



Town of Danvers
Planning Board

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

Planning Board Members:

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

NOTICE OF PUBLIC MEETING
Danvers Senior Center / 25 Stone Street
September 5, 2017
7:00 p.m.
MINUTES

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

PUBLIC HEARING

Proposed zoning amendment for the Maple Street Traditional Neighborhood Development Overlay (40R – Smart Growth District)

In accordance with MGL, CH. 40A, Sec.5 the Planning Board is holding a public hearing regarding the proposed Maple Street Traditional Neighborhood Development (40R-Smart Growth District) overlay zoning language, design standards and zoning map amendments to include parcels in the Industrial-1 District, and limited portions of Commercial-1, Commercial-1A and Residential-1. The overlay is approximately 16.2 acres of land with frontage on the following public and private ways: Maple Street, Hobart Street, Locust Street, North Putnam Street, Maple Avenue, Putnam Court, Butler Court, Butler Avenue, Oak Street and Charter Street.

Text of the proposed zoning language and a map of parcels included in the proposed zoning district is available at www.danversma.gov, Town Clerks Office and Planning Office

As an introduction, Chairman Zilinsky said that three years ago Town Meeting approved an overlay district in Tapleyville area which includes the Daniella's Restaurant. By doing an overlay, a development like Daniella's was encouraged where there is a mixed use concept of commercial use on the first floor and residences on the second and third floors. We are looking to undertake a similar approach by overlay district in the Maple Street area. Zilinsky said that they have had a number of studies done. The Stantec Report in 2004 recommended looking at the housing needs and economic development in certain underutilized districts, specifically, the Industrial-1 areas. Therefore the Planning Board began looking at these areas. Maple Street is

the gateway to the downtown. The Metropolitan Area Planning Council (MAPC) did a study of the current landuses in the area. A traffic study looked at the traffic in the area and a report has been presented and reviewed. Additionally a wayfinding and branding grant has been funded to study effective signage to help best direct people to parking, services and historic/cultural attractions around Danvers.

Zilinsky said that they have been studying this concept at the Maple Street Traditional Neighborhood Development (MSTND) for about a year and one-half. All changes in zoning regulations requires a public hearing. It has been published in the paper and a comprehensive outreach by mail and email distribution was done. The Board will listen to comments, and then it will be sent to the Selectmen and Finance Committee and finally to Town Meeting for a vote.

Mark Zuberek addressed the Board and asked how many additional hearings would happen.

Zilinsky said that this hearing would be continued. She advised that the public should not wait to the next hearing but to contact the Planning Department with any questions. They are not sure when they will close the public hearing, but the purpose of the hearing is in preparation of a December Special Town Meeting.

Zuberek asked when this would go to the Selectmen, and he was told in October.

Ted Brovitz started his presentation.

Brovitz explained that the Town has undertaken zoning initiatives. They have done a community visioning process, and throughout this process people have provided feedback for what they would like to see happen over time in this area. Their input in the visioning process has contributed to the drafting of the bylaws.

Brovitz described the issues, challenges and opportunities of the area. The historic context had to be kept in the forefront in the context of the bylaw. Property values have declined as time has progressed. There are limitations on what redevelopment can be done in this Industrial-1 area. They did a public visioning process last fall, continuing with updates to the Planning Board and Selectmen with workshops. We all did exercises with a scale model showing what is in the area today and what it would look like replaced with new buildings. The community vision would be a combination of new and old buildings with mixed-uses. He asked people for their visual preferences, and showed the images that people favored. His team put together a perception plan. He said that there would be a series of smaller buildings and mixed-use buildings in the district. They are trying to frame the existing streets with the new buildings. They are trying to maximize the use of parking spaces. There could be the gym crowd in the morning, people going to work during the day or shopping in the area and people returning after work. The parking spaces would turn over. The goal is not to take up space with parking that will not be utilized to its full potential based on up to date parking utilization data consistent with actual demand.

Brovitz said that the ‘open space’ would be accessible to the public. There is not a lot of public space in this area other than the proximity to the rail trail. It is hard to translate into zoning and design standards. This is an overlay district. The Industrial-1 district *does not change*. That zoning can still be used. This allows people the option for *mixed-use, along with more residential uses*. They are looking at site development, but also looking how the development relates to the streetscape. They want to design and utilize the streetscape with a pedestrian scale orientation with a focus for example on outdoor dining, and civic spaces. This relates to the public and private realm.

Brovitz said that the purpose of the zoning is to generate reinvestment in the neighborhood and industrial district.

- The purpose is to create a residential/mixed-use gateway into the downtown and create a “*lifecycle*” of housing choices for the young, empty nesters and seniors.
- This zoning model would allow these types of housing choices in the back yard of the downtown.
- It creates flexibility and variety in the future redevelopment in this neighborhood to inspire entrepreneurial activity and foster a sustainable development.
- Zoning incentives will be achieved by the 40R Smart Growth provision. This is a state program that encourages housing choices.

Brovitz went over the Chapter 40R provisions.

- Twenty percent (20%) of the units must be affordable (80% of area median income).
- Chapter 40R Smart Growth program there are initial payments based on the future projected housing units. It is projected that 210 units of housing could occur over a period of 30 years.
- 40R initial payment of \$350,000 to the community.
- Then payment for each unit that receives an occupancy permit.
- Chapter 40S provides additional benefits should there be extra school costs. The state will reimburse you for the additional cost of schooling.

Brovitz showed the slide with the MSTDN Overlay District that consists of *49 properties over 16.8 acres*.

Sub-district 1 is the Core Area Mixed-Use Sub-district:

- Hobart Street, Maple Street and North Putnam Street (the Hotwatt Building) 6.23 acres of land with 23 parcels.
- Permitting small cottage style homes, townhomes and live/work units. Options would be paired housing, which is three (3) units that are attached, multi-family homes, commercial buildings and other building types.
- The maximum new development would be 94 dwelling units and 67,845 square feet of non-residential space.

-He showed the residential transitional frontage zones. There are pedestrian frontage zones that would be a commercial use at ground level. This would allow business redevelopment in that corridor.

Second sub-district is the Maple Street Limited Use Sub-district:

- There are 17 parcels on 5.35 acres. This district permits the same building types as the first district, but it has a residential district. This is a transitional area.

Third sub-district is the Hobart/Locust Street Limited Mixed-Use Sub-district:

- Primary focus on residential use with moderate scale commercial/mixed uses.
- It allows for gas-backwards development. The commercial building would be close to the street and the gas canopies behind it. It separates the curb cuts away from the intersection, but creates a nice pedestrian environment. This allows the opportunity for gas stations to remain, but the design enhances the downtown streetscape.

MSTND based upon a 30 year build-out

- Projected development is 210 new dwelling units.
- 171,000 non-residential square feet.
- The total incentive payments of \$1,000,000 to invest back into the downtown area for streetscape improvements, sidewalks, façade improvement program - there are no restrictive limitations.

Brovitz went over the ten different building design types. Each of the different building types has different Design Standards.

There are allowed uses by sub-district. He explained that this is very similar to the Danversport area. He highlighted the following:

- The overlay is not intended to compete with the downtown but to compliment what is there.
- There are standards for the building placement and height. The building height would be stepped back to alleviate the canyon effect. Brovitz explained that there are site planning standards. Residential developments allow for tandem parking. There are design standards that reinforce the traditional neighborhood development patterns, for building frontages and façade treatments. There are standard requirements for open space and outdoor amenities all with the purposes to create active space in front of a building. They want people to set back the mixed-use buildings to allow a dining terrace.
- There are design standards for signage such as awning, band and blade signs. This is important when you are walking down the block so you can see what is ahead of you. There are standards for streets, sidewalk designs and pedestrian crosswalks.

Brovitz showed several slides with examples of 40R Smart Growth projects.

30 Haven Street in Reading is a mixed-use project near a train station.

Brookside Square in West Concord is a mixed-use project. These were old storage buildings that were dilapidated. The developer made arrangements with the tenants that he would redevelop the property and invite businesses back.

Brovitz said that there is a huge increase in the 40R projects within the last couple of years. 95% of the units developed are one and two-bedroom units. There are very few ownership units. He explained that forty-eight percent meet the affordability requirements of affordability (80% of median income).

Brovitz showed examples in Danvers that are similar to what would be developed in a 40R project. The permitted project at 20 Locust Street will be 24 new units, this example if on 1 acre = 32 units per acre.

Zilinsky said that Danvers, like all communities in the Commonwealth has to have 10% affordable housing. If through new development we fall below the 10% threshold, developers can override all zoning regulations and come in and create affordable housing. These types of developments do not have to comply with zoning or town regulations. She said that the project at 150 Andover Street and Endicott Green on Newbury Street are 40B projects. She explained that the Planning Board would like to control their own density and 40R is the model to achieve this goal.

Zilinsky said that the Planning Board had a public workshop with bankers and developers. They spoke about the lack of housing such as smaller apartments for younger and older people who would like to stay in their town. There is a trend and demand for smaller one level garden style apartments. A lot of people are living in large houses, but there is nowhere to go if they want to stay in Danvers and be close to family within walking distance to shops, church and other services.

Zilinsky told the Board that they have had eight meetings on this zoning Chapter 40R in addition to monthly updates and meetings with the Board of Selectmen that included workshops and visioning meetings. This has been and continues to be a comprehensive initiative. She has high expectations about the design standards never before implemented through zoning.

Zilinsky asked the audience if they had questions.

Jim Hannon. Hannon said he owned the home at the corner of Oak and Locust Street. He asked how this was going to affect his property. Brovitz said that it would not affect his property. Henry said that the overlay district allows you to keep the underlying zoning. You do not have to take advantage of this. Hannon said his only concern is the parking on Locust Street. He is worried that cars should not be parked on Locust Street when housing is going to be increased across the street at 20 Locust Street.

Brovitz said that the required parking would not be on the street. It would be on-site but could be shared parking (if agreed and based upon submittal of supporting data during permit process) with a nearby law office or other residences but not on street. This is integral to the permitting process that would come before the Planning Board.

Hannon felt there was the chance that parking could become tighter. Brovitz said that there was a lot of space available behind buildings and within the vacant areas in the district.

Henry said that the lot across from 20 Locust Street is parking for that building. Henry said that a comprehensive downtown parking study was done in 2015 and findings presented to the town.

Hannon asked what could be done with the abandoned building located at 23 Locust Street. Brovitz said that it is a small parcel and could possibly become three units. Brovitz told Hannon that his property was an example of a multi-family home. Hannon said that some uses that are being proposed with the 40R are prohibited with his condominium documents.

Hannon felt parking would be his main concern.

Zilinsky said that the project at 20 Locust Street is 23 units. Hannon asked if that project would have a commercial use on the first floor. Zilinsky confirmed this. She told Hannon that the angled parking was being removed, and they would have parallel parking spaces in front.

Matt Duggan, 41 Chase Street. Duggan asked how many bedrooms this would be per unit, and whether there would be a limitation. Brovitz said that there was no limitation on the number of bedrooms, but they are usually mostly one and two-bedroom units.

Duggan said that right now there are two parking spaces for each dwelling unit. He asked if there was a limitation in this bylaw that dictated a specific number of parking spaces. Brovitz confirmed this. He explained if opportunities could be found to share parking, or if the Town wanted to do overnight parking for residential development, then there are ways to meet that standard if the town is inclined based upon substantiated data presented to the permitting board for consideration. They anticipate that in these types of smaller unit developments, there is not the demand for two spaces per unit like in typical single family housing. Duggan felt that a two-bedroom unit would have two cars. Brovitz responded that not every one of them would demand a uniform two spaces per unit. Young residents or older residents may not have two cars. There is an increasing trend away from this standard. Brovitz said that there would be shared parking within developments. Developers know what they need for parking and the Planning Board will require that the applicant demonstrate parking applicability.

Henry stated with the changing demographics, people do not rely upon the two-car family universally. A certain amount of households/renters/buyers will need to be found that do not need two cars.

Duggan said that the developers are being offered guidance, but they try to push developments to the limit. They build whatever they are allowed. They claim a hardship and obtain a variance. He felt it would be overruled by other Boards. Developers will find a loophole to make this work to their advantage.

Henry agreed that people interpret bylaws to their advantage. You cannot guard against every contingency. They can always go back and fix things. Henry feels confident in the language and design guidelines that the outcome is benefiting and enhancing the Town.

Zilinsky pointed out that the Board can revamp and change language just like in any legislation presented to Town Meeting.

Sears stated the current building height is 55 feet high in the Industrial zone. There are not a lot of manufacturing factories coming to Town. It will give someone like Hotwatt an opportunity to redevelop that site and do it in a way that they feel promotes sound planning and incorporating open space.

Brovitz said that this is an overlay district with means for Planning Board to have more discretion to ensure it is good quality development. They are trying to balance number of units for high quality developments rather than having no say in developments like 40B's. They are trying to have a hand in shaping future development.

Zilinsky said that it is not just the Planning Board shaping this. As a community, we discussed what is lacking and described our future vision for this specific area leading into the downtown. Over the course of all these meetings from last September, they have taken into account what people would like to see happen over time. This is a good use. These comments are from the community not solely the Planning Board. She has been on the Board for 17 years. This is the most extensive and comprehensive outreach they have done on any zoning initiative to date. They are looking to do an overlay. The 40R came about because they are trying to do this type of development, and the 40R mirrors the original concept but also funds community improvements as a result of development, like a partnership of interest by all parties. The Planning Board still has a say in the development. There is more control with this planning approach.

Jim Morose, 20 Hardy Street. Morose said that he has spoken with people, and that all he hears are people commenting on density. He asked what metric was being used. Why was the number not 150 units?

Zilinsky said that there are certain thresholds to be included in a Smart Growth district. The overlay as being crafted is suitable to meet the criteria outlined in 40R. The number of 210 units is the potential build-out over a considerable number of years dependent upon interested property owners.

Henry said that it is hard to play defense since other rezoned districts such as Danversport and Tapleyville have not been built-out since their rezoning.

Morose asked if this was a one-size-fits-all type of development.

Nelson said what is lacking in other zoning is the specific design standards and guidelines that provide the tools to the applicant. This offers a creative approach to the conventional cookie-cutter development that merely meets dimensional criteria.

Brovitz said that the 210 units may not be distributed evenly over the district. These are limited in the buildings to 24 units per building. They want them to be of moderate size and scale, not blocks of buildings on lots.

Morose said that people are complaining about traffic.

Zilinsky stated that as part of this comprehensive overlay a downtown traffic study was completed this past spring. If you have a business downtown, you do not want traffic flying by. The new signalization and intersection improvements at Locust Street and Poplar Street is working very well. The zoning and permitting process provides a basis to address these and any other identified traffic issues.

Mark Zuberek, 9 Glendale Drive. Zuberek said that he looked at the draft zoning bylaw. He likes the overlay, but he felt that the Town is being bribed to increase the density and increase the number of buildings. He questioned the additional units per special permit. Relief is offered from the Zoning Board of Appeals (ZBA) if you can claim a hardship through a variance.

Brovitz said that all permit applications will be submitted to the Planning Board, will go through a Technical Staff Review and public hearing process.

Henry pointed out that the project on Holten Street in the new Tapleyville Overlay at Daniella's and 20 Locust Street were done by variance. Daniella's example assisted the town with the visual that helped Town Meeting vote to support the overlay.

Zuberek asked if this overlay was a generic template. Zilinsky responded that they hired a planning and design consultant. Nelson said that the Brovitz team was selected by RFP and was hired by the Town.

Zuberek said that it was mentioned earlier in the meeting that the density of the overlay was almost the density of a 40R. He felt the Town went for the \$350,000 bribe. Zilinsky said that this is secondary as the overlay was being crafted specific to the I-1 district and not focusing entirely upon a 40R Smart Growth application it happens to work well in the area and thus is looked upon as incentive benefit.

Zuberek asked if they adopted the 40R, would they be under the thumb of the Department of Housing and Community Development (DHCD)?

Brovitz asked in what way?

Zuberek said by needing their approvals.

Brovitz said that the approvals are strictly local not state. Any designated affordable units have to be 80% of the median income.

Henry said that the state is reviewing the bylaw for the minimum standard to determine if it qualifies under Chapter 40R.

Brovitz said that they need to submit to the state to be sure units are considered affordable.

Zuberek felt there were a lot of good ideas in the document. He said that they have been complaining about 40B developments. He felt that they were now getting wrapped up with 40R which would be an influence. He felt the devil was in the details. What are the ramifications that would be imposed?

Zuberek said that the Industrial 1 area would still remain in effect. This is an avenue for certain parcels of property that contractors or developers will consolidate and build a multi-unit complex.

Cheetham said that the state sets some of the standards, and we have tailored the standards to Danvers. What is being seen is the maximum density. Town Meeting is being asked to accept the maximum impact.

Zuberek said that up to 36 units could be allowed with a Special Permit.

Zilinsky said that the criteria is not designed by the state. The Planning Board wants to see these design standards for the area.

Zuberek asked the Board how much control they thought they would have.

Zilinsky said that they would have all the control as it is within the context of the language being presented. Brovitz said that the town has the right to adopt *design standards and control the development*.

Zuberek asked if this could be done without the 40R.

Henry said that they have permitted projects that have the same density. The project at 20 Locust Street was in the same ball park of density or number of residential units as we are currently proposing in this bylaw amendment.

Brovitz explained that is why he showed the case studies he showed. If you add case studies to density it is a good tool to see what the design, scale and density will look like once constructed.

Nelson added that these well thought out design standards could be applied to other districts in the future.

Zuberek felt that they did not know the details of what the 40R was going to impose on the Town. Traffic is due to density. Parking is a result of the traffic and density. He felt that they needed to designate the number of parking spaces on site.

Henry asked Zuberek if he read the Nelson Nygaard report done last summer.

Zuberek said that traffic is a major issue.

Zilinsky said that they want to improve intersections. If they are going to get the benefit of incentive funds, they could certainly use the money in the district. There are intersections that may need modest changes, and that can be looked at. This development is not going to happen all at once. They have not seen additional development in the Danversport and Tapleyville area. There is a good chance that someone is going to be interested in the Hotwatt property. Major development will not happen overnight as there are 49 properties.

Zuberek felt that the neighborhood was already distressed. The character of the neighborhood would be changed with the frontage on Maple Street. He could not find the height limitations.

Brovitz said the height limitations vary by building design.

Zuberek said that the Industrial-1 area allows 55 feet. Brovitz explained that you cannot build 55 feet straight up from the street as you can currently do in the Industrial zone.

Zuberek said that the City of Beverly has seven and eight-foot story buildings, and he felt that is what Danvers was coming to.

Zilinsky said that is why the design guidelines were so important. We are not rezoning to eight floors.

Zuberek said that if three or four lots were consolidated, you could build whatever you wanted. Brovitz said that could not happen. There is criteria in the bylaw that does not allow large intimidating projects. That is exactly not what the town desires for this area.

Zuberek said that they were going after the incentive payments. That breaks down to \$30,000 per year. He told them not to get caught up on the bribery.

Zilinsky said that the state is not dictating to the Town. It is merely an incentive payment that could be invested in our downtown. They are doing something with an underutilized area. They are not being driven by the 40R payments, we are planning not financing zoning.

Morose asked how many things were going to be built in that area. What about water usage?

Henry said that they were not solving all problems for the private sector. We are trying to plan for the future redevelopment of this area that currently does not allow residence uses. If a development can't supply water, the development will not go forward.

Zuberek asked if the development behind Stop & Shop was a 40B. Zilinsky said that project was a tax credit. They did not have control over what was built.

Cheetham asked Brovitz about the landscaping percentage, since generally they have a 30% landscaping requirement. Brovitz explained that the building type sets out the language for the landscaping requirement.

Cheetham asked how this would be evaluated by the Board. She asked how do you quantify a deck? Brovitz said it is based on the lot size.

Sears said he was concerned with the 55 feet in height. He would like to scale it back to 45 feet. He asked how reducing the height back to 45 feet would affect the number of units.

Brovitz said that the 55 feet in height design would be stepped back.

Sears felt it would be a lot better if the maximum height was four stories. A discussion ensued regarding the height of the buildings.

Brovitz said he could provide more information with the height being reduced to 45 feet.

Prentiss felt if it turned out that they were not going to have a difference between the densities, they should not give people the opportunity to envision something that is not even possible.

Zuberek asked if they were going to use a municipal lot for this development. Brovitz responded since the lot is in close proximity an applicant could present a request to be considered by the Board with supporting data. He explained that if you required every development in the downtown to have on-site parking, you would not have a downtown.

Nelson said that if someone lives within 300 feet of a municipal parking lot, you could be allowed to use the lot. This is not a new concept for downtown revitalization.

Zuberek said that they were subsidizing the developers with Town parking. You are legislating the use of the Town-owned parking lot.

Brovitz said that the Nelson Nygaard report described the underutilized parking in the Town. You could boost the economic development downtown.

Farmer said that the objective is to have a vibrant economic downtown. We talk too much about residential. We need to lay it out. We cannot have a viable downtown without residents living in it.

Cheetham said that if you only build residential units, you will not see an interesting downtown.

Nelson said they will utilize the design guidelines to make the downtown a more inviting and walkable with this overlay concept.

Zilinsky said that they were going to continue this public hearing. She said that if people had questions, they could reach out to the Planning Department at any time.

MOTION: Prentiss moved to continue the hearing for the Maple Street Traditional Neighborhood Development Overlay District (40F-Smart Growth District) to September 26, 2017. Prentiss seconded the motion.

MINUTES

August 15, 2017

MOTION: Prentiss moved to approve the minutes of August 15, 2017. Henry seconded the motion. The motion passed by unanimous vote. Prentiss moved to approve.

BRIEFING

Planning staff and chair will update the Board of various items of interest. This agenda item may include requests to set public hearing and workshop dates; sign plans, informal discussion regarding future projects and current projects under construction.

Nelson told the Board that the 40R Application had been submitted to the Department of Housing and Community Development (DHCD). There will be a completeness review over the next month. They will then provide comments and recommendations. Once they get through the completion of the application, there is a 60-day formal review.

Nelson told the Board that they are hoping to provide a list of the housekeeping items for changes to the zoning bylaws for the September 12th meeting.

ADJOURNMENT

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

The meeting adjourned at: 9:30 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on September 12, 2017.