



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 J. Sears  
Margaret Zilinsky  
Charles Smith  
Nathaniel J. Sears, Associate

**Senior Center / 25 Stone Street**  
**January 8, 2019**  
**7:00 p.m.**  
**MINUTES**

William Prentiss called the meeting to order at 7:00 p.m. Planning Board members John Farmer, Margaret Zilinsky, James Sears, Charles Smith and Associate Member Nathaniel J. Sears were present. Director of Planning and Economic Development, David Fields, was also in attendance.

**FORM A**

**Approval Not Required under the Subdivision Control Law**  
**M.G.L. Ch. 41, Section 81K to Section 81GG.**

**17 Florence Street/22 Hardy Street.** Request by Paul and Karen Fitch for endorsement of Form A plan to reconfigure existing parcels to bring Lot 68, Assessor's Map 52, further into conformity. These lots are in the R-1 zoning district. (Assessor's Map 52, Lot 77) (*Approval Not Required Action Date: January 9, 2019*)

Attorney Robert Scarano appeared before the Board on behalf of his clients, Paul and Karen Fitch, for an application for a Form A. The plan submitted is composed of two lots. One has frontage on Florence Street and one on Hardy Street. The required frontage is on the deed. Both roads have access to the buildable portion of the lot. This was previously approved by the Department of Environmental Protection (DEP) after a public hearing with the Town's Conservation Commission by a superseding Order of Conditions. The only issues are whether the lots are on public ways and whether they are maintained by the Town of Danvers. They have provided evidence to this. Each lot meets the zoning requirements. The streets and the lots meet the definition requirements as well. Each lot has access to the street without any barriers to immediate access by town fire, town police or town services. The DPW said Florence Street is in the 1939 taking by the State. This road was recently reconstructed. Florence is paved all the way to the end, and the distances are shown on the plan. This application meets and exceeds bylaw requirements. Both lots are recorded at the Registry of Deeds. They are here seeking a determination that this application is exempt from subdivision control laws, and that the plan indicates that each lot shown has access.

Prentiss said that this lot has a history. This is an Approval Not Required (ANR) plan. Prentiss asked if the Board wants to open this to the public.

Zilinsky said that she looked at the area and was trying to remember the issue before. She does not see a problem with this application.

J. Sears said that the DEP approved two duplexes to be built. Density may be reduced.

Zilinsky confirmed that the lot line was being moved, and an interior lot line was being removed.

J. Sears said that when the Morose lot was created, they took a portion of that lot.

Zilinsky was willing to allow the public to comment. From looking at this application, it does not look like a big thing to move the lot line.

Prentiss said that they were looking at the movement of lot lines. He recalls that there was an argument of where the lot lines were. There was a surveying issue, and the applicant withdrew. That is not the situation here. The Town has said that there is plenty of frontage on all the different lots. This is just an ANR. The building is not under our purview.

J. Sear said that Zilinsky echoed what he was going to say. As long as the requirements are met, they are required to endorse the plan. He was not sure how this could be brought to the public. The metes and bounds are met.

Farmer agreed, but he did not have a problem hearing from the public if there are specific parameters.

Smith asked Fields to describe what an Approval Not Required (ANR) was.

Fields said that approval for this application is not a requirement under the subdivision control law. An ANR is the division of land into lots with frontage on existing roads. They are moving lot lines. This is a public way. There is no alteration of any right of way.

Smith said that he did not have a problem opening this to the public. It has all the requirements, so he agrees with approving this.

N. Sears said that he does not have an issue with it. He has no problem opening this to the public.

Attorney Marc Kornitsky told the Board that he represents James and Janet Morose. He said that there is an issue regarding the frontage, and he has a Memorandum that he would like to submit to the Board.

Prentiss said that the Memorandum cannot be used tonight.

Kornitsky said that the case law requires that the lot is on a public way. A portion of the lot on Hardy Street is on a public way, 28.9 feet. The rest is a way that is laid out. This 187.93 feet that continues is not frontage for purposes of this ANR. The proposed frontage is wetland. The issue of the allusory frontage has been in many cases. You cannot have a roadway that is not built and contains wetlands. Although an ANR is allowed by this Board, they should look at

whether or not there is frontage. The Board has the right to determine that the plan does not tell you that you only have 28.9 feet of frontage. He wants the Board to be aware of a frontage issue.

Prentiss said that this is just about movement of lots. Even if the lot lines are moved, they are not buildable.

Peter Clement, Precinct 3 Town Meeting Member. The end of the street goes out to the water. They used the end of the street to get the dimensions. They are using the abandoned street. That is the only area where you can get down to the water.

Zilinsky said that the Building Inspector reviewed and approved the plan. Engineering has reviewed it as well. They seem comfortable with the lot lines.

**MOTION:** Farmer read the Certificate of Action and moved to approve the application for ANR plan for 17 Florence Street/22 Hardy Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

## **PUBLIC HEARING**

**99 Andover Street.** Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Group 1 Automotive, Inc. for property at 99 Andover Street, pursuant to Section 4 of the Zoning Bylaw. Said property is located in the Route 114A Zoning District. The applicant proposes to renovate the Lexus Dealership building to be occupied by the Toyota Certified Pre-Owned Dealership. (Assessor's Map 56, Lot 13) (*SPA action date: January 28, 2019*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Group 1 Automotive, Inc. With her this evening were Brad Johnson, from Group 1, Sean Torpey, Project Engineer from Dynamic Engineering, and David Clear, Project Architect from Clear Architectural Design.

McCann said that this is a continuation of updating the property. The last time they were before the Planning Board was for the renovation of the new Lexus dealership. Previously, Lexus was in this building. They want to renovate an older section of the building that will be occupied by Toyota Certified Pre-Owned. This is the original building of the dealership. This is the one section that has not been renovated. There are no particular site plan changes. There are façade treatments. There are interior curb cut changes. She showed the parts of the building to be removed. They are going to renovate the building. It is a façade change giving a facelift to the older part of the dealership.

McCann said that there was a major change when they combined the lots and made a signalized change to the site. There are no changes to these curb-cut improvements. There is no new square footage. The building is being reduced by approximately 6,000 square feet. Lighting will be common throughout the site. There will be 150 new plantings with this renovation. They have department comments from the Building Inspector. The Fire Department asked that a fire

lane be shown. Engineering comments have been incorporated into the new plan set. There are not many issues to be addressed. This is a major modification due to the changes to the building.

Sear Torpey, from Dynamic Engineering, addressed the Board. He showed Sheet 4 of the plan set which shows the back section of the building to be removed and replaced with asphalt. In front he showed the improvements that would be made. They want to make it more intuitive for people to circulate and make it more accessible for visitors. This is the closest building to Andover Street. They will increase the setbacks and add landscaping. There are two light poles that will shift. They will be moving the lights that Engineering approved.

Torpey said that they made revisions to the plan with the comments issued by the Fire Department. They made the changes that Engineering requested.

Farmer confirmed that Engineering approved the revised plans.

N. Sears asked if there would be any impact on the traffic on Andover Street with the public utility work being done. Torpey said that there would be no impact off site. Everything would be contained.

J. Sears said that he approved the changes.

Zilinsky said that she has no problem with anything they are doing.

Prentiss had no questions.

**MOTION:** J. Sears moved to close the public hearing for the major modification to site plan for 99 Andover Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

**MOTION:** J. Sears read the Certificate of Action and moved to approve the major modification to site plan for 99 Andover Street. Farmer seconded the motion. The motion passed by unanimous vote.

J. Sears recused himself from the meeting.

**Beaver Brook Woods.** Request for a Cluster Development by Special Permit in accordance with Section 33 of the Danvers Zoning Bylaw submitted by Beaver Brook Woods, LLC for the properties located at 303 Maple Street (Assessors Map 033, Lot 023 303), 305 Maple Street (Assessors Map 033, Lot 023 305), 307 Maple Street (Assessors Map 033, Lot 023 307), 309 Maple Street Assessors Map 033, Lot 023 309), 305R Maple Street (Assessors Map 033, Lot 024), 313 Maple Street (Assessors Map 033, Lot 021) 315 Maple Street (Assessors Map 033, Lot 020), 317 Maple Street (Assessors Map 033, Lot 019), 325 Maple Street (Assessors Map 033, Lot 017), 325 Maple Street (Assessors Map 033, Lot 017), 327 Maple Street (Assessors Map 033, Lot 016), 333 Maple Street – Lot #1 (Assessors Map 025, Lot 087) and 333 Maple Street – Lot #2 (Assessors Map 025, Lot 087), containing approximately 6.34 acres of land. Said

property is located in the R-II Zoning District. The applicant proposes to construct an 8-lot Cluster Development. (*Special Permit action date: 30 days after the close of the public hearing*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Beaver Brook Woods, LLC. They are not here to request an approval of the subdivision. They are requesting a Special Permit. This is about a 6 ½ acre site located in the R-II Zoning District. It appears to be appropriate for a cluster subdivision due to site considerations and existing lots they are working with, along with the proximity to the Danvers Rail Trail and existing private and open spaces. This would allow the site to be developed in an environmentally aware manner. A cluster subdivision takes a subdivision and sucks it in and makes less of a footprint. It allows for the creation of open space. There would be over 2 ½ acres remaining as open space. The open space that would be created would be contiguous to other open space which makes it more usable than an isolated open space might be. The existing layout of the lots are very irregularly shaped. The homes are built close to Maple Street with long tails of land. This project would create more regularly shaped lots on Maple Street along with an eight-lot subdivision. The right-of-way that will be utilized for the location of the roadway was laid out in the 1950's for the purpose of providing access. When they started looking at this development, the cluster seemed the appropriate way to proceed. They met with Town staff and the Open Space and Recreation Committee (OSRAC) which unanimously voted to approve the cluster subdivision plan rather than a conventional plan. McCann read the letter of support from OSRAC. The open space would be conveyed to the Town through the Conservation Commission which meant it would be held for open space.

McCann said that the cluster subdivision is environmentally better. The yield plan shown is for a conventional layout. The cluster does not allow them to create new lots. This area supports an eight-lot subdivision. The open space being proposed meets and exceeds the open space requirement for creating a cluster subdivision. It is beneficial open space area. They received a traffic report done by Greenman-Pedersen, Inc. which indicates the site distance entering and existing are adequate and meet the guidelines for site distances.

McCann said that they are not asking the Board to approve the subdivision. They are asking to approve the special permit to allow them to proceed with a definitive subdivision plan to show the layout of an eight-lot cluster subdivision.

Scott Cameron, from the Morin-Cameron Group, Inc., addressed the Board. He showed the existing conditions plan. There are eight lots associated with this. He showed the right-of-way from Maple Street. There is a 12-foot drop from Maple Street as it goes towards the back of the site. There is a 40-foot grade change over the property. Soil testing was done, and they found sand and gravel free of fine sediments.

Cameron found an old plan from a 1906 subdivision that was done with 5,000 square foot lots. In the 1940's this area was all open and considered a meadow.

He showed the conventional plan to the Board with the 50-foot right of way coming into the property. There would be a cul-de-sac at the end with a landscaped island. This would be an

eight-lot subdivision. The development piece is about 6 ½ acres. This will give the houses on Maple Street regularly shaped lots.

Cameron showed the cluster plan design to the Board. He said that this would preserve open space and allow the Board flexibility. It scales back the footprint of the development. This type of development is being used in other communities. The frontage can be smaller. They are looking to put in street trees. There will not be a wide expanse of roadway, since the right-of-way will be going down by eight feet. By cutting down the roadway, they cut down the wetland impact. They are proposing waivers to reduce the roadway width. The road would start at a 24-foot width for turning and maneuvering and then taper to a 20-foot width until the house lots. It would then go back to the 24-foot width. They are looking for ways to minimize the development footprint.

Cameron showed an aerial view of the site. The open space would be contiguous with other open space areas. There would be more open space than house lots. Cameron passed out a chart showing the statistics for a cluster development versus a conventional development.

Cameron told the Board that Engineering did not agree with the reduction of the roadway width along with a lot of technical issues. Cameron said that they have not yet done some of the studies to answer these questions. They wanted to go through the first step to determine which type of subdivision they would apply for.

Cameron said that they have a traffic memo prepared by Greenman-Pedersen, Inc. They looked at site distances and trip generation. It was determined that there would not be much of an impact on the traffic on Route 62.

McCann told the Board that they are looking for approval to proceed with the cluster subdivision. It is eight lots whether the site is developed as a cluster or conventional subdivision.

Prentiss explained that since this is a special permit and J. Sears has to recuse himself, N. Sears will have voting power. The alternate has voting power in special permits only. The subdivision will come after.

Prentiss said that they should not take into account any of the waivers being presented.

Fields said that this was a discretionary permit. The waivers are for the definitive plan.

Zilinsky said that when they had a previous cluster subdivision application, there was a plan that was developed. They saw what was going to be done. When they went to vote for the special permit, they had a subdivision plan. All the questions were answered.

Prentiss would like clarification of what they are looking at. He told the Board that they have to keep the waivers in mind.

Zilinsky asked how they could vote on a special permit?

Prentiss said that they would be coming before them for subdivision approval.

Fields explained that the waivers relate to the proof plan. Engineering will not accept the waivers until they see the actual subdivision plan.

McCann said that they need a special permit from the Planning Board to allow them to develop a definitive subdivision plan with less frontage for the lots with the creation of open space. This gives them the permission to develop the definitive subdivision plan. If they have the special permit, they would follow with a definitive subdivision plan based on cluster subdivision regulations. They are asking for permission to proceed forward with the cluster process. The Board is looking at conventional and cluster, and in this situation, this cluster plan works better for this site because it meets all requirements. They would like to know if the waivers look good when they come to a definitive. The waivers are not being granted. They are looking for a special permit. If this is not received, they will not have the right to bring forward a definitive plan for a cluster subdivision.

Zilinsky felt the plan was a more detailed plan in the past.

McCann said that they submitted a preliminary subdivision plan with the cluster. Fields asked her to take back the preliminary application. The Board is granting a Special Permit because they are meeting the requirements for a special permit to create a cluster subdivision that grants open space.

Fields said that he was not in agreement with McCann. He told the Board that he would like to prepare something in writing as to how the process should run.

Aaron Henry, Director of Land Use and Community Services, addressed the Board. He said it would be helpful to get some indication from the Board whether the cluster subdivision is preferred. It would be beneficial to know whether a conventional or cluster subdivision should go forward.

Prentiss said that this is a special permit that requires six criteria that needs to be met. The applicant can address these individually. Staff addressed this in the notes to the Board. This is held at a higher criteria than other approvals to make sure that it is not impeding on the immediate area.

Zilinsky said that she is favoring a cluster subdivision. She was on the OSRAC that voted on the plan. They were in favor of preserving open space. The open space by Fox Run should be open to the public. There should be access to the rail trail from the site for the public to get to the rail trail.

McCann said that the open space could be owned by the entity of the owners for the subdivision. The other way is to grant the open space to the Conservation Commission. The open space could be conveyed to the Town and the Town could own the land. They also discussed access to the Rail Trail. This could be a condition of the special permit that access to the Rail Trail be shown on the definitive plan.

Zilinsky confirmed that the public would have access from the road.

Cameron showed a path that runs through the site. He showed an area where a crossing could be made to the Rail Trail. There are options. They need to work out the details.

Farmer said that the last cluster failed. The community was against the cluster. He is interested in hearing what the public has to say. The last cluster failed criteria No. 3 and 6. He would like know where the neighborhood stands on this.

Smith said that he had nothing to add at this time.

N. Sears asked what use the public gets of the open space now. It was confirmed that no one was using it presently, other than the property abutters.

McCann pointed out that the open space on each side created a connection.

N. Sears asked the distance that ran along the Rail Trail and the proposed open space area.

Cameron responded that it was 650 feet.

N. Sears said that no one from the public was using this area now. He noted the comparison table provided by Cameron. It concerned him that a development advertises the design as a benefit to the Town, rather than the business.

McCann said that developers see a benefit for saving in costs of construction. Developers do save money. The value of the individual lots is smaller. The houses are smaller. The developer will balance what the developer is saving with what they are losing in the value of the finished product. The developer and engineer of this project do a lot of work in Danvers.

John Colantoni, the developer, said that from a development standpoint they would like to come in with a conventional plan. There would be 40,000 to 50,000 square foot lots instead of 15,000 to 18,000 square foot lots. A cluster is the right thing to do. He does his projects right. They are asking for a vote on a special permit. They can develop a conventional subdivision by right. That is what will be developed if they walk out tonight and do not have a good feeling towards the cluster. They will not spend any more time on the cluster. The cluster is the right thing to do. If they do a conventional subdivision, there will not be much control by the Town. The cluster would allow three acres of woods that would remain there forever. He is looking for the right to move on.

N. Sears told Colantoni that he had to ask the question. He asked if all the abutters had been consulted.

McCann said that Colantoni did meet with some abutters.

N. Sears asked if there had been any thought to enclosing the subdivision with the open space.

Cameron said that when they spoke with the abutters on Maple Street, they did not want any open space between the properties because they did not want the public walking through the buffer. Instead of a limited use in this area, they decided to add it to the open space in the back. They have been through 20 versions of how to lay out the open space.

N. Sears said that he would like to hear from the public. There should be no adverse impact on the neighborhoods. He would like to hear from the neighbors before he offers his opinion.

Cameron said that the houses on Maple Street are set up high. The subdivision will be lower in elevation and will be difficult to see from Maple Street. The cluster provides a buffer instead of clearing through the lot line.

N. Sears said that he would like to see this himself. He felt a cluster would mean a cluster of lights, sounds and neighbors. You would have privacy along the Rail Trail. He would not want a cluster development in his back yard.

Zilinsky said that there are people that do not think that cluster zoning is less of an impact on a neighborhood. The Board has more control over a special permit. A definitive conventional plan is by right if all the requirements are met. It is important to remember that whether it is presented as a cluster subdivision or a conventional subdivision, something will be built here. Eight houses will be going in. The Planning Board does not have as much jurisdiction in a conventional subdivision. On one cluster they approved, the developer sold the development and huge houses were built on the lot. They could limit the size of a home with a cluster subdivision.

Prentiss said that he was surprised by the limited comments from the Fire Department. He would like to see more commentary associated with the narrowing of the road. He likes a cluster when it is done the right way. He said he was surprised to get staff comments from Public Health. He asked the applicant to comment on a potential problem with dams.

Cameron explained that the elevation at the wetland is 53 and at the road it is 63. The development is well above anything that could flood.

Prentiss said that in a conventional subdivision, that area would be unbuildable.

Cameron confirmed this.

Prentiss said that in a conventional subdivision, water would have to be diverted near lots numbered 6, 7 and 8. He asked if they would create a different type of culvert.

Cameron explained that the water is going in the same spot. There is more stormwater management in a conventional subdivision. They are trading open space for that impact.

Prentiss said that overall there is a favor to the cluster subdivision. They need to look at this more closely. This is a super-majority, so the vote needs to be 4-1 to pass.

Richard Shaffer, 301 Maple Street. Shaffer said that the plan is deceptive. The traffic is stopped bumper-to-bumper in the morning and evening. He is not sure if this meets the 300-foot site line requirement. This is a dangerous hill. There are constantly accidents. Police regularly set up speed traps in this area.

Shaffer felt that getting a fire engine down this road is questionable. They are requesting a waiver. This is critical. There are woods behind his house. Almost everyone is cutting the minimum standards. Every waiver makes it more dangerous for the environment. The right of way is being changed. There is a 50-foot drop from Maple Street to the Rail Trail. He will now be looking at houses in his back yard. You cannot walk through the marsh area after a rain event. The trails through these woods were made by neighborhood kids. The road is being built on wetland. He asked the Board to have environmental people look at this to see if there are things that should be protected. They will have to put up to eight feet of fill to put the road in. A bridge would have to be built to give access to the Rail Trail. The waivers bother him. They are looking for waivers to build below minimum. He is a contractor, and he has never built below minimum requirements.

Prentiss reminded the audience that the Board is looking for feedback for the preference of the subdivision that would go in, cluster or conventional.

Ted Lally, 278 Maple Street. Lally said that he lives across the street and he felt that this is not a good idea. He grew up in that neighborhood and has lived there for 65 years. A good portion of the year the area near the Rail Trail is marsh. There is access to the Rail Trail on Nichols Street. There is no indication where the houses are on the conventional plan. He is not a fan of cluster housing.

Glenn Barclay, 338 Maple Street. Barclay said that the traffic study was done in 2015 and is not current. The traffic is close to double. It takes him five minutes to get out of his driveway on a good day. He can stand in his son's room and watch people ice skating with the amount of water down by the trail.

Georgia Shaffer, 301 Maple Street. Shaffer said that if they build a conventional it will be in water. The traffic is horrible.

Jose Velasquez, 317 Maple Street. Velasquez felt the development would improve the neighborhood. People use it as a dumping ground.

Kristin Webb, 321 Maple Street. Webb said that she has concerns about the project. Her main concern is traffic. There are times when it has taken her 15 minutes to get out of the driveway.

Farmer asked Fields if the lights being installed at Summer Street were going to alleviate this traffic flow.

Fields said that Henry indicated that the lights would be installed in the spring.

Henry said the infrastructure did not come in on time. The lights will be installed in the spring. When the light changes to allow traffic from Summer Street to exit onto Maple Street, this should provide gaps to help Nichols Street and Forest Street.

Farmer felt that the Board was not ready to make a decision.

Zilinsky felt they should move to continue this hearing.

McCann asked the Board if they would like to do a site walk. A site walk was scheduled for January 19<sup>th</sup>. She asked the Board for any additional information they might be looking for.

Prentiss said that they would like more information from the Fire Department.

Smith said that weather events are more severe. He had some thoughts initially, but after hearing from the residents about future environmental impacts, he would like to see how that is going to affect the subdivision.

Smith said that the discussion is not whether or not this is being built.

Prentiss said the discussion is whether or not this is a cluster or conventional subdivision. They are trying to get information to find out the water impact would be better for one than another.

McCann asked the Board to continue this application to the next meeting.

**MOTION:** Farmer moved to continue the application for the Special Permit for a Cluster Subdivision for Beaver Brook Woods to the next Planning Board meeting scheduled for January 22, 2019. Zilinsky seconded the motion. The motion passed by unanimous vote.

## **OTHER BUSINESS**

Certificate of Vote authorizing signature of plans and documents.

Fields explained to the Board that they needed to execute the Certificate of Vote to record with the Registry of Deeds to show the signatures authorized to execute plans and documents. The Registry of Deeds requires samples of the Board's signatures.

## **MINUTES**

December 11, 2018

**MOTION:** Farmer moved to approve the minutes of December 11, 2018. Zilinsky seconded the motion. The motion passed by unanimous vote.

## **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.

Fields told the Board that in addition to the continuation of the Maple Street, they are going to have an application for an ANR for 25 Cherry Street. A small sliver is being cut off from 27 Cherry Street for sewer.

Fields said that there is also a Performance Guarantee modification for Woodland Road.

The consultant, Brovitz, will be looking for feedback for the materials provided for C1 / C1A. He also forwarded a parking report done by Nelson Nygaard.

Fields said that there was a joint meeting of the Open Space and Recreation Committee (OSRAC) and Lebel's Grove Committee. They are looking to go to Town Meeting for a 25% design concept for Lebel's Grove.

Zilinsky informed the Board that she would not be here on February 22<sup>nd</sup>.

## **ADJOURNMENT**

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

The meeting adjourned at 9:45 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on January 22, 2019.