



*Town of Danvers*  
**Planning Board**

Danvers Town Hall  
One Sylvan Street  
Danvers, MA 01923  
www.danversma.gov

Planning Board Members:

William Prentiss, Chair  
John Farmer  
James Sears  
Margaret Zilinsky  
Charles Smith, Associate

**Daniel J. Toomey Hearing Room**  
**August 14, 2018**  
**7:30 p.m.**  
**MINUTES**

William Prentiss called the meeting to order at 7:00 p.m. Planning Board members James Sears, Margaret Zilinsky and Associate Member Charles Smith were present. Land Use and Community Services Director Aaron Henry was also in attendance.

**OTHER BUSINESS**

**Ardmore Drive, Lots 29, 30 & 31 (Hilltop Estates Subdivision).** Request by MPM Companies LLC for extension of completion date for incomplete site improvements from August 31, 2018, to October 26, 2018. (Assessor's Map 45, Lots 201, 202 and 203).

Kevin Pietrini appeared before the Board on behalf of Michael McNiff, Manager of MPM Companies LLC. Pietrini told the Board that McNiff is requesting an extension to the construction completion date to October 26, 2018.

**MOTION:** Zilinsky read the Certificate of Action and moved to approve the application for extension of the completion date for incomplete site improvements for Ardmore Drive to October 26, 2018. Sears seconded the motion. The motion passed by a unanimous vote.

**Holly Hill Definitive Subdivision (309 & 309R Locust Street).** Request by D.U.C. Residential, LLC for the establishment of Performance Guarantee for incomplete site improvements for the Definitive Subdivision known as Holly Hill (309 & 309R Locust Street) (Assessors Map 15, Lot 49 & 52).

Attorney Nancy McCann appeared before the Board on behalf of the applicant, D.U.C. Residential, LLC. With her was the manager, Paul DiBiase. McCann told the Board that a Planning Board Covenant is securing the ways and municipal services for the project at 309 & 309R Locust Street. They are here to request a release of the Covenant which will be replaced with a Tripartite Agreement as well as a Statement of Account for the bond amount as indicated. The full amount of the bond will be \$175,242.42. They are requesting the Board to execute the Release of Covenant and accept the Tripartite Agreement.

Prentiss said that staff has comments with variations to the amount for the bond.

Henry said that they asked the Engineering Department to help with the estimated costs of construction. Engineering has included the walls behind the houses on the plan. On the

subdivision plans that the Board approved, there was a short wall with a riprap slope on it. The developer has decided to use a different technology than a stone retaining wall. It will be a vegetated wall rather than a vertical stone wall. Engineering included the cost of the stone wall in their estimate for the road work. Planning staff backed out the value of the wall because the subdivision control law and the Board's Regulations do not allow the Board to do this because it is not a public improvement related to any public infrastructure. There is a policy issue that the Engineering Department is encouraging the Board to take on. Henry felt that they should discuss this in the future. Henry felt that at this point the Planning Board does not have the jurisdiction or authority to include the wall in the estimate. He would like to revisit this with the Board when they are fully staffed and discuss whether a change like this would have to come back to the Planning Board.

Henry said that this has gone to the Conservation Commission and received an Order of Conditions for all of these lots. Engineering reviewed the vegetated wall and approved it. We are not going to make a habit of going against Engineering's recommendations, but in this case, we do not have the jurisdiction to do this.

Prentiss said that they are approving the bond for the dollar amount that the applicant has set forth rather than the amount Engineering recommended.

Henry said that they are releasing the lots for the amount of \$175,242.42.

Zilinsky confirmed that the amount of \$175,242.42 was for roadway improvements and municipal utilities. She asked how high the riprap wall was.

Henry said that everything is the same. There was a four-foot vertical wall with a one-to-one riprap slope in parts as high as ten feet. Now they will have a vegetated slope. It is a type of technology that has not yet been used in this community. There is some wariness about its use, and they threw it into the cost of construction. Engineering included the value of the wall in the estimate.

Zilinsky said that the discrepancy was quite significant.

McCann said that the wall had been approved by the Conservation Commission. Engineering recommended that approval.

Zilinsky felt that when there is a change in the subdivision plan, they should come back to the Planning Board.

Henry said that this is a policy that the Planning Board should take on.

Sears asked Henry if he was comfortable with this amount, and Henry confirmed.

**MOTION:** Sears read the Certificate of Action and moved to approve the application for the establishment of a performance guarantee for the subdivision known as Holly Hill located at 309 & 309R Locust Street.

McCann said that she would like to correct the Certificate of Action to reflect a statement account rather than a passbook account.

**MOTION:** Zilinsky moved to approve the amended Certificate of Action. Sears seconded the motion. The motion passed by a unanimous vote.

## **PUBLIC HEARING**

**9 Electronics Avenue.** Request for a Major Modification to an approved Site Plan under Section 4 of the Zoning Bylaw submitted by TWC Realty, LLC for the property at 9 Electronics Avenue in the Industrial II Zoning District, under Section 4 of the zoning bylaw for renovations to the building. These renovations include a new entrance on the southeast face of the existing building. There will be an exterior landing and stairs and a proposed handicapped accessible ramp and accessible space. An accessible route has been provided to the new handicapped-accessible space. There is a relocation of eight (8) angled parking spaces with eight (8) new parallel parking space. (Assessor's Map 32, Lot 50) (*SPA action date: August 17, 2018*)

Chris Sparages, from Williams & Sparages, appeared before the Board on behalf of the applicant, TWC Realty, LLC. With him was Tom Cunningham, the manager of the LLC. Sparages said that Cunningham purchased the building in 2000 and operates one of the uses in the building, Cunningham Engineering. They need to revise the approved site plan that was approved on July 28, 1995. The building is located on the west side of the plan and is located off Industrial Drive. The property is shown on Assessor's Map 32, Lot 50. The area shown is approximately 2.3 acres and improved with an industrial building. The building is located in the Industrial-II District and is surrounded by a parking and loading area. There are currently four tenants in the building. Aurora Healthcare is in the space being renovated. They manufacture MRI machines. A new entrance is being proposed for their space.

Sparages said that they did a topographic survey. He showed the new landing and the set of stairs on the plan. The floor is 3 to 3 ½ feet higher than the pavement. There will be stairs off the landing with a ramp. There are nine parking spaces in conflict with the ramp. The plan details the construction of an ADA-compliant ramp down 3 to 3 ½ feet to the ground. Sparages showed the accessible route to the handicapped accessible space along with the van accessible parking space. He explained that to reconfigure the area and not to lose any spaces, they lined up seven parallel parking spaces along Electronics Avenue and two up against the building. They are not losing any spaces. It still leaves them with a driveway aisle width of 24 feet. The original plan showed a space along the front corner of the building and one less space along the front. The Fire Department asked that they revise the plan so that they do not block the building sprinkler system and fire alarm system.

Sparages said that they need to do re-grading to make sure the accessible route is accessible. He showed the pavement that was going to be cut. He explained that the pavement work could be completed in a few days. Once regraded and repaved, it will allow access to the accessible route, and the handicapped access will be done.

Zilinsky asked if this entrance will serve Aurora Healthcare and other companies. Sparages showed the two access points to the unit and said that both were for Aurora Healthcare.

Zilinsky asked if there were any other handicapped entrances to the building. Cunningham said that all other doors were ground level.

Zilinsky said that they were making an office for a manufacturing facility handicapped accessible and providing parking spaces that they may not need.

Zilinsky said that the Fire Department, Building Department, and Engineering Department had signed off on approval of the application.

Zilinsky questioned an email she saw from the Building Inspector not being happy with the work being done at this site.

Henry said that some of the frustrations were with interior work, not with the site plan.

Sears asked the amount of parking that was being used. Cunningham said only half.

Prentiss said that they had a handicapped spot and questioned why parking space nine was not used for the handicapped spot.

Sparages said that they were challenged with the slope of the parking lot. They tried to pick a spot that was not steep.

Prentiss asked if the white hashed marking shown on the plan for the handicapped accessible route would remain the same. Sparages confirmed this.

Prentiss wanted confirmation that there would be a railing on the handicapped ramp. Cunningham confirmed this.

**MOTION:** Sears moved to close the public hearing for the Major Modification to Site Plan for 9 Electronics Avenue. Zilinsky seconded the motion. The motion passed by unanimous vote.

**MOTION:** Zilinsky read the Certificate of Action and moved to approve the Major Modification to Site Plan for 9 Electronics Avenue. Sears seconded the motion. The motion passed by unanimous vote.

**17 Cherry Hill Drive.** Request for a Major Modification to an approved site Plan pursuant to Section 4 of the Zoning Bylaw submitted by The H.L. Turner Group, Inc. for property at 17 Cherry Hill Drive in the Industrial II Zoning District, pursuant to Section 4 of the Zoning Bylaw to create twenty-five (25) additional parking spaces at the facility. (Assessor's Map 29, Lot 1) (*SPA Action date: August 20, 2018*) **To be withdrawn without prejudice at the applicant's request.**

**MOTION:** Sears moved to withdraw without prejudice the application for the Major Modification Application for 17 Cherry Hill Drive. Zilinsky seconded the motion. The motion passed by unanimous vote.

### **CONTINUED PUBLIC HEARING**

**75 Sylvan Street.** Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Brookwood Sylvan, LLC for property located in the Industrial-II Zone District for the construction of two new loading docks on the south side of Building 'A', relocation of an existing site driveway along Sylvan Street and reconfiguring the parking layout in the southerly portion of the site. (*Site Plan action date: August 17, 2018*) **To be withdrawn without prejudice at the applicant's request.**

**MOTION:** Zilinsky moved to withdraw without prejudice the application for the Major Modification Application for 75 Sylvan Street. Sears seconded the motion. The motion passed by unanimous vote.

**44 and 50 Maple Street.** Request for Site Plan Approval submitted by Nicola and Joyce Pasciuto, Trustees of Jann 50 Maple Street Realty Trust, for the property at 44 and 50 Maple Street under Section 4 of the Zoning Bylaw. The site is located in the Commercial-1 Zoning District. The applicant proposes the renovation and restoration of the properties for residential use on the second and third floors. (Assessor's Map 43, Lot Lots 355 and 357) (*SPA action date: August 17, 2018*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Jann 50 Maple Street Realty Trust. With her was the Project Engineer, Scott Cameron and the Architect, Sid Silveira. McCann said they did a full presentation at the June meeting regarding the redevelopment of the property of 44 Maple Street. She explained that 50 Maple Street is included with this lot to combine the properties if this project is approved.

This project will be a combination of commercial and residential space. There will be commercial units on the first floor. The second and third floors will be ten one-bedroom units. One of these units will be affordable at 70% of the AMI. McCann said that they have worked with the Danvers Affordable Housing Trust regarding this unit. McCann said that they received a variance from the Zoning Board of Appeals. McCann said that right before the last Planning Board meeting they received comments from the Engineering Department that needed to be addressed. McCann said that they responded to those comments as well as comments that had been received from the Planning Board.

McCann told the Board that they looked at the colors and had options for the Board to look at. They changed the façade treatment. She turned the presentation over to Scott Cameron to walk through the comments from Engineering. She said that Silveira would show the Board the elevation drawings.

Scott Cameron, from the Morin-Cameron Group, Inc., addressed the Board. He said that the Engineering Comments they received before the prior meeting were technical. There has been no change to the layout of the site. The parking is behind the building and is angled. Cameron

said that they received additional comments from the Engineering Department on Friday. He explained that he had gone as far as he can until they can do the engineering drawings. He does not know until they have the building and mechanical drawings.

Henry said that there are three outstanding items from the latest Engineering memo which have been added to the draft decision to be completed before the first building permit. Cameron thought this was a great approach and said that this would be a typical process in the permitting process.

Zilinsky confirmed that the Building Inspector would be involved before the building permit is issued. The Building Inspector and the Engineering Department would work together.

Sid Silveira, from DMS design, LLC, addressed the Board. He said that they pushed back the top floor two feet from the original scheme. That was the only change between the two looks. They lost the triangle treatment above the windows. The color would be historic grey-blue.

Zilinsky said that she liked the setback and the triangle treatment. She felt the building looks less imposing. How does this affect the units? Silveira said that the units would be two feet shorter. The bedroom goes from 13 feet to 11 feet. She likes the setback.

Sears said that he likes the step-back to remove the canyon effect. He likes the setback and the blue color.

Prentiss said that he likes the step-back and has no issue regarding the colors. He likes the break in the wall to help reduce the canyon effect.

Matt Duggan, 41 Chase Street. Duggan said that he would like to echo the comments about the setback. He appreciates the developer working with the Town regarding the design. The setback is more in tune with the overlay. This is a model to go forward for Maple Street to fit in with what has been approved on the north side of Hobart Street.

Nova Samodai, 27 Fowler Street. Samodai said she likes the setback. She asked if there was any thought in continuing the railing for a balcony.

Silveira said that it would only be a Juliet balcony.

Prentiss told her that the units would have access to the rooftop garden.

Bill Bradstreet, 18 Essex Street. Bradstreet said that he likes the improvements, but he felt that this is making Danvers square something other than what it is and what it should be. People have spoken to him and have indicated that this is not appropriate for the downtown. If this is approved, what lies ahead? They do not like the size of this building. If it starts like this, where does it stop?

Henry asked Silveira why there was a vertical line on the blue design drawing. Silveira said that the horizontal line was extended. He showed this on the green design drawing.

**MOTION:** Sears moved to close the public hearing for Site Plan for 44 & 50 Maple Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

Prentiss asked if this decision had anything to do with the architectural design of the step-back.

A discussion ensued concerning the plans that were submitted. McCann said that elevation sheet A-5 would be what would be approved. McCann said that this could be a condition to update sheets A-1 and A-2 to reflect the elevations shown on sheet A-5. Henry read the language that would be stated on the Certificate of Action. It said that “prior to the issuance of a Building Permit, updated plan sheets A-1 and A-2 to reflect the Board’s preference in façade treatment shown on sheet A-5.”

McCann confirmed that all comments requested from the Engineering Department are satisfied before the Building Permit.

**MOTION:** Sears read the Certificate of Action and moved to approve the Site Plan for 44 & 50 Maple Street.

McCann questioned the language in the draft Certificate of Action under the heading, Prior to Issuance of a Building Permit, Item b., “update the plans for issues that were raised during the hearing.” She felt that they did not have any. She did not want to have an open-ended item that has not been defined.

Henry agreed since they added the Engineering Comments to the Certificate of Action.

**MOTION:** Zilinsky moved to strike Item B from the motion to approve the Site Plan for 44 & 50 Maple Street. Sears seconded the motion. The motion passed by unanimous vote.

McCann asked if they wanted to motion to approve the alternative parking plan. She wants to confirm that the site plans incorporate the parking as shown. The Board agreed. McCann said that the minutes would reflect this.

Henry asked if they had a start date in mind. McCann said that they were anticipating the start of construction to be in the spring.

## **MINUTES**

June 21, 2018, and June 26, 2018

**MOTION:** Sears moved to approve the minutes of June 21, 2018. Zilinsky seconded the motion. The motion passed by unanimous vote.

**MOTION:** Sears moved to approve the minutes of June 26, 2018. Zilinsky seconded the motion. The motion passed by unanimous vote.

## **BRIEFING**

Planning staff and chair will update the Board on various items of interest.

Henry said that he had interviews for the principal planner position. An offer for this position will be given at the end of this week or early next week. A solicitation will be made tomorrow to find another Planning Board member or alternate as the case may be. In September, they should

be fully staffed. The first round of interviews are scheduled for August 20<sup>th</sup> for the planning director.

Zilinsky asked what the next steps were for High Street. Is the MAPC going to get back to them? Henry said that he believed that they had concluded the work for that contract.

The C-1 and C-1A discussion happens on September 6<sup>th</sup>. He will send out a reminder for that meeting. Due to the primary on September 4<sup>th</sup>, this meeting will be on a Thursday night.

Zilinsky asked if the Zoning Board of Appeals (ZBA) will be at this meeting.

Henry said that the ZBA had been invited. Hopefully, everyone will show up.

Sears asked if there will be an agenda.

Henry said that when this meeting was conceived, it was going to be a broad topic. Given the difficulty in scheduling the three boards, it was decided to focus on the C-1 and C-1A project.

Henry said that as they get closer to the Planning Board meeting scheduled for September 11<sup>th</sup>, if there is nothing on the agenda, they could skip that meeting.

Prentiss said they could decide if they want to meet via emails.

Henry said that he would send out a reminder for all three of those dates.

Henry said that have a pool of seven to eight names that have expressed an interest in the Board. They will have a screening meeting with these candidates.

## **ADJOURNMENT**

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

The meeting adjourned at 8:05 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on September 25, 2018.