



Town of Danvers Planning Board

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

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Planning Board Members:

John Farmer, Chair
James Sears
William Prentiss
Margaret Zilinsky
Louis George
Nathaniel Sears, Associate

Daniel J. Toomey Hearing Room February 25, 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, Louis George and Associate Member Nathaniel Sears were present. Director of Planning and Economic Development, David Fields, was also in attendance.

OTHER BUSINESS

Board member recognition.

Prentiss wanted to recognize the new Planning Board member, Louis George. Unfortunately, this is due to Charles Smith moving out of the area. Prentiss said that they want to thank Smith for everything that he has done.

Smith thanked the Board and said that it has been a great honor.

Prentiss thanked the Board and staff regarding Town Meeting. Everything went smoothly for all the Town Meeting members that were present. Prentiss thought it was very impressive for the amount of Town Meeting members who supported the new zoning along with the outcome of the Town Meeting and rezoning efforts.

Prentiss thanked staff regarding Town Meeting and rezoning. He felt it was impressive for the Town Meeting members who supported this along with what they and the Board of Selectmen said.

309-309R Locust Street. Request by Danvers Living LLC for a Reduction of the Performance Guarantee and the extension of the completion date of remaining improvements and Tripartite Agreement.

Attorney Nancy McCann appeared before the Board on behalf of the applicant, Danvers Living LLC. They are requesting a reduction of the Performance Bond relative to the Holly Hill Subdivision. The bond is currently in the amount of \$175,242.00. They are requesting that this be reduced to \$30,134.82, representing a bond reduction of \$145,107.66. This has been reviewed and approved by the Engineering Department. They are also requesting an extension of the completion date to complete some items like paving. They had originally requested a six-month extension, but staff asked to extend for a full year so they do not need to come back if there is a delay. She indicated that they would come back prior to that time should the project be completed.

The Amendment to the Tripartite Agreement has been signed by the developer as well as the lender in anticipation of the Board's vote tonight.

George said that in the Engineering approval, King mentioned that the original spreadsheet was changed and that he did not have the original spreadsheet from when the wall was deleted. He questioned whether there was some sort of prior approval and if this was affecting it in any way.

Fields explained that this does not affect anything this evening. There was prior conversation between Engineering and Planning about bonding a retaining wall that is actually on a house lot. They are not allowed to do this and can only get surety for the right-of-way. The original spreadsheet had a much higher amount due to that wall.

MOTION: Farmer read the Certificate of Action and moved to approve the Reduction of the Performance Guarantee and Extension of Completion Date for 309-309R Locust Street. J. Sears seconded the motion. The motion passed by unanimous vote.

FORM A

Approval Not Required under the Subdivision Control Law

M.G.L. Ch. 41, Section 81K to Section 81GG.

7-9 Riverside Avenue. Request by Danvers Realty Holdings, LLC and 7-9 Riverside Avenue Condominium Trust for endorsement of Form A perimeter plan. (Map 52, Lot 113).

Attorney Nancy McCann appeared before the Board on behalf of her client, Danvers Realty Holdings, LLC and 7-9 Riverside Avenue Condominium Trust regarding the endorsement of an Approval Not Required plan for property located at 7-9 Riverside Avenue. With her this evening was Tom Nolan, the Manager of Danvers Realty Holdings, LLC and the Trustee of 7-9 Riverside Avenue Condominium Trust.

McCann said that the plan submitted has sufficient frontage in excess of 50 feet that was required prior to filing this plan. This plan was filed with the Planning Board and the Town Clerk prior to the recent Town Meeting.

Fields said that the memo in the packet sums up the application.

George wanted confirmation that this would expire in three years.

McCann explained that by filing this plan, it is a freeze of the use.

George asked if that can be extended. McCann responded no.



George asked if the use could be expanded during that time.

McCann responded that during that time the applicable use is the zoning in the I-1 Zoning District.

George asked if it could be expanded within the confines of the district. McCann said that it could be expanded within the confines of the lot.

George asked staff if they received other applications with respect to this. Fields responded that they had not.

Zilinsky said that this was the first time that she had seen this.

McCann said that she has done it before, but she was not sure if she had ever done it in Danvers.

MOTION: J. Sears read the Certificate of Action and moved to approve the application for ANR plan for 7-9 Riverside Avenue. Farmer seconded the motion. The motion passed by unanimous vote.

OTHER BUSINESS

Review and possible approval of Planning Board *Zoning Regulations*.

Fields explained that the design standards that came along with the new zoning should not be placed in the zoning bylaw. They should be placed in a separate document called zoning regulations. The only other matter in this, other than the design standards, was the language involved for the Special Permitting specifically related to downtown zoning and transportation management.

J. Sears confirmed that at a Town Meeting with a zoning change, they would vote the zoning bylaw and vote the map change. When they voted for the zoning change, didn't that include these regulations as part of them? He asked if they were going to be appended to the zoning bylaw.

Fields said that they are not included as part of the bylaw.

J. Sears said that as a guideline, when an applicant comes in front of the Board, if they are seeking changes or waivers, will these be administratively approved by staff? He felt that they could have a lot of approvals before the Board if this was not the case.

Fields said that they would still have administrative review at the staff level for site plans. For most of these projects, applicants would be appearing before this Board for site plan. If they need a special permit that is the Planning Board's jurisdiction.

J. Sears asked if there was a particular item that an applicant needed as a minor change after approval, what is the standard where the Board would be involved rather than staff?

Fields said that it would be a waiver to the Planning Board during the application process. If an applicant wanted to deviate from the design standards such as a roof line, that would be a waiver requested in the application process. They would not be able to come back after the fact without a formal request for modification. A change to a roof line would have to have an applicant come back to the Planning Board for a modification.

J. Sears felt that for something minute, they should not have to come before the Board.

Fields said that as it stands now, there are only certain items that are listed in the bylaw that can be considered administrative, however that can be broadened.

J. Sears said his concern is if there are three to four applicants with sizable projects with these new design standards, at what level does the Board need to be involved verses staff? J. Sears felt for a minute issue, an applicant should not have to come back before the Board.

Fields said that this was good feedback.

Prentiss said that he would like to read through it.

Farmer felt it was a great idea and agreed with Sears.

Prentiss said they brought the guidelines independently to Town Meeting for the Maple Street 40R.

Zilinsky asked if this would pertain to the 40R guidelines.

Fields said that with the 40R vote, the whole document, bylaw and design guidelines were put into the bylaw. They want to take the design guidelines out and let the bylaw a zoning bylaw, while the regulations are the Planning Board's specific regulations.

Fields said that animal husbandry was given to the Planning Board. They will be doing hearings on this.

Prentiss said that this would be on the annual Town Meeting.

J. Sears thought this was under the Board of Health.



Fields said they want to pull this out of zoning and enable it in certain zones. Animals will be allowed in different zones than were they are currently.

FUTURE DATES

Planning staff will update the Board on future meeting dates and workshops, as needed.

Fields said that the next regularly scheduled meeting is at the Senior Center on March 10th.

MINUTES

January 28, 2020

MOTION: Zilinsky moved to approve the minutes from the Planning Board meeting of January 28, 2020. J. Sears seconded the motion. The motion passed by unanimous vote.

OTHER BUSINESS

Officer reorganization.

Prentiss explained to the Board that they needed a nomination for a chair and clerk.

MOTION: Zilinsky moved to nominate John Farmer as Chair and James Sears as Clerk to the Planning Board. George seconded the motion. The motion passed by unanimous vote.

The Board thanked Prentiss for his years of service on the Planning Board, and most recently serving as Chair of the Board.

Certificate of Vote authorizing signature of plans and documents.

The document is filed with the Registry of Deeds to have signatures on file.

MOTION: Farmer moved to execute the Certificate of Vote. Zilinsky seconded the motion. The motion passed by unanimous vote.



ADJOURNMENT

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

The meeting adjourned at 7:30 p.m.

Respectfully submitted: Francine T. Butler

These minutes were approved on March 10, 2020.