



Town of Danvers Planning Board

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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 January 14, 2020 7:00 p.m. **MINUTES**

William Prentiss called the meeting to order at 7:00 p.m. Planning Board members James Sears, John Farmer, Margaret Zilinsky, Charles Smith and Associate Member Nathaniel Sears were present. Principal Planner, Josh Morris, was also in attendance.

CONTINUED PUBLIC HEARING

100 Independence Way (Liberty Tree Mall). Request for a Special Permit submitted by Douglas Molina to allow an indoor recreation/entertainment facility in the C-III Commercial District pursuant to Table 1 and Section 30 of the Zoning Bylaw. (Assessors Map 63, Lot 004) (*SP action date 90 days after close of public hearing*)

Douglas Molina appeared before the Board and said he was applying for a Special Permit to open a Pups of War nerf arena.

Prentiss reminded the Board that they had asked the applicant for a floor plan. It was received. He asked the Board if they had any comments.

Sears said that he was glad that the requirements of Section 30 were being filled.

MOTION: Farmer moved to close the public hearing for the Special Permit for 100 Independence Way. Smith seconded the motion. The motion passed by unanimous vote.

MOTION: Farmer read the Certificate of Action and moved to approve the Special Permit for 100 Independence Way. Smith seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARING

26 Hobart Street. Request for Site Plan approval submitted by Darryl Parker for property at 26 Hobart Street pursuant to Section 4 of the Zoning Bylaw. Said property is in the Commercial-IA Zoning District. The applicant proposes a two-story addition to the existing Cherry Street Fish Market. (*Assessors Map 43, Lot 408*)

Katie Cruz, from Hancock Associates, appeared before the Board to present the Site Plan Application for Cherry Street Fish Market on behalf of Darryl Parker. The project is for a two-story addition for the purpose of adding processing and storage space. The site is located on Hobart Street and abuts the Rail Trail. There are site improvements being proposed in addition to the building changes. The parking lot will be repaved. The traffic circulation will remain the same. There will be a dumpster enclosure and a loading area. They have proposed new utility services for water, gas and electric. There are proposed drainage improvements.

Sears asked what the landscaping percentage was on this plan. Cruz responded that it was proposed at 19%. The site contains 14, 230 square feet. They are adding landscaping and pulling back parking spaces. There will be new plantings along Hobart Street. They did their best to fit in as much landscaping as possible.

Sears asked about the landscaping between the two parking lots. Cruz said that they propose to maintain the existing buffer but widen it. He asked if there was a requirement for landscaping between parking lots.

Sears said that there is a 30% landscaping requirement. Sears asked what could be done to improve the landscaping. Cruz said that they could look into that.

Sears asked about the proposed lighting. Cruz said that they could also provide this.

Morris said that there was a photometric plan that showed the lighting.

Robert Kuhn, from Gienapp Architects, described the lighting on the building.

Sears asked if there was going to be outdoor audio or speakers. Kuhn said no.

Zilinsky said that she was concerned with the landscaping. She would like to see more landscaping between the two parking lots. She asked if there was a fence between the building and the condominium.

Kuhn said that there was already a six-foot fence on the property line.

Darryl Parker, the owner of Cherry Street Fish Market, addressed the Board. He wanted confirmation that the Board was talking about the landscaping island between the two parking lots. He said that this is an easement that he has for parking on the municipal lot.

Sears explained that when a site is under review for site plan, there is a 30% requirement for landscaping. This site is only showing 19%, and there is a request for an 11% waiver.

Parker asked if there should be more landscaping between the two lots. Sears told him that the experts should be able to determine where the landscaping should be.

Parker showed the present planting areas that he maintains. He explained that he can't take away parking to add more landscaping.

Sears said that the easement does not have anything to do with his site. He confirmed that the parking spaces were on the easement.

Zilinsky asked if there was a possibility of adding landscaping near the dumpster. She also suggested planters.

Sears said that they could add window boxes.

Parker explained that he is not looking to expand. He is not putting this addition on because he wants to. He is doing it because he needs to. There are food issues that he needs to conform with. He is adding nothing to his retail. He needs sinks, locker rooms and a cutting room to make the business easier to run. He is not expanding the business. He wants to expand and comply with safety and health laws.

Morris felt more landscaping could be added behind the dumpster.

Sears said that he was looking for a large waiver from landscaping requirements. These are requirements that people need to meet.

Parker said that the Building Inspector said that he could build out as far as he could.

Zilinsky suggested planters. She also suggested that the back of the building should have some sort of buffer. She suggested arborvitaes.

Sears felt they could landscape between the building and the condominiums.

Parker said that when the builders of the condominium came to him, he did not oppose anything. The only request he made was for a fence

Zilinsky suggested adding more landscaping around the back of the building and around the dumpster.

Cruz asked for a chance to study this more to make an effort to add more landscaping.

Zilinsky said that a waiver may still be needed, but more landscaping would be appreciated.

Prentiss asked if they could increase their plantings without taking away parking or obstructing any walkways. They would like to see an effort made. They ask every applicant to do this. He understands that this is limited when the building is right on the property line.

Parker told the Board that he volunteered to maintain two islands in the town parking lot.

N. Sears asked about an abutter's email sent to David Fields from the Trustees of the condominium next door. There would be a reduction in value of units 1 and 2 due to the reduction in light. He asked if a one level building would be suffice for the applicant's need.

Parker said that they have spoken to them. He explained that they need the second level for offices, breakroom and additional bathrooms. He rents space across the street for an office. He has a garage down the street. It is not a good situation right now. The Health Department wants him to have the offices and break room to be compliant. Parker said that his building will be as good to look at as their condominiums.

Smith asked if the easement for 20 parking spaces were reserved for Cherry Street Fish Market. Parker said that they were a deeded easement. He paid for the easement.

Smith asked if the spaces were 15 feet in depth. Kuhn said that a normal spot would be 18 to 20 feet. Smith asked Morris if the Town could work with the applicant to reserve the spaces for compact spaces. Morris said that compact spaces only lowers the width. The length would not change.

Parker said that there were two trees on the islands that have died.

Prentiss felt the parking spaces should stay the same size.

Smith asked if the hours of operation would change.

Parker said no. They only work late during the holidays when they have a night shift until 11:00 p.m. to midnight.

Farmer wanted to compliment the applicant. He felt this was an example of one of the best public/private partnerships when it came to the parking lot. From his perspective, the Board should be receptive to the waiver. He asked Parker to look at the formula. He felt Parker deserved credit for the landscaping that he maintains. He asked about snow storage.

Parker said they pile the snow onto the picnic area.

Farmer said that they need clarification for the snow storage.

Prentiss said that he was happy with the site. He liked the improvements. He would like to see an improvement to the buffer. He suggested arborvitaes in the back of the building.

Sears said that they need justifications for the three waivers on record. They waivers need to be addressed when they make their presentation.

MOTION: Farmer moved to continue the application for a Site Plan approval for 26 Hobart Street to the Planning Board meeting scheduled for January 28, 2020. Smith seconded the motion. The motion passed by unanimous vote.

37 Pope's Lane/85 Newbury Street. Request for Special Permits and Site Plan by TAKJ LLC for property at 37 Pope's Lane and 85 Newbury Street. Said property is in the Highway Corridor District. The applicant proposes to demolish the existing cement building at 37 Pope's Lane and construct a new two-story building addition, containing 25,897 square feet that will physically connect to the existing building. (*Assessors Map 48, Lot 28 & 28B*)

Attorney Nancy McCann appeared before the Board on behalf of the applicant, TAKJ LLC. With her this evening were Dean Souza and Lou Diluigi. Also present was Katie Cruz from Hancock Survey Associates. They are seeking Site Plan approval and Special Permit approvals for dimensional relief. The property at 85 Newbury Street is included. This involves a physical connection of the new building with the existing building that is under site plan.

McCann stated that the purpose of the application was to construct a new building that would provide accessory storage for the existing Diluigi Food site and operation which is located in the Highway Corridor Zone. It is located between Route 1 and Route 95 off Popes Lane. They have been there since 2002. The existing site located at 85 Newbury Street which is shown on the plan received site plan approval in 2008 and was modified in 2012. There is no change to the previously approved site plan with the exception of the connection of the new building. Back in 2018, the applicant was able to purchase 37 Pope's Lane, an irregularly shaped parcel. It was acquired by the applicant for the purpose of creating additional warehouse space. There are no changes to the previously approved site plan. There will be a connection to the old site. Once the addition is approved, they will have an ANR plan that will combine the sites to one lot.

The proposed building has a footprint of 16,157 square feet. The mezzanine is 9,740 square feet. The use of the mezzanine area will be for long-time storage for equipment that is not used that often. The first-floor footprint will be used for dry storage and cooler/freezer storage of the finished product that is not in constant use. There is a loading dock along the front of the building. The purpose is for an accessory to the existing Diluigi Food operation. This will allow more efficient processing. The building on the prior site plan approval has the receiving and distribution departments that will continue. The new building will be used for storage of materials as they are processed. The only access will be for the Diluigi employees. The new building will not receive or distribute materials. Distribution will still remain on the original site.



The new building is an accessory. There are no new employees. They are not anticipating new vehicle trips in and out of the site. The employees will be moving materials from the processing facility to the accessory facility for storage. There is an elevation difference and a lift going into the new building. They will be utilizing the loading area for access. There is no increase in employees, no change in the hours of operation and no new vehicles coming in and out of the site.

McCann said that they have requested Special Permits related to dimensional items regarding setbacks and lot coverage. They are proposing an alternative parking plan due to the building. There will be no new employees and no new customers.

Katie Cruz, from Hancock Associates, described the site layout. There is a driveway entrance along Pope's Lane. There is a four-foot loading dock. She showed the proposed parking spaces around the site. There will be a generator in back. There will be access to the back of the building.

They have proposed a stormwater drainage system that meets the Massachusetts State Stormwater Standards as well as the municipal standards. They have proposed new water, sewer, gas and electric service.

McCann told the Board that they have elevation drawings in their packets. They are requesting the Special Permit in a couple of areas. The maximum lot coverage in the Highway Corridor District is 70%. They are at 79%. When the lots are added together, they add up to 84%, so they are requesting a Special Permit for this.

This is an existing facility that they are trying to add on to. There is an acre site available next to the original site. It makes sense to utilize it with this site rather than add another type of business next to it. This would be the best use from a parking standpoint, as well as a vehicle and traffic standpoint.

The other Special Permit is regarding the 25 foot setback requirement. The first pinch point is due to the landing platform. The distance is 24 feet rather than 25 feet.

The other issue was regarding the eaves of the building. The distance is 24 feet to the eaves.

They have the criteria set out for Special Permits under Section 30.3.

Sears asked McCann to read into the record the requirements for a Special Permit and how those are being met.

McCann said that the first relates to the lot coverage and two setback pinch points. The Special Permits for these will not result in the following:



1. The municipal water and sewer systems shall not become overloaded by the proposed use.
2. The public streets shall not become overloaded by the proposed use. Only 5 to 6 trucks daily are anticipated to access the newly developed loading dock area; trucks already access the existing operation from Pope's Lane off Route 1.
3. The value of other land and buildings will not be depreciated by the proposed use. This new development with an attractive new building is in keeping with the existing facility. It will not devalue the existing properties and is a use permitted in the Highway Corridor zone.
4. The specific site is an appropriate location of the use, as provided herein. This is an accessory warehouse to an existing facility.
5. There will not be any undue nuisance or serious hazard to vehicles or pedestrians and adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use. The Site Plan provides safe and adequate parking, traffic and pedestrian circulation.
6. The proposed use will be in harmony with the general purpose of the Zoning Bylaw, and is an appropriate use for the property. The use is permitted under the bylaw, and this is an accessory use to an existing processing facility.

McCann said that with regard to the waivers, several are administrative in type.

1. In the site plan there is one sheet that shows the entirety of both sites. They have zeroed in on the area where there have been changes. The changes are limited to the new lot, 37 Pope's Lane, and the area where the building connects.
2. They are proposing to show the utility and drainage on one sheet.
3. The landscaping sheet was prepared by a civil engineer.
4. The lot lines were previously discussed.
5. The three-foot landscaping strip is not shown due to the loading docks and existing utilities located between the two buildings. They showed as much landscaping as they could. She showed the landscaping on the site.
6. A small section of the access aisle narrows to 21 feet. They only have a few parking spaces in the back area that is not open to the public. They do not have an issue from an operational standpoint. The Fire Department did not have an objection to this.



7. Community Impact Assessment Waiver. The new building has a footprint of 16,157 square feet. When the mezzanine square footage of 9,740 square feet is added, it brings the total to over 20,000 square feet. This triggers the requirement of a Community Impact Assessment (CIA). The CIA has a couple of different portions. One is the stormwater management and drainage. That has been provided. The other aspect is a traffic report. They are not adding any new employees or new vehicle trips into the site. This project is for accessory storage in the existing processing facility. Another aspect of the CIA is an architectural review of the exterior of the building and how it fits into the neighborhood. The design stays in line with the existing building. The building is not visible from Route 1 and is barely visible from Pope's Lane. Extra Space Storage is across the street. There are contractor's yards down the street. They have requested a waiver of the CIA. They feel that they have met the intent of the CIA since they are not adding any new employees, and there is not any change of the distribution.

McCann said that they have proposed an alternative parking plan as part of the application. They have no new employees that will be utilizing the accessory warehouse space. If this was constructed as a separate building of 16,157 square feet, they would need 57 parking spaces. They have provided 20 new spaces on this site that will help provide parking for the employees. They have an excellent operation of van and carpooling. They have requested an approval of an alternative parking plan.

McCann said that they have received department comments. She previously mentioned the comments from the Building Inspector. He did make a comment regarding the handicap accessible parking space. The Fire Department did not have any comments

McCann said that they did receive comments from Engineering. They have prepared a response that they have not yet submitted. They have no issues resolving the technical revisions. Engineering indicated that the 21-foot access was adequate.

McCann said that one of the residential neighbors reached out to them regarding traffic. They had a meeting with the applicant and project engineer to discuss those concerns along Popes Lane with regard to their employees. McCann indicated that they will put things into place internally. They will remind employees to be mindful and not go too fast. They will instruct trucks to use the southerly entrance as much as possible. They want people to understand that this is the Highway Corridor Zone, and Popes Lane has a lot of heavy truck traffic due to heavy construction companies and contractor's yards on that street. They can attempt to address concerns from Diluigi's. The new addition will not add any traffic onto Popes Lane. It is for internal functioning of long-term storage for the goods that they process.

Farmer said that there are 10 waiver requests with this application. He asked Morris the purpose of the rules/requirements and the importance to staff. That will help him understand what is important. He felt that there was an opportunity to improve the landscaping. Farmer asked why

a landscape architect was required. Morris responded that this is due to the fact that they have more expertise in the field.

Farmer is concerned with certain requirements and felt it was time to review the administrative items. There are reasons why they picked 20,000 square feet for a CIA and 30% of landscaping. He asked why more landscaping couldn't be added if they weren't adding more parking for employees.

McCann said that it was a balance. They requested a waiver on the parking and a waiver on the landscaping. The Board could request less parking and add more landscaping.

Farmer said that he was reluctant to waive the CIA. They have set the standard at 20,000 square feet. That is his feedback. He told Morris that he loved the summary memorandum, and it honed into the conversations.

Prentiss explained that in the past they have had people stamping plans that were not engineers. A general engineer would stamp all the plans. This has nothing to do with the applicant.

Sears said that there was not a detail for landscaping. He asked if they considered the riprap to be counted as landscaping. That does not work. They need to see landscaping. This is an industrial area and site, but they are planning for years from now. If this company goes away, what is the site going to look like and how does it conform. They need details on the plan. The generators need to be buffered with landscaping. There is no detail to that degree.

Farmer said that he did not hear any comments regarding snow storage and lighting.

Cruz said that snow storage will be on the landscaping areas at the front of the site.

Dean Souza said that they contract with Manter, located across the street, to remove it off the site. They do not give up any parking.

Cruz told the Board that the photometric plan was the last sheet of the plan set.

McCann said that they do have the cut sheets for the lighting.

Sears said that there should be screening for generators and compressors. He asked if the building would be the same color. He asked if they would take a condition to not have any outdoor audio. Souza said yes. Sears said he was okay with not having a CIA. He is fine with all the waivers except the landscaping.

Smith asked if there were any changes to delivery times. Souza said no.

N. Sears said with the explanation he understands why a CIA is not needed. He asked about any concerns abutters may have to this site.

Zilinsky said that she is fine with what has been presented and what is going to be presented.

Prentiss said that the site has gone a long way since its inception. He felt this was an improvement to the site. He agreed with the rest of the Board on increasing the landscaping.

Prentiss confirmed that the products would be trucked to the new building due to the change in elevation.

Souza said that a tractor maneuvers to shuttle the product into the building. They cannot move large quantities from the cooler into the production area. The opening is 20 feet wide. To bring fully loaded pallets through this area would be dangerous to the employees in the plant.

Prentiss asked for an explanation for the paths that the trucks would use.

McCann said that trucks traveling northbound on Route 1 can get off the southerly entrance and come into the facility. They can go to the northerly entrance. When the product is delivered off-site, the loading is done at the original site. The trucks exit onto Pope's Lane and take a left. That is what the existing conditions are. They are looking at whether they could go out the southerly entrance. They are looking to see if they can reduce the Pope's Lane traffic.

Prentiss thanked her for reaching out to the abutter.

McCann said that they are going to submit a response to Engineering's comments with a modification to the plan. They will look at the landscaping to provide more details including condenser and generator area arborvitaes. They will look to see if they can provide more landscaping. They like the idea of providing the 20 parking spaces. She does not know if they want to reduce parking and add more landscaping.

Sears asked if they could add landscaping between the buildings? McCann said that this area was all mechanical.

Souza pointed to the area in the back where the electric generator was. He said the elevation was 10 to 12 feet.

Cruz added that the riprap is a steep slope.

Souza said that they would be happy to have a landscape architect look at it.

McCann said that they know what they are looking for and will see if they can provide better buffering or find locations where they could add more landscaping.



Prentiss asked for updates that may arise with the abutter regarding truck traffic.

McCann said that they have agreed to have employees use the parking area near Route 1. If employees do come down Popes Lane, they are asked not to drive fast. They will remind the trucks as well.

MOTION: Farmer moved to continue the application for a Site Plan approval for 37 Pope's Lane and 85 Newbury Street to the Planning Board meeting scheduled for January 28, 2020. Sears 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.

Morris told the Board that there is a new application from Abiomed coming before them on January 28th for a generator. There is a workshop scheduled for February 1st for the Downtown Corridor Zoning.

Prentiss told the Board that the presentation regarding the zoning amendment to the Board of Selectmen meeting went smoothly. Mills voted against it. Most of the comments had to do with density and parking. It was overall a well-received amendment.

Farmer said he wants to focus on the customer experience in the future. They want to do everything they can to help people through the process. He felt it was confusing. He pointed to the application for a Special Permit at the Liberty Tree Mall

Morris explained that this fell under the use table. Since the use was considered entertainment, a Special Permit was required.

Farmer asked what the trigger was for the owner from the mall to be sure they are operating their site appropriately.

Morris said that staff would like to have a broader, longer conversation. Once the zoning is done, staff will turn their attention to the mall.

Bo White, the general manager of Berry Tavern, addressed the Board. He had questions regarding the parking issues in downtown Danvers.

Prentiss informed him that the zoning was being discussed tonight at Town Hall.



Sears told Morris that there are blinking neon signs in the downtown area.

Morris said that he would speak with the Building Inspector.

MINUTES

December 5, 2019

MOTION: Smith moved to approve the minutes of December 5, 2019. Zilinsky seconded the motion. The motion passed by a vote of 3-0. Sears and Farmer abstained since they were not at the meeting.

December 10, 2019

MOTION: Farmer moved to approve the minutes of December 10, 2019. Sears seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 8:45 p.m.

Respectfully submitted: Francine T. Butler

These minutes were approved on January 28, 2020.