



# Town of Danvers Planning Board

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

[www.danversma.gov](http://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 26, 2019 7:00 p.m. MINUTES**

William Prentiss called the meeting to order at 7:00 p.m. Planning Board members John Farmer, James Sears, Margaret Zilinsky, Charles Smith and Associate Member Nathaniel Sears were present. Director of Land Use and Community Services, Aaron Henry, was also in attendance.

### **PUBLIC MEETING**

Downtown Corridor Zoning Change.

Prentiss opened the meeting.

Ted Brovitz, from Brovitz Community Planning and Design, addressed the Board. He is here to discuss the downtown zoning initiative. This is a follow-up of the Industrial-I/Maple Street change where the town adopted zoning for the Maple Street Traditional Overlay area. This was to allow residential in an industrial area. It would allow a walkable, attractive district. Once this was in place, it was decided to continue down the Maple Street corridor, which is a combination of different zones. They are proposing a new downtown core area on Maple Street to allow for mixed use. This would allow people to live above the downtown shops and stand-alone buildings on the side streets. There would be the same mixed-use opportunity on High Street.

They want to make sure the downtown is attractive and walkable. They do not want it overwhelmed with residential. The High Street area is the area for higher density. They are looking to see what the community wants to see in these areas. They did public exercises to find streetscapes and open space area, and they received great feedback at these workshops.

Brovitz said that they had a visual preference survey for the downtown area. They showed images of building designs that people wanted. There were nice storefronts, façade treatments and traditional architecture.

There are design standards for buildings along with site standards. There will also be street standards and outdoor amenity spaces. There are opportunities for outdoor dining, awnings and public arts. The question is how does the development fit into the downtown area.

Brovitz explained that they came up with conceptual ideas about wayfinding signage programs and streetscape treatments from visual preference survey. They did an overall plan. They found they could consolidate some of the parking areas.

In the Downtown Core area, they want to preserve the commercial activity. At ground level they need to be oriented towards commercial use. Upstairs you could have commercial and residential. They need to maintain the cluster of retail and commercial activity in the downtown.

They have a conceptual plan of the High Street Mixed-Use Corridor District. This is the High Street area where they will have the creation of blocks with internal connections between properties. There will be infill along the streets to create a more walkable district for commercial, mixed-use and residential.

The building standards for this area are what were adopted for Maple Street along with the same parking standards, sign standards and design standards for open space. They are providing a lot of different types of open space.

Prentiss reminded the Board that at their meeting scheduled for December 3<sup>rd</sup>, the Board of Selectmen will return the article to the Planning Board. There is a public outreach scheduled for Saturday, December 7<sup>th</sup> at the Danvers Tree Lighting. There is another Planning Board meeting scheduled for December 10<sup>th</sup>.

Zilinsky confirmed that they were talking about a complete zoning change in the Commercial-1 District and for the High Street area. For the High Street area, she asked if they were talking about another complete zoning change or an overlay. Brovitz said they were talking about a complete zoning change.

Zilinsky said that she was comfortable with the standards for the Maple Street overlay at Maple Street and Hobart Street. She felt the design requirements were good. There is plenty of parking, and she felt that they could resolve those issues by working with the developers and the land owners. She felt traffic would be an issue. She felt that they are ready to move ahead.

J. Sears said that they have been discussing this for close to two years, and they have seen this presentation many times. He echoes Zilinsky's sentiments. There are more people attending these meetings, and their questions can be answered. He thinks this is a good plan.

N. Sears said that when he joined the Board, this zoning was full steam ahead. He has had the opportunity to see that a member of the Board of Selectmen would be benefiting with the changes being proposed. Another member of this Board would also like to benefit from these changes. He has not heard of a benefit for the entire town as a whole. Henry and Fields have poured themselves into this project. He sees a traffic nightmare. This is a truck route. The Danvers River is an obstacle for roadways. Right now, since they have done the reconfiguration

of the downtown with crosswalks and timed pedestrian lights, there is a lot of time spent at the lights.

N. Sears said that in some of the other meetings, they have heard of income to the Town, and this rezoning is being sold to get the tax increases. When you take unused space and make it residential space, the ability is there to tax that square footage. That benefits some people, but not the majority. Individuals that work in this town are going to benefit from this, but how about the rest of us. This is not State Street in Newburyport. There has been talk at a previous meeting on working on a proposal of building a parking garage in downtown Danvers. This will change the character of downtown Danvers. The skyline will change. The idea of having certain greenspace in downtown Danvers in certain spots for how the town should look is a matter of opinion.

There are a lot of things thrown out there to benefit a few. Anyone interested in capitalizing on the building projects that would occur, like developers and realtors, would bank a pretty good penny at some point. Is this zoning change beneficial to the people of Danvers? Are they making the properties a certain size to keep the price down. The town has to set some covenants on the property for price control. What happens when the town becomes attractive, and people want to pay top dollar? Everything that people thought was affordable is now expensive. Twenty percent of any of the available units would be for low-income housing. With low income housing comes other issues. The Planning Board is under unanimous opinion. He is against it. N. Sears felt they can look to other parts of the town to develop. Do this rezoning somewhere else.

Smith asked what area of the downtown he was referring to when he said he drives through the downtown. N. Sears replied that he drives all over town. Smith asked him why he drove through the downtown if he can't deal with the traffic and signals. N. Sears responded that he wanted to patronize downtown Danvers.

Smith said that he has not been quiet or discreet about his opinion. His perspective as a young person who sees the issues with traffic backup and long pedestrian crossings is that the downtown should be owned by pedestrians. He is less concerned about the traffic. They are not discussing low-income housing. They are discussing affordable housing. You can get confused between the two words. Smith said that someone asked him the other day about affordable housing. He said that they really need it since housing is not affordable. He asked how they would price the units.

Prentiss said they currently have on the books for any number of houses/units going into town above five units, the developer must contribute an affordable unit or pay funds. Low-income housing is what the cities are dealing with. Affordable housing is what the towns are allowed to deal with for low-income housing.

Smith pointed out that an affordable condominium in the downtown area is attractive to an 80 year-old retiree or a 30 year-old person. A few miles down the road it is double the cost. How do they prevent that from happening?

Henry said that in theory an affordable unit at the highest income band or the lowest income band needs to be deed restricted, and the units need to be income-qualified.

The units are forever locked into a price range that will float over time. What they are seeing in other areas of metro-Boston is a market rate. You see towns going north of a million with nothing happening in between. They have talked about price control. You are seeing 120% to 150% of the area income. They are not recommending they go and introduce those price controls. As they go forward over time, they will monitor the pricing. If prices of homes continue to escalate, at some point it may become something the Town Meeting may want to introduce.

Smith said that he would like to address the comment about traffic. He is not concerned with that increasing. He felt that they were at the saturation point. As they redesign the downtown and see the trends that people from 25-35 are following, there will be a lot more use of public transportation.

Farmer said that he has been on the Board for a while and has participated in some of the goals and objectives. Retail is changing dramatically. If the town wants a retail base in the downtown, they need residents to drive commercial traffic. It would be nice to see some of the new zoning in Maple Street so the community could see what is happening. The project at 20 Locust Street will show how successful this concept will be. This will take a lot of time to be built out. He does not remember when the last major project was done in the downtown. Traffic is a concern. This is due to the successful build-out of the Cummings Center. This could be an opportunity to live in the downtown area like Salem, Beverly and Reading. He is supportive of this proposal.

Prentiss said that he had one basic comment. He would like the Board to discuss an overlay verses a full zoning change. He would prefer an overlay. He felt it benefits the current owners doing an overlay. He is in favor of this. He has always loved the downtown area. Growth is going to happen whether we want it or not. The heights can be higher than what they are suggesting. There are densities that are higher than what they are suggesting. If they do not control how the density occurs through smart growth, the density will be worse. He has always been concerned with traffic. If they can control how a traffic goes in and out, they can control how the street traffic works.

Henry said that he was once on the Planning Board and now on staff. There is a traffic problem. How are they going to address this? There is no plan. We call MassDOT regarding the intersections at Route 35 and Route 128 and tell them they are awful and want them fixed. This proposal is so that as the incremental improvements go forward, they are writing into the zoning a mechanism where the Planning Board directs where the improvements go. It is community



driven rather than development driven. Maybe they do not want what is recommended by a traffic report. If the people want something else, this proposal tries to attack this in an incremental way.

Zilinsky said she would like to respond. She does not have a beneficial interest in this rezoning. She has an interest for her age group. Many couples and single people are living in large homes. There is not a lot of housing for people trying to downsize. The young age millennials cannot stay in Danvers. They cannot find an apartment in Danvers. The benefit is for her generation to have a place of affordable housing with access to services and the ability to get exercise. These people do not have to be in the big houses. People will not have to spend everything they have on housing. She will continue to say that this would benefit her age group. She will not benefit personally by this rezoning.

N. Sears said that it is documented at a prior meeting that Zilinsky stated that she wanted to be part of that age group that moves downtown.

Smith said that it sounded like N. Sears was saying that Zilinsky and the member of the Board of Selectmen had a financial interest in the rezoning.

N. Sears felt it had an appearance of a conflict of interest.

J. Sears said he was shocked with what N. Sears said earlier. The Planning Board has been talking about this rezoning for over a year. This is an affront to the Board, and he is shocked that you are bringing this up tonight. He has been on this board since 1996. The town has spent money on experts and consultants. They have eleven industrial zones in town. They have been proactive where there was industry and now offer a residential use. They have been proactive as a town to do planning. They are a Planning Board. They are doing smart growth and planning for the town.

In a joint meeting with Zoning Board of Appeals (ZBA), Board of Selectmen and Town Manager, it was pointed out that the Planning Board did a great job with the industrial zone near the fire station, and they were asked to concentrate on the commercial zones in the downtown. They have been motivated by the Town Manager and Board of Selectmen through grants. There has been plenty of time to opine to get your word out. We are adding another use. We are allowing for that opportunity. If someone owns an industrial building, this gives them an opportunity if they chose to take it. It is smart growth/smart planning allowing for that.

N. Sears said that they have not talked about this topic at every meeting. He does not know everything. He brings a common person's perspective. He has been waiting to be asked how he felt about it.

J. Sears said it is being presented to the town and will be presented to Town Meeting. The town has the final say. The town has expended time and money to plan for the future.



Prentiss said that he welcomes all opinions. This Board has a history of not agreeing on everything. There will be more meetings and more opportunities to discuss.

Bill Nicholson, Town Meeting Member. Nicholson said that the Planning Board was given a charge to do something about the zoning downtown. They did a good job on the first part and now it is time to move on to the second part. J. Sears knows that he is not a big believer of overlays. Nicholson said that he would like the zoning changed. Having been a Planning Board and Zoning Board member for 17 years, the town has changed. He appreciates the work that they do. Town Hall almost becomes your second home. He supports what the Planning Board is doing. The zoning will need to be tightened up a little bit. He felt Town Meeting would approve what they were doing.

Bill Bates, Town Meeting Member. Bates thanked the Planning Board for their efforts. For them to volunteer is appreciated and needed, but it does not eliminate being a citizen. You do not give up those rights. He would like to talk about sustainability. His taxes are over \$7,000 for his house. He suggested people look at [strongtowns.org](http://strongtowns.org) to see what people are doing. Restricting what people can do with their properties is unsustainable. We need a good business section downtown. The meals tax was brought to Danvers. You have to do those things if they are going to have a great town. We do not want you to drive through downtown. He asked why it was critical to maintain retail/commercial on the first floor.

Prentiss said to increase the walkability of the downtown. They do not want residences on the first floor where people are walking by. They want to keep it away from eye level.

Brovitz said that there is an existing core of restaurants and retail. The town does not want to lose that. This needs to be enhanced. Residents above will support the businesses down below. It is important for the downtown core to concentrate on what exists today.

Bates felt the stop lights were good for the downtown businesses. Driving through the downtown does not help Danvers. He is not sold on this rezoning. He does not feel that he is being steam rolled. It is important that they figure out the traffic. It is here. Make the best of it. Nothing has happened at Maple Street, and people are taking their time. He has questions about overlay verses changing the zoning completely. He will need to get educated on that. Let's do this together. It is something important for the town to look at. They need to look at other zones.

Prentiss said that decisions are not based on taxes. It is based on zoning. That is not being used in the final decision making.

Carla King, 147 Maple Street. King said that she lives to the side of this area. She has to drive through town. It has taken her more than 20 minutes to get from Lyons ambulance to Walgreens.



King said that she is a low-income person. She worked hard to buy a two-family home. She is on the Danvers Affordable Housing Trust. The housing in town is not affordable. She could not be able to rent in town. She could not afford the rents that are considered affordable in town.

Matt Duggan, Town Meeting Member. Duggan asked if the 40R is a key component of this rezoning.

Prentiss said no. This is not the end of the discussion.

Duggan said that overlays are part of the smart growth effort to inject affordable housing in town. For this corridor, that could have a detrimental impact on the neighborhoods near that corridor.

Henry said that the Planning Board has been undertaking a number of zoning changes. The Town pursued the 40R program. The Town applied and was accepted into the program, and they did receive an incentive payment. As they transitioned, they did not talk about 40R for the first year of that process. It was more important to pursue a plan/vision that was right for downtown. One that the community would support. Towards the end of July, they applied to the Department of Housing and Community Development (DHCD) to include these two districts (downtown and High Street) to reserve their right. It has never been about doing one thing for another thing. They want to reserve the right to participate in it if it was right at the end of the day.

Duggan said that the money the state reimburses the town is blood money. The 40R takes away a lot of zoning control of density.

Henry said that there is nothing in 40R legislature that abutters lose appeal rights. This is an incentive program that DHCD has put out that if your zoning requirements meet the minimum thresholds you may be eligible for these payments.

Tony Bettencourt, Town Meeting Member. Bettencourt asked why they are rushing this through. He would like them to look at the traffic.

Prentiss said that they have had multiple traffic studies.

J. Sears said that some of these studies have suggested changes like the traffic on Locust Street.

Brovitz said that BETA did an analysis of traffic in 20 years. Based on that study, they had specific improvements at intersections. There was a parking study done a few years before that suggested to better utilize the parking.

Prentiss said that at the intersection in front of Lyons ambulance, the left and right-hand turns were added. All the traffic studies are available on line

Bettencourt said that they keep adding to the traffic problem.

John Zevaglia, Town Meeting Member. Zevaglia said that at Town Meeting they voted on this. Prentiss said that the vote was for a similar type of overlay. Zevaglia said that at Town Meeting there was some property that was on file at the Massachusetts Department of Environmental Protection (MassDEP). Are there any properties that are going to have to have remediation done?

Georgia Pendergast, Staff Planner, said that the Board of Health has that information.

Henry said that those are conditions on the property that owners will need to deal with.

Zevaglia wanted to know what the Board of Health has flagged.

Pendergast said that can be found through the MassDEP.

Henry asked what the connection was.

J. Sears asked what the relevance was.

Zevaglia asked what if one of the owners of these properties leaves?

J. Sears said that there were properties depicted on a map.

Zevaglia said that the info packet said that the properties were on file with the DEP. He could not get an answer.

J. Sears said that the Hottwatt property has asbestos and lead paint. The owner will need to handle this. If there was a property that was dirty and leaking oil onto your property, it is the owner's responsibility. The town can't enforce that.

Zevaglia asked if there was a list of the properties that are listed on the MassDEP.

Henry said that they know a property that has not done any soil disturbance in 40 years. The owner has not done an assessment, and we cannot ask for that assessment. The owner of a contaminated property would need to clean up a dirty property.

Prentiss said that whether or not this zoning passes, the site would still need to be cleaned up.

Zevaglia said that he would love to come to more of these meetings, but he works from 11:30 p.m. to 8:00 a.m.

Bettencourt said that if land is not commercial, they do not have to do a 21E Report.

J. Sears said that they are only adding residential zoning. If you have residential, you will still have residential. The property owner will be responsible.

Henry said that this is an important point. They do not have to do this. The community tells the property owners whether they chose to move in this direction. You are not obligated to pursue this. It is the property owner's decision to change from one thing to another. There will be more options for property owners, but it will not stop what is happening today.

Linda Flaherty, Town Meeting Member. Flaherty said that this is the Planning Board. They are planning for the future, and that is going to be made up of people like Zilinsky and herself. We need to look at the opportunity before us. They found what the millennials and baby boomers have in common; how they want to live. We are looking to the future. We are going from two cars down to one. Young people use Uber. Owning a car is expensive. Young people do not want to drive. They want to be where they are close to their work. They want to be close to where things are happening. We are differing on how we get there. Some of us may not be around to see the roof line change. Change is going to happen; let's do it right.

Chris Weeks, 6 Park Street. Weeks said that this is the first he is hearing about this zoning.

Prentiss said there was a mass mailing and a public notice printed.

Henry said that he was concerned that he had not received any notice of these meetings.

Weeks said that his wife goes through the mail.

Weeks asked if they have a feel of the town. Can they do a Survey Monkey?

J. Sears said that these meetings are televised and taped. All these meetings have been public.

Prentiss said that Town Meeting members have been informed of this meeting.

Joan Chane, 11 Fowler Street. Chane said that she lives on Fowler Street, near the EPA zone. She has been listening. The elderly are getting elderly in this town. Her property would sell for \$400,000 to \$500,000. There is no place where she can move. You cannot get through downtown. She heard someone said to go a different way. Has a study been done how to get around? This is a first for her. She agrees with N. Sears that a little more needs to be looked at.

Prentiss said that there will be plenty of upcoming meetings. We will get a larger venue if needed. He told the audience that they can address the staff at Town Hall.



Henry said that only Town Meeting members were informed of this meeting tonight. Regarding the 40R. They applied in late summer to the state for 40R. They were accepted into the program. For a number of reasons, including a change in regulations from when Town Meeting adopted the 40R at Maple Street, they were informed that they were very unlikely to receive any financial compensation for this additional zoning. Given the paperwork, annual reporting and feelings regarding the 40R program, it is their recommendation that the Town not pursue 40R for this. They recommend changing the base change to Industrial-1, converting it into the High Street/Mixed-Use Development Zone, and replacing the Commercial-1 and Commercial 1-A, with Danvers Downtown Core and Danvers Live/Work Districts as described tonight. By doing this, they will not be held to the minimum thresholds. It clarifies, from a staff perspective, the question of overlay verses base. The 40R requires it to be an overlay. They would have to reconcile industrial and commercial uses that have not gotten any support throughout the process. Industrial-1 on High Street allows the height to be 55 feet, by right. It allows noxious uses that people do not want to see happen (self-storage, warehousing, fuel storage). There is a concern that should someone utilize those rights (55 ft high, self-storage) the plans to do a mixed-use building next door is not as advantageous. They recommend that they move forward and make the changes necessary, remove it from an overlay and just go base. They have prepared for both. They want to get this resolved to know what to do until they finalize the zoning.

Prentiss confirmed a zoning change instead of an overlay for the Downtown and High Street. He said he would like an overlay. He would want to be convinced that anything they change would benefit the current owners and not reduce their property values.

Henry shares that concern. By introducing the ability to bring residential into these properties, they would not expect an outcome that they would need to worry about. For the most part, the only things that Industrial-1 property owners are affected by is the loss of the height and dimensional protections.

Prentiss said in previous overlays they have changed the underlying uses in the zoning. They did not change the height, but in Industrial-1 they got rid of some uses.

Henry pointed out that they created a new Waterfront District in Danversport.

Zilinsky thought that if they changed the Industrial-1 underlying zone, it would affect every other Industrial-1 zone that they had.

Henry said that is why they established the Waterfront Industrial District.

Prentiss said that they do not want to pit the current owners against Town Meeting members.

Farmer said that he is open to it. He would like feedback from the community. The overlay has worked, historically. He is open for debate.

J. Sears said they were going to fold the Commercial-1 and Commercial-1A into the design standards. We need to compare and contrast.

Brovitz said that the dimensional standards are attached to the building types. The use table is what they need to look at.

Farmer confirmed that they would get a summary.

Henry said that they could bring the uses into the new zoning district, so as not to lose any opportunity.

N. Sears said that this was the first time he has heard of an overlay verses a zoning change. He would want to here from someone that would be impacted by this.

Henry said they were talking with property owners.

Zilinsky felt the climate may have changed since they rezoned the Waterfront and Industrial districts in the Danversport. People understand what we are trying to do. When the study was first done, the thought was whether to meld Industrial-1 into the adjacent district or putting it into another district. She has never been a big fan of the overlay due to the neighbor being able to do something by right. The economic climate with residential being proposed is more attractive. She will be interested to see what businesses are taken out. Danversport worked very well. After the High Street area, they need to deal with the areas near Connors Farm and North Street.

Henry said that he would put the uses not affected by the change on the list.

Prentiss said that this was not just for industrial and/or commercial uses. They are looking out for the present homeowners and industrial/commercial owners. They do not want to make any changes that would take rights away from homeowners.

J. Sears said that he has had comments already.

Farmer told the Board that residential is the first area where capital is going, and self-storage is the second area. People are downsizing, but they are not getting rid of their stuff.

Henry pointed out that there is a subset of marketing for self-storage.

Prentiss said that they need to send a letter to the Board of Selectmen to notify them for an agenda item that the Planning Board is coming forward with a warrant article. This does not mean the warrant articles is moving forward at this time. This is to get on a timeline to get into the system. Prentiss read the letter to the Board and audience.

**MOTION:** Farmer moved to send a letter to the Board of Selectmen with a request to appear before them at their meeting on December 3, 2019. J. Sears seconded the motion. The motion passed by a 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.

Prentiss said that he received an email today that the Town is looking to have a community workshop on December 5<sup>th</sup> between 8:30 a.m. and 4:30 p.m. and would like representation.

Henry suggested sending the email to the rest of the Planning Board. He said that they were just reaching out to the chairs.

Prentiss said he would forward the email to the Board.

J. Sears recused himself from the meeting.

Henry told the Board that Attorney Nancy McCann was here. He said that they have received the proper paperwork for the performance guarantee for Beaver Brook. They would like to have a special meeting either December 5<sup>th</sup> or December 6<sup>th</sup> during the day. He said that this could be a potential modification. It could be a 30-minute conversation about whether they want to relocate an easement that was being offered.

Prentiss said he was available prior to 9:00 a.m., 1:00 p.m. or after 5:00 p.m. on Thursday.

McCann said that they were willing to have the discussion tonight.

Henry felt this should not be discussed tonight. Right now, there is the town's right-of-way, and a paper street is a certain location. There is a proposed relocation of this, and the applicant is asking the Planning Board if they can show this relocation on the endorsed set of plans.

Prentiss said they would be signing the mylars that were approved. Any changes that occurred after that would require a modification.

Henry said not necessarily. Henry said that McCann's next step is to go to the Selectmen for the easement. We want the Board to sign plans reflected by the decision and give the Board of Selectmen guidance where they stand on the modification.

Farmer said he could only attend on Thursday night. He is in Boston all day.



Smith said he was available any time.

Zilinsky asked to meet on Thursday.

It was confirmed that the meeting would take place at 8:00 a.m. on December 5<sup>th</sup>.

**ADJOURNMENT**

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

The meeting adjourned at 9:20 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on December 10, 2019.