



# 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 23, 2020 7:00 p.m. MINUTES**

John Farmer called the meeting to order at 7:00 p.m.

Board members present by roll call: John Farmer; James Sears; Margaret Zilinsky; Louis George; and Torey Adler.

Staff present by roll call: Aaron Henry; David Fields; and Josh Morris.

John Farmer read an opening statement pertaining to 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.

### **75 Sylvan Street major modification to a previously approved site plan:**

Nancy McCann presented the proposal for Brookwood Sylvan, LLC., for a major modification to property at 75 Sylvan Street. The modification is relative to the addition of a loading dock for leasable space on the south side of building "A". Attorney McCann noted a meeting with property abutters which took place between the Planning Board's March meeting and the meeting of June 23<sup>rd</sup>.

Abutters to the property requested the installation of a fence, specifically a white, vinyl privacy fence, along the southerly boundary line of 75 Sylvan Street and behind 172-174 Pine Street condominium development. The applicant agreed to the installation of the fence to replace chain link fencing where possible as well as additional fencing along the property line. There was significant discussion amongst the Board members regarding the maintenance and sound buffering of the proposed fence.

Planning Board members inquired as to the security of the parking area and whether security cameras could be installed to monitor activity after hours. Additional discussion continued among Planning Board members on delivery truck idling, noise attenuation, removal of nuisance vegetation, circulation patterns, and adequacy of Adams Street and within the parking lot of 75 Sylvan.

The applicant's engineer explained the circulation of the site and how it was designed to minimize noise from the maneuvering of delivery trucks as well as minimize trucks backing up. Part of the landscape design is also meant to attenuate the sound of the delivery process.

Public comments were received regarding this application and acceptance of these comments were noted and referenced by the Planning Board Chair.

The Planning Board noted that they were comfortable moving forward with this application with the exception of adding a quarterly check-in between the applicant and abutters to discuss any security issues that may occur after approval and commencement of use of the loading dock. The applicant agreed to this arrangement. Member Adler noted that he would like to see more being done to attenuate sound for this project, however, noting that the solution to abutter concerns seems based on visual enhancement rather than noise suppression.

Peg Zilinsky moved to close the public hearing, seconded by James Sears. The roll call vote to close the public hearing was unanimous.

The Planning Board voted, via roll call, 4 to 1 to approve this application, on a motion from James Sears, seconded by Peg Zilinsky, with member Adler voting against, with the following conditions:

1. The applicant and/or property owner shall inform the landscaping company to perform work/pickups between the hours of 7:30 a.m. and 5:00 p.m., and shall inform trash collector to pick up trash between the hours of 7:00 a.m. and 7:00 p.m. per the town bylaw.
2. The applicant and/or property owner shall maintain rules and regulations for tenant operations, and shall notify new tenants of zoning bylaw delivery hours. Section 4.10.1.c.3.g of the Zoning Bylaw states “Any loading area located adjacent to a residential use shall not receive deliveries between the hours of 11 PM and 6 AM.”
3. The applicant and/or property owner will remove the existing chain link fence and posts between the property and 172-174 Pine Street and in its place install a 6’ white vinyl privacy fence. The new vinyl fence will be installed at the same time and as part of the loading dock project.
4. The applicant and/or property owner will remove the existing chain link fence and posts along the southerly lot line in certain locations that existing landscaping will allow. The applicant and/or property owner will install a 6’ white vinyl privacy fence along the entire length of the southerly lot line. The new vinyl fence will be installed at the same time and as part of the loading dock project.
5. Prior to endorsement of the site plan the locations of the new vinyl fence shall be added to the plan.
6. The applicant and/or property owner shall coordinate quarterly meetings with the residential neighbors surrounding the property (75 Sylvan Street). The purpose of the



meetings is for the surrounding residential neighbors to be able to communicate to the property owner any issues associated with the operations of the site (including but not limited to truck deliveries, noise, lighting, etc.) and for both parties to collaboratively find resolutions.

7. The applicant and/or property owner shall install parking lot security cameras to aid in the management of the facility. It is strongly recommended that night security is hired to reduce trespassing and noise outside of normal business hours.

### **13 Essex Street request for site plan approval:**

The Planning Board voted unanimously via roll call on a motion from Peg Zilinsky and seconded by James Sears to continue this matter without discussion to the meeting of July 14<sup>th</sup>, 2020.

### **13 Essex Street request for special permit with site plan approval:**

The Planning Board voted unanimously via roll call on a motion from James Sears and seconded by Torey Adler to continue this matter without discussion to the meeting of July 14<sup>th</sup>, 2020.

### **6 Cherry Street request for special permit with site plan approval:**

Chairman John Farmer opened the public hearing for this project. Member Louis George recused himself from this project due to his position on the Board of Trustees of the Danvers Historical Society, which abuts the project property. Attorney Nancy McCann introduced the project on behalf of ANFM Realty, which requests multiple special permits as well as site plan approval from the Planning Board.

The project is proposing interior renovation of the existing structure to reconstitute the structure as a four unit structure with five bedrooms instead of the existing three unit configuration consisting of six bedrooms. No exterior modifications are proposed. Attorney McCann noted that the preservation commission allowed the removal of a garage on this property some time ago and the applicant is ready to move forward with the reconfiguration of the existing structure.

The applicant applied for a special permit seeking the maximum density via special permit for this project, which is based on a dwelling unit per acre calculation under the current zoning. The applicant will be donating a public use bench to be placed within civic-space downtown subject to approval by the Board of Selectmen. This improvement is to satisfy special permit criteria for increased density in the zone.

A special permit is also sought for the parking placement on site, with parking being closer to the street than allowed as well as parking screening and driveway width. Other design standard special permits, including building placement, are sought as the existing structure does not meet the standards required for the current zone, which is a new zone adopted in February 2020.



The applicant is also seeking waivers from submission requirements of Section Four of the Zoning Bylaw, Site Plan Approval, as the site and structure are existing with no exterior modifications being requested.

The applicant's engineer discussed the site plan with the Planning Board. Attorney McCann then discussed the inclusion of an affordable unit within the development, which would result in a 25% inclusionary project as one unit would be affordable, three market rate. This unit would remain affordable at 80% AMI in perpetuity.

The Planning Board Chair inquired about outreach to abutting property owners. The applicant noted he has had extensive outreach with abutting property owners including the historical society.

Planning Board members did not have any further questions for the applicant. Planning staff noted that there has been no public comment regarding this project, with the exception of William Bradstreet of Essex Street who noted that he was opposed to the project.

The Planning Board voted to approve the special permits and site plan review on a motion made by James Sears and seconded by Peg Zilinsky. The roll call vote to approve was unanimous, with exception of member George who recused himself.

### **28 Harbor Street request for special permit with site plan approval:**

Chairmen John Farmer opened the public hearing on this matter. Attorney Nancy McCann presented the project on behalf of Harbor Property Group, LLC. The application is for site plan approval and a special permit for a contractor's yard and additional special permit for trade shop. The existing industrial building is in an Industrial-1 zone and is currently occupied by industrial and warehouse uses. The current property is being used for uses allowed by-right under the Zoning Bylaw and is seeking to expand the number of uses onsite via special permit. The proposed contractor's yard is intended to be for equipment storage to support the existing masonry business, which is to remain within the proposed structure.

The project engineer walked the Board through the proposed design of the site, including existing conditions and proposed improvements to stormwater, parking, and circulation. The proposed building layout was described as to how it was design to have minimal impact of the abutters as well as the riverfront area bordering the site.

Site lighting and landscaping were described based on the changes from existing conditions to proposed conditions. The applicant is proposing to separate Harbor Street from the existing curb cut with a landscape buffer, which does not exist currently. The current curb cut fronts the entire property and the proposed alterations would narrow the curb cut down to two separate egress points separated by a vegetative buffer.



There were numerous comments by abutters to the property which were received via email and during the Planning Board meeting. The Chair acknowledged receipt of these comments and they were all distributed to the Planning Board members.

The Board Chair inquired as to as attempts made by the applicant to reach out to property abutters to discuss the project. The applicant stated that there has not been any outreach to the property abutters.

Board member George inquired to the current condition of the property and the storage of materials out of doors. Attorney McCann noted that there was a citation from the Building Inspector for operating as a contractor's yard. The proposed remedy to this situation is the proposal for a special permit to the Planning Board through the process before the Board. Mr. George inquired about any erosion or deterioration to the riverfront and bank due to the proposal. The applicant's engineer explained that the project proposal will not be disturbing the bank or riverfront area in any way.

Member Adler questioned the current use for the property and whether it was currently being used as a contractor's yard. The applicant explained that there was existing industrial equipment out of doors including a fork truck, but not the storage of materials.

Member James Sears noted that the property abuts a residential neighborhood, however, is zoned industrial. He noted that the Planning Board sought a rezoning of the area in previous years and the proposal for rezoning had been rejected. The proposal may have remedied the current situation where an industrial use abuts a residential use and conflict arises. Member Sears asked Attorney McCann to go through the criteria for a special permit for the contractor's yard and trade shop and how the applicant believes they meet that criteria, Mr. Sears also asked that a limitation on work hours be explored as well as noise attenuation.

Member Zilinsky noted past concerns of the incompatible zoning in the area where this proposal is located. Ms. Zilinsky asked for clarification from the Building Inspector on past violations or current violations.

Attorney McCann explained how the applicant believes they meet the special permit criteria and how the project complies with zoning as proposed if the special permit is granted.

The Chair asked that the Board consider continuing the Public Hearing to a future meeting to give the applicant time to address the Board's comments and abutter comments that will be forwarded to the applicant.

The applicant requested a continuance to the Planning Board's meeting of July 14<sup>th</sup>, 2020.



The Chair asked that the applicant review the abutter comments and attempt to reach out and get feedback from the neighbors and try to work through real or perceived incompatibilities. Member Zilinsky moved to continue the matter to the Planning Board meeting of July 14<sup>th</sup>. Member James Sears seconded. The Board voted unanimously to continue via roll call vote.

### **OTHER BUSINESS**

The Chair polled the rest of the Board as to their preference on summer vacation from the regular Planning Board schedule. The Chair noted that he was comfortable continuing with regular meetings through the summer. The Chair asked staff to review the backlog of materials. Member James Sears was comfortable with moving forward as regularly scheduled. Member Zilinsky noted the same. Member George and Member Adler noted the same as well.

The Chair also inquired as to the comfortability of the Board with meeting remotely. The Board members stated that the current format did fit their needs and were comfortable continuing. Member Adler noted that there has been negative input as to the format of these meetings from his neighbors and other residents he has spoken with. He would like staff to inquire with IT as to open public comments from residents or a different platform that could accommodate the Board better than the current product being used by the Planning Board.

### **Minutes:**

The minutes of the June 9<sup>th</sup>, 2020 Planning Board meeting were unanimously voted to be approved on a motion made by Louis George and seconded by Torey Adler. Member Zilinsky and Member Sears abstained from voting.

### **ADJOURNMENT**

James Sears moved to adjourn. Torey Adler seconded the motion. The motion was unanimously approved via roll call vote with Member Zilinsky abstaining.

The meeting adjourned at 9:53 p.m.