



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

Senior Center – 25 Stone Street March 10, 2020 7:00 p.m. MINUTES

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

Farmer thanked Prentiss for his work being chair of the Planning Board for the past few years.

Farmer told the audience that this meeting is being televised. It is important that people identify themselves. The applicant will make a presentation. The Board will ask questions first, and then the audience will be asked for their questions.

OTHER MATTERS

197 Newbury Street. Request by 197 Newbury, LLC for a Reduction of the Performance Guarantee for 197 Newbury Street. (Assessors Map 24, Lots 21B).

Attorney Nancy McCann appeared before the Board on behalf of the applicant, 197 Newbury, LLC. Currently the bond for this project is in the amount of \$137,000. A lot of work has been completed at the site. The suggested amount for the reduction is \$14,000. The bond is posted in the form of an insurance bond. A rider to that bond has been submitted to reduce the amount to \$14,000. Some minor landscaping needs to be completed in the spring.

George asked what the discrepancy was from the original suggested amount of \$10,500 and the amount of \$14,000. McCann explained that staff felt the amount should be \$14,000.

MOTION: Sears read the Certificate of Action and moved to approve the Reduction of the Performance Guarantee for 197 Newbury Street. Prentiss seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARING

75 Sylvan Street. Request for approval of a Major Modification to Site Plan submitted by Brookwood Sylvan LLC for property at 75 Sylvan Street. Said property is in the Industrial-II Zoning District. The applicant proposes to provide a new loading dock to a tenant space in Building A. (*Assessors Map 57, Lot 31*)

Farmer read the legal notice and opened the public hearing.

Attorney Nancy McCann appeared before the Planning Board on behalf of the applicant, Brookwood Sylvan, LLC. With her this evening were Gladys DiFranco, the Asset Manager from Brookwood, and Ethan Beals, the Project Manager from Hayner/Swanson, Inc. They are requesting a major modification to allow the installation of one loading dock on the south side of Building A.

McCann showed the location of the loading dock on the plan. There will be two bays within the loading dock area. As noted in the legal notice, the property is located in the Industrial-II zoning district. This building has been on the site for nearly 70 years and constructed in the early 1950s. They are requesting the loading dock to serve a tenant space that has been vacant for over three years. There is 37,000 square feet of industrial space located in Building A which is on the south side of the site. The applicant has attempted to rent this space and has not had success due to the lack of a loading dock for an industrial type use. There have been five prospective tenants that have been lost.

In May 2018, the applicant appeared before the Planning Board for a modification of the site plan. McCann did not handle the hearing, but she has reviewed the minutes. At that time, the Planning Board had some suggestions. There was a neighborhood meeting at that time to flush out the issues. The issues revolved around noise, lighting and truck idling. In the middle of that process, there was one public hearing. The applicant withdrew the application to revise the plans. They tried to rent the space without a loading dock, but that has been unsuccessful. This new proposal is a revision to the original loading dock plan (2018) and addresses concerns that were heard at that time.

McCann said that the plan changes address those concerns. The loading dock geometry has been changed for access. The curb cut in the 2018 plan had been proposed to be lining up with the outside aisle closest to the abutters. This has been moved over to the middle aisle. They have added barriers for lighting and sound attenuation. A large landscaped area is being proposed at the end of the loading dock. The island is in a location that will trap the light as well as sound. It will visually block the loading dock itself. They are also proposing to install vinyl slats in the chain link fence. There are plantings proposed in front of the fence. They are proposing fifteen (15) arborvitaes to fill in gaps along the fence.

McCann said that they are proposing more landscaping directly around the loading dock and around the new curb cut at the end of the middle aisle. They are adding 24 new trees and 108 new shrubs and grasses. The tractor trailer will travel counterclockwise from Adams Street onto Sylvan Street. They are proposing wayfinding signs to make directions very clear to the existing loading docks and the new loading docks. This had been an issue in the past. This will guide and provide direction to the tractor trailer trucks.



In addition to these items mentioned on the plan, they are proposing to install additional signage that state “residential area” and “no honking except for danger,” to address comments heard at the prior hearing process. Trucks were honking to have the garage doors opened. That will be curtailed with the installation of these signs. The landscaping company that provides snow removal has been asked to be mindful of sound. They are now scheduled to maintain the properties on Tuesdays and three Saturdays in the spring and fall. The landscaping will be done on Tuesdays. Trash is done on Monday, Wednesday and Friday between the hours of 7:30 a.m. and 5:00 p.m. Trash is not collected on the weekends. The snow storage areas have been relocated. A contact list was provided to the abutters after the meeting in 2018. At the neighborhood meeting last Wednesday, where over 100 abutters were invited, the abutters were provided a contact list should any residents have any issues on the property. The contact list was provided if any residents have any questions at any time. McCann said that it is not typical to provide contact information.

The applicant has also updated the Rules and Regulations for their tenants. This is a multi-tenanted industrial building. They have updated the Rules and Regulations sent to the tenants by Brookwood indicating the truck delivery hours as “no deliveries between 11:00 p.m. to 6:00 a.m.” There will be no loitering in the parking lot by employees. There is no outdoor audio, no extraneous lighting and no honking signs to open doors. Remote door openers have been installed. The applicant is trying to make this an attractive site. They have put over \$3,000,000 into the site. Maintenance is going to keep it in a good attractive condition. There is also a façade change to construct the loading dock. The landscaping percentage is at 22%.

Ethan Beals, the Project Manager from Hayner/Swanson, Inc., addressed the Planning Board. He said that the applicant is looking for approval of a major modification for two loading docks at the south side of the site. They will reconfigure parking and a curb cut. Access to 75 Sylvan Street is provided by multiple curb cuts off Sylvan and Adams Street. Trucks currently enter from Sylvan Street and Adams Street. They proceed counterclockwise. To exit the site, they go the farthest travel lane which is near residences. They must cross the existing parking spaces which are empty. All trucks will now enter through Adams Street and exit to Sylvan Street. They are proposing a large landscaped island to mitigate some of the light and noise disturbances from the loading docks. Some of the landscaping will be 12 feet to 14 feet. They are proposing one wall pack light fixture adjacent to the loading dock that is dark sky compliant. There will be 875 parking spaces which will include 23 handicap accessible spaces. There will be a net reduction of 41 parking spaces, but they are still in excess of the minimum by 12 spaces.

Beals said that they have tried to mitigate the traffic to the neighbors. The additional landscaping will mitigate light and noise from the loading docks. This site will be for a light manufacturing use, which is an allowed use.

McCann said that prior to filing the application, they met with David Fields and Josh Morris and went through the application in detail. The comments received from Engineering, Fire and Building have no issues.

McCann said that they had a neighborhood meeting. They have tried to address concerns raised in 2018 and what came up at this meeting. They want to make a good and appropriate use of the property.

Zilinsky said that she was pleased with the changes. The roadway has been moved farther away from the abutters. She liked the island. Her biggest concern is that the applicant abide by the previous Certificate of Action. They had specific conditions that needed to be followed. There are no signs on the site. She wants to be sure the applicant complies with what is in that Certificate of Action. She felt the configuration of the roadway is better than before. She likes the sign for “no honking”. She is more comfortable with this application.

McCann said that she did not represent the applicant with the prior application, but they did do a neighborhood meeting.

Zilinsky said that this was a better plan than what was presented two years ago.

McCann said that the applicant intends to abide to the previous conditions. They have never received an enforcement order. When you have a big open parking lot, it leads to trucks parking on the site and idling. The intent is to fill the building, so that the parking lot is filled. You will then have employees to fill the parking spaces. This should stop trucks from stopping on the site and parking.

J. Sears said that it was good that they had community outreach. They went beyond what other applicants do. He asked if they could put some additional buffering along Pine Street for the trucks that come in from Adams Street. He pointed to the area where there is a small island in the back corner of the site. He is concerned about trucks. He asked if there were arborvitaes in that corner. McCann said if they could add more, they would. They will supplement where needed.

McCann said that the arborvitaes are 10 feet to 12 feet at planting.

Prentiss said that he liked that they had a meeting before hand with the abutters. Hopefully the contact information will not need to be used. They had a hard time depicting the landscaping. There were notes from the Engineering Department for landscaping and lighting. He asked if they had any problems adhering to these.

McCann said that they had not received Engineering’s comments. She spoke with Morris and said that they would adhere to the bylaws.

N. Sears said that he had no basis of comparison since he was not on the Planning Board in 2018. There is always a balance for industrial areas and neighbors. The applicant is doing its best to reconfigure the lot and correct the direction that the trucks are coming in. He echoes the concern about the buffering about landscaping. He would hope there would be more tree-like shrubs instead of grasses. There was a meeting with the abutters, but his concern is there was a 14-page letter dated yesterday. The concerns of the neighbor who wrote and submitted the letter are well documented. He wants to hear from abutters since they have to see this every day. He said that this could be “putting lipstick on a pig.”

McCann said that some of the lower shrubs and grasses are proposed in the landscaped island because they absorb light and sound. Regarding the comment of “lipstick on a pig”, she reminded the Planning Board that this is a valuable site to the Town. Over \$3,000,000 has been put into the building.

George appreciates what has been done regarding landscaping. He has concerns with respect to the abutters’ concerns. He was not on the Planning Board in 2018, but he did review the minutes. There was a loading dock where he grew up. He understands that this is an industrial use. It is important to take abutters’ concerns into consideration. He confirmed that there was a meeting within the last week. He asked McCann what was heard and how did they respond.

McCann said that they responded to the comments with different rules and regulations and signage being put into place. The concerns were more operational concerns rather than the loading dock itself. They are trying to address the loading dock with the new configuration. There will be monitoring, and they will make a commitment that these things are abided by. The biggest thing represented in 2007 was the circulation of the trucks. The design of the curb cut and landscaped island will stop trucks from pulling in here.

George asked what teeth are in the penalty? What are the repercussions for the tenant?

McCann said that the tenants would be in default under the lease for not adhering to the regulations. The Building Inspector has a right to enforce and fine.

George said that there was mention that a contact list had been circulated to the abutters, but one abutter mentioned a confrontation with a tractor trailer driver and was advised to call the police.

McCann said that the abutter was not advised that day to call the police. The abutter, McDonald, was not able to attend the original public hearing in 2018, and she did not receive the contact list. She received the contact list handed to her last week. There was a tractor trailer parked on Sylvan Street. When a truck is parked on the street and blocking your driveway, you should call the police. You should call the contact after calling the police to let them know what happened.

Farmer said that several questions he had were answered. He would like to see additional landscaping. He had a question regarding the size of the overhead door. Will the size of the truck change?

Gladys DiFranco from Brookwood Financial addressed the Planning Board. She said that they are trying to market the space to a light manufacturing business. They have had 10 different prospects that were solely distribution type tenants. They have lost another 5 that would have been light manufacturing/high tech robotic tenants.

Farmer asked how many tenants were presently at the property. He asked if they had a mix between office and industrial use.

DiFranco said that there are currently 12 tenants. The warehouse use is Millipore. They have parts that they deliver to their other location at Cherry Hill. They have tractor trailer trucks that deliver during delivery times.

DiFranco described all the tenants. The tenants that have garage doors have garage door openers. They have a lot of office space as well.

Farmer felt this was a better use of the available space. He would have been concerned if it had been used as a warehousing facility.

He opened the meeting to the public.

Steve Castinetti, 174 Pine Street. Castinetti lives at Fox Landing Condominium and is a member of the condominium trust. The condominiums back up to the parking lot of Brookwood. He was present for the 2018 meeting. There were discussions and the deal fell through. He is concerned with the noise that will increase. Now the trucks will be coming off Adams Street and going by their condominiums. They are concerned about the additional noise. There was a discussion that the applicant was going to investigate soundproofing. Nothing has been done in two years. In October of 2019, the fence was blown down between the properties. This was a perfect opportunity to put up a different type of fence instead of chain link. He offered to find someone to put up the fence. He was ignored. The only abutter concerns that were addressed were the ones closest to the loading dock. There was no regard for the people behind the 75 Sylvan Street site. They want a little bit of a buffer. If they are going to add traffic and noise, there is no consideration. Castinetti said that he strongly opposes this unless something is done to help him on Pine Street.

Zilinsky asked him to point to his property on the plan.

McCann said that they heard everyone at the abutters meeting. The existing slats were not substantial. They are proposing thicker, heavier slats that will give better sound attenuation as well as address lighting. This Planning Board approved the site plan. The townhouses were

built in 2017. They are 70 feet back from the property line. There was discussion regarding the fencing with additional landscaping in that area. They are proposing to increase the slat substance in both locations along the abutters to the south and the Pine Street abutters.

Linda Dieter, 188 Pine Street. Dieter said she was a direct abutter next to the empty parking lot. She has lived in her home since she was two years old. Over these years, this site has encroached more and more towards the neighbors. She wants the residents to be heard. The trucks headlights that are coming in from Adams Street are shining into their bedrooms. The trucks park under the trees and idle. They have dropped things and made loud noises. It is the amount of traffic. They do not need any more. She asked if the other loading docks could be shared.

DiFranco said that the two existing loading docks are attached to the spaces of individual tenants. There is no way to connect them to be usable.

McCann said that the loading dock is directly accessible to the vacant space.

Zilinsky said that she has seen trucks parked on the site.

J. Sears asked if more landscaping could be put near the condominiums. McCann said that it is very narrow in that area. She cannot answer because she is not sure. J. Sears asked McCann if she could work with staff. McCann said she would. She said that they would accept a condition to work with staff for landscaping in that area.

George asked how long the “no idling” signs have been up?

McCann said that they were installed after the 2018 meeting. They have probably been up for about a year.

Andrea Walke, 192 Pine Street. Walke said that she abuts the Dieter property. Her concern is the new loading dock with the trucks that are backing in. Millipore has a lot of trucks. Snow removal trucks scrape the parking lot. The slats in the fence will not work. There are trees that have grown into the space. She asked the applicant if the new tenant would pay for a new fence. She said that Steve Castinetti and herself would have assisted with this. They would put up a fence more substantial than slats. They are following up after the fact. She asked if they should call the police if trucks are idling? The applicant should feel bad for the abutters. Are the trucks paying attention when they do not know how to enter? There are two signs on the property. You can see through the slats. If they have a new tenant coming in, put up a great fence. There was a truck idling last week, but the police showed up when her dog barked.

McCann said that an attempt has been made to address a lot of the issues that the abutters had. They are willing to do the slats. The landscaping being proposed will be more beneficial. The cost of the landscaping will be more beneficial when the plantings grow. This is a better plan.



There is presently a fence and slats can work. That is typical for an industrial property. It is an abutter. They try to police the property as much as they can.

Matt Newby, 53 Adams Street. Newby said that he lived with Sylvania traffic. There has been some improvements to the plan since 2018. He thanked the Planning Board for listening to them. The existing loading docks require trucks to come in from Adams Street. There will be an increase in truck traffic to the facility. The trucks have to circle the whole property. He felt that trucks could come in from Sylvan Street. He understands the desire for a uniform traffic pattern.

Rick Dieter, 188 Pine Street. Dieter said that they just heard the representative confirm what they have felt. They have their ideas and plans. They have given their input, but they have ignored it. It is not friendly to the abutters when you say that the slats work. It seems like their input was to appease us at the meeting rather than to help us come to an agreement.

Richard Dellacroce, 97 Sylvan Street. Dellacroce said that there was always one sand container on the site when plowing was done. Now there are two containers. They are using this sand as a staging area. The containers should not be there. He said that putting the slats in the fence is a band-aid. The fence is in bad shape.

Matthew Duggan, 41 Chase Street. Duggan said that on May 8, 2018, they were having the same conversations about this site. The Board members had valid concerns with regard to integrity. They are talking about a cheap fence being proposed. There needs to be something more substantial in the back area where Pine Street is.

Susan McDonald, 86 Sylvan Street. McDonald said that this morning at 1:15 a.m. a truck screamed out of the loading dock area. This is just another emphasis that the building is not being managed. Who is going to manage this? They are not managing issues today. The existing issues will not be solved with two more loading docks. She understands that they bought their respective properties knowing that this building was there. There was a nice vibe that does not exist any more. The abutters feel disregarded by Brookwood.

Steven Castinetti, 174 Pine Street. Castinetti is concerned about the amount of space around the fence. He manages the Fox Landing Condominium Trust. He would talk to the owners of the Trust to put the fence on their property in order to see something more substantial. He felt it did not make any difference with the slats. He would like to see a commitment from Brookwood before approval. He would be happy to work with them.

Prentiss said that it was great that the abutters want to work with the applicant. He would not vote for any condition to put plantings on private property. That can open a can of worms. He would like to know where the storage containers are. There are specific things for extended use for storage containers.

McCann showed the containers in the back area. She said that a plowing contractor was filling his truck for another site. He was called the next morning and told that he cannot do that. It is not unusual to have these containers during the winter. She said that this was being addressed.

N. Sears said that he would like to see the Planning Board table any vote until an agreement can be reached with the abutters. The common denominator is the fence. They are the ones that have to live with it. With respect to the man that lives on Adams Street, the back-up signals on trucks are obnoxious for a reason. The flip side, if you live near a site like this, that would be even more noise. A more improved fence must be out there that people can live with. It does not seem like it is that complicated. That would address some of the concerns.

J. Sears said that he echoes N. Sears. They need to do something about the fence.

Zilinsky felt a fence would be a good idea. She has had concerns with the project on Pine Street. She remembers getting assurance that the landscaping was adequate buffer from this site. She agreed that something should be done. The fence should be resolved.

George agreed that this should be tabled. It is better than 2018, but there are still issues that need to be resolved with regard to abutters and operations. Some more conversations have to be done with the abutters. The plan itself he could support, but due to the concerns of the abutters, he cannot.

Farmer said that he went to the property over the weekend. He liked the idea of having the trucks get into the site from Sylvan Street instead of coming around the building. He felt more conversations needed to take place.

McCann said that they would work with the abutters regarding additional fencing. That fence has been there for years. She asked if there was a willingness for a financial contribution by the abutters for the fence. Farmer would not object if an abutter wanted to make a contribution.

J. Sears said that they cannot require off-site improvements. If someone had an issue, an abutter could put up their own fence.

Beals said after the meeting with the abutters, he drove the site with his coworker who presented before the Board in 2018. There is some light growth through the side fence. The fence along the southern property line is in fine condition to install slats.

N. Sears asked if they have slept in the bedrooms of the abutters.

George felt another type of fencing would be more effective.

McCann said that they would look into this. They are proposing a lot of landscaping. This may not be the case if they change the fence.



J. Sears pointed out that they were still requesting a waiver of landscaping since they were under the 30% requirement.

McCann said that they were dealing with an established site. They have proposed arborvitae along the property line. If they come up with a different option with a fence, they may not be looking at all the arborvitae.

Beals said that there is a balance between landscaping and fencing. His opinion was that the money was best spent for the landscaped island closer to the proposed loading dock. That will do more than a better-quality fence along the property line. The idea behind the island was to knock the light down early before it got to the bedrooms.

Farmer asked if the applicant was willing to continue.

McCann asked if they could have someone designated to speak to for all the abutters it would be helpful for them.

Castinetti said they need two people designated. One for his side and one for the Adams Street side. Newby considered being the representative for the Adams Street side.

McCann requested a continuance.

MOTION: J. Sears moved to continue the application for a Major Modification to Site Plan for 75 Sylvan Street to April 14, 2020 with the extension of the action date to April 17, 2020. Prentiss seconded the motion. The motion passed by unanimous vote.

13 Essex Street. Request for Site Plan approval submitted by Erald Kerri for property at 13 Essex Street pursuant to Section 4 of the Zoning Bylaw. Said property is in the Residential-I Zoning District. The applicant is proposing additional parking on this site. (*Assessors Map 43, Lot 408*) **(Continued without discussion at the applicant's request to April 14, 2020)**

OTHER BUSINESS

Continue discussion of *Zoning Regulations*.

Morris said that David Fields was putting this together. Fields was hoping that they would approve them tonight since they are associated with the design for the downtown area. Since these are regulations, they do not need to go to Town Meeting.

Farmer said that he did not have a problem after reading it.



Morris said that they are technical and heavy on design.

Zilinsky said she read it and was pleased with the regulations. She also said that since they were regulations, they did not have to be voted on at Town Meeting.

George felt it was very comprehensive. He had a question regarding franchises mentioned on Page 25. Are franchise storefronts not allowed? He confirmed that they would not see a McDonald's as you now see on High Street. Morris confirmed this. George asked how the waivers of a design element would work. Farmer responded that they did not get into that.

George said that Page 91 there was a reference to "city council".

Farmer suggested that any changes be redlined.

Morris asked that any changes requested or errors found be sent to him. He was thankful for the feedback.

J. Sears asked what the threshold was for staff/administrative review verses Board review. He felt they would get bogged down throughout the process.

Farmer felt that was what the Planning Board was leaning to.

Morris said that they could move forward with this. If the Planning Board felt that the staff could make these discretionary decisions, they could see how it evolved over time.

J. Sears asked what areas would the Planning Board be giving staff the authority to approve? Would it be design, color, texture, etc.? The Planning Board would still be involved for the parking, the number of units, the size of the project, the façade and other matters, but he felt that staff could deal with the Building Inspector on smaller things.

Prentiss felt it was not a bad idea to have staff look at the design. They could have a certain section where staff would be the ones to talk to about this. He felt it was a better idea instead of minutia coming before the Board.

N. Sears said that he has not had the time to look at this.

Farmer felt the next step was to give their feedback to Fields. It needs to be workable since it is hard to figure out. They need to decide what is going to be delegated to staff and what is going to come to the Board. He suggested again that the changes be redlined so that they could officially vote on this at the next meeting.

Zilinsky said she liked the idea of redlining the changes.



J. Sears said that if the CVS added two new stories above the present store, this could be looked at as a big picture of the whole area regarding all the things that could be done community wise. This can't be done one building at a time. If there is a philosophy that you want to interject into the downtown, shouldn't this meld into the downtown if they want common community areas? This needs to be emphasized with the first applicants because it will not be able to be done one project at time. He asked the feeling of the Planning Board. They have the tools. J. Sears said that the Hottwatt site is going to be developed. They need to continue the theme and look at this.

George asked if there could be a reporting to the Planning Board in the areas where staff has acted in the authority of approving small picture items.

Farmer felt it could be put in the summary memorandum. He said he likes the summary memorandum that is being prepared.

FUTURE DATES

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

Morris said that the hearing for the zoning change for animal husbandry will open on April 14th. The idea is for a recommendation from the Planning Board to remove the language from the zoning bylaw to have it regulated by the Board of Health. The zoning change was that it would be allowed by right in Residential I, II, and III.

Farmer confirmed that it would be discussed and voted on April 14th.

J. Sears said that he was not sure of the number of animals. Do we want to encourage smaller lots to be able to have fifteen (15) animals on it? He asked what the mindset was on this.

Morris said that the thought was that all areas Residential I, II, and III have the ability to do animals subject to the Board of Health.

J. Sears questioned whether fifteen (15) animals were going to be allowed on a smaller area.

Morris said that he had not looked in detail at the proposed Board of Health regulations and he is not sure if the maximum number of animals is fifteen (15). Morris said he would discuss this with Fields.

J. Sears said that he confirmed that this would be a public hearing.

Prentiss asked if the Board of Health had commented on the regulations.

Morris said that they have been involved in putting them together.



Morris informed the Board that they would not be meeting on March 24th. The meeting on April 14th would be for the animal husbandry zoning amendment and for the continuance of 75 Sylvan Street.

Morris said that there will be a site plan review training offered by CPTC (Citizen Planner Training Collaborative) at the April 28th meeting.

MINUTES

February 25, 2020

MOTION: J. Sears moved to approve the minutes from the Planning Board meeting of February 25, 2020. Prentiss seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 9:05 p.m.

Respectfully submitted: Francine T. Butler

These minutes were approved on June 9, 2020.