

Local planning boards are essential for orderly growth within the cities and towns of the Commonwealth. This handout is intended to help clarify the functions and responsibilities of the Danvers Planning Board, whose responsibilities include permitting development and long-range community development planning.

January 2015

DANVERS, MASSACHUSETTS

Planning Board

MEMBERS

James M. Sears, Chair
Margaret J. Zilinsky, Clerk
Kristine J. Cheetham
Aaron Henry
William Prentiss
John P. Farmer, Associate



APPLICATIONS

Special Permit

as required under Section 30 of the Zoning Bylaw

Site Plan Review

as required under Section 4 of the Zoning Bylaw

Subdivision

for the layout and construction of subdivisions and roadways in accordance with the Subdivision Control Law

Form A

(also called ANR—Approval Not Required) for lot division and boundary changes that are exempted from Subdivision Control Law

About the Planning Board

We are 6 volunteers, appointed by the Town Manager for staggered 3-year terms. Our Associate Member votes only on Special Permits, when designated.

Our objective is to encourage appropriate and thoughtful growth in Danvers, in ways that maximize the general safety, health and welfare.

Legal Guidance

Our guiding laws are the Town of Danvers Zoning Bylaw, the Rules and Regulations Governing the Subdivision of Land in Danvers, and the Danvers Storm Water Bylaw, all of which were adopted by Town

Meeting and approved by the state Attorney General.

Other key sources of law are the MA Zoning Act (commonly called Chapter 40A), MA Subdivision Control Law (Chapter 41), MA Open Meeting Law, and state ethics rules.

In approving projects, we also seek to ensure consistency with the **Danvers Community Development Plan**.

Consultation

Depending on the project, we may seek input from staff through our Technical Review Committee (TRC) and the Danvers Traffic Advisory

Committee (DTAC), or other boards such as the Danvers Affordable Housing Trust, Zoning Board of Appeals, Conservation Commission, Historical Commission, Open Space Committee, and Preservation Committee.

On technical matters, peer review of plans is occasionally sought from an independent, professional consultant, at the applicant's expense.

Discretion

When discretion is allowed, such as with Special Permits (see page 2), we analyze the merits of the application and act in the best interests of the Town overall.

Contact Us

In addition to making your voice heard through a public hearing comment, you may contact us in writing.

Letters will be noted for the record at our next regular meeting and will carry as much weight in decisions as in-person appearances.

Email

kday@mail.danvers-ma.org
knelson@mail.danvers-ma.org

Mail

One Sylvan Street
Danvers, MA 01923
Attn: Planning Board

Your Participation in Public Hearings

Anyone can speak at a public hearing. In fact, your input is invited and helps shape the Planning Board's final decisions.

If you choose to speak, please follow these simple rules:

- State your name and address for the record.
- Ask your question of the Board Chair,

not the Applicant. The Chair will respond, or ask others to do so.

- Limit your remarks to matters within the Planning Board's scope. The criteria for Special Permits and Site Plan Review are listed on page 2.
- Be brief. Speak for 2 or 3 minutes, and then give someone else a turn.

- Be respectful. Common courtesy is expected of all Planning Board members, staff and the general public.

Remember, you can send emails or letters instead of appearing in person. If possible, deliver your mail at least one day before the Board's meeting.

Please make sure we can easily verify that you are the sender and that you live in Danvers.

Emails should be sent from your own account and should note your street address.

Letters sent by regular mail should show your signature and street address.



TOWN OF DANVERS



ZONING BYLAWS
FEBRUARY 3, 2014



Where can I find the Zoning Bylaw?

The Zoning Bylaw is posted on the Town website under “Bylaws and Regulations.” Hard copies can be viewed at the Planning Office or purchased for \$10 at the Building Inspector’s Office.

Can the Zoning Bylaw be changed?

Yes. Proposed changes must pass at Town Meeting and can be initiated by public entities (like the Planning Board) or citizen petitioners.

Are some uses exempt from the Zoning Bylaw?

Yes. The Town’s ability to regulate properties through zoning is given by the State, which limits that authority for certain uses. For example, education, agriculture, and solar installations have special protections under State law.

How are public hearings announced?

Public hearings are posted in legal ads in the *Danvers Herald*, outside the Town Clerk’s office, and on the Town website. When hearings involve a particular property, the abutters are notified by first class mail.

Subdivisions

Subdivisions are governed by State law under MGL Chapter 41, Chapter 81A and by the Town’s “Rules and Regulations Governing the Subdivision of Land,” available on the Town website under “Bylaws and Regulations.” Property owners are entitled to subdivide land under these laws and regulations by right, provided all requirements are met. Public comments are invited during the subdivision review process (please refer to page one for guidance on how to participate in the process). Cluster subdivisions are allowed by Special Permit. A majority vote of the Planning Board (at least 3 “yes”) votes is required for approval of a Definitive Subdivision.

Special Permits

Special Permit applications, as described in Section 30 of the Zoning Bylaw, allow the Planning Board to exercise significant discretion. Applications can be approved or denied based on the proposed **use** of the property.

A supermajority (at least 4 ‘yes’ votes) is needed for approval.

Applicability

The Table of Use Regulations (Table 1 of the Zoning Bylaw) lists the types of activities that require

a Special Permit from the Planning Board or Zoning Board of Appeals.

General Standards

Special Permits may be granted with reasonable conditions, safeguards, or limitations to ensure that the proposed use or structure will be in harmony with the general purpose of the Zoning Bylaw.

In reaching its decision in Special Permit applications, the Planning Board considers:

- traffic flow, safety, and parking,
- adequacy of utilities and other public services,
- compatibility with the neighborhood’s character, and
- fiscal impact on surrounding properties.

Site Plan Review

Site Plan Review is governed by Section 4 of the Zoning Bylaw. Site Plan Review is an administrative review process that does **not** provide the Planning Board with discretionary power to deny the proposed **use**. Approval requires 3 or more ‘yes’ votes.

Applicability

Site Plan Review applies to all new non-residential developments and

certain types of redevelopment, including intensifications of use that increase parking and loading.

General Standards

The Planning Board’s role is to help ensure that reasonably adequate provisions are made for:

- Traffic circulation and access
- Pedestrian safety and access
- Off-street parking and loading

- Emergency vehicle access
- Storm water drainage
- Water supply and sewage
- Screening, including plantings
- Natural features and vistas
- Signage and exterior lighting
- Consistency with neighborhood
- Visual impact of parking and outdoor storage

Role of the Planning Office and Building Inspector

The Planning Department supports the Planning Board by providing information about Danvers’ history, current needs and future growth. Staff also provide technical guidance to the Planning Board on proposed development.

Staff are available for consultation during business hours. Karen Nelson, Planning & Human Services Director, and Kate Day, Senior Planner, can be reached at

978-777-0001 or at their offices on the second floor of Town Hall.

Planning staff also support the Conservation Commission, Danvers Affordable Housing Trust, Open Space Committee, Preservation Commission, Agricultural Commission, and other groups.

Draft Decisions

During the Planning Board’s public hearing process, planning staff

write a draft decision based on requests and comments made by all parties during the public hearing stage. The Planning Board edits the draft and votes on whether to approve the decision.

Enforcement

The Building Inspector is the Code Enforcement Officer. He has the foremost authority to interpret and enforce the Danvers Protective Zoning Bylaw.