



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

Sr. Center/10 Stone Street
April 26, 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, Aaron Henry, James Sears and Associate Member John Farmer were present. Karen Nelson was also present.

STAFF BRIEFING

Nelson said that she did not have anything for staff briefing.

CONTINUED PUBLIC HEARINGS

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 29, 2016*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Cotter Family Partnership I. With her this evening were Mike Juliano, the Project Engineer, and Peter Decareau, from Cotter Brothers. McCann said a small addition was being proposed to the existing building that was built in the 1970's and has had an industrial use. McCann said that the applicant was before them for site plan approval when the garage was proposed. They are now proposing to replace an existing metal storage shed with a 20 foot by 40 foot addition to allow for storage of materials. This is a stainless steel manufacturing business that needs extra storage space. Rather than add another metal storage shed, they are proposing an addition to the building that will be uniform in appearance, more attractive and more functional. There will be an overhead door and a pedestrian door. There will be no access directly into the building. In order to enter, a person would have to go outside and into the addition. It will be similar in design and feel of the building. They are fully conforming with setback requirements. Due to the site being an irregular lot, they needed to go before the Zoning Board of Appeals (ZBA) to obtain a

finding; which was received last night. There is no increase in impervious area since the addition will be built on a paved area. There will be no decrease in landscaping on the site.

McCann said that they have received favorable comments from the Fire Department regarding the width of the aisle.

McCann said that Michael Juliano, from Eaglebrook Engineering, was here this evening to answer any technical questions.

Cheetham asked if there was any lighting on this side of the building. Decareau said that they already had security-type lighting.

Cheetham asked if it was a roll up garage door, and this was confirmed.

Prentiss asked how long the present storage shed had been on the site. Peter said he has been working there for 26 years, and he believed it has been there for 22 years. Prentiss said he was happy with the site.

Zilinsky said she went by the site and asked about the storage trailer at the front of the building. Decareau said that it was the owner's trailer for skimobiles. McCann said that this issue came up at the ZBA meeting last night, and the trailer is being removed.

MOTION: Henry moved to close the public hearing for the Major Modification to Site Plan for 8 Southside Road. Cheetham seconded the motion. The motion passed by unanimous vote.

MOTION: Henry 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.

MOTION: Cheetham read the Certificate of Action and moved to approve the Major Modification to Site Plan for 8 Southside Road. Henry seconded the motion. The motion passed by unanimous vote.

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*)

Sears recused himself from the meeting.

Zilinsky read the legal notice.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Whipple Hill LLC. With her this evening were the applicants, John Thomson and Cheryl McDonald, along with Scott Cameron, the Project Engineer. McCann said that a plan had been submitted representing a Definitive Subdivision Plan for a conventional subdivision for a portion of the property located at 155 Hobart Street. The applicant, Whipple Hill, LLC is the contract purchaser. The owner of the property is the Roman Catholic Archbishop of Boston. The site is only a portion of 155 Hobart Street; the entire parcel is 28 acres. It is developed on the Hobart Street side for St. Mary's Annunciation Cemetery. The owner has determined that they do not require the entire 28 acres for expansion of the cemetery, and it has been determined that there are 13.5 acres that will not be necessary to meet the needs of the cemetery.

Two years ago the Archbishop of Boston offered the 13.5 acres to the Town of Danvers for purchase. The Town took a great deal of time reviewing the property, and there was an extension granted to the Town. In June of 2014, the Town determined that they did not want to acquire the property. The property was marketed, and Whipple Hill, LLC was selected as the buyer. The property went under contract to purchase, and the applicant filed an application for a Special Permit for a Cluster Subdivision for small lots but more open space. In October of 2015, the Planning Board indicated a preference for a conventional subdivision plan and denied the plan for the Special Permit and Preliminary Cluster Subdivision plan.

A new application was filed in February of 2016 for a Conventional Definitive Subdivision Plan for a single-family residential 20-lot subdivision that meets all of the dimensional requirements and density requirements of the R-II Zoning District. They all have 20,000 square feet of land, 125 feet of frontage, and meet the lot-shape factor. The property is 13.5 acres, and is abutted by the remainder of St. Mary's Cemetery, Clark Farm, Endicott Park and single-family homes on adjacent streets. The plan meets all the requirements of the zoning bylaw and subdivision rules and regulations applicable to subdivisions in the Town of Danvers. Some waivers have been requested. The subdivision utilizes the connection to Sandpiper Circle, which was an extension laid out in 1966 when the Bayberry/Sandpiper development was done. There was a provision to allow the extension onto this property, and this plan utilizes this location. This subdivision provides a water loop connection which will provide better water quality and water flow to the existing neighborhoods. It meets the requirements under the Planning Board rules and regulations relative to the waiver of the road length. Comments have been received from the Building Inspector, Fire Department and Engineering Department. McCann said that they responded to all of Engineering's comments in writing today, and changes have been made to the plan.

Scott Cameron, Project Engineer from The Morin-Cameron Group, addressed the Board. He described the plans. He said that extensive soil testing was done. The area of the development is in the back of the property that fronts on Hobart Street. The property slopes towards Hobart Street and towards wetlands. He described the stormwater conditions. Some areas drain towards adjacent property.

Cameron said that the grading plan is for the entire property. This is for roadway design. The road follows the contour around the high point of the site. He described the two underground

systems in Road A, which was reviewed by the Engineering Division. Road B requires a wetland crossing. There are waiver requests to minimize the design standards and reduce fill over the wetland. The crossing has 24 feet of pavement. There is guardrail protection with a retaining wall. The retaining wall design information is in the construction details. The crossing has a culvert that was designed for wildlife passage. There are four lots on the other side of the wetland. Cameron said that there are drywells spread throughout the property. The grading scheme is intended to slow down and disperse surface runoff water. There are reductions of flow of runoff and reductions of volume. Cameron said that it complies with stormwater management regulations in the design of the project.

Cameron said that Weston and Sampson were hired as their consultant for a water analysis of the property. He explained that by providing a 10-inch water main and loop, they maintain DEP requirements for the development. They mitigate water pressure with water pumps to the dwellings. He said that they responded and addressed every comment made by the Engineering Department.

Zilinsky confirmed that the Board members had received the letter from the abutter, Amy Maxner. The board confirmed this.

Prentiss said that most of his questions had to do with the Engineer's comments and were addressed. He said that until the Engineer signs off on the waivers about the length of the road and the question associated with the water loop, this may be a sticking point with him.

Prentiss asked if the islands in the turnaround area were landscaped. McCann confirmed this. Prentiss asked who would be in charge of maintaining the island. McCann said the intent was that they were going to be of a natural low-maintenance type of landscaping. It fits in with the area and does not require maintenance.

Prentiss asked who was going to keep the drainage area at the bottom of the hill on the western side of the plan clean. Is this an agreement with the purchasers? Who is going to undertake this? He felt that they have had issues with detention ponds. Certain subdivisions were responsible to keep them clean, and it fell on the responsibility of the Town. He would like this addressed.

McCann asked which ones he was referring to, and Prentiss said he was concerned about all of them. He knows that lot owners would be responsible for the ones on their lots. He is concerned about the main one going through the property.

Cameron said that the Engineer's comments asked how access would be provided to this area, and a detail was provided. The other two are underground and are low maintenance. Cameron said that the Engineer wants to have the Town maintain them.

McCann said that with the Saratoga Lane subdivision, the Town Engineer wanted to maintain these areas. He wants to be able to get his trucks to do the maintenance. It is Engineering's request that they maintain the stormwater management systems.

Cheetham asked if the maintenance of the swales was going to be the responsibility of the property owner or the Town. Cameron said that the one between houses is relatively low maintenance. One swale is in an easement, and another goes across the church property to the wetland area. All have easements for maintenance, except for one.

Cheetham asked if an overlay map of the watershed drainage basins could be produced. It would be helpful for abutters living around the area to see how this project would impact their neighborhoods.

Cheetham asked about the driveway on Lot 14 stating that a steep slope needed to be cleared next to a flood plain. Cameron said that a retaining wall will be associated with the crossing that will cut into the slope. There is minimal grading and it follows the contours. It is less than a 5% grade. It does not sheet flow towards wetlands. It flows back to the road and into the system.

Cheetham asked how the drywells worked. Cameron said that they wanted the water to spread out and recharge. They are not on every lot. These lots are big and they are not sure of the size of the house that will be built. They can amend the drywells based on the size of the house. There are no outlets for the drywells. They are designed for a 100 year storm.

Henry questioned the action date of the application, and McCann said she had a written extension with her this evening. He asked how the drywell systems on the private lots will be memorialized for those owners. Cameron said they would discuss this at the next meeting.

Zilinsky questioned how the land would be developed and whether the lots would be sold to others for development. She asked if Whipple Hill would grade the land since they have had problems in the past.

McCann pointed out that what is approved needs to be built. She also said that the drywell systems on lots can be memorialized in a deed. It can also be memorialized in the purchase and sales agreement.

David Gagnon, 4 Lantern Lane. Gagnon said his property is at the southwest corner of the plan. He is concerned that there is a fairly complicated water management plan with information going from the developer to the builder to the homeowner. He is worried about water coming down the hill. He is also worried about who would end up with the bill if there was a failure with that type of management system.

Gagnon said that there is currently a public access way from Lantern Lane that continues through the property. It exists and people use it. He asked what was going to happen with this.

McCann said it is a dead-end now. There is no easement that goes onto this property. There was a provision made for this in the Ashley Lane subdivision, but it is a dead end. Nothing is going to change because the easement never went onto this property.

Gagnon questioned that this was an easement that went nowhere, and McCann responded that it never went anywhere. Henry said the church never formally allowed the access easement. Gagnon said that the access was put there so people could traverse into that area. Henry said that the applicant is not offering that access.

McCann said that the swales were going to be maintained by the Town. The Department of Public Works (DPW) does not want the problems that have arisen with other subdivisions.

Holly Gould, 154 Hobart Street. Gould said she lived right across from the cemetery. She would like the Town Engineer to think about the culvert that goes through her lawn. There has been enough water where the water streams down from the cemetery and across the street. When she bought her home she had to rip out the basement. She hasn't experienced anything like that since. She asked who was responsible for the culvert. She would like the stream that flows looked at. The culvert on her yard is caved in. McCann said that this development can't make water issues worse, but they do not have to correct or improve water issues that currently exist. She said that if there is an existing issue with the Hobart Street culvert, maybe this can be looked into by the Town.

Keith Lucy, 7 Ashley Lane. Lucy said that Gagnon just mentioned that there is presently a public way. It was a pedestrian easement and no-cut zone imposed with the Ashley Lane subdivision. He said that they felt this was for people who used this property as walking trails. He said he bumped into an attorney who is knowledgeable in land law, and he described a prescriptive easement. If use can be established over a period of time, it can be similar to adverse possession. Lucy reached out to others, but no one picked up the ball. There is a pedestrian easement behind 2 and 4 Ashley Lane that goes nowhere.

Lucy said that he is glad the plan calls for a more dispersed approach of water mitigation instead of dealing with water in one pile. He has a concern regarding the major swale to drain this hill to Ashley Lane. The chain of ownership needs to be notified about this swale. He asked if there could be a restriction that identified this area not to be disturbed since it is a swale for water mitigation. He felt it was very important to maintain responsibility all the way down the chain. He liked that there was no homeowner's association with this project.

Lucy wanted to address the issue of the Town being responsible for the retention ponds. He spoke with the Town Engineer, Rick Rodgers, who said that these never fail. Lucy said that he has yet to see a Town truck digging out a residential detention pond.

Lucy said he had a problem with the hammerheads on the driveways and questioned why they were needed. McCann responded that these were building envelopes to allow the largest possible house on the lot.

Lucy felt limiting impervious surface would help to make sure the drainage is going to work. He asked if they could limit the number of square feet of impervious driveways. He was told that it cannot be done.

Lucy's most specific concern is the back rear corner of his lot. He said that there is a pitch to the area. He said that it looks like the grade is being moved about 90 degrees. Cameron said that the color watershed map will answer this question at the next meeting. The water is being mitigated underground, and these systems are oversized.

Lucy said that he was concerned about the hydraulics of the hill. He has a building at the back corner of his property with a large concrete patio. He felt if the hydraulics changed, things would shift. He is concerned about something moving in 5, 10 or 15 years that could break something in the system. What protection do the neighbors have?

Zilinsky responded that the development cannot make anything worse. If they did, they would come back to the Town. She said she has faith in the Town Engineer. He is well aware of the issues and her hope is that he is reviewing this so that the abutters have no impact from this development.

Lucy felt that some people may feel that less water is better, but that may not really be the case in this instance. Maybe keeping the water the same is really best.

Zilinsky said that these are civil engineers. She will look to what they have to say to base her decision.

Cheetham said that when the presentation is done for the watersheds at the next meeting, she suggested showing the audience a side view of how water perks and drains, since drywells are being put in the ground.

Bill Clark, 163 Hobart Street. Clark said that he has been a neighbor to this property for 71 years, and has lived next door for 50 years. He has known three developers who have gone bankrupt trying to build houses on or around Whipple Hill. The developer, who built Bayberry Road, stopped halfway through the development because of the groundwater, and a drywell was built down Bayberry Road in order for it to stay dry. He said there is a spring that runs from six to eight months a year. His concern is the large amount of water that is going to drain down through his property, and he felt 70% of the surface area was going to run across his property. He said that the flow in the intermittent stream has been exacerbated in the cemetery due to concrete foundations. He felt the drainage is at least three catch basins on Hobart Street that flow into a tiled drain onto the property owned by Hollie Gould. He felt this was an undersized tile drain.

Clark said that he has had a perk test done for his property. He has a well, and there is a tremendous amount of water there. There are springs on the Town-owned side of this property. He is concerned how this may impact his farm. He has seen the stormwater management plan, and every lot that abuts a neighboring lot has two drywells. He asked if a perk test was done. This hill has a lot of water in the ground, and Bayberry Road had to put in a drywell. This is a highly difficult property to build on. The landowners on Robert Road had to put in a drywell after construction, which was very expensive.

Clark is concerned with what is going to happen if these lots are sold. Crossman's Lane has a vacant lot, and Twin Echo has two lots that have not been developed.

Clark thanked Cameron for the drainage plan.

He said that he regrets that they are going to lose a lot of the wildlife with this development.

Amy Maxner, 4 Sandpiper Circle. Maxner said that she submitted questions that she suspects will be reviewed by various departments. She requested that she receive written responses to these questions, some of which she felt were "nitty gritty" items that dealt with construction management. Maxner said that she would advocate for a third-party peer review relative to the stormwater management. She felt this project merits it, and she would be more comfortable if a third-party peer review was engaged. She felt that the Planning Board and Conservation Commission could coordinate this since they have purview over stormwater.

Maxner said that the southeasterly corner for 4 Sandpiper Circle was incorrectly measured. She suggested that other abutters check to be sure their boundaries were measured correctly on the plan.

Zilinsky told Maxner that the applicant does not have the letter she submitted. It will be circulated to a number of departments. Hopefully they will have the information at the next meeting.

Henry said that he would agree to a third-party peer review if the staff or Board felt it was necessary.

Nelson said that she would speak to Rick Rodgers about a peer review.

MOTION: Henry moved to extend the action date to May 13, 2016 and continue the application for the Definitive Subdivision for Whipple Hill to the next Planning Board meeting scheduled for May 10, 2016. Cheetham seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 8:30 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on May 10, 2016.