



Town of Danvers Planning Board

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

www.danversma.gov

Planning Board Members:

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

Daniel J. Toomey Hearing Room May 14, 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 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*) [**Expected to be continued to the next Planning Board meeting scheduled for May 28, 2019.**]

MOTION: J. Sears moved to continue the application for the Special Permit and Major Modification to Site Plan for 197 Newbury Street to May 28, 2019 and extend the action date to May 31, 2019. Zilinsky seconded the motion. The motion passed by unanimous vote.

J. Sears said he thought they had approved this application. McCann explained that there were Engineering Comments that needed to be addressed regarding dog waste disposal. The plans are being revised.

PLAN ENDORSEMENT

43 Riverview Avenue. Request by F. Peter Della Monica for endorsement of Form A plan to merge the fee interest of the adjacent paper street portion of Unity Street (Assessor's Map 60, Lot 113). (*Approval Not Required Action Date: May 15, 2019*).

Wayne Jalbert, from Hancock Associates, appeared before the Board representing Peter and Julie Della Monica for the endorsement of a Form A plan. Jalbert explained that Della Monica owned 43 Riverview Avenue and the abutter is a private unbuilt paper street. They are looking to combine the fee of the paper street to the center line.

N. Sears asked how this paper street came into existence. Jalbert said it was property left from a subdivision done in 1928. There were many finger lots. N. Sears asked if there were any rights to this land. Jalbert explained that this would not do away with the rights of others in the subdivision. Others in the subdivision could have rights to this area.

J. Sears asked what the motive was to do this. Jalbert said that it was to achieve a side setback. This does not impact the easement remaining.

Zilinsky confirmed that the driveway to 43 Riverview Avenue was in the paper street. She felt this would help the driveway issue. Zilinsky said she had no problem with this plan.

J. Sears said that he did not have a problem with the plan. He said it was common practice.

Prentiss asked staff about this procedure.

Fields said that other owners of the subdivision would have access to this property.

Zilinsky felt that this would help with the driveway that is in the paper street.

Prentiss asked Fields about this procedure.

Fields said that other owners of the subdivision would have access to this.

MOTION: J. Sears read the Certificate of Action and moved to approve the application for ANR plan for 43 Riverview Avenue. Zilinsky seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARING

105 Water Street. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by Sandra Grillo, Trustee of Green Water Realty Trust, for property located in the Waterfront Village Zoning District to renovate the second floor of the existing building from office and storage space to a residential unit. (Assessor's Map 64, Lot 73) (*Site Plan action date: June 8, 2019*).

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Sandra Grillo, Trustee of Green Water Realty Trust. They are requesting a major modification to the site plan to allow the second story of the existing building to be used as a one two-bedroom residential unit. This building was constructed in the mid 1960's. In 2007, the Board granted site plan approval to renovate the property and occupy the site for her skin rejuvenation business. The decision in 2007 stated that the second story was limited to office/dead storage. Grillo would like to modify the second story to live there which would mean that they need to modify the site plan relative to the condition restricting the use of the second floor. They are looking to modify



the condition on a prior Certificate of Action to modify the second floor from allowing only office space to a change to residential use. There will be a small deck with egress to provide access to the second story. The deck would be no closer to the lot line than the existing building. They are also seeking that the landscaping requirement on the original decision not be required. Arborvitae were planted, but they did not survive. They are asking to eliminate those. A fence provides good buffering. She showed the handicap ramp for handicap accessibility to the business. They are proposing to label two parking spaces for the residential use. There is more than enough parking for the business. They exceed the parking requirement. There was a condition on the original decision that the applicant would maintain trees located in the street right of way. The trees were removed by the Town.

McCann said that this property is in the Waterfront Village District. This is a small business on the first floor with a residence on the second floor. They went to the ZBA due to the non-conforming setback. They received a finding for the deck and egress stairs.

J. Sears said that he was fine with the use. That was the intent of the new zoning. He is concerned about the staircase coming down. It does not seem like a lot of room between the stairs and shed. He asked if it was going to be an open deck underneath.

McCann confirmed that it would be open. She said that you would be able to get around the shed.

J. Sears asked if the entry was a bulkhead. McCann showed him pictures.

Zilinsky said she remembered this site. She had no problem with this application. She said that they limited the use of the second floor because they were afraid of expansion. She also said that she did not understand the requirement of planting arborvitae when the fence was there. She is sad about the loss of the trees out front. She would like to see greenery on Water Street. This is a perfect use for this type of business.

N. Sears was going to ask what the rationale was for no residential use, and Zilinsky said that there was a concern that if the business expanded, there might be another medical use on the second floor.

N. Sears asked if there was any question about a residential unit at that time. Zilinsky said no. The Board was concerned about the upstairs being used as a medical office.

Prentiss explained that this was the first business to be established after the explosion, and they thought it was a perfect reuse of the site. He felt a mixed-use is better since the owner is living there. Are the neighbors aware that the arborvitae are gone?

McCann said that they received notice of this hearing and the ZBA process.

Prentiss asked if there were any comments from Engineering, Building or Fire. Fields responded that there were no comments from the departments.

Matt Duggan, 41 Chase Street. Duggan said at the ZBA meeting there was discussion about new signage. He asked if that was in the purview of this application.

Prentiss responded only if it was above one sign.

Bill Bradstreet, 18 Essex Street. Bradstreet asked if the arborvitaes were to hide the fence, why can't they be replaced? Can't they be replaced to serve the purpose for what they were put there originally?

Zilinsky said that the fence was there. She did not understand the need for arborvitaes at the time of the original application.

Fields said that the bushes were to stop the illumination of headlights. It is a completely opaque wooden fence serving the original intent.

McCann said that the bushes were planted on the east side of the fence, and it probably did not help with the growth.

Prentiss said that he was concerned with the greenery in front rather than in back. The applicant is not allowed to put anything on town property without approval.

MOTION: Zilinsky moved to close the public hearing for the Major Modification to Site Plan for 105 Water Street. J. Sears 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 105 Water Street. J. Sears seconded the motion. The motion passed by unanimous vote.

OTHER MATTERS

Planning Board Procedural Rules. The Board will discuss draft procedural rules governing election of officers, the role of staff, outside counsel, and meeting decorum.

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 asked if anyone had comments regarding the Procedural Rules and Regulations he had forwarded to them. He said that Farmer had forwarded an email that he had no objections. He said that he was looking for a motion to adopt them. Fields said that Charles Smith did not send any comments regarding the documents.

J. Sears said that he was fine with it.

Prentiss had one question pertaining to procedural rules stating the associate is separate from the rest of the Board. Prentiss asked if this was covered under the law stating what the rights are for an associate member. Fields said that it is stated in the state regulations. This way, they would not have to update their regulations if the state changes any language.

MOTION: Zilinsky moved to adopt the Planning Board Procedural Rules and Regulation and Procedure – Special Municipal Account Rules. J. Sears seconded the motion. The motion passed by unanimous vote.

Fields told the Board that he contacted the Citizens Training Collaborative, and they are looking at the first meeting in June for training. Zilinsky said that she would not be at that meeting.

MINUTES

April 23, 2019

MOTION: Zilinsky moved to approve the minutes of April 23, 2019. J. Sears seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 7:40 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on May 28, 2019.



Planning Board Minutes
May 14, 2019