



# 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  
Margaret Zilinsky  
Louis George  
Torey Adler  
Nathaniel Sears, Associate

## **Location: Conducted by Remote Participation June 9, 2020 7:00 p.m. MINUTES**

John Farmer called the meeting to order at 7:00 p.m. Planning Board members Margaret Zilinsky, Louis George and Torey Adler were present. Director of Planning and Economic Development, David Fields and Principal Planner, Josh Morris, were also in attendance.

Present by Roll Call: John Farmer, Chairman; Margaret Zilinsky; Louis George; Torey Adler

### **OTHER BUSINESS**

Executive Order on Remote Participation and Remote Conduct for Open Meetings

Farmer read the Executive Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A, sec. 20 by Governor Charles Baker signed on March 12, 2020 on Remote Participation and Remote Conduct for Open Meetings.

Farmer read the rules of how the meeting would be conducted.

Board member appointment

Farmer asked if the Board needed to do anything to approve Torey Adler's participation. He asked if there was any action that the Board needed to do other than welcome Adler to the Board.

Fields said that the Board did not need to take any action. They just need to welcome Adler.

Adler said that he looked forward to participating with the Board.

Farmer welcomed Adler to the Board.

Recognition and acceptance of the provisions of M.G.L. c.110G regarding electronic signatures.

Farmer read to the Board what this provision meant.

Fields told the Board that this was a request from the Registry of Deeds stating that during Covid-19, electronic signatures would be accepted. This will make it easier for the Board members or the Registry and applicants to get their approvals signed should the Board wish to adopt this provision.

George asked if there was any assurance to electronic signatures regarding authentication that the Registry uses to safeguard the signatures?

Fields said that they did not get that information. When you submit plans and a decision, the signatures are on their website. Theoretically someone could go on their website and lift the signatures. He felt that they were less concerned with this.

**MOTION:** Farmer moved to accept the provisions of M.G.L. c.110G regarding electronic signatures. Zilinsky seconded the motion. The Board voted 4-0 by a Roll Call vote:  
Zilinsky – approve  
George – approve  
Alder – approve  
Farmer – approve  
The motion passed by unanimous vote.

**150 and 152 Sylvan Street.** Request by Fellows Construction LLC to endorse a plan believed to not require approval as a subdivision (ANR).

Morris explained to the Board that this plan was approved on December 10, 2019. When it was presented to Land Court, they requested the applicant to add some additional information to the plan. Other than adding additional details and information, the lot configuration, the square footage of the lots and the frontage are identical to what was approved on December 10, 2019. The Planning Board needs to make a formal vote on this item. This had to be brought back to the Board.

Zilinsky asked what details the Land Court was requesting.

Morris said he spent hours comparing the plans. The metes and bounds, details, stone walls were not on the original plan.

George confirmed that there was no substantive change to the plan. It was just filling in details.

Adler had no comment.

Farmer said that he did not have any questions.



**MOTION:** Farmer moved to endorse the ANR plan for 150 and 152 Sylvan Street. Zilinsky seconded the motion. The Board voted 4-0 by a Roll Call vote:  
Zilinsky – approve  
George – approve  
Alder – approve  
Farmer – approve  
The motion passed by unanimous vote.

Farmer asked what the next steps would be to sign this plan.

Fields said that a mylar needs to be signed by the Board members. The plan would have to make the rounds to be signed. It will go around to their homes.

Farmer asked if Town Hall was open. Fields told him that it was not open to the public.

Farmer asked the Board if they would mind if the mylar went around for signature. Zilinsky said that she needs to be extremely careful. She would appreciate the plan being routed to her home.

Morris said that he would deliver the plan to the Board members for their signatures.

Continue discussion of *Zoning Regulations*.

Fields said that the zoning regulations came out through the Character Based Zoning District (CBZD) that was passed in February. The zoning regulations came out of a companion piece. The design standards could be a separate stand-alone document. Rather than having multiple books, they would take the design standards out of Maple Street and incorporate them into a new document with the design standards with the rest of the Character Based Zoning Districts.

The zoning regulations can be a guiding document/policy for those types of applications. The structure, if adopted, would be three books. One would have the zoning bylaws and includes the 2017 amendment for Maple Street. Another book would include the subdivision regulations, and there would be one with the zoning regulations.

He highlighted communities that use this similar structure.

He went over the different parts of the Zoning Regulations.

Part 1 - Authority and Purpose. The purpose was to promote general welfare and health and safety of residents.

Part 2 - Definitions. The current list of definitions does not run over the definitions in the zoning bylaw. If approved over time, should anything be duplicative in the zoning regulations, the zoning bylaw actually controls. This does not supersede the zoning bylaws.

Part 3 – General Regulations. This lays out the consent of the property owners and who has to apply and sign off for different types of permits. There will be general application procedures to make this clear for the Board and mostly for applicants. It also describes the decision procedures that the Board should go through should they approve/deny or abstain from a project.

Part 4 – Transportation Management. This was enabled in Section 18 of the zoning bylaws. This is the new Character Based Zoning Districts (CBZD). This only applies to Maple Street, High Street and the corridor that was approved this past February. It does allow for flexible use of funds. It allows the Planning Board to recommend to the Selectmen. An applicant doing a transportation study for the result to help their project could hinder other portions of the downtown. This would allow staff to work together with the applicant to come up with a solution more beneficial for the corridor. This section deals with the procedure for the use of funds that come in for that management scheme.

Part 5 – Transfer of Development Rights. This allows for the transfer of rights from the developable land that the Town may wish to conserve to Special Permit jurisdiction for additional density downtown. It does not allow an applicant to go above and beyond the thresholds laid out in the zoning bylaws. This is an option for a win for the Town, the applicant and the residents of the downtown and the district that a subdivision would be proposed in. This goes into fine detail of the maintenance and approval of those rights.

Part 6 – CBZD Design Standards. There is nothing new here prior to the Town Meeting vote. They would be codifying this into a set of regulations that the Board can use for applications going forward in those districts.

Fields said that he was happy to take questions.

George said that there had been discussion with regard to edits to this and what planning staff role would be with regard to design changes versus what goes before the Planning Board.

Fields said that this would be administrative changes verses Board changes. This does not allow administrative changes outside of what the bylaw allows. In the fall, if they have a Special Town Meeting which would be geared toward zoning, they would have to update the site plan section. He said that this would not be a bad idea. They would have to modify these regulations to reflect those changes.

Torey said that he did not have any questions right now.



Zilinsky said that her concern was if there had been any changes from the last meeting. She went through the document today and could not see anything different. She was happy to see transportation management. She felt it was a good document and something that they need to do.

Fields pointed out that there was a typographical error that George found at the end of the document. The reference to city council has been updated to read selectmen.

Farmer asked what was the next step.

Fields said that if the Board was in agreement, they could vote to adopt this. This is not a zoning bylaw change. This is for the Planning Board itself. Someone can make a motion to adopt the regulations as shown this evening.

**MOTION:** Zilinsky moved to accept Zoning Regulations as presented. George seconded the motion.

Adler asked if this was the same document that was sent in the package. Fields confirmed.

**MOTION:** The Board voted 4-0 by a Roll Call vote:  
Zilinsky – approve  
George – approve  
Alder – approve  
Farmer – approve  
The motion passed by unanimous vote.

Fields told the Board that they had a public comment from Andrea Daley. Daley said that the diagram is hard to see. She asked why they were doing video conferencing instead of a live meeting.

Farmer said that in order to conduct the business of the Town in accordance with the Selectmen by remote and video conferencing. It is in the best interest to conduct business. There are some limitations to this process. Public comments are made available by this process. The email address provided allows people to participate. Given the emergency order, the chair and the Town feels that this is appropriate.

Farmer asked the Board if there were any concerns conducting meetings remotely.

Zilinsky asked how they would deal with people coming in to present plans. She agreed that it is difficult to read the diagram on the computer. Under normal circumstances, she would be looking for the applicant's representative to present the plan.

Farmer asked is it feasible in the future that the applicant will be able to walk through the application on their own screen.



Fields said that staff can show the plans electronically, or staff can give the applicant presenting rights.

George said that he was in support of doing this due to the times and pandemic. He felt it was a practical way to get things done. If an individual has a question and is unable to see a plan, is that something that they could be provided in advance of the meeting?

Fields said that they can email staff at Town Hall, and the document can be provided electronically or physically.

Alder felt that he has received enough information. He has heard comments from others in Town that they do not like this platform for presentations. He felt like he had sufficient access.

Morris said that they put all the paperwork and plans that are submitted on the Planning Board website. If the public wants, they can access it there. They can always contact planning staff through email or phone prior to the meeting and they would be happy to help.

Farmer asked if there were any more comments. He hopes that they will get better at this. He felt strongly that public participation is important. Some items are sensitive. He would work with the staff to be sure that every member that wants to speak will have the opportunity. He would like to hear from Adler about other platforms. Not everyone has access to video conferencing techniques. They want this process to be healthy.

Fields relayed that Daley said that the Zoning Board of Appeals (ZBA) will hold a meeting in person. She asked why this Board was doing meetings remotely.

Fields relayed a public comment from Kathy Swift who said that she felt that the Board should wait until the public can attend in person.

Farmer said that those comments are duly noted. The Board feels comfortable conducting this meeting tonight. They reserve the right if they feel this does not provide enough feedback to consider how to continue in the future. He recognized that if the Town's boards are not consistent, it puts this board in a bad spot. Farmer asked Fields if he knew of other Boards operating in a physical location.

Fields said that they were taking the lead from the Selectmen. The Conservation Commission met remotely. We are trying to operate under the Governor's Order. The Zoning Board of Appeals may be meeting at a future date. If the Chair would like, they could look into this for future meetings. They would have to reserve the right to allow the Board members to partake remotely even if members were in the room that the Town provided.

Farmer felt it would be helpful. Some of us are Town Meeting Members. The meeting would be held in the field house at the high school. Will Town Meeting Members participate remotely as well? It comes down to the individual members feeling comfortable. Tonight's meeting is a test run. If we can create a situation where a member can participate remotely, Farmer said that he would be comfortable with that as well. Safety is important.

Fields said that he would look into this.

### **CONTINUED PUBLIC HEARING**

**[To be continued without discussion at the request of the applicant to June 23, 2020.]**

**75 Sylvan Street.** Request for approval of a major modification to an approved site plan submitted by Brookwood Sylvan LLC for property at 75 Sylvan Street (*Assessors Map 57, Lot 31*).

**MOTION:** George moved to continue the application for a Major Modification to Site Plan for 75 Sylvan Street to June 23, 2020. Adler seconded the motion. The Board voted 4-0 by a Roll Call vote:  
Zilinsky – approve  
George – approve  
Alder – approve  
Farmer – approve  
The motion passed by unanimous vote.

### **PUBLIC HEARING**

**[To be continued without discussion at the request of the applicant to June 23, 2020.]**

**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*)

Fields said that Kerry applied for a site plan in March for a different project at 13 Essex Street. He would like to present an option under the new zoning. We need to continue this project and then turn it over to the informal presentation.

**MOTION:** Zilinsky moved to continue the application for a Site Plan approval for 13 Essex Street to June 23, 2020. George seconded the motion. The Board voted 4-0 by a Roll Call vote:  
Zilinsky – approve  
George – approve



Alder – approve  
Farmer – approve  
The motion passed by unanimous vote.

## **OTHER BUSINESS**

Informal presentation of 5-unit project at 13 Essex Street.

The applicant, Erald Kerri, said that he would rather have his team present the project. With him tonight was Larry Graham and Bill Nolan.

Bill Nolan said that he was representing Kerri for 13 Essex Street. He thanked the Board. He said he could use his camera to show the plans.

Farmer asked Nolan to share his screen.

Nolan said that they would start with the architecture. They are proposing to build on the back portion of the building. There is an existing 1 ½ story building, a garage and a shed that they are proposing to remove and replace with another structure. They will updating the middle piece of the house. He showed the street side with the original building and the new building behind it. The right and left elevations were shown. He showed garages. One of the bays will have two cars with tandem parking behind. Another bay will have only two cars.

Nolan showed the first-floor plan. He showed the garages. He showed the second-floor plan. There will be an additional unit in back. There is a third floor that is unfinished that they would turn into a finished unit.

Nolan said that he was happy to answer any questions.

Zilinsky confirmed that there were six parking spaces in the garage. She confirmed that the site would have five units. She asked about additional parking out back.

Larry Graham addressed the Board and thanked them for allowing the informal presentation. He will give a quick overview of the site. The property at 13 Essex Street is a lot about 60 feet in length and 160 feet in depth. There are two units on the site now. In February they filed an application to convert the property from a two-unit to a three-unit conversion. Due to the zoning change, they did not present that application. When they realized that this might allow them to propose more units, they ended up with the plan being presented tonight which is a five-unit plan. The architect is proposing to add an addition after removing an old addition and garage. The parking that they have proposed is for ten parking spaces. There are six spaces in the garage, three at the rear of the property and one on-street parking which is allowed in the new zoning. The access to the site would not change. There is a driveway on the east side of the



dwelling which goes back to the three parking spaces at the back of the site. It would also allow access to the two two-door garages under the new addition. He told them that nine parking spaces are required, and they are proposing ten spaces. Six spaces in the garage, three at the rear of the site and one on the street.

Zilinsky said she did not have any other questions at this time.

George said that the Fire Department commented that there will be a need for a sprinkler system.

Nolan said that they are anticipating a sprinkler system.

George said that the building is older and requires demolition. He asked if they will seek any other consultation such as from the Preservation Commission?

Graham said that he has not checked.

Nolan said that they are keeping the existing building except for a portion of the rear roof. He is not sure of the answer.

George asked if they had any thoughts in terms of the exterior building materials.

Nolan asked if they saw the plans that they were sent. The intent is to match the existing building. Trim details will be similar. Windows will be matched.

Kerry said that the part of the building being demolished is not the original building. It was an addition.

George directed the question to staff. He asked if checking with the Preservation Commission is something they would need to do and at what stage?

Morris said that if the structure is deemed to be built prior to 1915, it would have to go through the Preservation Commission. They would have a demolition delay if it were deemed built prior to 1915.

George asked the age of the addition.

Morris said that he would look into this.

Fields shared his screen with the Board to see the plans.

Farmer felt that this should be the protocol. He suggested that the applicant use the same document to point out a few things. This is more helpful to him.

Fields told the Board that they had received an email comment from Annette Collins. Collins said that this plan does not show the proximity to the neighbor's house.

Graham said that the only structure shown on the plan is the building to the east which is four to five feet from the property line. The other dwellings are quite a ways off. The only way to get them on the plan is for permission to go on their site.

Farmer said that this was going to be a challenge if we are going to do things remote. We are going to have to have more visual graphs to respond. There were a lot of requests for waivers of certain plans. He is concerned about waiving standard plan requirements. He asked staff if they had concerns.

Fields said that with respect to the plan waiving requirements, they have asked that plans be filed with staff per the regulations. The remote format would call for more visuals. They have had several successful presentations with the Conservation Commission. The applicant is looking for feedback from the Board whether they should proceed with this project.

Morris said there were several sheets of the plans waived for this project. The next sheet has more details that are being sought.

Graham said that if you look from Essex Street into the site, you will see addition marked "TBR" which means to be removed. Behind that is a garage marked "TBR". Those are being removed to allow for the addition. It is not the general footprint of the older existing structure.

Graham said that this sheet combines several of the sheets due to the size of the project. You will see the proposed additional water line. That is the new line that would provide sprinkler protection. It shows the north end of the building, the four cars that are tandem and two cars that are by themselves. He showed the parking in the back and the parking spot on the street. Around the three parking spaces in the back, there is a five-foot buffer between the parking spaces to the west. On the east side, they are extending the existing driveway back. They are proposing a six-foot privacy fence. The entire rear of the site would be screened by the six-foot privacy fence. He described the stormwater management on the site. Due to the project being small in nature, they were looking to combine some of the plans. It is clear and separated.

Farmer said that he is sensitive that the public is seeing the project in this format. He is trying to weigh the responsibility so that the public can follow along. He asked if Fields could blow the plan up on the screen.

Graham described the stormwater again.

Adler said that six of the parking spots are tandem which means that parking depends on cooperation.

Graham asked if he was referring to the tandem. He said that units 3, 4 and 5 have the garages. Units 3 and 5 have the tandem parking. He confirmed that it did require the cooperation of the owners of the units.

Fields told the Board that they had a comment from Bill Bradstreet. Bradstreet said that he was disappointed with the format. He asked if they could have a different venue going forward.

Fields told the Board that they had a comment from Matt Duggan who had several questions for the applicant. What is allowed by right in terms of density? What variances are being requested? What is the side setback requirement under Table 2 of the zoning bylaw? What is the special permit you are requesting for?

Graham said that the application is for special permit and site plan approval based on the Character Based Zoning District. With the CBDZ bylaw, they applied to the Planning Board for the special permit and site plan approval. He is not sure of the side setback requirement off the top of his head. He wants to maintain the existing dwelling with no modification. They would maintain the same side-yard setback for the proposed addition to the building. There would be a fraction above five in density. The waivers are listed in the documents presented. There are about ten different waivers and are lengthy. Some are submission requirements, and two are design requirements.

Farmer asked if they could talk about the design requirements.

Graham said that site landscaping is being requested for a waiver. They are showing the landscaping on the plan and do not want to submit a separate landscape plan. There is a waiver requested for the privacy fence. There is a waiver for site lighting. They reference the submission requirements. There is a waiver for the photometric plan. There are going to be can lights over the garage doors and rear door. There are no light poles.

Farmer asked if there were any comments from the Board?

Zilinsky asked if the applicant knew the percentage of landscaping that they are going to have?

Graham said he did not know that. They do comply with the greenspace on the west and the north. The driveway exists and runs by the existing unit. They need to continue the driveway back to the additional parking spaces.

Farmer said that this is where a landscaping plan would be helpful. Is there any other plan that gives the public an idea of how this is going to look?

Fields reminded the Board that this was an informal presentation. The application material may be listing waivers based on the project submitted in February. They probably need a landscaping

plan and more definition going forward. This is to judge the Board's feedback for the five-unit project.

Graham said that prior to the meeting on June 23<sup>rd</sup>, they would develop a blow up to show the landscaping.

Farmer though this would be helpful. He asked the applicant if they had provided the feedback that the applicant was looking for? He told them that they need to provide answers.

Graham said he appreciated the comments. They will try to have more detail in the landscape area. They were looking at a broad brush look at the site.

George asked if there had been consultations with the abutters regarding the fencing on the east side and the mechanics of the tandem parking with the three parking spots in back.

Graham said that they had not spoken with the abutter to the east. There has been no discussion about what is being proposed. They will reach out to the abutter if the Board would like. With respect to the movement of the parking spaces, that is a 20-foot wide driveway. There is space in back for someone to back into. No one should have to back out onto Essex Street.

George asked if there could be some outreach to the abutters.

Farmer agreed with that.

Zilinsky said she was concerned with the house on the other side.

Graham said that he would look at this again.

Zilinsky said she was concerned with the landscaping. She asked if there was room to put something to break up the long building for the neighbors.

Graham responded that there was no room on that side for landscaping.

Nolan said that this is a challenge with a long building. This is the first round of plans. This is not the final draft.

Fields told the Board that they had a comment from Bill Bradstreet. Bradstreet said that this was far too dense for this neighborhood.

Fields told the Board that they had a comment from Annette Collins. Collins asked if the new zoning bylaws applied to the new five-unit development.

Fields confirmed this.



Collins asked why their discussion is about so many waivers.

Farmer said he was satisfied with the answers that he received. He asked how the other members felt.

Farmer asked if the applicant felt that they received the feedback they were looking for.

Graham responded yes. Graham said that the Board can look at the waivers individually at the June 23<sup>rd</sup> meeting. He thanked the Board for allowing them to present this evening.

Kerri also thanked the Board.

Farmer asked the Board members to digest how tonight went. He asked Fields how he would like to hear from them about this meeting. He would welcome feedback from both Board members who were missing tonight.

Fields told the Board members to email staff individually regarding any feedback.

Farmer said that the first two meetings that he did remotely at his employment were awkward and then got better. It is going to be difficult. He felt comments from people who attend their meetings are important.

### **FUTURE DATES**

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

Fields said that last year the Board had voted to take one meeting off during the summer. He did not want to forego that option if the Board wanted it. He asked if they wanted to skip a meeting during the summer. He asked if the Board would let staff know of any vacation plans to help them plan out future meeting dates.

### **MINUTES**

March 10, 2020

Fields said that there is confusion about voting on minutes. Anyone can vote on the minutes, whether or not they were present at the meeting. If the member feels they are factual, they can vote.

**MOTION:** Zilinsky moved to approve the minutes from the Planning Board meeting of March 10, 2020. George seconded the motion. The Board voted 3-0 by a Roll Call vote:



Zilinsky – approve  
George – approve  
Adler – abstain  
Farmer – approve  
The motion passed by unanimous vote.

## **ADJOURNMENT**

**MOTION:** Zilinsky moved to adjourn. George seconded the motion. The Board voted 4-0 by a Roll Call vote:  
Zilinsky – approve  
George – approve  
Alder – approve  
Farmer – approve  
The motion passed by unanimous vote.

Farmer expressed his gratitude to the staff and Board members trying to get the work done for the Town and make sure the public can participate.

The meeting adjourned at 8:50 p.m.

Respectfully submitted: Francine T. Butler

These minutes were approved on \_\_\_\_\_.

