



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

July 12, 2016

7:00 p.m.

MINUTES

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. Planner Kate Day was also present.

STAFF BRIEFING

Day said that she had received the parking and landscape calculations from Abiomed that had been requested by the Board. She said that the existing landscaping percentage is 41%, and the proposed landscaping will be 40%. The applicant stated that the total required parking is 656 spaces. They presently have 336 parking spaces which will drop to 325 spaces. Day said that unless the Board has questions, the decision could be written with these two numbers.

Cheetham asked what the conditions were. Day said that they needed to show that they were meeting the percentage on landscaping and parking and to remind people to be careful to provide calculations.

Prentiss said that he and Cheetham were looking at the parking requirements and saw that large number of parking spaces required. He felt that parking should be reviewed. Day said that a Special Town Meeting is rare, but they could compare ITE requirements with their own. The parking analysis that was done shows that they are on the high end for requirements. Day said that the Board has looked at applications on a case by case basis and have given some flexibility in certain circumstances.

Day said that the next meeting is July 26th. There will be hearing 90 Holten Street. They have a request for 150 Andover Street/Danvers Indoor Sports for a major modification to use the reserve parking. The applicant received a use variance to allow use of the project for conferences and events.

She asked the Board if they wanted to take off a meeting in August and it was agreed to defer any decision until the July 26th meeting. Day noted that responses to the RFP for the PATH Grant are due on July 15.

CONTINUED PUBLIC HEARINGS

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 15, 2016*)

Zilinsky said that several emails and letters were received regarding this project. The correspondence was from Ann Marie Ruotolo, C.R. Lyons and the Knights of Columbus. She said that Planning Board member John Farmer was not here this evening, but he sent an email in support of the project. Zilinsky read the letter from Ruotolo, who was in support of the project. Zilinsky read the letter from the Knights of Columbus who were not in favor of the project. She stated the email from C.R. Lyons indicated he was not in favor of the project.

Attorney Nancy McCann appeared before the Board on behalf of her client, 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. She said that they did a full presentation to the Board on June 14th. The Board had some questions and wanted input from Town Counsel and the Building Inspector. She said that some issues were raised in the correspondence received regarding whether access through the Town lot was permitted. An easement or agreement is not required with the understanding that should the lot change in the future, there is no guarantee that the applicant can use the lot. At that time the applicant may have to revise the site accordingly. It is important to point out that this is not the only access to this site. An access is proposed off Elm Street. The staff at the Technical Review Committee (TRC) meeting recommended coming onto the site through the back. The site has frontage with a curb cut on Elm Street. If there were any change in the future, they could still exit and enter the site through Elm Street. McCann said that when 35 Elm Street received site plan approval, there was a condition that access would be provided into the lot from 35 Elm Street.

McCann said there was also a question whether the Board had the ability to grant a parking waiver. Town Counsel has said that the Board can grant this waiver.

There was also a question whether the Board could grant an alternative parking plan. She said that there have been a number of different sites where the Board has granted an alternative parking plan. The Building Inspector has provided information in a follow-up memo that the Board has the authority to do this.

McCann said that the Board asked them to look at improving the appearance of the building facing the lot. Since the last meeting, they have submitted a narrative of the alternative parking plan which was discussed with the Danvers Traffic Advisory Committee (DTAC). There will be

three parking spaces, one which will be handicapped, and an additional three spaces in the queue. She said that 50% of the traffic will be through the drive-thru. She said that the data provided in the alternative parking plan indicated that the parking provided on-site will be sufficient.

McCann said the alternative parking plan was discussed at the DTAC meeting. The Board commented that the sidewalk into the parking lot was a benefit to the community. The circulation through the site was also discussed. She said that one space will be lost, and the spaces remaining will be more conforming. No spaces will be lost in the municipal lot. McCann felt this was important information that the Board was looking for. They met with Town Staff, TRC and DTAC in conjunction with this project.

McCann said that they have six on-site parking spaces available. On-street parking and long-term parking is available within walking distance of this site. The long-term parking will be where employees will park. McCann said that information was provided from the operations at their Salem branch. They have six transactions per hour. Being conservative, you need six spaces for the customers. McCann said that they have three spaces on-site and three drive-up window spaces. They also have the municipal lot available for parking. She said that the parking analysis done by the Town showed that there is plenty of municipal parking.

McCann said that there was a letter from the Building Inspector to approve the alternative parking plan, and Town Counsel stated that the Board can waive parking. She felt the Board could go either way and felt this was an appropriate site to do it.

McCann said that they did dress up the building. They have added a window to the second floor and have added details to the doors and shutters. She said the Board can approve an alternative parking plan or grant the waiver.

Zilinsky said that she has read the emails and letters for the record. Cheetham confirmed that Lyons did not support the project.

Zilinsky asked for questions from the Board.

Prentiss said that he spoke with Lyons a few days ago, and he is not in the area tonight. He summed up his concerns in the email. Prentiss asked if the Downtown Committee knew about this. McCann said that Lyons comments were clearly his own.

Nelson said that Fletcher is the staff support to the Preservation Commission and Downtown Committee. She felt this would have been mentioned.

Zilinsky read the email from Lyons not being in support of this project.

McCann said that she understood the concerns about tearing down the building, but it has gone through the process. The Preservation Committee endorsed a letter to the Planning Board. The Board has a legal memo from Town Counsel that there is nothing wrong with access through the municipal lot. The site is not landlocked. There is frontage to Elm Street.

Prentiss said that when he looked at the site, he had no problem with the bank and drive-thru. However when you look at a two-story building that could function as a bank with tellers, he felt as though the applicant was playing both sides of the card. They want a large building, but they do not have enough parking. When you combine the waiver, size of the building and drive-thru, it is too much for his comfort zone. He would love to see something like this downtown, but he felt the footprint is too large.

McCann said that the second floor is unfinished. It only has a kitchen. There is no expansion potential. She said that the original design was a single-story building. The Preservation Committee wanted a two-story building. It is going to be storage and a kitchen for the employees.

Cheetham asked where the closest branches were. Wheeler said they have branches at Cabot Street, Dodge Street and Enon Street in Beverly and Lafayette Street in Salem.

Cheetham was not sympathetic to an applicant when they are tearing down a historic building and starting with a new site.

Cheetham asked how they were going to sign access to the site. She is concerned with older folks walking around and felt people using the drive-thru will be in a rush. She asked for circulation to be explained.

Cameron said from curb to curb, the parking lot is greater than 60 feet. The aisle may be narrower than normal because the parking spaces are larger than normal. The widths are a full 24 feet. There is a turning radius onto the site that was done with the Fire Department's recommendation. Cameron said that even if access from the municipal lot is closed, people will still be able to get in and out of the site.

Cheetham asked about signage for the customers. Cameron said that there will be a sign at the front that states do not enter. There will be one directional sign for the back of the property to direct people to the drive-thru in the rear.

Cheetham said that they were having a meeting with the Board of Selectmen and Zoning Board of Appeals (ZBA) to discuss whether they wanted to add housing downtown and how it will affect the area. She felt the decision for this application was premature to that discussion. She said that they want to create a more walkable community, but they are permitting a drive-thru.

McCann felt this would be hard for an applicant since drive-thrus are permitted, and housing is not permitted. Right now they have a non-conforming use. She said it was not fair to say that the Town may be doing something different in the future, since the applicant is dealing with the bylaw as written. They are looking for an alternative parking plan, and you have the back-up for that. What is permitted is what is being proposed.

Cheetham said that she would like to have the discussion with the Selectmen.

Zilinsky felt that they could not think about that. This application is before them now, and the meeting next week cannot enter into this. We do not have any idea what is going to come out of those studies. If there are waivers that you do not want to grant and deny, that is one thing, but this application is before them now.

Cheetham responded that these were her thoughts.

Henry said that he did not oppose the bank and did not oppose the drive-thru. The amount of waivers being requested is the problem. The guidance from Town Counsel was helpful, but he still has concerns. We are being told we have the right to waive, but specifically we only have the authority to waive no more than 25% of the total. He questioned how those two statements could co-exist with one another.

Henry felt the alternative parking plan was a letter from McCann. A traffic study done by an engineer would have had more meat to it. He felt it was further justification for us to waive something. He questioned what Town Meeting meant when in one spot of the bylaws the Board can waive 25%, and another spot states you can waive whatever you need to. He felt this was a reach and was not comfortable with it.

McCann stated that the information received from Town Counsel states that the Board can grant the waiver and the alternative parking plan supports the data. McCann said that the parking for the Mazda dealership was waived with anecdotal data.

Sears felt the sites mentioned in the letter such as the Home Depot and Mazda dealership do not compare to this situation. This is a municipal lot being used by other businesses. The only other situation is the Knights of Columbus where they share the municipal lot. The other situations are private, big lots, and they are not a good comparison with this situation. He asked how "parking space" is defined in the bylaw. Stacking and queueing is mentioned. They have six spaces available. He has nothing against the bank, but if you have another business that tears a building down to the ground and rebuilds the site spending in excess of one million dollars, we are not going to be like a photomat. We have a 3,300 square foot building with two parking spaces. We have never granted an 80% waiver for parking. He did not agree with the alternative parking plan. Sears asked if the applicant was going to condition for the second floor space. Wheeler said that he would take that condition. He said that 99.9% of closings are done at attorney's offices and the Registry of Deeds. They were going to have a single-story building, but Preservation did not like this. They were told it looked like a car wash, so they made the change to a two-story building which is much more expensive to the organization. They need the first floor for banking and the drive-thru. The second floor was for appeal. He would take a restriction for the second floor.

McCann said that when 50% of the customers use the drive-thru, the queue is where they park. The Board counts spaces at the pump at gas stations. To not count the queue would not make sense. Just like auto dealerships have changed, so has banking. You do it remotely, or you do it

through a drive through. McCann said she wanted to point out that the first floor is 1,800 square feet, and with the restriction to the second floor, the parking requirements would be reduced.

Henry felt the waiver for the parking is for the public interest. He wants people walking, and this is his argument. He wants people to get out of their car and walk around downtown. McCann said that people could park in the municipal lot.

Henry said that we want parking sharing.

Zilinsky thought he did not want people parking in the lot. She had never thought about mobility issues with elderly and why they would want a drive-thru.

Sears felt people had to get out to run errands.

Zilinsky questioned how the Board could say that when drive-thrus are permitted.

Sears said that a lot of the banks downtown do not have drive-thrus. Sears felt this was a huge waiver. He said that the applicant would concede the second floor. When waivers are granted, they are fractional. He said that they are at 80% now. We are setting up a precedent for parking spaces.

Zilinsky said that we are talking about shared parking. Sears said this is unique because the lot is not being used by just one business. It is a municipal lot shared by the businesses around it. We would be granting permission to use the municipal lot. With housing possibly going into the downtown, where are these cars going to go? Sears asked why the bank would be investing all this money for six transactions per hour. Sears felt it was a unique site. They have a one-way access through the Town's municipal lot. He felt it was not a perfect plan.

Henry felt he was not doing a good job articulating what he was trying to say. He has questions regarding the parking waiver, the fitness of the application and whether this is in the public interest. He felt it was not.

Sears felt they could push the building back and have more parking in front. They might lose the drive-thru, but they can still do their business.

McCann said that they have worked this site and have gone to every committee. She felt that they have come up with a good plan for this site. This is a commercial district. She said that Sears asked to push the building back when they were previously asked to have the building up on the street. They have 26% greenspace. During the course of this project, they have agreed to an 1,800 square-foot office space, which brings them down to a seven-space parking requirement. She felt queues should be counted, and they have six spaces on site. They are looking for a one space reduction which is a 15% reduction. The Board has previously done this. You also have information with regard to other areas for parking. The parking study points out that you do not need parking. This will be a conforming use. They are asking for a one space parking reduction with a condition for the second floor.

Sears asked if they could get another parking space if they took out the planters in back.

Cameron said they could put in a compact space.

Cameron said that they do not want to slide the building forward because they are on the front setback.

Sears asked if the building could be slightly smaller. Cameron said that they would have to study it, but the landscaping percentage would go down.

Cheetham said that she has concerns about this site. She felt they needed to look to the future about the cumulative impact and reuse of this site. She questioned whether they were doing what was right for the downtown. She asked if they could reduce the size of the building. She felt the applicant was starting from scratch. The applicant was asking for access through another property and was asking for waivers. She would like to hear from the public.

Zilinsky said she was for using the municipal parking lot. She said that they had no problem with the Knights of Columbus when they wanted to go through the parking lot, and they generate more traffic than a bank. She felt that they can't hold back on a decision for "what ifs" in the future.

Richard Trask, Town Archivist, addressed the Board. He said that he was a preservationist. He said that he understood the Board's purview is not the same as the Preservation Commission. He said that they were destroying a historic house. He had a chance to visit the house that was built in 1836. He passed around pictures of the interior to the Board. He described the history of the house. He said that Preservation did have a meeting about preserving the building. He said that they sent a letter to the bank to consider alternatives to tearing this down, and the Preservation Commission never gave a response. They are trying to preserve something significant to the Town. Elm Street is a good candidate for Historic Districts. Trask said that they pointed out that Beverly Bank needed to look at the North Shore Bank to see what a good bank does to be part of the community. They had a larger plot of land, but North Shore Bank listened to them. Four basic rooms of the present building could be looked at. He felt the demolition diminishes the significance to the community. He is seeing rapid destruction of properties. He said that they want to preserve structures. Trask felt that this plan is very big for a very small lot. He said that when there is a lack of cooperation for alternatives to look at the figures to see if it is practical, he felt it was important for the Board not to bend over to allow something to happen. He felt this would bring about the destruction of a significant structure. He asked the Board not to give waivers. He felt it was important to preserve the best that the Town has.

Wheeler said that they did respond to Thomas Page. They would discuss certain artifacts in the building. They did look at alternatives for this building, specifically the numbers. They have agreed to work with the Preservation Commission to have these artifacts removed. They are sensitive to the historic nature of Massachusetts. His bank has been specific to doing what is right. The house is dilapidated and the ceilings are low. There are also ADA issues. North

Shore Bank had a different building and a larger lot. They did a great job in doing their renovations. His organization is very responsible and he takes pride in his organization.

McCann said that this may be a place to have a historic district, but it is not currently in place. This house could not be made handicapped accessible and the site is commercially zone. It is not realistic and not possible. Beverly Bank has done as much as they could to work with the Preservation Commission.

McCann said that Cameron has calculated the footprint to be 1,800 square feet. The building presently on the site is 2,320 square feet. They are reducing the square footage and are not overbuilding the site. They are building what is in conformance in the district. They did not require ZBA relief. They are reducing the square footage, and they have a building design that is in keeping with the look with what is initially there.

Sears asked if the applicant was willing to reduce the landscaping to add one space. McCann said that they would look at it to bring the parking up to seven spaces.

Sears also asked Day and Nelson if they were considering if the definition of a parking space was a queued space. Nelson said that she has heard of it used as a basis but felt it was the Board's will. Day felt that the bylaw is silent on such a definition. Sears asked if they needed the waiver if they added a parking space. He is unclear about this due to the lack of a definition of a parking space.

McCann said that the Board has accepted spaces at gas pumps as parking spaces. She said that fast food restaurants require one parking space for every three seats, which means one space for everyone that goes into the building. They have the spaces for the people going into the building, and the queue is for the people using the drive-thru.

Cheetham pointed out that section 4.17 of the bylaws requires the minimum stacking requirement for a drive-thru to be three spaces.

Sears questioned whether a space in a queue equaled a parking space.

Prentiss asked if they have been including these spaces in their counts.

Henry questioned whether the queue of three spaces blocked the parking spaces shown on the plan. Cameron said no.

Sears asked if the drive-thru window could be moved forward.

Prentiss agreed with trying to add an additional parking space. He felt that some sort of buffer should remain so people could not cut the corner.

McCann asked for a poll of the Board as to how they would vote for adding an extra parking space and placing a condition on the second floor of the building.

Prentiss was in favor of the project.

Cheetham said that in general she was not in favor of the project. She felt it did not meet the purpose in the bylaw. She did not support the plan.

Henry would not support this plan.

Sears said that he originally was not in support of this project. He has come around with the concession of an extra spot, the condition not to use the second floor of the building and further defining what a parking space is. He would encourage looking into these alternatives.

Zilinsky said she was in support of the project, and she liked the idea of an extra parking space.

McCann said that they would like to regroup and provide the additional parking space. She asked for a continuance to the next meeting.

MOTION: Sears moved to extend the action date to for the Site Plan application to July 30, 2016 and continue the hearing to the next Planning Board meeting scheduled for July 26, 2016. Prentiss 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: August 11, 2016*) (**Continued without discussion at the request of the applicant to July 26, 2016**)

MINUTES

June 28, 2016

Zilinsky recused herself from voting since she was not present at the last meeting.

MOTION: Cheetham moved to approve the minutes of June 28, 2016. Prentiss seconded the motion. The motion passed by unanimous vote. The motion passed by a vote of 4-0.

ZONING INITIATIVES

High Street I-1 Corridor Study. Discussion and initial conversation with staff from the Metropolitan Area Planning Council (MAPC) regarding new planning and zoning analysis of the Industrial 1 corridor along the southern end of High Street.

Sam Cleaves of MAPC provided a PowerPoint highlighting demographic trends for this area, along with a photo montage of current conditions in the High Street corridor. He illustrated various levels of density with a collection of photos from developments within the Boston area, and a discussion of where to go from this point forward ensued.

Discussion and preparation: Planning and Zoning Roundtable July 21 6-8 pm Toomey Room, joint meeting with Selectmen, Planning Board, ZBA and invited guests. Day reminded the group about the upcoming meeting and a brief discussion ensued.

ADJOURNMENT

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

The meeting adjourned at 10:40 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on July 26, 2016.