pursue this option. They need to remember that there is a cash incentive up front along with payments as building permits are issued. They also looked at differential costs for housing being created, and there is a contribution for additional school costs.

Zilinsky questioned the downtown area that does not allow residential housing on the second floor. Day said that the area needs to be an overlay district. She would defer to their presentation in January to get into specifics. The overlay district allows for higher density housing in a transit friendly district in a downtown. The Board said they would like to hear from them.

Sears concern is that they were not yet very transit friendly. He felt a lot of people do not use public transportation. He also questioned how dense they wanted to be in the downtown. He felt people would not give up their vehicles to support this?

Day said that this is why she would like to have it as an up-front discussion to rule it in or out of the downtown zoning.

Cheetham asked whether the area needs to be downtown, or can it be high density housing near goods and services. This could be areas near the malls. A lot of goods and services are not in the downtown area. She questioned whether they were considering other places in the community. She would like to hear about the criteria, and how this would or would not fit in Danvers.

Day said that the first meeting in January may not have a busy agenda. It may be a good exercise to look at these opportunities.

Zilinsky asked what the density was for the area near the Ideal Business Center to get a visual. Day responded that it is 24 units on an acre.

Sears asked what the timetable was to get zoning on the Town Meeting in May. Day responded that this was still being explored.

Sears asked if the scope was still the Industrial-1 zone. Day said that the idea was to work on the I-1 district and change the C-1 district to allow housing on the second and third floors. Residences are allowed in the C-2 district by special permit. There is no provision for residences in the C-1 area.

Henry asked if they would do Special Permit or by right. Day responded this was open for discussion. She hears from attorneys and landlords that there is a marketplace for housing in the downtown area.

Cheetham said that there were funding opportunities that hinged on by-right opportunities in the downtown area. It clears the way for state grants and funding. Day said this is how 40R works. You do an overlay zone to allow housing.

Sears asked if they had any money available to them to be used for that study. He felt they needed to know what the impact was going to be on parking and the downtown if they do special permit or by-right on the second and third floors. If this is maximized, do we require parking to be added to the site plan?

Day said they could continue to do a Special Permit for the housing in the downtown. The Special Permit approach allows the inclusionary provision.

Henry said he would like to allow things to happen by right when possible, but he doesn't have a problem requiring Special Permits and possibly changing this down the road. If they got enthralled with 40R for the I-1 downtown area, would it be okay to hold off for six additional months to tackle everything, or do they go to town meeting.

Day felt this was good food for thought.

Sears asked if there was any funding available for further study. Day said that part of the conversation with the MAPC was for possible future opportunities to partner with them. She said that they have about \$10,000 in the budget right now to work with MAPC or another consultant.

Henry confirmed that they would try to leverage the \$10,000 against the DLTA. He suggested talking to someone about "PATH" funding. Day said that there may be additional support available.

Sears said that the Selectmen got them additional money this year, and they may be able to get them more money. He said he would want to see the worst case scenario regarding density.

Cheetham said that they need to know if the area is built out, what would it look like and what could be handled. She felt that would help them with their comfort zone. They did want to look at the whole thing. If the grant funding can be used for this projection, it would be good.

Sears questioned whether they were going to turn into a city with all this housing downtown. He wants to control it to not make it too dense.

Henry felt they needed to define the goal to determine which strategies to pursue. He felt they need to support the downtown and felt they need to create housing types that they usually don't create. This would be the reason to pursue this. They need to talk about unit types for diversity and the economic goal of creating a vibrant downtown.

Farmer asked if there was an opportunity to promote façade improvements. Day said that with the cash benefit that comes to the community with 40R, a portion of the funds could be designated for façade improvements. There could be a fund to allow for special improvements to the downtown such as parking management. She felt it was a good idea to find some design improvement incentives.

Farmer said that the downtown has some great character and street lines.

Day told the Board that when they scheduled the parking study discussion, she got a call from someone who owns the CVS and Sovereign Bank building. He told her that a rezoning change in Providence allowed them to have housing on the second floor. The owners would be very interested in exploring this opportunity in Danvers. It may be a possible vision for that corner.

Cheetham asked if the Downtown Committee could come to this meeting and share their thoughts since they sent a letter that they did not support the parking study and the use of the Hobart Street parking lot for the train station. She felt that they need to hear from these people.

Day agreed that they should be here for the discussion.

Zilinsky felt the parking study is a good first step which is needed for them to continue their discussion on zoning. It may need more study, but it is a good starting point to give them an idea of what they have.

Cheetham said that it is hard to get parking in Salem. In Danvers you can get parking close to where you want to go. The downtown is busy, but manageable.

Farmer pointed out that standards change when you walk a couple of blocks to go to an office.

Day said that the owner of the CVS have approached the Lees about redeveloping a portion of their property. The Lees said if a developer could find them another location to move their business, they would entertain the idea.

Day felt the 40R conversation would allow them to say that this has been explored.

## **MINUTES**

November 24, 2015

**MOTION:** Prentiss moved to approve the minutes of November 24, 2015.  
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 7:45 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on January 12, 2016.