



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 26, 2016

7:00 p.m.

MINUTES

Chair 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. Senior Planner Kate Day was also present.

STAFF BRIEFING

Day thanked the Board for attending the planning and zoning roundtable with the Selectmen and ZBA last week. She reported that there is clearly a lot of interest of the work to be done for the Maple Street – Industrial 1 initiative.

Zilinsky asked the Board how many times they wanted to meet in August. It was decided to not hold the meeting scheduled for August 23rd.

Day said that they have received three responses to the Request for Proposal (RFP) for the Maple Street – Industrial 1 proposal. They have one strong candidate and are arranging a staff interview and conversation with the candidates. She said that they have an aggressive schedule, and they do not want to drag their feet.

Zilinsky said that they have been asked to attend the Selectmen's meeting scheduled for September 6th, at which time staff from DHCD will again give their presentation on 40R. It is likely that the consultant for the Maple Street I-1 study will be on board by then, and she will see if he/she can join the Board that night as well. Day suggested that this might also be an opportunity for the Planning Board to meet the consultant prior to the Selectmen's meeting.

PUBLIC HEARING

150 Andover Street. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by MRS Management Company, LLC for property located in the Route 114 Zone A Corridor. The applicant is seeking to add 121 parking spaces in conjunction with the use of the Phase 2 portion of the Danvers Indoor Sports building for events and private functions. (Assessor's Map 55, Lot 006) (*SPA action date: August 26, 2016*)

Zilinsky read the legal notice.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Clasico, LLC and MRS Management, LLC. With her this evening was Mark Mscisz and April Ferraro, of Meridian Associates. They were here in order to construct some additional parking spaces on the site. This was precipitated by the desire to use the facility for non-sporting events. This sports facility is dormant for much of the year, especially the summer months. It is also dormant at other times of the day, even during the busy sporting seasons. This results in an economic and staffing stress on the facility. Danvers Indoor Sports has been a great participant in the community, and they want to be able to continue to do that. To have financial revenue come in during dormant periods makes sense. McCann said that they met with the Building Inspector to see if this would be considered an accessory use. Since this facility was on the site by variance, the Building Inspector said that they needed to come back before the ZBA to receive a modification to that variance, which was granted. They are here tonight to modify the site plan because they are adding parking spaces to accommodate the event use.

McCann described the plan to the Board. Phase 1 of the plan was done in 2010, and Phase 2 was done in 2013. She said that the non-sporting events will be limited to the Phase 2 portion of the site since this area is sprinkled. Phase 1 is not. They are proposing to construct parking spaces on a gravel surface at the rear of the building. They were going to add 121 spaces, which has been reduced to 118. There will be 118 new parking spaces at the back of the building to provide additional parking for sporting and event-type use. McCann said that they took a number of conditions with the modification to the variance. These include: non-sporting events will only be held in the Phase 2 portion of the building; there will be 118 new parking spaces; events between December 1st and March 1st will be limited to Monday through Friday before 4:00 p.m.

McCann said that there had been a discussion with the ZBA, and it was agreed that if there be more than 450 people in the facility, whether a sporting or non-sporting event, parking attendants would be present.

McCann said that there would be an access door at the back of the facility. This is not a new door, just a new designation so that people would be able to enter the building instead of walking around to the front of the facility. An attendant will be inside this door to direct people. The Building Inspector wanted this to be handicapped accessible with handicapped parking spaces, which they have done.

McCann said she provided the traffic consultant's analysis which shows that they exceed the parking requirements under the Danvers zoning bylaw. They meet the ITE requirements. Based on the occupancy load of 1,075, they have 428 parking spaces on site. These spaces are going to be a benefit for the sporting events as well.

McCann said that based upon the comments from the Fire Department, the plans were revised so that there would be no parking spaces in front of any doors. Regarding the comments from the Town Engineer, Ferraro has been in touch and these are now resolved.

Ferraro said that she and her colleague Charlie Wear met with Rick Rodgers and Stephen King of the Engineering Division last week. They wanted to be sure that the gravel did not increase the impervious area, and it was determined that this new gravel area did not have an increase to the rates of runoff.

Ferraro said that they know that a stormwater permit is required.

McCann said that there was a question regarding the locations of the dumpsters on the site. One dumpster was approved on the previous plan. A second dumpster had been added and will be included with this approval.

Zilinsky asked if the access from the Rail Trail was still there. McCann showed the access on the plan. Zilinsky said she saw Mass Tran vehicles parked on the site. McCann said that another condition from the ZBA was that they can no longer allow Mass Tran to park their vehicles on their site. Mass Tran has another location to put these vehicles.

Henry noted that the site plan said that the bike path easement was still pending. He asked why this was the case. McCann said that the easement was signed and delivered to the Town.

Henry was concerned that when a person comes off the bike path, they could be obstructed by parked cars. McCann said that attendants will be out there. Henry asked why you would park in an easement. McCann said parking is allowed in a pedestrian easement.

Cheetham asked if there was additional safety lighting. McCann said lighting and cameras were already present.

Cheetham asked why the applicant was not paving the back area and putting in pollution entrapments. McCann said that they do not need to add more pavement to an area where it is not needed. This area will not be regularly or heavily used, and it does not make good ecological sense. The gravel is a good parking surface, but it is a pervious surface.

Ferraro said the surface is gravel, so it is not impervious. Additionally, the grade slopes one to two percent away from the building. The stormwater will run across the gravel onto the grass into a swale. The swale then goes around the building into the existing stormwater area.

Cheetham felt gravel was not an easy surface to walk on for people with mobility issues. She asked how many handicapped spaces there were. Ferraro said there were seven handicapped spaces at the front and two spaces at the back. McCann said that the entrance will be a handicapped accessible surface. The walkway to the handicapped spaces to the door will be an accessible surface. An inspection of the area will be done twice a year for maintenance to be

sure there are no potholes and the area is smoothed out and graded. McCann said this was set forth in the Operation and Maintenance Plan.

Cheetham asked if there was any landscaping in the back. McCann said there was some landscaping in the corner, but most of the landscaping is natural vegetation in the back.

Cheetham asked how many events they were anticipating. McCann said there was a need for event space from office get-togethers and meetings to reunions. It is going to take time to determine how many events would be held there.

Mark Mscisz, from Clasico, LLC and MRS Management, addressed the Board. He said that they have received calls for corporate events, bar mitzvahs and reunions. They would like to develop this as much as possible.

Zilinsky asked what the capacity was for Phase 2, and Mscisz said it was 1,075 people.

Prentiss had a question concerning the events. He said this was a variance for a non-conforming use originally. He asked if it fell under the catch-all of accessory uses.

McCann said that non-sporting events are accessory. The main part of the approved site is a sporting facility. The ZBA said that there is a sporting facility there by variance, so this could not be a by-right accessory use. The underlying use is there by variance, so to be correct the applicant went back to the ZBA to add the accessory use.

Prentiss asked if the sounds coming from the building would be the same. McCann said there would be business meetings and reunions which do not generate more noise than sporting events.

Prentiss asked if there was proper soundproofing, and Mscisz said that the insulation is a soundproof barrier.

Sears asked if the employees and coaches would be restricted or encouraged to park in the back. Mscisz said that they did have control over the employees, not the coaches, but they do encourage it. They have a parking diagram and a towing policy in place.

Sears asked about snow removal. Mscisz showed the snow storage on the map and said that this area has always been plowed since it is a fire access.

Mscisz said that when the snow piles get too big, they remove the piles. Regarding telling people where to park, typically people always try to park in front.

Sears asked how they were going to get people from the back entrance to the front of the building for registration. Mscisz said there would be signage directing them to the front.

MOTION: Cheetham moved to close the public hearing for the Major Modification to Site Plan for 150 Andover Street. 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 150 Andover Street. Prentiss seconded the motion. The motion passed by unanimous vote.

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 30, 2016*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Beverly Bank. At the conclusion of the last meeting, the Board had suggested looking at the plan to see if another parking space could be added to the site. During the course of the last hearing, they agreed to a condition that the second floor of the building would have a kitchen used only by employees. They agreed that there would be no public space on the second floor. McCann said that they were able to reduce the footprint of the building, and it is now smaller than what was originally submitted. A fourth parking space was added to the site. They still maintained the three parking spaces in the queue. Due to the reduction of the square footage of the building, this also reduced the number of parking spaces required. With the previous plan they were required to have 14 parking spaces on site. Under the bylaw, with the reduced square footage, they need to have 6 parking spaces. They are requesting a waiver for a reduction to 4 spaces. In addition, a parking analysis was done for the drive-through prepared by GPI.

Engineer Scott Cameron of the Morin-Cameron Group addressed the Board. He showed the original plan next to the new plan. The footprint of the building was reduced from 1,802 square feet to 1,666 square feet. They added a fourth parking space. The gross leasable area that is accessible to the public is 1,500 square feet which requires six spaces. He said that by shrinking the back of the building, they maintained a buffer. The queue spaces remained the same. They did not change the open space. The landscaping percentage went from 26% to 25%. They stepped back the building in the front by six inches for more green space. They examined the grading. The handicapped ramp goes straight onto the sidewalk and into the building. The HVAC condensers will now be on the ground and screened.

Sears said he was concerned regarding signage at the entrance and asked how they were going to indicate this for people.

Cameron said a sign would be placed in front of the building that would tell people to go into the municipal lot. Sears asked if there would be a sign that said “Do Not Enter”, and Cameron confirmed and showed where it would be.

Sears talked about the concept of whether a queueing space was considered a parking space. Day said that this would be the interpretation of the Board. Day said that the bylaw is silent as to the definition of a parking space. Henry said that he felt a parking space was where you parked a car and exited the vehicle.

Zilinsky said that she cannot believe that a queue space is a parking space, and she did not want to set a precedent.

Sears said that the applicant is asking for a waiver.

Day read the decision. Sears confirmed that they were conditioning the use of the second floor.

Henry said that he was having trouble with this application. The drive-through is allowed by-right, but he is not comfortable with this. There are a lot of waivers. He would have preferred to see a traffic analysis on the waivers.

Cheetham said that she had asked the Bank about their other branches. She questioned this location when there is an empty location on High Street that presently has a drive-through. She felt the bank’s patrons would be happy to drive to that location. She felt this location was not needed. There is a perfectly viable option in this Town. She knew the drive-through request was by-right, but she felt they were setting a precedent. She said that Town Counsel has said that they can make the decision regarding this, and it was up to the will of the Board. She brought up the circulation on the site. There is a 20-foot aisle where people on both sides can back up into it. She was not sure if the circulation for the drive-through was appropriate and felt it went against the fundamentals of site plan review. Cheetham said that there was a bank project that they were asked to permit in Danversport, and the residents were upset about having a drive-through. The bank was permitted, and it was sold to a Dunkin Donuts. She asked if this bank goes, are they ready for another use. She does not support the drive-through, and she asked the Board to vote no.

McCann responded and said that the bylaw is set up to encourage use. A residential use is not permitted here. They are taking a non-conforming use and making it a conforming use. The building fits appropriately. The application is for this site, not an alternative on High Street. If there is a change in use, it has to come back to the Board for approval. This application meets the requirements with the exception of two parking spaces. They have listened to this Board. They have listened to the Preservation Commission with the design. They are looking for a waiver or alternative parking plan. Encouraging cross use of parking spaces is what the parking consultant told the Board they should be doing. McCann said that they did not think they were impacting municipal infrastructure. Access is allowed through this lot to go to 35 Elm Street. She said that they were adding a significant public benefit by adding a public walkway. This is a permitted use in this area.

Henry said that the waived parking spaces need to be put in reserve.

McCann said that the bylaw is inconsistent with parking waivers. She said that Town Counsel has told the Board that under Section 4 the Board can allow a waiver.

Henry questioned the conflicting language.

Zilinsky said that they have “housekeeping” to do when zoning warrant articles are developed to address some of the inconsistencies in the bylaws.

Prentiss said that he liked this application and felt it was a good fit for downtown. He does have a concern with the access through the municipal lot. Town Counsel has said that it was permissible. The applicant would have to come in front of the Board for a change in use. He is not sure what more the applicant could do to improve this site. He is in favor of the site as depicted on the new plan.

Zilinsky agreed with Prentiss. She hated to see an old building go, but it is in disrepair and located between a strip mall and a municipal lot. It is not in an area to keep it residential. She liked the additional parking space. She felt a lot of traffic would not be generated. She said that they allowed the Knights of Columbus to access their site through the municipal parking lot. The design is colonial in nature, and there is greenspace. There are on-street parking spaces, and she does not have a problem with the waiver for parking. The municipal lot is for patrons to use. She agreed that queuing is not a parking space. She felt that a parking space is where a car is parked and you exit the vehicle. She is in favor of this site plan request.

Sears was concerned with the access coming in from Elm Street. We are telling people to use the municipal lot to come around to the drive-through. We want to prevent people from using the 35 Elm Street site.

McCann said that they can be mindful and if there is an issue, this will be addressed. Sears suggested putting a sign on their property. McCann said that they would take a condition that if there is a problem, they would work with the Planner and the owner of the site of 35 Elm Street.

Sears said that they do not want to overload the lot for 35 Elm Street.

Prentiss felt if people missed the turn, they would learn how to enter the site.

Cheetham felt there were circulation issues. She felt people would enter all three ways.

McCann said that they did not have a drive-through on municipal property. They have an access through a municipal lot. The drive-through is on their own site. If there becomes a conflict with bank customers parking at 35 Elm Street, they will work with the Planner on additional signage.

Margaret Aieta, 16B Cherry Street. Aieta said she had concerns with this site. Downtown Danvers is very congested, and she has concerns for the additional traffic it is going to bring to an already heavily trafficked area. She is not in favor of having a bank that brings customers that will generate regular traffic. She asked the Board why they would want to monitor the 35 Elm Street site and decide down the road if there is a problem to put up signage. She asked that the signage be put up at the beginning.

Walter Sherwood, Danvers Preservation Commission. Sherwood felt that there was some question about the Preservation meeting held regarding this building. He felt this did not fit the streetscape. He felt the Walgreens location is better. He felt there was a lot of movement in this area.

McCann said that on April 12th a presentation was made to the Preservation Commission. There was a vote of 5-0 in favor of recommending that the design submitted is appropriate for this area. The Preservation Commission would like the old building to stay; however, since the building was not going to stay, they worked with the Preservation Commission regarding the design. McCann said that this is a Commercial-1 zone, and the bank is a small business. A business office would generate more traffic in the peak hours.

MOTION: Prentiss moved to close the public hearing for the Site Plan application for 29 Elm Street. Sears seconded the motion. The motion passed by unanimous vote.

Cheetham asked Day to read the conditions of the approval. Day read the draft.

Sears asked if Day had been a party to the Technical Review Committee (TRC) meeting. She said she was on medical leave at the time. He felt that the applicant got the impression that what was being presented to the Planning Board was okay. He did not want to give applicants the idea that after going through TRC they are all set. They need to understand that the Planning Board has the final approval.

Day said that it is made clear to an applicant coming before the TRC that the meeting is to resolve technical issues and that the Planning Board has ultimate authority over any decision.

Sears pointed out that other applicants have applied with controversial issues like this application. Day said that she would have let this applicant know that a waiver or an alternative parking plan was going to be fundamental to obtaining approval before the Planning Board.

Zilinsky said that she was happy that an applicant goes through this type of meeting with the various departments to look at the project and address issues.

Henry felt that it might be helpful if an applicant designs a site with no waivers. Sears said that they need a drive-through. If the Planning Board denies this request, he asked if they can come back and say that the Building Inspector said that they can have a drive-through.

Zilinsky felt that the applicant presented a good design, but they do have to request a waiver. Zilinsky asked Day to tell TRC that they would like an applicant to present a plan without any waivers.

Zilinsky said that they were looking at the technical aspect of the site. It is a technical review of what is being presented. The Planning Board needs to decide how they can feel comfortable granting waivers in the future. A discussion ensued regarding whether the Board would entertain presentations of “concept level” plans prior to TRC review in instances where larger waivers might be required.

MOTION: Sears read the Certificate of Action and moved to approve the Site Plan for 29 Elm Street. Prentiss seconded the motion. The motion passed by a vote of 3 to 2, with Cheetham and Henry voting against the request.

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 August 9, 2016**)

MOTION: Henry moved to continue the application for a Major Modification to the Approved Site Plan for 90 Holten Street without discussion to September 13, 2016 and extend the action date to September 16, 2016. Henry seconded the motion. The motion passed by unanimous vote.

MINUTES

July 12, 2016

MOTION: Sears moved to approve the minutes of July 12, 2016. Prentiss seconded the motion. The motion passed by unanimous vote.

OTHER BUSINESS

Whipple Hill Definitive Subdivision. Request by Whipple Hill, LLC for endorsement of plans and acceptance of covenant for the Definitive Subdivision located on a portion of 155 Hobart Street pursuant to the Rules and Regulations Governing the Subdivision of Land, Town of Danvers Planning Board.

Sears recused himself from the meeting.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Whipple Hill, LLC. She said that the appeal period had expired. The applicant needed to post security for

construction of the ways and the installation of municipal services. She has the Covenant for the Board to sign. She asked the Board to approve the Covenant, sign it and endorse the plans.

Cheetham asked when the applicant anticipated starting construction, and McCann responded in the fall.

Cheetham asked if anything was being done for the wildlife that may be disrupted with the construction. McCann said that there was a great deal of protection in the Order of Conditions issued by the Conservation Commission for the wetland and habitat area.

Prentiss asked if the applicant was going to anticipate starting construction at the top of the subdivision and working down. McCann said that she believed Road A, the extension of Sandpiper, would be completed first.

Day reminded McCann that the decision requires a pre-construction meeting.

MOTION: Henry moved to approve the Covenant of the Definitive Subdivision of Whipple Hill with an expiration date of July 26, 2019 and to endorse the plans. Prentiss seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 9:15 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on August 9, 2016.