



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
June 14, 2016
7:00 p.m.
MINUTES

Chair Margaret Zilinsky called the meeting to order at 7:00 p.m. Planning Board members Kristine Cheetham, James Sears, Aaron Henry and Associate Member John Farmer were also present. Planning and Human Services Director Karen Nelson was also present. William Prentiss joined the meeting at 7:10 p.m.

STAFF BRIEFING

Karen Nelson wanted to update the Board on two funding sources that had come forward. They received \$25,000 from the PATH (Planning Assistance Toward Housing) Grant for advancement for the vision for the redevelopment of the Maple Street and Industrial-1 area. These funds will be going towards the effort and add to the platform of the study done by the MAPC. They will look specifically at the design guidelines, density issues, parking, types of mixed-use, setbacks and the like. Nelson said that the Request for Proposal (RFP) was sent to them for their review. She asked that they get back to her with any questions or comments as soon as possible since they are planning on an aggressive schedule. The funding is not available until July 1st, but we would like to have it ready to select a consultant by mid-July. They will also be working with the MAPC in planning for MetroFuture Technical Grant for \$20,000 to look at the High Street/128 area and then down towards Danvers Square. Nelson said that this was similar to the Tapleyville rezoning. They will have public outreach and data gathering. Nelson said that they have two dates for meetings that she would like to go over with the Board. They have been invited to the Selectmen meeting on Tuesday for an update on the zoning efforts for the downtown and some discussion on the parking study. On July 21st they are planning a joint meeting with the Selectmen and the ZBA in an effort to talk about the downtown zoning efforts and time frame for a Town Meeting. She said that they will get further into details at the next meeting. Nelson said that it would be nice if some Board members could attend next week's meeting.

CONTINUED PUBLIC HEARING

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: June 17, 2016*)

Sears recused himself from the meeting.

Nancy McCann appeared before the Board on behalf of the applicant, Whipple Hill, LLC. She said that they appeared before the Board a few months back, and a full presentation was made at that time. What is being proposed is a 20-lot conventional subdivision plan on a portion of the property located at 155 Hobart Street. It contains 13.5 acres located at the rear portion of St. Mary's of the Annunciation Cemetery, which the Roman Catholic Archbishop of Boston did not think it would need. McCann said at the last meeting, they went through the history as to how this application came before the Board. They are proposing a conventional 20-lot Definitive Subdivision at the extension of Sandpiper Circle at a point laid out by the Planning Board in 1966 when the Sandpiper Circle subdivision was created.

McCann said that the Definitive Subdivision Plan has been submitted in accordance with the Subdivision Control Law as well as the Danvers Subdivision Rules and Regulations. All the lots comply with the R-2 zoning requirements. The roadway and utilities have been designed to meet the Subdivision Control Law requirements and Danvers Subdivision Rules and Regulations.

McCann said that only a few waivers have been requested. They are proposing a water loop connection with this subdivision. It will increase fire flow to the existing residential neighborhood, improve water quality, as well as provide water to the new subdivision. They have responded to comments from various departments as well as responding in writing to an abutter's comments. As of June 7th, the Board has received a letter from the Town Engineering Department recommending approval of the subdivision as well as approving the waivers. She said she would be happy to go over prior items.

Zilinsky said that there was a great deal of material presented. She said that they do have a final approval of all the items requested. In addition, the Town Engineer responded to an abutter's letter in great detail. Zilinsky said that she had a copy of the draft decision that showed that the Town Engineer had approved all the waivers. She asked the Board if they had any additional questions or concerns with this project.

Cheetham said that a member of the audience at a prior meeting questioned the hammerheads in the driveways, and she asked if any consideration had been given to those remarks.

Cameron said that the lots were going to be subject to the owner's design. The plan is a schematic for a conservative design.

Henry said that this came up at the Folly Hill subdivision. The grading scheme is not necessarily changeable. He thinks this scheme is what they are regulating. He still would assume that this is the scheme they are approving.

Cameron said there could be subtle changes. He said that they tried to bullet-proof the plan so that no matter how a person developed a lot it will not change the stormwater.

Cheetham said she has questions regarding the decision. She asked who will be the owner of the different components of the stormwater maintenance plan. She asked if that can be clarified with the different detention ponds.

McCann responded and said that the Town Engineer wanted to maintain the stormwater management system, and the roadway is subject to an easement to the Town. With the process of endorsement of the plans, the Town would be allowed to maintain the stormwater management system. Those easements would be granted to the Town. This is how the Town Engineer wants this to be done. In the last few subdivisions, the Engineer has made it clear that he wanted the easements. Easements for the roadway runoff and drainage would be given to the Town.

Cheetham asked about the swale that runs between multiple lots on the plan.

Cameron said that water is going to flow in a certain direction, and it will make its way down to an area. There is no need for an easement on that lot.

Zilinsky had a concern with the swale should some lot owner change the contour of their lot. She asked how they can ensure that the homeowner does not change the contour. She wants to be sure that this plan is developed the way it is approved.

McCann said that when the Board issued its decision, they can put a deed restriction on the lot that they will be delivered pursuant to the plans.

Henry asked how many of the lots have a swale, and Cameron said that one swale is share by six lots.

Henry asked if the deed restriction would go on the lot with the swale, or on all the lots.

McCann said all of them. It can be part of the Board's conditions.

Henry asked if there will be text in the deed that says specifically how the lots should be grade.

McCann said that it can be part of the deed restrictions would be the Planning Board's decision. You could also have a restriction in the deed that the grading of the lot would be developed as shown on the plan.

Henry asked how a lot owner would know that there is a swale on his property and affects their lot.

Cameron said that they would not see any flowing water. The drywells are significant and they need to be sure water continues to drain towards the back yard if someone wants to put in a pool.

Henry said that he felt those lots needed something that states that this stormwater management is in their back yard.

Cameron said that it is a private lot matter. There is nothing that impacts anything off-site.

Cheetham said that the watershed flows off-site. Cameron said that there is no way for water to go anywhere. Henry felt Lot 9 was going to shed water onto another lot.

McCann said that the plan shows a proposed grass drainage swale. She said she would take a condition that there is a drainage swale as shown on the proposed deed.

Everyone agreed to this.

Cheetham questioned whether the WUMP fee was addressed in this decision. Nelson said she would put this language in to be done prior to the issuance of building permits.

Cheetham asked about the name of the street as "Whipple Hill."

McCann said that the name will not be Whipple Hill. The Fire Department is not going to like this name due to multiple streets that are named "Whipple." She said that prior to endorsement of the mylar, the street name for Street B will be approved by Captain Brooks. She said that they would install a street identification sign, but it may not be the final street sign. This is so that if there is an emergency at the job site, the Fire Department could find the street.

Prentiss said he had a few easement questions. Prentiss said that he understood the easement with the culvert. He questioned the easement near the waterway and asked whether the Town could get access.

Cameron responded that the regulations state that there is a ten-foot easement running along the walls. The street would be public. Prentiss confirmed that an easement would not be necessary to get north or south on the waterway.

Farmer asked if this would be a phased project for construction. McCann said it had not been determined at this time. They would come back before the Board should it be a phased project. She said it would not be uncommon to do this.

Henry said that if the project was not built within two years, the applicant would be back before the Board.

Zilinsky asked if there were questions from the audience.

She pointed out a letter that came from Stuart Orloff and asked if McCann had received it. Zilinsky read the letter to the audience regarding the road length waiver.

McCann said that this was explained in the third paragraph of the memo. She said that they took the conservative approach. Their subdivision is a 20-lot subdivision, so it is considered a minor roadway. However, if you include Sandpiper, this would mean more lots that would kick the subdivision into the local street requirement. She said that their road as designed meets the local street requirements. If you look at the subdivision regulations, there is not a dead-end provision for a local street. The Town has granted waivers on minor and local streets. If this is considered a local street, they do not need a waiver, but they have asked for it. McCann felt that they met both requirements. Engineering has agreed with it, but it does not matter since they meet the requirements for both.

Zilinsky said that they rely on the Town Engineer. In the past, he has agreed to allow them to waive a 600-foot dead-end. This application is not setting a precedent.

Orloff felt it was contradictory in the text of the application. McCann tried to clarify this. She recognized there were two different standards, and she tried to apply them.

Stuart Orloff, 27 Bayberry Road. Orloff asked what the hours of construction would be. Zilinsky said that in the decision, it stated hours of construction would be 7-5 Monday through Friday and 8-5 on Saturdays. There will be no construction on Sundays or State holidays.

Bill Clark, 163 Hobart Street. Clark said that he will be the recipient of most of the drainage off of this property. He is still concerned about the runoff. He felt the drywells may have difficulty absorbing water. He asked if a perk test had been done; he has asked three times before.

Cameron said that perk tests are under the State sanitary code septic system test. This is not a test for stormwater management. It is not a reliable test. Their design is based on hydraulic productivity. They look at groundwater depth. They will match what is presently happening on the site.

Clark asked what his recourse was if this was not correct. He said there were substantial problems created with the development of Bayberry Road and Robert Road.

Zilinsky told Clark that if there was an impact on his property, the recourse would be the Building Inspector.

Clark said that the applicant was a shelled LLC. He felt he did not have a place to go in the future.

Henry asked Cameron if there was any review done when the applicant applies for a building permit.

Cameron said that they have had a lot of discussion with Rick Rodgers and his staff and they developed Note 3 on Sheet 2 which states if there is any deviation from this plan, it had to go back to the Engineering Division for approval. Regarding Bayberry and Robert Road, the standards back then were not the same as the standards today.

Clark said that one of the other farms in Town has had their ponds fill with silt from the construction site of the recently accepted Folly Hill subdivision. He felt all the water is going to go across his property one way or another. He is not in the position to have two to three acres of his land flooded. The hill has a lot of clay, and he is concerned with the stormwater runoff from the houses and streets. He felt the runoff was going to damage the downhill properties every spring.

Henry said that at the time of the building permit, the intention is to provide a mini-drainage report on the drywell. He asked who was going to check to see if there were two feet from the high water table. Cameron said that an engineering plan is going to need to be put together if it is changed.

Henry confirmed that the plan showed the proposed locations of the drywells. He felt that Clark had a right to be concerned. The plans have been reviewed, and if there is a change, the plans will be reviewed again.

Amy Kowalski, 4 Ashley Lane. Kowalski had a question concerning water looping. She asked if there was another entrance for the water to come into the subdivision other than Sandpiper. Cameron said that the loop connection comes in from Sandpiper. They did hire Weston and Sampson to conduct a water analysis. The conclusion was that with the design, there would be adequate fire flow and water pressure to serve the development.

Eileen Harriss, 37 Bayberry Road. Harriss asked if the water pressure would improve. Cameron said that the benefit to Bayberry Road is that if there was a fire, there would be better water flow. It would not improve domestic water. He said that the domestic pressure issue can be resolved with a pump in the home.

Henry added that all will be tested in the field. The water pressure will not get worse.

Harriss asked if there was a way to make the street one-way for construction trucks.

McCann said that they have not thought about this. When they get closer to construction, they could run that process by the contractor. They will want the input of the contractors as to how to

be mindful of the neighbors and how the construction could take place. She said that had to come farther down the line.

Henry said that this would be good to bring up in the pre-construction meeting with staff.

David Gagnon, 4 Lantern Lane. Gagnon said that at the Conservation Commission meeting, they were discussing the bridge, and they heard they were going to have a septic pump. He asked if this was the Town's responsibility.

Cameron said that these are private pumps. They are owned by whoever buys the lot. Every lot will have their own pump.

Roger Michaud, 4 Bayberry Road. Michaud asked if there was going to be a secondary road to the property.

McCann responded that there was not a secondary road.

Zilinsky said that this had been discussed previously, and there is not a secondary road.

Audrey Michaud, 4 Bayberry Road. Michaud asked if there was going to be a traffic light.

McCann said that the traffic report showed that no light was warranted due to the traffic that is generated. The development does not meet the requirement for a light. The Town is undertaking some signaling along Route 62 that will benefit side streets. The traffic that will be generated was provided in that report. When you consider the traffic already on Maple Street, it is manageable.

Michaud pointed out that there have been accidents on Maple Street on either side of Bayberry Road.

Prentiss explained that if in the future there was a higher standard of hazard, the next step would be to talk to the traffic advisory commission or Selectmen to discuss a traffic light.

Michaud asked when they were planning to start construction.

Thompson said he was not sure.

McCann said probably in the fall.

MOTION: Prentiss moved to close the public hearing for the Definitive Subdivision Plan for Whipple Hill. Henry seconded the motion. The motion passed by unanimous vote

MOTION: Henry read the Certificate of Action and moved to approve the application for a Definitive Subdivision plan for Whipple Hill.

Prentiss asked if they would be endorsing the plan prior to the naming of the street. Nelson responded no.

MOTION: Cheetham seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARINGS

18-22 Cherry Hill Drive. Request for a Special Permit and a Major Modification to an approved Site Plan pursuant to Section 6 and Section 4 of the Zoning Bylaw submitted by Abiomed, Inc. for property located in the Industrial-II Zone District for the following modifications: a front entry plaza at the southern building façade; a vehicular drop-off area at the front entry plaza; and outdoor café patio area with seating areas, amenities and landscape screening; modified parking lot layout including additional handicap accessible parking spaces; landscape drainage and utility improvements. (Assessor's Map 29, Lot 4) (*Special Permit/Site Plan action date: July 20, 2016*) (**Continued without discussion at the applicant's request to June 28, 2016**)

Zilinsky read the Legal notice.

MOTION: Prentiss moved to continue the application for a Special Permit and Major Modification to Site Plan for 18-22 Cherry Hill Drive to June 28, 2016. Cheetham seconded the motion. The motion passed by unanimous vote.

29 Elm Street. Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Beverly Bank for property at 29 Elm Street located in the Commercial-1 Zone District. The applicant proposes to remove the existing structure and construct a new bank building containing 3,332 gross square feet with drive-thru banking services. (Assessor's Map 43, Lot 345) (*SPA action date: July 12, 2016*)

Zilinsky read the legal notice.

Nancy McCann appeared before the Board on behalf of the applicant, Beverly Bank. With her this evening were Michael Wheeler, President of Beverly Bank; Gail Fili, Sr. Vice President of Beverly Bank; Scott Cameron, project engineer and Paul Joyce, the project architect.

McCann said that they are seeking Site Plan approval for a new Beverly Bank location at 29 Elm Street which is in the C-1 Zone. It is the former Donovan law office and residence. They have submitted a Site Plan package for the construction of a new building of approximately 3,332 square feet. It includes a bank branch as well as a drive-through. It has close proximity to the municipal parking lot on the corner of Elm and Page Street and abuts a retail strip center. This location being adjacent to the municipal lot has offered an opportunity that will allow some improvements. Pedestrian access and landscaping on their site will be visible to the municipal lot. It gives an opportunity to supply betterments. They had a meeting with the Technical

Review Committee (TRC) and their comments were incorporated into these plans. The pedestrian sidewalk was very well received. They have also met with the Preservation Commission, and the owner started the demolition delay. When Beverly Bank took this under agreement, it had the opportunity to look at the architectural features around this site. They met with the Preservation Commission for architectural style. While the Preservation Commission's charge is to save old buildings, they endorsed the design that they feel is reflective and appropriate of the history and the neighborhood. McCann said that this bank will have a drive-thru with hours from 8 a.m. to 5 p.m. with a 24 hour ATM.

McCann said that they have submitted revisions to the plan based on the comments received from various departments. They received the comments from the Town Engineer and have addressed all comments with the revised plan being shown tonight.

Scott Cameron, from The Morin-Cameron Group, Inc., described the plans to the Board. Sears asked why other areas other than the site were being shown on this plan. Cameron said he would have that explanation later in the presentation.

Cameron said that a municipal parking lot surrounds the site. He described the circulation around the property as well as the narrow curb cut. There are no stormwater controls on the site.

Cameron showed the proposed site. He said the building would be razed. The original submission had an entrance/exit on Elm Street. He showed the three car queue design and said there was no change of the queue going onto the municipal lot. He said there was a two-way entrance at the rear. They are proposing three spaces in the back for handicapped parking on the property. There is a bypass lane at the exit. There will be an overhead canopy at the pick-up window and at the front of the building. They propose to extend the sidewalk so that pedestrians can exit the parking area on this walkway. He said that there will be reconstruction of the sidewalk and frontage. The present curb cut will be closed. The parallel parking spaces will be restriped and would be bigger than what is there now. They were trying to preserve as many spaces as they could on the street. There will be no impact to the parking lot.

Cameron described the stormwater management on the site. He said that a roof drywell system will be installed in the back. He described the grading on the site. All new utility connections will be made. He described the landscaping plan. They are trying to minimize maintenance. He said there would be good separation between the two buildings. He described the lighting.

Paul Joyce, the project architect from Joyce Design Partnership, described the plan. He said this was a unique location, size and neighborhood. They designed the building in the historical context of the neighborhood. There will be seven-foot high windows on the first floor, and octagonal windows on the front and back of the building. There is a canopy, and the drive-up window has a widow-walk. He described the handicapped entrance.

Zilinsky confirmed that the drive-thru was on the other side of the municipal lot and that the front of the site would be fully landscaped.

Cameron described how the municipal lot would work for this site. Along the rear line of the municipal lot is a hedge screening the houses on Cherry Street. Headlights would be pointed out towards Elm Street.

The site would be staffed with three full-time employees and two part-time employees. There would be four teller windows; three in the lobby and one in the drive-thru.

Farmer asked if there was some sort of sharing agreement regarding plowing and maintenance with the site and the municipal lot.

Cameron said that there was no need for this. The municipal lot was shown on the plan.

Prentiss asked if the sidewalk between the site and municipal lot was level or raised. Cameron said that there is a curb.

Prentiss said he was confused about the Building Inspector's comments regarding the eaves. Henry said that this described a fire rating. Joyce said that the building was adjusted, and they are six feet from the property line. They have addressed the issues and are code compliant.

Prentiss asked if this was due to the fire truck being able to get by. Cameron responded that it was a fire code issue. The Town could develop the municipal lot someday. The fire code is intended to keep a separation from the buildings.

McCann said that the plans were submitted with changes.

Prentiss confirmed that the snow would be removed from the site.

Cheetham asked if there was any lighting on the structure.

Joyce showed the current view of the building. There would be wall sconces between the windows and the doors. There is lighting on the side and front of the building.

Cheetham asked what the second floor of the building would be used for, and Fili said it would house a kitchen and storage.

Cheetham asked how the parking is going to work.

McCann said that it is anticipated that the employees will park in the municipal lots that are close to the site. Being a downtown location it is not uncommon. They are not claiming any of the municipal spaces as their own.

Zilinsky confirmed that the Bank of America had parking in the back of their building.

Cameron said that the main branch of the Beverly Bank uses a municipal parking lot.

Henry thought the façade looked nice, and the building was attractive. The door on the side is what people see, and he thought this was a little plain. He wanted to discuss the street parking situation. He felt they were trying to squeeze and save every space. He said that they were trying to only remove one spot. He felt trying to make a right or left turn into or out of the strip mall would be a bit tight.

Henry said that drive-thrus require a community impact statement. He said that he did not like the idea of a drive-thru in the downtown area, and he has major concerns about it. He felt they were trying to put too much on a small site. Henry felt there could be more parking on the site if the drive-thru was not there. He would like to see more on this. He said that the regulations require it. He questioned how the Board could waive the entire parking requirement. He does not like being in the position that he is in. He felt putting a curb-cut downtown is not a good situation. He said he had a hard time with a drive-thru on this site.

McCann responded and said that drive-thrus are permitted by right in the C-1 area. She said that other banks in the area have drive-thrus. She felt that they have in fact submitted all of the elements of a community impact statement through their presentation with information about parking and traffic flow and how that will work.

McCann said that there has been some different opinions whether parking is required in the C-1 zone. She pointed out the bylaw that states that properties within the C-1 and C-1A zoning district, that do not have existing on-site parking and do not propose on-site parking shall be exempt. She told the Board that there are a lot of businesses that do not have on-site parking. The abutting municipal lot is available for businesses. There has been a parking study done that states the downtown area has plenty of parking. For all those reasons, the bylaw arguably does not require parking in the downtown area.

Henry felt they did not have the authority to do that. He felt they were trying to grandfather the old buildings downtown, and they need a way to cover those situations. He said that they were scraping the lot dry. He said that they have a conforming lot and should comply with all the standards. He felt the bylaw was for pre-existing non-conformities. He felt they need the parking waiver to grant the relief.

McCann did not agree. She said that they have the authority to grant an alternative parking plan. She felt if they did not allow the drive-thru, they would be getting rid of five parking spaces. A drive-thru is a requirement for a banking business.

Zilinsky said that most businesses, like a bank or pharmacy, use a drive-thru for convenience. She said they are looking at parking in the downtown, and there is a municipal lot right next door.

Cheetham pointed out if this property was sold in the future, a drive-thru has been permitted for the site.

Henry felt this site was not an appropriate place for a drive-thru.

Farmer said that if the Town is going to be welcoming to the banking community, drive-thrus are a must. He pointed out that the municipal parking lot was once a bank.

Sears felt it was a great bank with a great reuse, but he felt they were going from a small house with a small practice to a 1,800 square foot building with three parking spaces. Sears felt they were showing the locus plan plus the Town lot. He said he has never seen a plan presented with a locus and non-locus. He asked if they were getting an easement through the Town lot to access the site. There are a lot of unanswered questions. This is a mix between town use and private use. Sears said that at Town Meeting they were worried about losing one parking space to accommodate the moving of a train station. This application wants to use the municipal lot for the bank's employees. There are a lot of businesses downtown. They are anticipating zoning to promote residential use, and now they are going to give up spots to the bank. What if they start doing closings at the bank and have more traffic? He felt it was misleading to show the plan as drawn. He felt it was not correct, and he has never seen this. Sears said that he likes the bank, but felt they were overburdening the municipal lot.

McCann said that they were envisioning businesses that could use the lot.

Sears pointed out that they were waiving 11 out of the 14 parking spaces required.

McCann said that they were presenting an alternative parking plan that they could approve. A business is permitted by right, and these customers have the right to use the parking lot.

Sears responded saying that they were using the municipal lot as part of their site plan presentation.

Zilinsky asked what if the applicant came back without showing the municipal a lot. They should be able to use the lot.

Sears felt that they were waiving 80% of the parking spots based on the use of the municipal lot.

Zilinsky said that they had previously discussed shared parking. She asked why this applicant could not come in to show that they were using the municipal parking lot.

Sears said that the applicant could put a lot of people in an 1,800 square foot space.

McCann said that this was what the parking study asked them to do. They are showing the municipal lot because they are proposing off-site improvements.

Cameron said that they met with the Technical Review Committee (TRC) and talked about the abutting properties. The Engineers specifically asked them to show the abutting lots. He said that when 35 Elm Street was permitted, there was a connection to the same municipal lot. Sears pointed out that the only access to this site is through the Town lot.

McCann said that this was examined at TRC, and they discussed whether this needed go to the Selectmen or Town Counsel. It was determined that this was not the case. This is a municipal lot, and their employees have the right to use the lot.

Zilinsky made the point that they did do this with Parelli's so their patrons could traverse over the same municipal lot.

McCann said that the bylaw stated that part of what is being sought is interconnection of the site.

Henry stated that autos for this site need to go through the municipal lot.

Cameron said that Henry was correct, but the initial plan engineered cars coming in from Elm Street. He felt this was a superior design to go through the municipal lot.

Henry said that he appreciates TRC, but TRC does not vote on the plan. He felt the Planning Board relies on the fact that they are crossing municipal land.

McCann felt that Section 4.10.1.7.b. – Special Provisions stated that an alternative parking plan can be presented. She stated that the traffic study encouraged shared parking.

Zilinsky stated that they were going back and forth on this issue. She asked Nelson to get further information regarding this parking issue. She said she would like to get more input from TRC regarding the redesign of the site.

Henry felt putting in a drive-thru was a colossal mistake. He felt the bylaw did not allow the applicant to get them where they wanted to go. He is not comfortable with that relief and not comfortable with the waivers.

McCann said that they can accept an alternative parking plan and felt it was worth looking at. She will review this with the Building Inspector but told the Board that they cannot ignore their own parking study.

McCann said that drive-thrus are needed and felt that this lot could accommodate a drive-thru.

Sears said that if the drive-thru was eliminated, they could put 11 parking spaces on their own lot.

Zilinsky confirmed that Henry and Sears wanted more parking spaces on the site if the drive-thru was removed.

Cheetham asked if they could add a window on the side facing the municipal lot.

Joyce said that they could not do that since they are at the maximum number of openings a building can have.

Cheetham asked if they could put in a faux window. She asked for more information about their signs and whether they were lit.

McCann said that she will get sign details, and they will do more with the side of the building facing the parking lot.

Cheetham said that the parking study showed that on June 4, 2015, this lot was at 90% capacity between the hours of 9:00 a.m. and 1:00 p.m. The lot turns over, but it is heavily used. She would condition that the employees use the farther municipal lot.

Farmer said that the banking industry is going more electronic and the volumes coming through branches are off. That is why branches are getting smaller and smaller.

Prentiss said that he can understand the members arguing about the drive-thru from the site standpoint. He felt the language in the zoning bylaw is a huge difference for the waiver of alternative parking plans. He thought it was an interesting way of doing their site. The only time he has had trouble parking in this lot is when there is a funeral. He has never had any issues parking in this area. He would like to get a better perspective for waivers verses alternative parking plans.

McCann said that it was the Town Engineering Department that suggested coming in from Elm Street and coming on the site from the rear. She felt the comments on design should start here.

Nelson pointed to the bank near Town Hall that has a lot of parking and asked the Board to take notice of how many spaces are not used.

Sears said that they were permitting a use today. He pointed to the Bank of America where there is a line out the door on payday for people cashing checks. The Board is being asked to waiver 11 spots. He felt parking should be on its own site. He felt there should be a written document on issues dealing with liability issues, plowing, maintenance, etc.

Zilinsky asked where the drive-thru sign would go.

McCann said they would have a directional sign on their property.

McCann requested a continuance to June 28th.

MOTION: Cheetham moved to continue the application for the Site Plan for 29 Elm Street to June 28, 2016. Henry seconded the motion. The motion passed by unanimous vote.

90 Holten Street. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Peter Pantazelos, Trustee of P & S Realty Trust for property located in the Tapleyville Overlay District. The applicant proposes to construct 4 residential units above the existing commercial first floor; the proposed second story will contain

2 units; the proposed third story will contain 2 units. The first floor commercial space will remain as commercial space currently occupied by a laundromat and a pizza shop. (Assessor's Map 50, Lots 100A-002) (SPA action date: July 12, 2016)

Zilinsky read the legal notice.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Peter Pantazelos, Trustee of P & S Realty Trust. With her this evening was Peter Pantazelos and Scott Cameron, the Project Engineer.

McCann said she wanted to come present the plan to the Board to get the Board's comments on the plan. She said that they received comments from the Town Engineer, and they have not had a chance to respond. There are two buildings at the corner of Holten Street and Pine Street. The Red Shed is an existing building that has a light manufacturing business, and the building in the rear along Pine Street is a single-story building that has a pizza shop and laundromat. They are proposing to put a second and third story on the existing building. They will keep the businesses on the first floor. There will be four residential units; two units on the second floor and two units on the third floor. They are not proposing any particular changes to the site plan. There is an existing traffic flow pattern. There will be an increase in landscaping.

McCann said that they are proposing a dramatic change to the appearance of the building. It is an attractive building that will be an improvement to the neighborhood. She said they did present these plans at the Technical Review Committee (TRC) meeting, and the comments they received were incorporated into these plans. McCann said that they just received comments from the Engineering Department. She told the Board that they are proposing the reservation of parking spaces for tenants from 7 p.m. to 7 a.m.

Cameron described the plan to the Board. He said that most of the work on the site will be the building itself. He said that there are a few locations that provide access to the site. There is an easement from Holten Street and a two-directional entrance from Pine Street. There are also parallel parking spaces on the street. He said that the parking plan was last reviewed by the Planning Board in 2004, and Cameron described the changes in parking from that plan. He said that there are presently 24 spaces and they will be adding 4 spaces, for a total of 28 spaces. He said that there was a concern regarding the garage doors on the building and the striped hatched markings on Holten Street. He showed the landscaping on the corner of Holten and Pine Street. He described the addition off the back of the building and the changes and improvement to the area between the two buildings.

Cameron described the elevations and architecture of the building. He said that the additions comply with the setbacks for the Tapleyville area. The jog in the back is to accommodate the setback.

Farmer asked where the handicapped spot was, and it was pointed out on the plan.

Prentiss said that Engineering's questions need to be satisfied. He asked how the site would be accessed from Holten Street and questioned the hatched striping. Cameron described the access, and said that the striping would be removed.

Prentiss said that he understood the building is lower than Holten Street. He asked how high the building would be from Holten Street.

Cameron explained that it would be a one-story grade change. It is a full 12-foot story above the Red Shed. The full two-story addition will be seen from Holten Street. From the Rail Trail, this 42-foot tall building will conceal the white building.

Prentiss said that he has no issues with the site. He said that the parking is a little confusing. He would like this addressed for the next plan. He felt the parking was spread all around.

Cheetham felt the site looked good. She asked where they were recommending visitor parking.

McCann responded that there was parking on Holten Street. In the evening and weekends, there would be additional parking when the employees in the factory are not working. There will be the ability to park on any of those spaces. She said that there would be a restriction from 7 p.m. to 7 a.m. for six spaces.

Cheetham felt this parking lot was busy. She felt when they are looking at residential and commercial uses, the weekend will be busy.

Henry felt the building was attractive and liked what they were trying to do. He would like more information on parking. He asked if the easement between the two buildings was memorialized. McCann said that the easement is recorded at the Registry of Deeds.

Henry said that he would like more treatment of that access. This is a chance to formalize this shared parking. He wants to be sure the tenants are going to have parking spaces seven days a week from 7 a.m. to 7 p.m. He also wants to be sure the parking space near the intersection is acceptable to Engineering.

Cameron said that he would provide more information for parking.

Sears said his concern was the parking. He asked how many square feet were being added to the building, and Cameron responded 7,700 ± square feet. He is concerned if there was a change in the industrial use that may have a higher employee count. He said that his concern is that 12 people could possibly live there. He frequents the restaurant, and it is extremely busy. Sears said that he was not sure if the intent of the Tapleyville rezoning was to build into a use that was maxed-out. He said that the pavement is bad on the easement. It is not well graded or paved. He is concerned with access. The site is very poorly landscaped and asked if this would be increased.

Sears asked how many people worked at the warehouse, and McCann responded ten. Sears asked if these units were going to be condos or apartments, and McCann responded that they were not sure.

McCann said she thought this type of site was what the Tapleyville rezoning was for. Sears responded that they were adding onto a site, and he felt that was not the intent. McCann said that they would provide additional information regarding parking at the next meeting.

Cheetham asked about the garage parking. McCann said it was determined at the TRC meeting that this was due to code compliance. They did not like the idea of parking inside the building. There are parking stalls, but the space is not utilized for parking. It is used for storage.

Cameron said that they were not sure if underground parking was possible. He explained that the parking is based on the number of bedrooms, not the square footage of the building. The requirement at the existing site is 33 parking spaces. There are 24 spaces now. Cameron said that this was a creative parking plan.

Sears said he had a concern should the industrial use go to three shifts.

Zilinsky said that the applicant was coming back to address the parking. She said she has gone to the business and has not been able to find a space. People park there when there are ball games going on. She felt the dedicated parking spaces from 7 p.m. to 7 a.m. were a good idea.

McCann said that if they have reserved parking spaces from 7 p.m. to 7 a.m., it does not matter if there is a third shift. She felt if a new business with a large number of employees was looking to move into the industrial building, they would not go there due to the lack of parking for the employees.

Cheetham felt that everyone should walk or drive the alley to understand the parking.

MOTION: Henry moved to continue the application for the Major Modification to Site Plan for 90 Holten Street to June 28, 2016. Prentiss seconded the motion. The motion passed by unanimous vote.

140 Commonwealth Avenue. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Liberty Tree Medical Office Condominium Trust and 140 Commonwealth Avenue, LLC for property located in the Commercial-III Zone District. The applicant proposes to replace a proposed building addition to the rear of the existing building with a fenced playground area. (Assessor's Map 62, Lot 176) (*SPA action date: July 15, 2016*)

Zilinsky read the legal notice.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Liberty Tree Medical Office Condominium Trust and 140 Commonwealth Avenue, LLC. With her this

evening was the Trustee, Robert Burr, and the project engineer, Scott Cameron. She said this was a minor change to a previously approved plan. They were requesting a modification to the site plan for a 4,000 square foot addition to accommodate expansion of the office use. McCann said they are proposing a modification of that plan to allow for a fenced-in play area where the addition was proposed.

McCann said that the Northeast Montessori School Childcare center is going to occupy 2,400 square feet in the building, and they need an outdoor play area. They are here to modify the plan. There will be no new impervious area, and no new site work. They are simply installing a fence. There will be bollards at each end. There will be 21 children and 10 employees. There is a reserved drop-off area on the plan.

Cameron clarified that the bollards are planter bollards. There will be two that will be sufficient to block vehicles.

Sears said that he had no issues with the parking. He asked if there would be any outdoor audio, and McCann confirmed this.

Henry said that he would assume that all other features of the previous site plan would carry over to this plan. He asked about the landscaping that was to have been installed to block the addition.

Cheetham reminded the Board about the neighbors complaining about the ATM. There are presently two-foot shrubs which do nothing to screen the big ATM. She asked that more landscaping be provided now that the opportunity was there.

McCann said that three of the evergreens planned for the rear of the property would be moved to where the reserved spaces will be.

Cheetham asked if the Fire Department had any problems with access to the rear of the building.

McCann said that the prior plan showed the end of the access, and that is not changing. They would take a condition that the Fire Department is happy with the sprinkler connection.

Prentiss asked if the fenced area would be all concrete. Burr said that the whole interior would be covered with a synthetic rubber surface, similar to rubber mulch.

Bill Bradstreet, 18 Essex Street. Bradstreet asked if the children could use their inside voices while they played outside.

MOTION: Cheetham moved to close the public hearing for the Major Modification to Site Plan for 140 Commonwealth Avenue. Prentiss seconded the motion. The motion passed by unanimous vote

MOTION: Cheetham read the Certificate of Action and moved to approve the application for a Major Modification to Site Plan for 140 Commonwealth Avenue. Prentiss seconded the motion.

McCann said that she wanted clarification to the condition regarding sprinkler access saying that they would confirm and maintain access to the sprinkler system. Burr added that they can move the bollards. McCann said that they did not want a condition to move the sprinkler connection. Henry said that they can add an alternative that is acceptable.

MOTION: The motion as amended passed by unanimous vote.

144 Pine Street. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Meninno Brother Gourmet Foods for property located in the Industrial-I Zone District. The applicant proposes to construct a small 10 foot by 54.1 foot single-story addition to the rear of the building. (Assessor's Map 50, Lot 189A) (*SPA action date: July 12, 2016*)

Zilinsky read the legal notice.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Meninno Brother Gourmet Foods. She said that they are requesting a Major Modification to the Site Plan to add an addition to the rear of the property. She reminded the Board that Site Plan approval was given for an addition to the front of the building and build a second story. She said that this was under construction and proceeding forward. During construction, it became apparent that as things were being designed on the inside, an additional ten feet of space would significantly improve the internal circulation. McCann said that they are proposing a 10' x 54.1' addition which conforms to setback requirements. McCann said that even though the addition was conforming, they did receive ZBA approval due to the site being a non-conforming lot.

Henry said that he did have a concern regarding the containers he saw on the site. McCann gave an update to the progress of construction on the site.

MOTION: Henry moved to close the public hearing for the Major Modification to Site Plan for 144 Pine Street. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Prentiss read the Certificate of Action and moved to approve the Major Modification to Site Plan for 144 Pine Street. Henry seconded the motion. The motion passed by unanimous vote.

MINUTES

May 24, 2016

Planning Board Minutes

June 14, 2016

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MOTION: Prentiss moved to approve the minutes of May 24, 2016. Sears seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 10:50 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on June 28, 2016.