



Town of Danvers
Planning Board

Danvers Town Hall
One Sylvan Street
Danvers, MA 01923
www.danvers.govoffice.com

Margaret Zilinsky, Chair
Kristine Cheetham
William Prentiss
Aaron Henry
James Sears
John Farmer, Associate

Daniel J. Toomey Hearing Room
March 22, 2016
7:00 p.m.
MINUTES

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

Zilinsky told the audience that there were changes to the agenda. Whipple Hill and 8 Southside Road were not being heard tonight and both would be continued to the meeting on April 26th.

Zilinsky asked the audience to refer to the Planning Board handout which explained public participation during the Planning Board hearings.

STAFF BRIEFING

Day said with the length agenda, she would not have a staff briefing.

OTHER BUSINESS

29, 30 and 31 Ardmore Drive. Request by MPM Companies, LLC, to establish performance guarantee for incomplete site improvements in the amount of \$380,000 and for release of covenant for 29, 30 and 31 Ardmore Drive (Assessor's Map 45, Lots 201, 202 and 203).

Michael McNiff, 39 Old Planters Road, Beverly, appeared before the Board. He told them that he bought the lots on Ardmore Drive about a year and a half ago. He is here to request that the Board accept a Tripartite Agreement secured by a Letter of Credit and release the Covenants so that he can obtain building permits and begin work on the road, retaining wall and infrastructure for these three lots, originally part of a 40-lot subdivision on Folly Hill known as Hilltop Estates. They decided to do the work this year, which will be done by Masterson. The wall has been engineered by Shea Concrete. The plan and costs were forwarded to Engineering Division, which has approved the bond amount established with the Salem Five. The Tripartite Agreement is supported with a Letter of Credit from the Salem Five. McNiff noted that the agreement

provides a year's time for completing the work, but felt that the work will in all likelihood be completed by the summer of 2016.

Cheetham asked if the neighbors would be notified when the work began. McNiff said that he had spoken to some of the neighbors and they are aware of what was going on.

MOTION: Cheetham read the Certificate of Action and moved to approve the Establishment of Performance Guarantee and Release of Planning Board Covenants for Lots 29, 30 and 31 Ardmore Drive. Prentiss seconded the motion. The motion passed by unanimous vote

PUBLIC HEARINGS

Whipple Hill. Request for a Definitive 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 single family residential subdivision. (Assessor's Map 42, Lot 8A) (*Definitive Subdivision action date: May 9, 2016*) (**Continued without discussion at the applicant's request to April 26, 2016**)

MOTION: Cheetham moved to continue the application for the Definitive Subdivision known as Whipple Hill to April 26, 2016. Prentiss seconded the motion. The motion passed by unanimous vote.

50 Prince Street. Request for a Special Permit and Major Modification to an approved Site Plan pursuant to Section 6 and Section 4 of the Zoning Bylaw submitted by Merrimack Valley Distributing Company, Inc. for property located in the 114-B District for the construction of a 10,000 square foot warehouse addition to the existing distributing warehouse. (Assessor's Map 56, Lot 17B) (*Site Plan/Special Permit action date: April 1, 2016*)

Zilinsky read the legal notice.

Tom DeCoff appeared before the Board representing the owner and the applicant. He read the letters received from the unit owners and their lawyer and felt this was not the forum for their complaints. Their comments are not relevant to this application before the Board. He said that they have been good neighbors to the condominium. He explained that Merrimack Valley has rights over this easement as well as other rights that they have not yet exercised. All the letters presented say that the addition to the building will create more traffic. He explained that they have a right to pass on the easement. There is a claim that the business is expanding which will result in more traffic. He explained that the volume of business has remained consistent during the last eight years. The addition is to accommodate storage needs for additional stock keeping units (sku's) associated with the rapid growth in the market for craft ciders and flavored beers. They have gone from 500 sku's to over 2,000, and they are running out of space to handle this. They are not adding more traffic.

DeCoff said that the outbound traffic will not change. The inbound traffic will be reduced because they will be able to receive larger quantities less frequently. DeCoff read the letter from the attorney who cited the bylaw which stated “the intent of the approval is to protect the safety of the inhabitants and adjacent properties from a nuisance caused by noise, fumes and the glare of lights”. DeCoff pointed out that less traffic means less noise and safety issues. The addition is 800 feet from the nearest condo and will have only dusk to dawn security lighting.

DeCoff said that they have considered other options. They could sell the property and relocate, but the new owners could use all the rights to this property. He said that by-right they can operate 24 hours per day, 7 days a week. He said that they only operate during the weekdays. They limit inbound traffic from 7:00 a.m. to 4:00 p.m. He said that they could shift inbound delivery to late night and early morning hours and they could use outdoor storage containers.

DeCoff said that they are looking to expand the warehouse by 8% to accommodate the products and sku's. The exterior of the building will provide dusk to dawn lighting. The addition will be entirely out of sight from the unit owners. There is no change of use. There will be no increase of outbound traffic, only inbound traffic.

Zilinsky reminded the Board that there were two Special Permits. One Special Permit is for the 20% reduction of the side yard setback. The second Special Permit is for a warehouse over 30,000 square feet. They are also requesting a Major Modification to the Approved Site Plan.

Peter Ogren pointed out that they were also looking for a reduction in parking.

Ogren described the plan. He showed the present 118,000 square foot warehouse, along with the proposed 10,000 square foot addition. The addition will be at the westerly portion of the site. The site is accessed by two means. One entrance is from Prince Street and the other is the access by the right-of-way by Collins Street. The addition is as far away from existing residential and accesses as possible. The entire addition will be built on what is currently an impervious pad. He described the access to the building through the addition.

Ogren said that the existing paved area is about 10,700 square feet and the addition is 10,000 square feet. The Planning Board is allowed to give a reduction in the side-yard in the corner. The corner of the addition is not abutting any neighborhood area. It is riverfront and wetland area.

Ogren said that they had a preconstruction meeting with the Planning Board. Everything being presented was a result of that meeting and how it should be presented to the Planning Board for approval. They have not yet filed with the Conservation Commission. He said that they have talked about taking existing pavement and parking lot and converting it to rooftop. They felt it was the best way to approach the aspect of the permits.

Cheetham said that she went over to the site two times to look at vehicle trip traffic. She asked if the trucks use the access road that goes by the condominiums. DeCoff said that for the most

part, access is through Prince Street. Cheetham said that she found the lot to be clean. She did not see traffic coming and going. She felt it was in reasonable order for a site plan that they would review.

Prentiss said that his question was just answered regarding the traffic pattern. He asked how many parking spaces were being reduced. Ogren said that they had 86 spaces. There was different zoning in place when the building was built. Ogren said that they felt they had adequate parking, and this use does not require additional parking.

Farmer asked how long the company had been located at that site. DeCoff responded that it has been there since 1977. Farmer asked how much traffic comes in. DeCoff said that his office faces the roadway, and he felt it was not a lot of traffic. Farmer asked how many trucks came in daily. DeCoff said that most trucks come in through Prince Street because it is more convenient to Route 114. Some do come and go through Collins Street. He said that less than 20% of the trucks use the Collins Street access.

Farmer asked what the purpose of the gate was that separated the property. DeCoff said that several years ago the condominium association installed the gate without approval or a permit from the Zoning Board of Appeals (ZBA) or Planning Board. After the gate was constructed they ended up in front of the ZBA. The ZBA denied their request for approval and they were told to dismantle the gate. That has not been done and the building inspector should follow up on this.

Jim Kettinger, 35 Collins Street. Kettinger said that he has lived there for eight months. He has no problem with the trucks, but the trucks go faster than 15 mph. He asked if there is limited use of the road, why not eliminate the use of the entrance. Then you would not have a problem with people walking on the road. He asked why another facility needed to be built if there was a decline in the product. He asked why the products not being sold were not being eliminated to be able to use that space.

DeCoff said that he would never give up the right to access Collins Street from his site. It is a right that they have, and they have had it since they have been located there. Regarding the products, he said that there is a cannibalization of products. It is a switch in products. The volume has remained consistent for eight years. They are in a fixed market geographically.

Kettinger questioned the sound made when a truck backs up. This sound was not required years ago. Will this cause more noise at night?

DeCoff said that they went to the Department of Transportation (DOT) years ago to talk to them about shutting off the back-up bells. He was told if they did, they would lose their registration. The back-up bells are due to a loaded truck being switched out with an empty truck. The trucks are pulled out on the weekends because of a safety issue. There will be no increase in trucks going in and out.

Kettinger asked if there was a way to turn the bells down. DeCoff responded that they could not. They did make an effort. If they could have put a switch on it, they would have, if it had been allowed.

Sarah Channell, Property Manager for Robbins Landing Condominium. She said that she had nothing new to add. She disagrees with DeCoff's statement that he is a good neighbor. The gate has not been used. She wants to re-emphasize the concern of a larger warehouse. The trucks drive fast. She is concerned with the noise, the fumes and the trash, which they pick up weekly, along with the wear and tear on the road due to traffic.

Sally Gamble, 35 Collins Street. Gamble said that her issue is the speed of the traffic coming out of the site. She felt they were in a hurry to get lunch. They do not stop at the stop sign. She said that she has called DeCoff's office asking if the trucks could slow down because they drive too fast. She would appreciate it if something could be done about the speed of the traffic.

DeCoff said that he did not remember not responding to her calls. He responds and takes action. He told the Board that they have had driver meetings, sent letters to outside carriers and they send people outside to check if trucks are idling. He is happy to address this again. The last phone call they received from the condominium was about two months ago. This is the first time that he has met Channell. DeCoff said that he would take these concerns up with the drivers. They have meetings on a weekly basis.

Tony Statuto, 35 Collins Street. Statuto respects DeCoff's position to run his business. The service road is Robbin's Landing property. If residents choose to walk over there, that is their right, but there is a safety issue on that road. The easement is there for a reason. Statuto said that the gate was put there with full knowledge of Merrimack Valley Distributing. The gate was put there with the agreement for Merrimack Valley to limit traffic on that road. He is very concerned about the safety issue.

Terry Blade, 35 Collins Street. Blade has lived here for three years. She has a dog and walks on the access road. She has been there at different times of the day. The trucks do not care that you are on the road. The road is not wide. It only fits the width of a truck. She said that DeCoff claimed that he has only heard a couple of people complain about the speed. He claims he does not know how many trucks go down the road. He must know how many trucks come into his plant every day. There are a lot of trucks.

DeCoff does not know how many trucks come in, but Thursday is the most active day. Most other days they go out the Route 114 access.

DeCoff said he would like to respond to Statuto's comment that he had full knowledge of the gate. DeCoff said he became aware of the gate when he saw Beverly Overhead Door installing it. He went into his office and called the condominium to stop, but they finished constructing the gate. He was not aware of this gate being installed ahead of time.

Statuto said that he had a different recollection of the gate.

Zilinsky pointed out that the gate was out of the purview of what was being discussed this evening.

Henry asked if they could get some input from the Town Engineer or someone on your team as to what is appropriate for the area where there is interaction between trucks and cars. He would feel better if there was a touchstone there to discuss.

Zilinsky asked DeCoff if he had actual traffic figures. DeCoff said he did not have them at this time. He said that there are stop signs on the access road before you get to Collins Street. There are stop signs at both roads. DeCoff said that they have conducted two tests with the association. They offered to allow them to put the speed bumps in, but there was a concern that there would be too much noise when the trucks went over them. It was also rejected because the condominium's plow company did not want it. They have had barrier barrels across the roadway with a sign that said private property. This was done for over three weeks. He never heard feedback about this.

Sears said that this was an issue for the Danvers Police. He suggested that maybe they could monitor it. He questioned using the roadway as a walkway when the condominium abuts the Rail Trail.

Blade responded that she does not want to go over to the Rail Trail at night.

Cheetham asked DeCoff what were the hours of operation. DeCoff said that they load trucks Monday through Thursday. They deliver Tuesday through Friday. They receive Monday through Friday from 7:00 a.m. through 4:00 p.m. He said that they operated once on a Saturday due to a snow storm emergency. Sometimes they deliver on a Monday when the following weekend has a holiday.

Cheetham said that when she visited the site, there were not a lot of cars home. She felt Merrimack Valley was operating opposite of the hours when people were home. She suggested DeCoff work with the drivers regarding exiting the site. The Route 114B Zone is tricky because it is industrial use with homes.

DeCoff said that drivers leave early in the morning and do not come back until later in the day. He is not sure about the trucks leaving the site at noontime.

Cheetham said that regarding the issue of the Special Permit, she does not have any concerns with the few waivers the applicant is asking for.

Prentiss said that he has no concerns with the Special Permit and waivers given where the addition is going to be located. He is disappointed that the residents and owner cannot come to some sort of agreement. He has never seen an easement go away. They are there for accessibility for trucks or roadwork that the Town or other abutters may have. The only

suggestion that he has is that the applicant has a meeting with the drivers. He is okay with everything he sees.

Farmer said he would like to encourage the abutters and applicant to try to reach a balance. He supports the Special Permit and would encourage the communication so that everyone is comfortable with what needs to be done.

Zilinsky felt that the 10,000 square foot space was not going to increase traffic. She asked who maintained the easement.

DeCoff said that the deed called for a 50/50 split on the maintenance of the access roadway, which is the entire length of the roadway. He explained that years ago the plowing bill was split between his site and the condominium. The condo association came to him and they wanted to plow and pay for their half. Maintenance goes from Prince Street to Collins Street. DeCoff said that the only maintenance that he is aware of at the condominium end is the spraying and filling of some hot top. DeCoff said that they have spent in excess of \$40,000 in the last five years at their end of the road. Most trucks use Prince Street which is why they need the maintenance.

Statuto agreed with DeCoff's assessment of the maintenance. That road is open to everyone.

Kettinger said that he did not understand how there would not be more traffic.

DeCoff said that outbound trucks are delivering the same volume today as they did eight years ago. It is the inbound traffic that will become the issue. Since they do not have the space, they are bringing in smaller quantities but more frequently. The additional space will allow them to have additional stock. It will allow them not to run out of stock.

Kettinger asked if anyone had done traffic studies to confirm what DeCoff was saying. He felt that they did not know what was going to happen. Due diligence had not been done and traffic may not be the same as what he is saying. He felt they needed a study and not just take his word for it.

MOTION: Prentiss moved to close the public hearing for the Major Modification to Site Plan for Prince Street. Henry seconded the motion. The motion passed by unanimous vote.

Cheetham read the bylaw to the audience regarding Route 114B zoning where it states that the purpose is to enhance the economic health of an industrial area and to serve as a transition area between commercial and industrial development along the Route 114 Corridor and the residential and historic homes along Centre Street and Collins Street.

Zilinsky wanted to confirm that the Town Engineer's comments were in our decision and Day did so.

Henry said that he was comfortable with the request and the permits. He is not opposed to some sort of condition where there is an annual traffic count on the access road that is reported back to the Board to have as a baseline. A lot of the comments are about the neighbor to neighbor issue.

Zilinsky polled the Board whether traffic counts should be done.

Cheetham asked if they would split the cost. Prentiss said that the counts would have to be done at two locations.

Zilinsky questioned where the counts would get them? Henry said that they are being told that there is a speed issue.

Sears said that this cannot be imposed on the applicant. There is no history of accidents or if a police presence has been there. We have heard of a near miss accident, but he felt it was not up to this Board to impose this on the applicant. It is beyond our scope as a Board.

Zilinsky encouraged Merrimack Valley and the neighbors to have a communication channel open to discuss.

DeCoff pointed out that this was the first time he met the condominium manager.

MOTION: Prentiss read the Certificate of Action and moved to approve the two Special Permits to a Major Modification to the Site Plan for 50 Prince Street. Cheetham seconded the motion. The motion passed by unanimous vote.

MOTION: Sears moved to find that the requested modification represents a Major Modification an Approved Site Plan. Sears seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action and moved to approve the Major Modification to the Approved Site Plan for 50 Prince Street. Cheetham seconded the motion and the motion passed by unanimous vote.

18 Electronics Avenue. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Demakes Enterprises, Inc. for property in an Industrial II Zone District. The applicant proposes to demolish approximately 5,000 square feet of truck docks, wastewater treatment facilities and utility space and construct approximately 20,500 square feet of proposed truck dock and production area. (Assessor's Map 32, Lot 49) (*SPA action date: April 22, 2016*)

Zilinsky read the legal notice.

Mark Davies from Design Group Facility Solutions appeared before the Board. With him this evening was Nick Katsos and owner Tim Demakes. Davies told the board that 18 Electronics Avenue is an existing food processing facility which has been purchased by Old Neighborhood

Foods to convert to their use. Some of the existing wastewater facilities and truck docks will be demolished to add the addition. There will be an increase of 15,500 square feet of building area which will take the place of the existing pavement. The drainage patterns will remain the same. He described the wetland buffer and said that all work will be outside of that. There will be less than one acre of disturbed area.

Davies said that the bylaws state the parking requirement for this site to be 433 spaces. They are requesting 205 parking spaces. He showed a colored plan depicting the number of employees in each area of the building. He discussed how they were going to phase in the employees to the site. There will be 209 employees brought in with the build-out. There are presently 17 employees on site. He described how the employees would be added in the consecutive years. He told the Board that they have a twin facility in Lynn which has the same type of operation. He showed pictures showing an overabundance of parking spaces at these facilities.

Davies said that the Demakes family may contract with a bus company to shuttle people to the new facility. Based on historical data, they may not need all this parking.

Sears asked if they had the area to earmark for reserve spaces if needed. Davies said that he did not believe they could do this due to the topography and the nearby wetlands.

Sears asked about the lighting for the new addition. Davies showed the down lights in front of the docks. He showed the photometric layout.

Sears asked about truck deliveries.

Katsos said that they currently have operations from 6:00 a.m. to 4:30 p.m. Monday through Friday. They do nothing on the weekends. The trucks do not come in until they are ready to unload. Drivers will deliver any hour of the day or night. He described where the deliveries would be made. They clean at night, and they could have 25-30 people washing at night. They work from 4:00 p.m. until midnight. They do not ship out at night. Trucks are loaded during regular business hours.

Zilinsky asked what they made. Katsos said that they have a high pressure packaging machine. They slice and pack cold cuts. The second operation will be a combination of shaved meats and corn beef briskets.

Zilinsky asked if they were expanding their work force or bringing workers from Lynn.

Katsos said that they had 15 new employees at the site. About 65 people will be coming from Lynn. They are trying to hire from the area. They will provide transportation from Lynn.

Cheetham asked if they had overlap in the shifts. Katsos said that there was a slight overlap. They do not have set shifts. There are staggered starts and finishes. He said that some operations do not work on Friday. They do not plan on having a second shift.

Katsos described the shifts and employees. They still have plenty of excess parking. Demakes said that many employees do not have cars. Katsos said that many ride bikes and others get rides.

Prentiss said that he was uncomfortable with the parking waiver since they have more employees than parking spaces. Usually you have more spaces than employees. If you hire from outside the Lynn area in the future, you may not have people coming from Lynn. What is the incentive for people not to drive? He is impressed with the bus idea. If the business takes off, there is no guaranty that all the employees will be coming from Lynn.

Katsos explained there are some areas where cars could be parked, and if needed, they would come back and ask for parking in these locations.

Davies said that they could have a valet option.

Katsos said that there are open spaces in the parking lot down below. They could also have cars park in the cul-de-sac, but he would prefer not to do this. They would look for more off-site parking if needed.

Prentiss said that he was more encouraged by the explanation provided.

Demakes said that the amount of parking spaces needed is under the 209 parking spaces. The majority of our labor pool is coming from Lynn. Bus times are staggered. They have attempted to hire within the area. He explained that if the factory was filled with employees, half of the spaces would be empty.

Prentiss explained that they were looking for alternatives since the owner of the facility could change.

Zilinsky read two conditions to be added to the approval. The first stated that should the applicant no longer be the owner, any new tenant would need to return to the Planning Board with a parking plan. The second is that the applicant will meet with staff in March of 2018 with data to support the effectiveness of the alternative parking plan.

Prentiss felt he was much more comfortable with the parking after this discussion.

Cheetham wanted confirmation that the total number of parking spaces required under the bylaw was 430 spaces.

Day said that the bylaw overstated parking demands. Technology has changed and a lot of operations are more efficient.

MOTION: Henry moved to close the public hearing for 18 Electronics Avenue. Sears seconded the motion. The motion passed by unanimous vote.

MOTION: Cheetham moved to find that the requested modification represents a Major Modification an Approved Site Plan. Prentiss seconded the motion. The motion passed by unanimous vote.

Henry pointed out that they put a stronger condition on this Major Modification to Site Plan than they put on the previous application for a Special Permit.

MOTION: Henry read the Certificate of Action and moved to approve the Major Modification to the Approved Site Plan for 18 Electronics Avenue. Sears seconded the motion and the motion passed by unanimous vote

142 Holten Street. Request for Special Permit and Site Plan Approval pursuant to Section 30 and Section 4 of the Zoning Bylaw submitted by Thomas Berube for property located in the Residential 1 Zone District. The applicant proposes to construct two new duplexes on the property located at 142 Holten Street. The applicant proposes to maintain the existing home, with barn/garage located at the front of the property. (Assessor's Map 49, Lot 91) *Site Plan/Special Permit action date: April 29, 2016)*

Zilinsky read the legal notice.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Thomas Berube. Also here tonight is the Project Engineer, Scott Cameron. McCann said that Berube purchased the property last year, and wants to construct two duplexes at the rear of the property similar to the abutting property at 138 Holten Street. The antique home and streetscape will remain, He is proposing two duplexes at the rear of the property. She said that this is permitted by Special Permit. McCann said that they meet and exceed the dimensional requirements. They did seek and obtain relief from the Zoning Board of Appeals (ZBA) for a variance for the distance between the buildings. They received a variance to allow a less landscaped setback so that they could save the large mature tree at the front of the site. The bylaw requires 7,500 square feet per unit. They have more than three times the required open space. These will be three-bedroom units with three parking spaces. McCann said that they have received favorable comments from various departments. They have also received comments from Fire and the Assessor for the numbering of the units.

The Project Engineer, Scott Cameron, from the Morin-Cameron Group, Inc., addressed the Board. He described the plans. There are residential multi-family homes around the property. He said that soil testing was done and there is sand for drainage. The access to the property will come from the existing curb-cut. All utilities will come in from Holten Street.

Cameron said that they propose to put a 24-foot wide driveway entrance, which is what Engineering wanted. He said that the entrance was split around a large evergreen tree. Open space is incorporated around both buildings. A turnaround has been provided on the site.

Cameron described the drainage and said that drywells will serve both houses. He described the grading of the site.

Cameron described the landscaping plan and said there were a lot of different types of trees and shrubs. There will be residential sconces attached to the building for lighting.

The units will have 2,300 square feet of living area. The master bedroom will be on the first floor.

Farmer said that all of his questions were answered.

Prentiss said he knows the abutting site that is almost identical to this one. He asked if there were any issues with drainage onto the back property.

Day said that there was an unfortunate stormwater occurrence prior to the completion of the stormwater management on the Thompson project on the adjacent site.

Cameron said that they will have a silt fence and hay bales during construction. This is good construction practice so that erosion controls are maintained. These are set back 15 feet. It is not built out to the property line.

Prentiss asked about snow storage. He did not want it piled at the back of the site.

Cameron said the snow storage was throughout the property. He showed three different areas for snow storage.

Prentiss said that he remembers at the hearing for the other site, abutters came concerned about buffering. What type of buffer is there with the back property?

Cameron said that the buffer is all wooded now. There are 33 – 34 feet from the end of the property to the property line.

Prentiss asked if they might consider another type of buffer.

Cheetham felt this site blended in with the other development on the street. She was concerned that there was a substantial slope in the back and there was no proposed landscaping. She would like landscaping near the back.

Cameron said that they could add more evergreen landscaping. This would not be visible from the outside looking in due to a six-foot fence. Cheetham would like to see more landscaping in the back for a buffer. Cameron said that there is going to be a guardrail so snow could not be pushed onto the adjacent property.

Zilinsky said she was concerned with the back and the landscaping. She is concerned with the water runoff if there is a pile of snow. She would not want a lot of snow put at the end.

Henry felt that the lighting should be residential and to scale. He is trying to remember the other site that was developed and asked if it was a similar concept. McCann responded that it was a three-unit and two-unit development.

Sears asked why the turnaround was needed. He would rather see it used for guest parking spaces.

Cameron said they can take off the “No Parking” sign to allow the parking spaces to be used.

Zilinsky agreed with Sears regarding parking.

Zilinsky asked why the buildings had sliders with no decks. Cameron responded that there were going to be patios.

Sarah Channell, Property Manager for Highland Meadows Condominium . Channell said she was concerned with the damage that was done to their property with the 138 Holten Street construction. It has not flooded since, and they are happy with the building as it stands now. Their biggest concern is the Sanford Court side and back side.

Brian Atherton, 138 Holten Street. Atherton felt the water runoff will be taken care of. He said that the trees on the property line did not live. There is a chain link fence on both sides. He would appreciate it if a fence could go there for privacy with the driveway. They have had problems with their landscaping and it opens you up to the other side.

Cameron said that the fence is already on the plan. They will remove the chain link and put up a six-foot fence instead.

Kathy O’Leary, 7 Sanford Court. O’Leary asked if they will be removing all the trees in the area of Sanford Court. Cameron said yes. O’Leary asked what would be behind the duplexes, and Cameron said arborvitaes.

O’Leary asked if both buildings were the same distance from the property line.

Cameron said it was 31 feet from the bulkhead to the property line. It would be about 39 to 40 feet from the building

Eileen Zaulyczny, 51 Highland Meadows. Zaulyczny said she would like some landscaping at the property line. She felt the landscaping would help with runoff problems. She is concerned with the density that is being added in people’s back yards.

MOTION: Prentiss moved to close the public hearing.

McCann said that she spoke with her client and he is amendable to adding white pines along the back of the property.

MOTION: Cheetham read the Certificate of Action and moved to approve the Special Permits to a Major Modification to the Site Plan for 142 Holten Street. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Sears read the Certificate of Action and moved to approve the Major Modification to the Approved Site Plan for 142 Holten Street. Cheetham seconded the motion and the motion passed by unanimous vote

172 & 176 Pine Street. Request for Special Permit and Site Plan Approval pursuant to Section 30 and Section 4 of the Zoning Bylaw submitted by 172 Pine Street, LLC for property located in the Residential 1 Zone District. The applicant proposes to construct two new duplexes on the combined properties. The applicant proposes to maintain the two existing homes located at the front of the property. (Assessor's map 57, Lot 39 and 40) (*Site Plan/Special Permit action date: April 29, 2016*)

Sears recused himself from this hearing.

Zilinsky read the legal notice.

Attorney Nancy McCann appeared before the Board on behalf of her client, 172 Pine Street LLC, John Thompson, Manager. Also here this evening was Cheryl McDonald and Gordon Thompson, and the Engineer from Eastern Land Survey Associates, Inc., Chris Mello. McCann said that the property was located at 172 & 176 Pine Street. There is an existing single-family home at 172 Pine Street and a single-family home at 176 Pine Street. They are going to maintain the existing homes and construct two duplexes at the rear of the property. There is an existing multi-family development to the left. The former Sylvania site surrounds the other three sides of the property. There will be a 20-foot wide driveway. Each of the units will have two parking spaces, in addition to four guest parking spaces. They are proposing turnarounds at the ends of the driveways. The property meets and exceeds dimensional requirements. They have over 35,000 square feet of open space.

McCann said that a variance was received to allow 18 feet between the two buildings instead of having one large building with four units.

She said that they would be adding about 44 new trees and shrubs to the property. They received favorable comments from various departments. Since there is no address of 174 Pine Street, it was determined with the Fire Department to create 174 Pine Street and have it be the new address of this site. The unit numbers assigned was acceptable with the Assessor and the Fire Department.

Henry felt the plan looked stark. He questioned the gravel driveway at 176 Pine Street. McCann said that the applicant owns this parcel and they would not be making any use of the property on the right. He questioned the need for the hammerheads.

Zilinsky said that she did not want to see more pavement than needed. She understands the need for parking at condominiums, especially in areas where there is no on-street parking. She does not know if they need that much additional parking.

Zilinsky asked what was going to be done for landscaping. McCann said there are existing trees along the fence in the back. The mature trees along the rear lot line can stay. The stormwater management is in the back area. There is also going to be lawn.

Cheetham asked if they could get rid of one of the two hammerheads. She would pick the one adjacent to the residential properties and put more landscaping to soften that side. She asked if this escaped the affordable housing provision. McCann said that this project was only four units.

Cheetham asked about lighting, and McCann responded that there would be residential sconces.

Cheetham asked if the drainage adjoined anything. Mello said that there was no resource area within 100 feet of the property.

Prentiss agreed with the Board on the turnaround spots. He felt they should get rid of the one on the left of the plan. He is confused because he does not see the reason for the retaining wall. He asked if this was due to the pavement.

Mello said that the land slopes off, so they needed a small retaining wall. If the hammerhead is eliminated, it will eliminate the wall.

Prentiss asked if the other hammerhead could be softened. McCann suggested leaving it there.

A discussion ensued about the hammerhead.

Farmer said he liked the proposed changes that were talked about.

Prentiss asked about snow removal. McCann said that they have plenty of areas. Prentiss asked that it be added to the plan.

Jeff O'Neil, 179 Pine Street. O'Neil said that they were proposing adding trees. He asked how many trees were going to be removed. There are a lot of large trees that abut them. There are wetlands to the left and he is concerned with this.

Mello said that a botanist checked the area. The report back was that they did not have a resource area. There is no jurisdictional resource area.

O'Neil said that it was said that 40 trees were being added. He asked how many were going to be removed.

McCann said that they were keeping the trees up near the existing homes. The trees in the back need to be removed for the stormwater management. The trees along the property line will stay.

McCann showed the Board pictures of the back yard.

Zilinsky confirmed that there would be a buffer in the back yard.

O'Neil confirmed that they were going to be removing a large amount of trees.

Linda Polcari, 179 Pine Street. Polcari felt that this was a monster for them to look at. She felt the piggy-backing of houses is excessive. She worked hard to buy her house and she does not want to see this across the street.

Matt Brown, representing Brookwood Limited, LLC. Brown said that he would like to see as many trees as possible preserved along the property line due to lighting off of their two-story building. Maintaining those trees is important to them.

McCann said that they were going to try to keep as many mature trees as they could to buffer the lights.

Zilinsky thought that maybe they could supplement the landscaping.

Brown asked if they would be amendable to a no-cut zone. McCann said no due to the stormwater management area. McCann said they would be able to supplement the area that has a good amount of trees. To put a no cut zone on a residential property is not necessary or appropriate in this situation. She said that they have a commercial development that parks right up to the line next door.

Brown passed out pictures for the Planning Board to see.

Henry questioned the catch-basin. Mello explained that this was due to the wall and slope. A discussion ensued regarding stormwater management.

McCann said that buffering can be accommodated. They can increase the buffer without changing the engineering. They can have and maintain as many trees as possible along the lot line. This site will want to keep the buffering.

Henry was concerned that there were significant changes on the plan without having them reviewed. Day said that she could condition the approval to be reviewed by Engineering.

Zilinsky asked if the Board would be more comfortable to continue the hearing to have the changes reviewed by staff. Prentiss wanted to continue, but he is concerned with all the changes.

McCann said that another alternative was to leave the hammerhead on the site to not change the stormwater design.

Farmer had no comments. He liked the proposed changes. He would like to keep the application moving along.

Prentiss said he was willing to listen to the conditions. He is confident listening to staff. He is comfortable with it.

Henry and Cheetham were comfortable with the conditions as well.

Zilinsky said that they would move forward with the application and have staff review the plans.

MOTION: Prentiss moved to close the public hearing for 172 & 176 Pine Street. Farmer seconded the motion. The motion passed by unanimous vote.

MOTION: Farmer read the Certificate of Action and moved to approve the Special Permit to Site Plan for 172 & 176 Pine Street. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Prentiss read the Certificate of Action and moved to approve the Site Plan for 172 & 176 Pine Street. Cheetham seconded the motion as amended.

McCann asked if the Form A reference could be prior to the issuance of a building permit.

MOTION: The motion passed by unanimous vote.

8 Southside Road. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Cotter Family Partnership I for property located in the Route 114B Zone District. The applicant proposes to construct a 20 foot by 40 foot addition to the northerly side of the existing building. The addition will take the place of an existing storage container which will be removed. (Assessor's Map 40, Lots 84) (*SPA action date: April 25, 2016*) (**Continued without discussion at the applicant's request to April 26, 2016**)

MOTION: Henry moved to continue the application for the Major Modification to Site Plan to April 26, 2016. Prentiss seconded the motion. The motion passed by unanimous vote.

OTHER BUSINESS

75 Newbury Street. Request for a Minor Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by North Shore Auto, LLC for property located in the Highway Corridor Zoning District. The applicant requests to allow a portion of the property to be used for outdoor sales and display of automobiles, and the installation of one overhead door. (Assessor's Map 48, Lot 33) (*SPA action date: May 2, 2016*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, North Shore Auto, LLC. With her this evening was Mr. and Mrs. Michaud who are the proprietors of the

Mitsubishi dealership on Route 114. They are proposing to open a Michaud Certified Pre-owned Center at 75 Newbury Street. This is a change of use and falls under a minor modification. The change of use is for the excess parking spaces. McCann felt that many businesses did not succeed at this site because it always looks empty due to the excess of parking spaces.

McCann said that Mr. Lafata purchased the property last year and has been before the Planning Board with some modifications. There are presently vacancies in the center area of the building. A medical facility has gone in on one end of the building, and he is starting to do upgrades to the building. The Circle Furniture space is completely vacant and consists of 10,800 square feet. This will be used for the car dealership.

McCann said that they went to the Board of Appeals to allow outdoor display and storage of vehicles. A variance was received to allow 50 vehicles to be stored outside on the site. There will be a new overhead door added to the building to allow vehicles to be stored in the showroom. A total of 20 vehicles could be in the showroom. This dealership will be a certified pre-owned dealership marketing to families who might have a child that needs a vehicle. There will be no service done at this site.

McCann provided the Board with traffic data from the Michaud's other dealership, which is a much larger dealership. She said that during their busy month of February, they have 187 customer trips which breaks down to 6.4 customer trips every day. They will have three employees in the largest shift. If the customer trips are rounded up to 8, they would have eight customer parking spaces and three employee parking spaces would give them the requirement would be 11 parking spaces, which is generous. Under the prior approval for the medical use, 17 parking spaces were approved. If the site went to full occupancy, then those units would account for 33 spaces. There are presently 147 parking spaces on the entire site. This would allow 31 extra parking spaces. McCann described the parking. They would utilize the perimeter parking spaces with vehicles. It will be a low traffic generator. It will revitalize the site which will benefit the building.

Sears asked about signage. McCann said that there is an existing free standing sign. They are attached wall signs. There will be signs as permitted under the bylaw. There will be no new lighting and no outdoor audio.

Henry had no comments.

Cheetham questioned landscaping. McCann said that this site was grandfathered, but it did go through site plan approval recently. She is not proposing any changes to the landscaping.

Mick Lafata, the owner of the property, addressed the Board. His intent is to do a lot of the plantings over. The salt trucks destroy whatever is planted in the front planting beds.

Kevin Michaud from Michaud Mitsubishi addressed the Board. He confirmed what Lafata said about landscaping. He is proposing to put whiskey barrels with plantings. Not only does the salt ruin the vegetation, the cars are also ruined.

Cheetham thought crushed rock looked good. Anything would be an improvement.

Prentiss and Farmer had no comments.

MOTION: Sears moved to find that the requested modification represents a Minor Modification an Approved Site Plan. Cheetham seconded the motion. The motion passed by unanimous vote.

MOTION: Henry read the Certificate of Action and moved to approve the Minor Modification to Site Plan for 75 Newbury Street. Sears seconded the motion as amended.

MINUTES

March 8, 2016

Henry recused himself from voting since he was not present at the last meeting.

MOTION: Sears moved to approve the minutes of March 8, 2016. Prentiss seconded the motion. The motion passed by a vote of 4-0.

ADJOURNMENT

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

The meeting adjourned at 11:00 p.m.

Respectfully submitted: Francine T. Butler

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