



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 November 12, 2019 7:00 p.m. MINUTES

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

Prentiss said that Mr. Farmer and Ms. Zilinsky were not able to attend tonight's meeting, but there is a quorum present.

PUBLIC HEARING

100 Independence Way. Request for a Special Permit and a Major Modification to a previously approved Site Plan pursuant to Section 30 and Section 4 of the Zoning Bylaw submitted by Timothy Fox for property in the Commercial-III District. The applicant proposes to construct a 2,200 square-foot addition to the existing building at Liberty Tree Mall. (Assessor's Map 63, Lot 4)

Prentiss read the legal notice.

Attorney David Ankeles appeared before the Board on behalf of Simon Properties. With him this evening was the Project Engineer, Steve Glowacki, from RJ O'Connell & Associates, Inc. They are adding 2,200 square feet to an existing building (Liberty Tree Mall) for a new tenant and are converting a portion of a service court for that purpose. Glowacki and his staff have done all the engineering work requested and submitted the plans. They have responded to comments from Morris and Planning staff, and modifications were made. They were left with a few waivers requested in writing to David Fields. They are minor in nature: lighting, landscaping and elevation plans.

Glowacki addressed the Board. The portion of building expansion is on the south side of the mall, east of the main entry. They intend to build a 2,200 square foot addition. They are displacing a portion of the service court which is not being utilized. They intend to add handicap accessible spaces to the entry. They have an increase to the landscape area. They are doing stormwater improvements. They are displacing a portion of the service court which is not being utilized. There is a reconfiguration of the drainage to capture stormwater. They had to propose a relocation of the grease trap with Panera Bread. They feel that they have addressed staff comments.

Prentiss told the Board that this is a Major Modification to the Site Plan and a Special Permit. N. Sears' vote for the Special Permit will be recorded.

Morris told the Board that the applicant was sent several comments. One was for safety when the trucks are leaving the compactor area. The applicant has agreed to install mirrors and signage. They received Engineering comments, and the plan has been revised. Staff is comfortable with the application.

J. Sears asked what the landscaping was now. Glowacki said they were adding 200 feet. The reconfiguration allowed for the sidewalk to be brought out to add landscaping.

J. Sears asked about lighting. Glowacki said that they were adding wall packs over the front entry. There will be an increase of lighting with these.

J. Sears asked if there was any outdoor audio. Glowacki said that he did not expect any.

Smith said that he had nothing to add.

N. Sears had nothing to add.

Prentiss asked if the entrance was from the outside and inside. Glowacki felt that it was only from the outside. Ankeles added that he felt there was a mall entrance for safety. Prentiss confirmed that there was a straight sidewalk along the front.

MOTION: J. Sears moved to close the public hearing for the Special Permit and Major Modification to Site Plan for 100 Independence Way. Smith seconded the motion. The motion passed by unanimous vote.

MOTION: Smith read the Certificate of Action and moved to approve the Special Permit and Major Modification to Site Plan for 100 Independence Way.

J. Sears asked what type of chemicals would be used for the pool. Glowacki said that they would be using chlorine.

J. Sears asked how the chemicals are being managed through the Fire Department considering the recent events at a local restaurant.

Ankeles said that this is a situation covered by the Board of Health. They have a similar situation with another site at the Northshore Mall.

J. Sears asked the hours of operation. Glowacki said that they will close earlier than the mall.



MOTION: J. Sears seconded the motion. The motion passed by unanimous vote.

51 Needham Road a/k/a 6 Hutchinson Drive. Request for a Major Modification to an approved Site Plan pursuant to Section 4 of the Zoning Bylaw submitted by BJ's Wholesale Club for property in the Commercial-III Zone. The applicant proposes to modify the previously approved Site Plan to allow the construction of a gasoline fueling facility. (Assessor's Map 64, Lot 9A)

Prentiss read the legal notice.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, BJ's Wholesale Club. The site is located in the C-III zoning district at 51 Needham Road also known as 6 Hutchinson Drive.

The applicant wants to install a gasoline fueling facility on the BJ's site. The gas sales would be for the BJ's members only. The plan incorporates comments from the Fire Department.

McCann said that there would be six (6) fueling dispensers at the site. There will be an employee kiosk for one employee. There is a canopy to protect customers from inclement weather. The hours of operation are 6:30 a.m. to 10:00 p.m. for members only. They are proposing the gas fueling area to be in an area that is already paved and already part of the parking field for the BJ's site. There are presently 563 parking spaces on this site. Under the current zoning bylaw only 312 parking spaces are required. They will be going from 563 parking spaces to 441 parking spaces. Even with this reduction, they still have more than required. They have been able to add 7,000 square feet of landscaping. This is a benefit to the aesthetics of this site. They have received a few comments from the Engineering Department. With her this evening were Patrick Netreba, Real Estate Manager from BJ's; Austin Turner from Bohler Engineering; and Zach Rich, Fuel Systems Engineer from Stantec.

Austin Turner, from Bohler Engineering, addressed the Board. He said that the gas fueling facility is located away from the entrance for a reason. They wanted the bulk of the parking in front of the store entrance. He showed the Board how the site would be accessed and how cars would queue. You can only enter from the right side of the site. A truck coming in to deliver fuel will deliver at the top of the site. When the truck is leaving the site, they can circulate around the parking and then around the back of BJ's and exit the site. They have 7,000 square feet of landscaping. There will be a reduction of impervious surface. The water will be directed through a water quality unit. He explained how the stormwater would work.

From a lighting perspective, the canopy would be lit immediately underneath. They are requesting a waiver from the maximum illumination. The lighting will be higher under the canopy. Outside of the canopy, they comply with the lighting requirements.



Turner said that the Fire Department asked to be sure the hose lengths were long enough to reach the cars, which they have done.

They also wanted concrete ribbed aprons to extend beyond the point where the hoses can reach. The remainder of the project is pretty straight-forward.

They have requested a waiver from the requirement of providing details of the proposed retaining walls located around the edge. They are requesting that the retaining wall plans be provided at the time of obtaining the building permit.

They have requested a waiver of the lighting level as well since they will have a higher light level directly under the canopy.

Morris said that they met with the applicant team last week. They requested wayfinding signage which has been added.

Prentiss said that the whole site is under modification.

Smith asked if the higher lighting under the canopy was only during the hours of operation. Turner said they were usually on only during operation.

N. Sears wanted clarification that there are six (6) pumps that are accessible from both sides, for a total of twelve (12) pumping stations. This was confirmed.

N. Sears asked if the fueling area was going to be lifted. Turner confirmed this and said that the parking area slopes about ten (10) feet. They are filling in the area to level out the site.

McCann explained that you do not notice it, but if you look at the topography plans, the site does slope.

N. Sears asked if it sloped towards the river. This was confirmed.

J. Sears liked the idea that the fueling facility is away from the consumers. He asked if they could describe in detail the type of landscaping that was being put in.

J. Sears asked if they were thinking about getting into delivering items to consumers. Netreba said that they are trying to get into this, but they need to learn to crawl before they walk.

J. Sears asked if there were going to be message boards or audio at the gas tanks. Netreba said no since they find the audio annoying. He said that there is an ADA compliant speaker that is required.

J. Sears said that his concern with large parking lots is customers parking to go into BJ's and people accessing the fuel area. He asked if there was a clear delineation for people parking to the left or right of the site.

Netreba said that the staff addressed this. They are going to provide a package of wayfinding signs.

Morris felt they should show where the pedestrian path is.

Turner said that the parking area is separated by a fence. Pedestrians do not have the ability to just walk out onto Hutchinson Drive. They are directed through the entrances in the fence.

J. Sears asked if they could cross to the main parking area from the filling station. Turner said that there is no vehicle breaks for that to happen.

Morris asked if they could highlight where the pedestrian pathway is.

Turner showed the sidewalk going to the crosswalks.

J. Sears said that presently there are 563 parking spaces, and the amount will be decreasing to 414 parking spaces where only 312 spaces are required. He asked if it would be wise to put some of the excess spaces in reserve and replace it with greenspace. There would be less impervious surface.

Netreba said that it was something they could think about.

Tobin described the landscaping. The back slope would have different versions of forsythia. Along the front there are shade trees that would be crab apple trees. The borders would have different types of forsythia.

J. Sears asked what the retaining walls were made of. Turner said that they were rough edge manufactured stone. They have not yet selected the final one.

J. Sears asked if the plantings were draught resistant. Turner said that they were draught and salt resistant.

J. Sears said that he was fine with the lighting. He is also fine with the waiver for the whole plan set. He is okay with the retaining walls since they are not enormous walls. J. Sears asked what the total impervious amount was.

Turner said that the impervious amount is being reduced by 7,300 square feet.

J. Sears reiterated that it might be a good thing to remove some impervious for more greenspace.



Prentiss said that he was aware that this site was leasing parking to Run-A-Muck Child Care. Netruba corrected him and said that there was an easement for the parking to Run-A-Muck Child Care.

Prentiss told the applicant that there was a parking issue with one of its neighbors where they were parking on the roadway. He asked if there was any chance for shared parking with that neighbor. He would love to see some kind of conversation with them and the neighbor. The timing would work beneficial to both sides.

Netruba said that they ground lease the property. There is a third party involved with this site. They would consider it.

Smith asked what type of lighting was existing. Turner said there were pole mounted lights that would be maintained.

Matt Duggan, 41 Chase Street. Duggan asked how far this site was from the residential properties located on Clinton Avenue.

Tobin said that it was probably 600 feet to the closest property.

Duggan asked what the total lumens were for the canopy. Prentiss said that they measure lighting in footcandles.

Tobin said that under the canopy, it is in the mid 40 footcandles. The measurement falls to 8, then 7 and then 6 outside of the canopy. Once beyond the limits, the lighting is more customary for a parking lot.

Duggan said that there is a similar fueling facility on Route 1 North. They incorporate the one-way in and one-way out. On a larger percent of the vehicles, the gas tanks tend to be on the left side of the pump. The hoses are not long enough to stretch and the facility frowns on doing that. He wanted to confirm that the hoses were longer.

Tobin said that this was done at the request of the Fire Department. They also added a larger concrete pad.

Duggan felt that the longer hoses would allow people to fill up at any pump and would not cause long queues. He felt this would have a positive impact.

Bradstreet said that a lot of people raise their hoses to get all the gasoline out of the hose. He asked whether there was actually gas in the hoses.

Netreba said that the gas is shut off within the pump dispenser. The hose will naturally empty due to gravity.

Bradstreet asked how close this site came to the contaminated property and the location of the homeless people. Is this fueling station going to affect that property?

McCann showed the contaminated property location on the plan. She said it was opposite from the movie theater.

Nova Samodai, 27 Fowler Street. Samodai asked if there were any plans to add a vehicle charging station. Netreba responded not at this particular time.

Samodai felt any new charging stations, even if they were in the parking lot, would be great.

Marie Plankey, 59 Endicott Street. Plankey asked what time fuel would be delivered.

Tobin said that it is scheduled during operating hours which are 6:30 a.m. to 10:00 p.m.

Plankey asked if the fuel was gasoline or diesel. Tobin said that it would be a diesel station as well.

Plankey asked if fuel trucks would fill up at this station. Tobin said no.

Plankey asked what type of security would be at the site.

Netreba said that the station is manned by an individual in the kiosk during operating hours.

Plankey said that she was asking about security for after hours.

Netreba said that there is not a security guard.

Plankey said that they have done a nice job keeping the propane gas area secure. There are a lot of teenagers that hang out there. It is not on a street with a lot of traffic going by.

Prentiss asked about security cameras. Netreba said that he would look into it.

Bradstreet asked if BJ's would be selling substances that were not available in the past.

J. Sears said that people would only be purchasing gas at this site. Nothing else would be sold in this area.

J. Sears asked them to review the snow storage. Tobin showed the snow storage areas on the plan. A lot of snow is pushed to the rear of the parking areas.



J. Sears asked if they were going to provide details of the fencing and guardrail. He asked if it would be a wooden or metal guardrail. Tobin said that guardrail would be metal.

J. Sears asked where the dumpster was located. Tobin showed the location at the corner of the site.

J. Sears confirmed that this area would be locked. He asked about trash receptacles. Tobin said they would be located under the canopy.

J. Sears confirmed that the dumpster is for the fueling area only. Ntreba confirmed this and said that it was a small dumpster.

MOTION: J. Sears read the Certificate of Action and moved to approve the Major Modification to an Approved Site Plan for 51 Needham Road a/k/a 6 Hutchinson Drive. 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.

Morris told the Board that instead of their regular Planning Board meeting on November 26th, there is a public workshop to discuss the downtown rezoning.

He said that the Planning Board meeting scheduled for December 10th is the 40A Public Hearing.

David Fields, Director of Planning and Economic Development, told the Board that they are looking at everything they heard at the October 22nd meeting that was still lingering and controversial. They will see what the end product would look like if built.

J. Sears said that the Route 1 dealership is still the same. Fields said that this site was not under site plan, and that this would be considered a nuisance complaint. A letter was sent to the owner of the property. They do not have a lot of teeth from a planning perspective.

MINUTES

September 24, 2019 and October 29, 2019

MOTION: J. Sears moved to approve the minutes of September 24, 2019. Smith seconded the motion. The motion passed by unanimous vote.



MOTION: J. Sears moved to approve the minutes of October 29, 2019. Smith seconded the motion. The motion passed by unanimous vote.

Attorney Nancy McCann said that she would like to address the Board and speak to them regarding the Beaver Brook subdivision.

J. Sears recused himself from the meeting.

McCann wanted to update the Board. The Definitive Subdivision approval had two conditions that they wanted her and the applicant to work on and that has been completed. The two issues are about the location of the existing right of way and physically where it exists on the ground, and how the right-of-way should show on the mylar for endorsement. On November 4th, she submitted to the Board, after consultation with Town Counsel and A. Henry, a detailed letter as well as two mylars. One mylar showed the depiction of the right-of-way in its existing location. The other showed the relocation of that right-of-way to coincide with the street and connect to an easement to the abutting open space. She wanted them to be aware of what was submitted on November 4th. It has a letter of explanation reviewed by Town Counsel. She asked this be on the agenda at the next meeting. What the Planning Board would be asked to do is to decide which right-of-way location they want shown on the final mylar. She wanted the Board to be aware of what they are doing, and she requested that this be on the December 10th agenda.

Prentiss said he will talk to staff about it.

Colantoni said that he has a procedural question. He asked if the Board has seen the mylars and letter that were submitted on November 4th.

Prentiss said that endorsement of plans is not put on as an agenda item. It would be if they were going to approve something different.

Colantoni said that they were told that they were going to be on the agenda for tonight, and then they were not. He asked the Board to request from the Planning Division to see the mylars and the letter provided by the applicant.

Prentiss said that he would address it with staff.

Colantoni wants the Board to be educated. The Board should know about this.

Prentiss said regarding the decision of where the easement is located, if that changed from the original plan, it would have to come to the Board as an agenda item. If no changes are made to the plan that was approved, it would be a signing of the mylar at that time.



ADJOURNMENT

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

The meeting adjourned at 8:22 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on January 28, 2020.

