



Town of Danvers Planning Board

1 Sylvan Street, Danvers, Massachusetts 01923 | p: 978-777-0001

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Planning Board Members:

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

Senior Center – 25 Stone Street

April 23, 2019

7:00 p.m.

MINUTES

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

CONTINUED PUBLIC HEARING

197 Newbury Street. Request submitted by Nelson Mendoza for property located in the Highway Corridor District for a Special Permit for a pet day care and training facility under Table 1 of the Zoning Bylaw, and a Major Modification to Site Plan approval under Section 4 for construction of a small shed-style building and enclosed fenced area associated with the pet day care use. (Assessor's Map 24, Lots 21B) (*Site Plan/Special Permit action date: 90 days after close of the public hearing*) [**To be continued without discussion at the request of the applicant to May 14, 2019 in the Toomey Room, Town Hall.**]

MOTION: Zilinsky moved to continue the application for the Special Permit and Major Modification to Site Plan for 197 Newbury Street to May 14, 2019 and extend the action date to May 17, 2019. Sears seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARING

120 Water Street. Request for a Special Permit and Minor Modification to an approved Site Plan pursuant to Table I and Section 4 of the Zoning Bylaw submitted by Bunky's Realty, LLC for property located in the Waterfront Village Zoning District to utilize the property as a boat yard, limited to the retail sale of boats and boat accessories. (Assessor's Map 64, Lot 60) (*Special Permit/Site Plan action date: 90 days after close of the public hearing*)

Attorney Nancy McCann appeared before the Board on behalf of her client, Bunky's Realty, LLC. With her this evening were Jeffrey Bunk and the Project Engineer, Rich Williams. They are seeking a Special Permit and Minor Modification for property located at 120 Water Street. This area once was zoned Industrial-1, and now it is located in the Waterfront Village District. The building was constructed in 2008 and has been used unsuccessfully as mixed-commercial uses and restaurants. The building is completely vacant, and the applicants purchased the property last May.

The definition of a boat yard in the zoning bylaws allows for the sale, storing, building, repairing, servicing and launching of boats. They are requesting to allow the building to be used as a boat yard limited to the sale of boats and accessories. There will be no seasonal boat storage or repairing of boats.

The property directly behind this property, 128R Water Street, received a Special Permit in 2013 and is owned by the applicant. There is another marina a little further down. The sale of boats is a low traffic generator. If three customers a day visit this site, it will be a good day. There will be one to two employees. The hours of operation will be from 9:00 a.m. to 6:00 p.m., or by appointment. This site will be a very low traffic generator. They will be utilizing the existing building, and the boat inventory will be stored inside. They are proposing limited outdoor display of approximately three to five boats in front of the building. This will leave 10 parking spaces. Under the bylaw, the number of parking spaces is equated to the number of slips. Since there are no slips, they are proposing parking that will meet the use of the space. There will be 3 employee parking spaces and 10 customer parking spaces. This site does have a lot of parking already since it had a 60-seat restaurant use on the property. This business will operate 7 days a week year-round.

McCann said that there will be less water and sewer used since the site is going from a 60-seat restaurant to a boat showroom. There will be no repairing of boats at the site. There will be no depreciation of value since this is a successful business. There will be no change to the building proposed, and the use is in keeping with the zoning district. She felt that this was an appropriate use of the property.

Rich Sparages, from Williams & Sparages, showed the existing plan. The building faces Water Street. Parking is on the right side of the building and in front of the building. The parking is accessed from the right-of-way that goes to Bunky's Marina. They are not proposing to make any changes to the site. The pavement will remain as is. The change will be that the parking spaces in front will be converted to a boat storage area. The striping will change. The two handicapped accessible spaces will remain. The parking to the side of the building will stay except for the spaces in front of where the new proposed door is being installed. These spaces will be removed. The sidewalk that runs along the building will be cut for a ramp to the new door which will allow boats to go in and out of the building.

Smith likes the comments that were received, but he has one question. He asked if they intend to tune up the boats for the sale.

Jeffrey Bunk said that the boats that are kept inside the building are brand new. When sold, they will be brought out back and commissioned. The brokerage boats will be there. These will need to be winterized and detailed.

Fields confirmed that this work would be done at the back property located at 128R Water Street.



N. Sears questioned the waiver of Section 4.9 regarding the community impact assessment. Since the building has been there for some time, stormwater and erosion controls would be an issue. The visual impact would be important to him. When you put a boat on a trailer in front of a building, it can be an eyesore. He would not want to vote to grant a waiver of Section 4.9. He thought that it was important. Visual impact assessment is particularly important.

McCann said that when a building is built, plans and elevations are submitted to how the building will sit within the neighborhood. This building is presently there. They are making no changes other than the door at the far end. When the building was built, site plan approval was obtained. The visual impact study was accomplished. Boat yards are permitted in this zoning district, and a boat yard assumes that there will be some outdoor storage of boats. The off-season storage of boats is not attractive. There will be no boats on site that will not be for sale.

N. Sears felt if the community impact assessment applied to the use of the property as a boat yard, he thought it would be important to have it.

J. Sears confirmed that there was no off-season storage of boats being proposed. He asked if boats were being stored in front of the site.

McCann said that boats will be displayed in front of the building. There will be 3-5 boats stored there depending on the size.

Bunk understood what N. Sears was trying to say. The tenant for this building is the biggest yacht dealer on Cape Cod. The boats that this dealer sells costs anywhere between \$150,000 and \$300,000. If you look at his other two properties, you will see that he maintains them.

N. Sears said that it was the visual of the bulk of the boat. From end to end and bottom to top, they can be huge.

J. Sears asked if outdoor sales were allowed in that area. McCann said that they were under the boat yard definition in the bylaws. Sears is concerned about several boats being stored in front of the building. He said that if they were large boats, you would have to have access around the building for fire.

McCann said that presently there is not access around the whole building. She said that you would be able to get between the boats.

Zilinsky asked who used the right-of-way. McCann said that the applicant's business and a business beyond the marina.

Bunk said that the boats need to be unloaded in the building. They cannot be unloaded in the road. You need to put the boat on dollies and roll the boat into the building.



Zilinsky said that she was not concerned with the boats outside. The site is down by the water. There is presently an empty building and empty parking lot. She asked about landscaping. She does not want to obstruct the view of the boats. She would love to see some landscaping added.

Bunk said that there was grass at the front and side of the building.

Sears said that due to the blast, the developer was exempt from meeting the guideline requirement of 30% landscaping due to the event being an involuntary disaster.

Bunk felt the landscaping was at the 30% requirement.

Sparages said that there was really no place to put anything vertical. A discussion ensued regarding the possibility of more landscaping.

Zilinsky felt that they did not need a community impact assessment. It is a use associated with the area. She asked if the boats would be shrink wrapped in the winter.

Bunk said that he has owned the building at 128R Water Street since 2012. He started noticing rats. He called the owner of the building, who was a financing company from New Jersey, and informed them that they had a rat problem. Inside the building were two garden sheds filled with food. The last applicant removed all the appliances and left the food. He went in and got rid of the rats. The finance company had taken a great loss with this building. Bunk offered to buy it for a good deal. He removed five 30-yard dumpsters of trash from the site. He gave it to a real estate agent who told him that 88% of restaurants fail in the first year. Bunk said he decided to try selling boats. He felt it was a good fit for the property.

Zilinsky said her only problem was landscaping.

McCann showed the plantings on the right-of-way and the other side of the building. A decision was made in 2008 when the site was being redeveloped after the explosion that it was a priority to get the property rebuilt and do something that would fit with the area.

Zilinsky felt it made sense to have this business here.

Prentiss felt it was a great reuse. He asked if boats would be moved in and out of the building during the winter.

Bunk said that if one boat a month went in and out, that would be a lot.

Prentiss asked if boats would be going back and forth from the Marina on Liberty Street.

Bunk said that the marina feeds everything else. They may do a demonstration of a boat at Popes Landing. The boat may be slipped at his marina. All the properties gel together.



Prentiss asked if Dunkin Donuts used the right-of-way. Sparages said no. Prentiss does not have a problem with the waiver.

MOTION: J. Sears moved to close the public hearing for the Special Permit for 120 Water Street. Zilinsky seconded the motion. The motion passed by unanimous vote.

MOTION: Farmer read the Certificate of Action and moved to approve the Special Permit for 120 Water Street. Zilinsky seconded the motion.

MOTION: J. Sears moved that this application was a Minor Modification to Site Plan. Smith seconded the motion. The motion passed by unanimous vote.

MOTION: J. Sears read the Certificate of Action and moved to approve the Minor Modification to Site Plan for 120 Water Street. Smith 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.

David Fields told the Board that they having a meeting tomorrow night for public outreach for the C1-C1A downtown area. Hopefully they will have a good turnout.

He said that they have received a filing for the IRA dealership and Partners Health.

Fields said that the next planning meeting for zoning will be around June 20th.

Zilinsky and Smith said that they were going to try to make the meeting tomorrow night.

Fields said that another item was the lights at the athletic field at St. John's Prep. The lights were shining into a home on Lobao Drive. He spoke with the Facilities Director, Steve Cunningham, and the lights have been turned down. Fields said that the lights may have been adjusted incorrectly and need to be adjusted by the vendor. The resident has requested the Town confirm this with a light meter. Fields said that they are trying to resolve this without bringing the Prep back before the Board.

Farmer asked if they could ask for a time limit on the lights.

Fields said that this problem occurred more in the winter when the trees are bare of leaves.



Hopefully this adjustment has helped.

Farmer asked if the neighbor tried to resolve this problem with the Prep before coming to the Town. Fields said that St. John's Prep has recently had a meeting with the neighbors.

MINUTES

March 26, 2019

MOTION: Zilinsky moved to approve the minutes of March 26, 2019. Sears seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 7:50 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on May 14, 2019.