



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

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**NOTICE OF PUBLIC MEETING**  
**Daniel J. Toomey Hearing Room**  
**September 26, 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 John Farmer were present. Planning and Human Services Director Karen Nelson was also present.

**OTHER MATTERS**

**Ardmore Drive, Lots 29, 30 & 31 (Hilltop Estates Subdivision).** Request by MPM Companies LLC to extend completion date of remaining improvements from September 30, 2017 to October 30, 2017.

Michael McNiff, of MPM Companies, LLC, appeared before the Board. He is looking for an extension of 30 days on the project on Ardmore Drive. The curbing needs to be completed. He did not want to finish this until the final coat was done on one of the driveways. He should be before the Board next month for a release.

**MOTION:** Cheetham read the Certificate of Action for the application to extend the completion date for Ardmore Drive. Prentiss seconded the motion. The motion passed by unanimous vote.

**CONTINUED PUBLIC HEARINGS**

**4 East Coast Road.** Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by Alvelo Enterprises, LLC for property located in the Highway Corridor. The applicant proposes to use this property as a contractor's yard and construct a new 4,400 square foot building to provide office space, together with vehicle and equipment storage. (Assessor's Map 54, Lot 5) (*SPA action date: September 29, 2017*)  
Zilinsky read the legal notice.

Nancy McCann appeared before the Board on behalf of the applicant, Alvelo Enterprises, LLC. With her was Paul Marsan from the landscaping company that will occupy the property and Vaclav Talacko, the project engineer from Hancock Associates. McCann said there was a full presentation done back in May requesting special permit and site plan approval. The special permit was granted at that meeting. The site plan portion of the application was continued.

McCann said that this property will be used for a landscaping and arborist company. There will be no customers coming to this site. It is strictly for the storage of materials and the new building being constructed is for that purpose. The property would be accessed through East Coast Road. They are proposing a new structure that will have space for equipment storage and vehicle storage with office and sanitary facilities. They needed to have the Town agree to a sewer tie in. Since May, they have gone back with several rounds of comments with the Town Engineer. Yesterday the Town Engineer issued a clean comment letter. The Fire Department and Building Department also recommend approving this plan.

Talacko said that the plan had not changed. Most of the questions asked of Rick Rodgers and Steve King were technical in nature. They requested additional calculations and details on the filtration systems. None of the water leaves the site. The second round of review had to do with the details for valves and connections for the sewer system. They had to put in a new manhole connector.

Cheetham asked if there was a discussion about making the two accesses a one-way in and one-way out. McCann said the two entry points caused a great deal of discussion at the Zoning Board of Appeals meeting. There is not a lot of traffic on East Coast Road. This site once had an access into a neighboring car dealership. The ZBA required that the access to that dealership be terminated. They put in a new entry point to maneuver a circulation traffic pattern for the trucks.

Cheetham asked if there was a fence between the two properties. McCann confirmed this.

Cheetham asked about the lighting. Talacko said that there was lighting over the garage door, and there was a man door light over the door. Cheetham confirmed that there were not lights on the outdoor lot.

Cheetham asked what type of trees were being planted. Talacko responded pear trees.

Zilinsky said she was out at the site yesterday. She wanted confirmation that there was going to be gravel in the middle and the rest paved. Talacko said that the gray area shown on the plan is paved. The rest is crushed stone and gravel.

Zilinsky asked about the fencing. McCann said that the fence was replaced with plastic slats to provide screening.

Zilinsky felt that this was a great improvement to the site.

**MOTION:** Cheetham moved to close the public hearing for the Site Plan application for 4 East Coast Road. Henry seconded the motion. The motion passed by unanimous vote.

**MOTION:** Prentiss read the Certificate of Action and moved to approve the Site Plan application for 4 East Coast Road. Sears seconded the motion. The motion passed by unanimous vote

**197 Newbury Street.** Request for Site Plan Approval pursuant to Section 4 of the Zoning Bylaw submitted by JD Design d/b/a Signarama for property at 197 Newbury Street located in the Highway Corridor. The applicant proposes to construct a 7,280 square foot building to be occupied by a mixed-use of commercial and light industrial tenants. (Assessor's Map 24, Lot 21B) (*SPA action date: September 29, 2017*)

Zilinsky read the legal notice.

Nancy McCann appeared before the Board on behalf of the applicant, JD Design d/b/a Signarama. With her this evening were Joe DiRuzza and John DiRuzza. Chris Mello, the project engineer from Eastern Land Survey Assoc., Inc., was here as well.

McCann said that this property has been vacant for years. There are the remnants of an old cement backboard. The site is all overgrown. There are a number of easements and topography issues for development.

The applicant is proposing to build a 7,280 square foot building to be used for light manufacturing by Signarama. The center tenant will have a retail or commercial use, and the southerly end of the building is going to be used for auto sales and accessorizing. John DiRuzza has an accessorizing business in Peabody. They went to the Zoning Board of Appeals (ZBA) and received zoning relief approval for the outdoor storage. They are here for site plan approval.

McCann showed the elevation drawings. The building will be about 25 feet in height. Due to the topography, the building will sit down off the road. She showed the front side of the building that faces Route 95. She showed the entrance and parking on the plan.

They have a large section of the property that will remain landscaped open space. They have over 55% landscaping on the site. This is a small dealership with only two to three employees. They do have landscaping proposed around the edge. They are proposing juniper, cherry and white pine trees.

McCann said that the revised plans show an improvement to Ingersoll Street. It is overgrown with broken pavement. The engineering company next door uses Ingersoll Street. They are going to remove the existing pavement and resurface it. The Town Engineer has given clean comments. The Fire Department and Building Department have issued favorable comments.

John Farmer asked if this was a public or private street. McCann said that it was once public, but it was abandoned. Now it is a private way. He asked about snow storage. McCann said that with the large vacant land that will be remaining, they will have plenty of snow storage.

Farmer asked about lighting. Mello said that there would be four stations around the perimeter, and the building would have wall packs.

Prentiss asked how far they were going to be repaving. McCann said that they were going before the Conservation Commission. Prentiss asked about the easement and conservation land. McCann said it was an easement to allow access to the back property. This is a 30-foot wide easement that is not utilized. Prentiss questioned that they were not proposing to do anything within that easement. McCann confirmed this.

Prentiss asked about their signage since the building was going to be turned towards the non-access side of the lot.

McCann said the signage would be what was permitted by law. One sign will be on the street and a building mounted sign for each tenant.

Cheetham asked if there was going to be any fencing or bollards at the easterly side of the lot near the wetland area.

Mello said that there was a proposed berm along the Route 95 side of the lot. He described the drainage system, which had been reviewed by Engineering.

Cheetham asked where the treatment was in the parking lot. Mello showed her on the plan.

Cheetham asked where the melted snow went. Mello said the berm would keep it in the resource area. It then goes back into the parking lot.

Sears asked about outdoor audio. McCann said there would be none. Sears asked if they would agree to a condition. McCann confirmed.

Sears asked if the colors were going to be the same as what was depicted on the elevation plan. Sears felt this was a great reuse of the site.

Zilinsky felt it was a good reuse as well.

**MOTION:** Prentiss moved to close the public hearing for the Site Plan application for 197 Newbury Street. Cheetham seconded the motion. The motion passed by unanimous vote.

**MOTION:** Henry read the Certificate of Action and moved to approve the Site Plan application for 197 Newbury Street. Cheetham seconded the motion. The motion passed by unanimous vote

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](http://www.danversma.gov), Town Clerks Office and Planning Office.

Zilinsky said that this is a continuation of a zoning initiative that the Planning Board has been working on for close to a year to address Industrial-1 areas that are currently underutilized. Ted Brovitz has been our consultant. The hearing on September 5<sup>th</sup>, the Board had several questions. He is back to answer these along with any new questions people may have.

Brovitz said that this is an overlay district. It does not replace the Industrial-1 District. The purpose is to try to attract re-investment. They want to create a new gateway into the Town and provide better housing choices for different age groups, family types and income ranges. They want to attract people just starting out to older people in big houses who want to stay in Danvers but don't have many options as this point. They want to move closer to things that they like. These are the basic ideas and goals that we are hoping to achieve over time.

This is a Smart Growth Overlay District called a 40R. This is a state incentive program where if you provide a given density by right, and make 20% of the housing units affordable to 80% of the median income, you will be paid in two different types of payments. The density would be 20 dwelling units per acre for multi-family or mixed-use buildings down to 8 dwelling units per acre for single-family homes. The median income for a one-bedroom, two-person household is \$62,000.

If adopted at Town meeting, the Town would receive an incentive payment of \$350,000. The proposed full build-out of 210 units would yield \$350,000 in incentive payments. The incentive payment can be used for streetscape improvements, parking improvements, infrastructure improvements or whatever is necessary to make the district more viable for reinvestment.

The density bonus payment of \$3,000 per dwelling unit with a proposed build-out of 210 units totals \$633,000. Together the incentive and density bonus could total close to \$1,000,000.

Sears asked if these funds were budgeted each year by the state. Brovitz said yes.

Sears asked how the state accounts for these funds. Brovitz said that the incentive payment is paid up front if adopted at Town Meeting.

Sears asked what would happen if 40-50 communities wanted to adopt this. Brovitz said that applications need to be submitted to the State. Then they anticipate based on what each town is projecting to be built over time, and factor into the budget for the next fiscal year to make those payments.

Sears asked if it was all state money. Brovitz said yes.

Brovitz said that this whole area covers the Industrial-1 District, that is broken down into three sub-districts

The first area covers the blocks of Hobart Street, Maple Street, North Putnam Street and the north side of Locust Street.

The second area is north of Maple Street up to and including the area along Maple Avenue and the frontage of Maple Street as well as the north side of North Putnam Street.

The third sub-district is on the south side of Hobart Street which includes Cherry Street Fish Market, the public parking lot and some of the properties on the south side of Locust Street and around the corner to Oak Street.

**First Sub-district / Core Area Mixed-Use Sub-district:**

- 23 parcels on 6.23 acres of land.
- Permits small cottage style homes, townhomes and live/work units. It allows commercial on the first floor with residential units above.
- The maximum new development would be 94 dwelling units and 67,845 square feet of non-residential space.
  - Showed the two residential transitional frontage zones. The edge of North Putnam Street is a residential transition zone. This needs to be compatible with the residential homes across the street. Trying to make a smooth transition from established neighborhoods into the new district. The pedestrian district is along Maple and Hobart Street. Commercial use needs to be at the ground level.

**Second Sub-district / Maple Street Limited Use Sub-district:**

- 17 parcels on 5.35 acres of land. This district permits the same building types as the first district, but it has a residential district. This is a transitional area.
- Projected units would be 67 units, and the projected commercial space is approximately 58,000 square feet.
  - Frontage zone along Maple Avenue emphasizing residential on that frontage to transition into the existing neighborhoods.

### **Third Sub-District is the Hobart Street / Locust Street Limited Mixed-Use Sub-district:**

- Moderate density housing. Primary focus on residential use with moderate scale commercial/mixed uses.
- Projected units would be 50 units and the projected commercial space is approximately 45,000 square feet.
  - Frontage zone along Oak Street for residential transition.

The purpose of the frontage zone is to provide transition into the residential neighborhoods along with providing commercial opportunities at the ground level.

The height of buildings is related to two major factors. The first is the width of the street right-of-way. The wider the street, the shorter the setback requirements. They want street enclosure, but they do not want it to get overwhelming. As the streets get narrower, the buildings can be lower at the street line. It comes down to what is allowed in each building type with a setback requirement and a height threshold, but also the width of the street.

He said that the area around North Putnam Street and Oak Street had a 40-foot right-of-way. The maximum height at the street line would be 25 feet. It could be a 35-foot height at a 20-foot setback.

The height of the building is related to the width of the street and individual building types.

The smallest building, a single-family cottage, the setback is 5 feet and 20 feet for frontage. The maximum height is 20 feet.

The tallest building is a mixed-use building. It can be from 0 feet to 20 feet in setback with a maximum height of 55 feet. However, you cannot go straight up to 55 feet with the stepback requirement. In order to build a 55-foot high building, you would need to go back at least 40 feet and in some cases 60 feet. This is due to the width of the right-of-way and the setbacks.

Henry told Brovitz that he felt that he can't show the image of a building being straight off the ground at 55 feet. Brovitz explained that if there was nothing else around the building, this is how it would look.

Henry felt this image did not reflect the stepback. Brovitz showed the image for a building on a 40-foot right of way, the street line would have a 25-foot building. Going back to 20-feet you could have a 35-foot building. You would not get to 55 feet until you went back 60 feet. Some of these districts are so narrow that you would never get to the 55-foot height.

Henry agreed that this image showed what they were trying to do.

Brovitz said that a tall building could be closer to the street since Maple Street is wider.

Sears asked if they could allow a 55-foot building in one of the zones. Henry said that the characteristics of the individual lot would dictate the height.

Henry said the only way you could develop this block at 55-feet would be to acquire property.

Brovitz explained that the Hottwatt building located on Hobart Street is on the street line. If it were to be replaced with a 55-foot building, it would have to go back to 50 feet. Brovitz explained that Daniella's is 51 feet.

Sears felt an image like the one being shown would scare people at Town Meeting.

Sears asked Brovitz at the last meeting to lower the height to have less units.

Cheetham also thought this question was going to be answered tonight. If the project was scaled down to 45 feet in height, what would the unit count be.

Her other question is that the setback/stepback is being shown to the street, but it does not show a setback/stepback to residential properties. There are the residential single-family homes on Maple Avenue. They do not want a 55-foot building near their single-family home. There are four areas where this is shown without regard to residential homeowners.

Brovitz explained that there was a setback requirement for each building type. He said that it did not take into consideration the side yard or rear yard setback.

Brovitz said that the overall number of units would not change. When this number was projected, they used multiple different types of buildings. It was a combination of buildings that came up to the projected number.

Henry asked Brovitz what the setback was on one of the taller building types. Henry said that the multi-family and mixed-use buildings are four to five stories.

Henry asked if he could build a 50-foot multi-family in sub-district 2. Brovitz said no. It would have to be a mixed-use building. You cannot do a mixed-use building on Maple Avenue because of the frontage requirement for residential.

Henry asked what the tallest building height he could build on the north side of North Putnam Street. Brovitz said that this was still a residential transition zone. It would be a 50-foot apartment building.

Henry said that if these setbacks are applied to the lots they have, it may be determined that the piece of land is a useless sliver here and there.

Brovitz said that the only 55-foot building is a mixed-use building. Brovitz said that there is a perimeter screening requirement as well.

Prentiss asked if they changed the height from 55 feet to 45 feet, would it impact the economic growth to the point that the overlay would not be attractive to the applicant. If they decide not to use the overlay, they can go back to the Industrial use and build a 55-foot building.

Brovitz felt that the Industrial-1 area is not an attractive situation for people. He felt they could reduce the height to 45 feet and still be viable and attractive.

Cheetham said that they do not see buildings at 55 feet in small towns. She felt there is plenty of opportunity with buildings at 45 feet in height.

Brovitz felt it was an attractive district even at 55 feet.

Henry asked if the area depicted in the big block area could be built to 55 feet by special permit in Zone 1. Brovitz confirmed this. Henry said that there are attractive buildings in Town that have been built recently that are higher than 45 feet.

Zilinsky said she could see special permit in Zone 1. The area is across the street from the old fire station, and on the other side of the gas station from the Maple Street Church and Maple Street housing. She felt that they could avoid the canyon effects with the stepbacks required in the Design Standards. If done properly with these guidelines, it would be fine.

Sears said that he does not want to go to 55 feet because he felt it would not get through Town Meeting. He felt industrial uses are not coming back to that area. He is willing to go to 45 feet. He felt it would not pass. He felt it would be a shame to have wasted a year's worth of work, planning and money to be shot down at Town Meeting.

Brovitz said that is the Board's consideration of what the Town wants.

**MOTION:** Sears made a motion to cap the height at 45 feet. Cheetham seconded the motion.

Maloney said that right now the roof height is considered the mid-point of a gable which can be very high, or the highest point of a flat roof.

Sears said that the height could be higher than 45 feet, but have it not livable.

Maloney said that the building at 78 Holten Street (Daniella's) has a height they consider for zoning purposes could be 30 feet less than what the roof line actually is. The gable may be 75 feet, but the roof height would be considered 45 feet.

Sears asked if the space above the 45 feet was livable space. Maloney said that some units can be found in a gable.

Prentiss said that he was not afraid of the 55-foot height, especially with the setbacks. He can understand how this could change on the Town Meeting floor. As long as we are not changing

the concept of what they are putting together, he is okay with the change to 45 feet. It seems that it will only affect two to three properties at the most.

Sears felt that this had become complicated with the transition zones. He pointed out that they are trying to sell this to Town Meeting members. He felt this needed to be simplified. This is a compromise to get this passed.

Sears felt industrial tenants are not going to be moving back into this area.

Prentiss understood this, but there are other uses that are listed that could still be in this area.

Sears felt that if they have consistently applied the height in other zones to be 45 feet, it should be continued.

Prentiss agreed. He did not want to take away the incentive of using the overlay.

Henry said he would like to reserve the right to go to 55 feet, but he is in the minority. He felt that lowering the height would not kill the project. It does not do them any good to bring it forward and lose it because of 10 feet.

Farmer said that you want to be able to say that the entire Planning Board has endorsed this.

Zilinsky said that a motion has been made and seconded.

**MOTION:** The motion passed by a vote of 4-1. Henry was opposed.

Brovitz said that the Board was right. The ultimate goal is to get this passed at Town Meeting and maintain the viability. He said that he can make the amendments quickly.

Cheetham said that she had a question regarding the ratios and use of the lots and projections.

Brovitz said that they were not changing the parking ratios. They are allowing a toolbox of opportunities based on the individual circumstances of development to reduce the amount of parking on site. You can either do shared parking with a neighbor if you can demonstrate that the type of unit you are producing does not require two parking spaces per dwelling unit. You can use the municipal parking lot for parking overnight.

Cheetham asked if they allow overnight parking in the Hobart lot.

Nelson said that they do not prevent overnight parking in the Hobart lot. There is no overnight commercial vehicle parking in the Hobart Street lot.

Brovitz said for the Town to use this, they would have to establish a residential parking program.

Cheetham confirmed that a commercial vehicle cannot park overnight, but a resident can.

Zilinsky told Cheetham that businesses from Route 114 would leave their trucks in the Hobart Street lot for days for advertising. The Selectmen voted to restrict overnight commercial parking in this lot.

Zilinsky felt that the intent from the Nelson-Nygaard report was to decrease the number of parking spaces. The report indicated that there is plenty of parking in the downtown area.

Farmer said that the public does not believe that there is enough parking.

Brovitz said that it is up to the Planning Board to decide what the parking should be if a project demonstrates that it does not need the amount required for parking. He said that the goal is to make it an efficient parking lot to be used 24 hours per day.

Farmer wanted to summarize the three themes they need to overcome:

1. height
2. parking – not enough
3. traffic – too much

Cheetham said if you go back to the traffic summary which showed the turning movement on Putnam Street, she is concerned with all the traffic these 94 units will generate.

Henry pointed out that would be the number of units at full build-out in 20-30 years.

Brovitz said that you want to believe that some of the people living in this district are on foot.

Cheetham felt that the traffic pattern adds to the neighborhood. Whether it is 5 years or 30 years you have to accept the impact. She has concerns about how this will change the flow of traffic in that neighborhood.

Brovitz felt that the traffic improvements could be addressed with each individual developer.

Zilinsky said that they had a traffic study done and the report done by Nelson-Nygaard. She would love to see this area start to be developed. They rezoned the Danversport area eight years ago, and they have seen no development. They rezoned Tapleyville four years ago, and nothing new has been done in that district. They approved the project at 20 Locust Street, and that has yet to be developed. She said that they need to let people know that they have not just proposed this. They have done a parking and traffic study. There will be an increase in traffic, which they can address if there are issues.

Nelson felt that this was similar to the Hathorne West rezoning where a traffic analysis was done with an overlay with a rezoning. A part of the permit process was to look at the intersection with the flow of traffic. For the number of units developed, you infrequently see any congestion. It is important for due diligence. We have done the studies, and they need to not forget that projects

will be coming back to the Planning Board. It is important to relook at those studies to educate the public that the Board has done the due diligence. We want good managed growth. It is more different than complex because of the design standards. We are dtrying to get out of the old mindset of number of units and heights. We need to look at the FAQ's to be prepared to provide support and confidence that the Planning Board is doing its job.

Zilinsky felt that when people bring up parking and traffic, the Board members need to explain that these studies have been done and what these studies reveal. These issues can be addressed.

Zilinsky said that this hearing will be continued to the meeting of October 10<sup>th</sup>.

Brovitz reminded the Board that in the Placemaking Audit there are shorter versions of the reports.

Gardner Trask said as Chair of the Danvers Affordable Housing Trust, they support the 40R concept. As a citizen, you know that the first person that is against this will point to the slide showing the building height at 55 feet. He told the Board that they might want to consider balance. He suggested not showing a graphic that might scare people at Town Meeting.

Brovitz said that he would not show that graphic. He will provide easy to understand graphics.

Zilinsky asked if Brovitz could present at Town Meeting. Nelson said she needs to confirm this with the Town Manager.

Nancy McCann said that in each of the sub-districts there is a total number of residential units. She asked how that was determined, and is that total number of units going to be part of the bylaw.

Brovitz confirmed that it was required to be part of the bylaw under Chapter 40R. It is determined based on the individual properties. What is there today and could be there tomorrow.

McCann said that sub-district 1 had 94 units. She asked if that was a hard number. What if her client wants to do 96 units.

Brovitz said these numbers were tied to the sub-districts. They do not know if they can shift units between sub-districts.

Zilinsky asked if there was a density bonus.

Brovitz said that this could happen, but it would be approved by a Special Permit.

**MOTION:** Henry moved to continue the hearing for the Maple Street Traditional Neighborhood Development Overlay District (40F-Smart Growth District) to October 10, 2017. Prentiss seconded the motion. The motion passed by unanimous vote.

## OTHER MATTERS

Review zoning initiatives:

- Multi-Family Affordability Provision
- Movie/TV Production
- Marijuana Establishments
- Outdoor Motor Vehicle Sales
- Flood Plain Districts and Floodways
- Other housekeeping zoning items

Nelson thanked the Building Inspector, Rich Maloney, for attending the meeting this evening. He has been working with planning staff. He provides input on permits that come to him directly.

Nelson said that she has brought several items to the Board's attention at the last meeting which have been refined.

She reminded the Board that the underlined text is what is being added in, and the strike-through is what is being deleted.

### Flood Plain Districts and Floodways

Nelson told the Board that they found a whole section that was redundant and repetitive regarding Flood Plain Districts and Floodways. They are trying to simplify it as best they can. Several pages are being deleted and highlighted. This bylaw already exists.

Under the Definitions section, they are adding language that is part new construction for the regulatory floodway program, new construction and developments. This is in accordance with the new flood insurance program.

Henry said that he would add in the explanation that these changes are required.

Prentiss said he understands why this is being done. He does not want to readdress this in a couple of years because something was mistakenly taken out that was not redundant.

### Marijuana Overlay District

Nelson said that staff and the Town Manager are working directly with legal counsel. They want a belt and suspenders type of approach to cover all recommendations from legal counsel, which are as follows:

The moratorium will remain in the bylaw.

Allow for marijuana establishments through an overlay district. Nelson explained that legal counsel said that there are so many moving parts, it is still uncharted territory. She recommended allowing it in the two districts that the Town has for medical marijuana.

In addition, there is going to be another two steps that will be brought up at the next meeting to outright ban. That will go in the zoning bylaw. In addition, there will be a general bylaw that is going to ban it.

Cheetham said that she does not support recreational marijuana being in the Cherry Hill Industrial Park parcel. She would not support it going there as a Planning Board member.

Henry asked if Town Meeting were to pass the zoning prohibition, would this article be postponed?

Nelson said if Town Meeting voted on the general ban, since Danvers was a town that voted no, it seems that the Attorney General's office has supported that.

Nelson said that Town Counsel will be consulting with the Town Manager and the Board of Selectmen as to how this will unfold.

Henry said that they need to be careful because general bylaws do not take effect until the Attorney General returns them. The zoning article takes effect immediately.

Nelson told the Board that there is going to be a zoning bylaw amendment to ban it that is not yet before them.

Zilinsky pointed out that someone would challenge the Attorney General's ruling on towns being allowed to ban.

Henry felt there was an internal inconsistency if they say yes and then say no.

Prentiss asked if Town Counsel was going to be present at Town Meeting. This was confirmed.

#### Movie TV Production

Nelson said that presently this is not considered an accessory use in a residential district. This would amend the bylaw to allow it to be considered an accessory use for up to 14 days. Then, this would be subject to a Special Permit process that would go through the Zoning Board of Appeals (ZBA). The language would be changed under a new Section 15.

Cheetham asked if filming is allowed in commercial properties. Nelson said that it is already allowed.

Maloney said that they do not care about commercial properties. In the accessory/home occupations it states that you cannot use your house for people other than those in your home. I had to make a determination to not allow a movie in this type of area.

Cheetham asked if parking or impact was set out in the language. Maloney responded saying that is why they went the special permit route.

Cheetham asked if there was language that would address other impacts (catering, crowd, etc). Maloney said it talks about licenses and permits. He said that the special permit process will vet all that out.

Wilson said that the ZBA has the opportunity to ask the applicant these questions.

Nelson read the requirements of “Conditions of the Special Permit”.

#### Multi-Family Affordability Provision

Nelson said that it was requested by the Danvers Affordable Housing Trust to look at the affordability provision to include a total of 5 or more new and existing units. It does not include an existing unit if new construction takes place.

Trask said that there was ambiguity in the language. They have had recent developments that the building inspector interpreted the language, the Trust felt there may be some opportunity for clarity.

Trask said that the development at 142 Holten Street was a two-family building that became a single-family unit. Two duplexes were built in the back, for a total of five units. They are looking to clarify five or more, whether existing or new.

He said there was an existing project on Pine Street that had duplexes in the back. It offered enough ambiguity that they felt it should be clarified. It is just a work tweak. It is minor, but it could be impactful. The Trust felt that there was a missed opportunity to have gotten some money from these developments. He felt that developers should participate if they are increasing the town’s population. This is the only source of revenue that the Town has.

Zilinsky said she is concerned with the Town’s ten percent requirement. There have been a lot of projects adding two duplexes in the back of a two-family home. We may see a lot of these projects. The four units being developed count, and have an impact on us staying above our 10% affordability requirement.

Cheetham suggested that they not pick the most complicated project as an example to explain this.

Sears felt they should say that the building inspector is simply clarifying the language to enforce the law.

Maloney said that the change is simple. The developer will be charged on the new units.

#### Amending the Table of Allowable Uses.

Nelson said that they were correcting a reference to multi-family upper floors. A table was provided. The reference for the footnote should be “4”.

#### Outdoor Motor Vehicle Sales

Maloney said that presently they do not allow outdoor motor vehicle sales in Danvers. The ZBA has granted a variance for outdoor sales for a Mazda Dealership and 197 Newbury Street. The ZBA also granted a variance for 75 Newbury Street for used car sales. They felt it was a good idea to have one-stop shopping. They are trying to streamline the permitting process with Special Permit and Site Plan Approval through the Planning Board.

#### Extended Family Living Areas (EFLA)

Nelson said that this is referenced as section 9.4, when it should be 9.3.4.

#### Tables 1 and 2

Nelson said they are looking to change the bylaw and the table of dimensional requirements to include and insert the word “open” under the notes.

Wilson said that people are putting on an addition and calling it a porch.

#### Special Permits

Nelson said they want to mirror the statute. The timeframe for a special permit is three years. Previously it was two.

#### Definitions

Nelson said that they are correcting the word “restaurant” and correcting the work “too” to read “to”.

Sears had a question regarding a structure. He said a swimming pool is a structure. You can now purchase a 10 foot by six-foot wide hot tub. You can have a slide or a permanent basketball hoop. Trampolines and green monster walls are becoming popular. Are these those terms that you might want to add to the language.

Maloney felt the language covers everything. They consider hot tubs an accessory structure like a shed. Each case is different. He has not seen a big problem with this.

### Old Maple Street Zoning Map

Maloney explained that 471 Maple Street was what a parcel owned by the state that went up for auction. They had numerous inquiries about people could do on this lot. It is zoned Residential-III.

Next to that is a three family that was allowed by variance in the 1950's. The next lot has a house with a gunshop/barber.

The gentlemen who owns the apartment building bought the parcel at auction from the state. They felt if they rezoned the whole island as Highway Corridor Zone, there is an opportunity to have it redeveloped to a commercial use.

The Town then may have an opportunity to lease parking under the power lines. He said that the parcels by themselves are useless. It may be a good way to clean up the parcel.

Cheetham felt people at Town Meeting will ask what the Town parcel is worth. Maloney said he would look into this.

Sears asked if they needed a public hearing. Nelson said the warrant article was to change the map to Highway Corridor.

A discussion ensued whether two separate warrant articles were needed.

### **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.

### **ADJOURNMENT**

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

The meeting adjourned at: 9:40 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on October 24, 2017.