



Town of Danvers
Planning Board

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

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

Daniel J. Toomey Hearing Room
March 28, 2017
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, Aaron Henry and Associate Member John Farmer were present. Planning and Human Services Director Karen Nelson was also present.

STAFF BRIEFING

Zilinsky said that the Planning Board is subject to the Massachusetts General Laws regarding the Open Meeting Law, and she passed out a copy of the regulation to the Board. She told the Board that they cannot deliberate as a quorum to discuss an item that is not on the agenda. Under the Open Meeting Law, discussions need to be in the open. The regulations have changed over the years and it now states electronic transfer which includes emails, social media, texts and Listserv.

Zilinsky said that there should never be an email to all Board members regarding an item before the Board because it constitutes a discussion. If someone responds to a group email, they are having a sequential deliberation, and the email can be forwarded. She felt that the Board should update themselves on this regulation. Group emails should be agendas and meeting packets. Anything that the Board is involved in cannot be discussed in a group email. She pointed out that three people is a quorum on their Board.

Zilinsky said that the law is not clear, but it is recommended to stay away from texting. She asked the Board to try to keep the cell phones at bay while they are in session. If someone is expecting an important text or email, let the Board know before the meeting. She felt that if people see the Board using their phones, they may assume that the Board is talking to each other.

She told the Board that there is a site that has a refresher course for the Massachusetts General Laws regarding Open Meeting Laws. She said that the Facebook and Twitter are also included in the types of social media.

Cheetham said that she uses her phone at meetings to look at plans that were sent electronically. She thought it was interesting that Listserv was mentioned in the regulations because it is a forum for planners to ask questions. Zilinsky pointed out that the language stated that a quorum needed to be having the discussion on Listserv. She said that they could use Listserv as a resource, but not to discuss what is coming before the Board. The discussion needs to be specific to what is being discussed.

Nelson said that if they saw something on the Listserv that would be beneficial, they would forward it to the Board.

Nelson said that an application had been filed for a Definitive Subdivision for 309 and 309R Locust Street. She wanted to give notice to the Board if they want to do a site visit, it needed to be coordinated in advance of the meeting. If the site visit is done individually, the property owner needs to be notified. It was decided to try to coordinate a site visit for Saturday, April 22nd in the early afternoon.

Nelson told the Board that she was asked to provide an update to the Board of Selectmen on a couple of projects. An overview on Maple Street was given to the Selectmen along with updating them of the traffic study being done on existing traffic conditions on current zoning. This included a build-out scenario. They will focus on intersections that have been identified. We are looking for input from the traffic consultant, BETA, the Engineering Division and the Operations Director to define those key locations.

Nelson said that the traffic counts have been done and reviewed. Last Saturday was one of the weekend studies. After discussion at the Selectmen's meeting, it was determined to add the intersection of Cherry Street and School Streets. There was another discussion post-meeting with the Chair and Cheetham to add another intersection located at Pine Street and Hobart Street. She provided the Board with a map of the key capacity analysis. The traffic engineer will be on-site next week to do visual observations. Nelson said that they may be looking at the intersection of Pickering and Hobart Street separately at the Danvers Traffic Advisory Committee (DTAC).

Henry asked when Poplar and Maple will be completed. Nelson said Rodgers will give an update on that intersection along with an update about the intersection of Maple and Summer Street. He was concerned that these intersections would affect the traffic counts. Zilinsky said that the counts that are anticipated at full buildout are not the actual counts, because they are not sure what the development will do. The counts are based on normal expansion.

Nelson said that they will look at capacity analysis and traffic flow volume. There will be defined areas that the consultant will bring to the Board's attention. She explained that it gives the Board a baseline regarding traffic.

Farmer said that he felt the traffic light at Poplar and Locust is terrific and inquired if the Town had received any feedback about that signal.

Nelson said that she had heard no negative feedback. She said they heard that a lot of vehicles are using that signal for safer access to Route 62 West.

Cheetham said that she and Zilinsky sat through the last Selectmen's meeting. There were some interesting results from the survey that the town did. There were a lot of questions that played into zoning, and she felt it was worth a quick read. She found the information interesting.

Nelson said that the recreation and open space needs assessment is taking place at the next Selectmen's meeting. The UNH professors will be here along with staff to go over the results of that survey.

FORM A

160 Locust Street. Request by John C. and Kathleen L. Simons for endorsement of Form A plan to divide the property located at 160 Locust Street into two lots. (Assessor's Map 27, Lot 38). (*Approval Not Required Action Date: April 5, 2017*)

John Simons appeared before the Board. Zilinsky confirmed that he was looking to divide the property into two lots.

Cheetham asked if neighbors were notified about this, or if they had commented about the project. Nelson said that they were not required to notify the abutters.

Prentiss asked if this was a buildable lot. This was confirmed.

MOTION: Henry read the Certificate of Action and moved to find that Planning Board approval is not required for the ANR for 160 Locust Street. Cheetham seconded the motion. The motion passed by unanimous vote.

OTHER BUSINESS

29 Elm Street. Request by Mark Ventura of Windover Construction for the extension of the completion date of the performance guarantee for incomplete site improvements. (Assessors Map 43, Lot 345).

Mark Ventura from Windover Construction appeared before the Board. He said he was here to extend the completion date for the project to June 1st. Landscaping plant material will not be at the nurseries until May 1st. The paving contractor should be available to finish the paving the first weeks of April. The date of June 1st is for the plant material, selecting the plantings and having a landscaper complete the project.

Farmer asked when the bank was going to open, and Ventura responded that it was open.

MOTION: Sears read the Certificate of Action and moved to approve the application for the extension of the completion date for incomplete site improvements for 29 Elm Street. Henry seconded the motion. The motion passed by unanimous vote.

CONTINUED PUBLIC HEARING

19 Overlook Drive (Lot 27) and 17 Overlook Drive (Lot 28). Request for a Special Permit for a Common Drive under Section 30.2.9 of the Zoning Bylaw submitted by Lindallwood Realty III, LLC for property located in the Residential II Zone District. This will consolidate and reduce curb cuts, preserve the natural landscape and provide an alternative option to two separate driveways. (Assessors Map 045, Lot 199 and Assessors Map 045, Page 200) (*SPA action date: 03/31/17*)

Peter Ogren from Hayes Engineering, Inc. appeared before the Board to represent Lindallwood Realty III, LLC. With him this evening was Albert Ellis. They are proposing to build on these two lots. Ogren explained that when the Folly Hill subdivision was done, the existing Overlook Drive terminated at the circle. Their lots are the two on the right side, and there is a large embankment in front of the lot. They have filed for a common driveway where you would enter on the southerly portion of the lots. All requirements have been met. There would be parking for two cars on each lot along with the garage parking. A driveway easement has been approved by Town Counsel.

Ogren said that the Town Engineer, Rick Rodgers, had concerns with the bleeding of water out of the embankment. The soils are tight. Water travels, and it does not percolate. Their lot was part of the prior subdivision. They have put in an underdrain to resolve that problem.

Ogren said to resolve the bleeding of water that has persisted for some time, they are going to put in a trench drain and connect to the basin. This was more appropriate than the watershed. There is a detail for an underdrain that will underdrain behind the proposed wall. There will also be an underdrain under each of the houses to make sure the water stays subsurface. There is a tendency for water to bleed when land is cut. Ogren said that there is a swale that picks up the watershed that takes the water down. Rodgers is satisfied with the changes, and they have agreed that the swale is deeper and well defined.

Cheetham wanted clarification as to the location of the lots. Zilinsky asked if there should have been a modification to the subdivision.

Ogren said that they did not have to amend the subdivision. There is a provision in the Subdivision Control Law for the automatic abandonment of a circle on the continuation of a street if it is laid out and stated on the plan that it is a temporary turnaround.

Ellis said that this design for the shared driveway was the least steep configuration.

Zilinsky asked if there was riprap. Ellis said the original design approval had riprap at the rear of Lot 28. A site plan was submitted to Engineering that had two switchbacks that eliminated the riprap.

Zilinsky said that she spent a great deal of time looking at this site.

Sears had no questions. He felt they were complying with the requirements.

Henry said there was nothing major on this application. He did have one question regarding the common drive. He asked what would stop the homeowner from disengaging from the common driveway. Ogren said that the rights are taken by the lot, and this homeowner would have a 20% grade if he wanted to cut another driveway.

Ellis said Lot 28 could abandon the use of the common driveway. Henry wanted a condition on the Special Permit that if they undid the easement they would need to come back to the Planning Board.

Ogren said they did not have a problem with a condition in the Special Permit stating if they wanted to reconfigure the driveway, they would need to come back to the Planning Board.

Ellis would not have a problem with the concept, if the Board would be amendable to granting the approval of the driveway to be acceptable to Engineering.

Nelson said that there would be a maintenance agreement. Ellis said that an owner would not be absolved from any of the responsibilities of the easement.

Cheetham did not have a question regarding this shared driveway. She questioned when the runoff on this site was going to be cleaned up or hay baled properly. She would like a cleaner catchbasin.

Ogren said they were aware of the drainage problem. The topcoat was put on incorrectly. They need cut the pavement and regrade to correct the puddle problem. Regarding the erosion problem, he did not see erosion in the street a few weeks ago since there were underdrains put in. Zilinsky said she saw a lot of runoff going into the double catch basin.

Ogren said the lot will be landscaped in the spring. Zilinsky asked if haybales could be put where the runoff is happening. Ellis was unaware that the problem had not been more addressed. He will make sure additional haybales are placed tomorrow.

There was additional discussion regarding the runoff and catchbasins.

Zilinsky told Cheetham that Nelson would follow-up with Engineering to stay on top of this.

Ogren said that they have recognized from the very start the soils are very difficult on this site. They hope that they are in the final throws of the subdivision.

Nelson said that they can give an update. Erosion control measures have been put up today. They will get an update from Engineering to the Board members for reassurance.

Prentiss said he was not a huge fan of shared driveways, but it met all the criteria. He felt it is the best possibility due to the grade. He agreed with Henry that there should be a contingency regarding the shared driveway.

MOTION: Henry moved to close the public hearing for the Special Permit for Lots 27 & 28 Overlook Drive. Cheetham seconded the motion. The motion passed by unanimous vote.

There was a discussion among the Board members regarding the language to go on the Special Permit.

Nelson said she could follow up with Engineering regarding the curb cut.

Ogren suggested that any modification to the common driveway, including abandonment, would be a modification to the Special Permit.

MOTION: Cheetham moved to close the public hearing for 99 Andover Street. Prentiss seconded the motion. The motion passed by unanimous vote.

MOTION: Henry read the Certificate of Action and moved to approve the Special Permit for Lots 27 and 28 Overlook Drive. Sears seconded the motion. The motion passed by unanimous vote.

MINUTES

March 16, 2017

MOTION: Sears moved to approve the minutes of March 16, 2017. 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 8:10 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on April 25, 2017.