



Town of Danvers
Planning Board

Danvers Town Hall
One Sylvan Street
Danvers, MA 01923
www.danvers.govoffice.com

Planning Board Members:

Aaron Henry, Chairman
Kristine Cheetham
Margaret Zilinsky
William Prentiss
James Sears

NOTICE OF PUBLIC MEETING

Daniel J. Toomey Hearing Room

May 28, 2013

7:00 p.m.

MINUTES

Chair Aaron Henry called the meeting to order at 7:00 p.m. Planning Board members Aaron Henry, James Sears, Kristine Cheetham, Margaret Zilinsky and William Prentiss were present. Planner Kate Day was also present.

STAFF BRIEFING

Day informed the Board that the Medical Marijuana Zoning Bylaw Amendment passed with no discussion at the Town Meeting. She told the Board that they will discuss this bylaw further at the next meeting scheduled for June 11th.

Day apologized to the Board and audience for having to leave the meeting at 8:00 p.m. due to a medical appointment scheduled for 8:15 p.m.

Day told the Board that the Department of Conservation and Recreation is coming to the Town for the announcement ceremony for their Recreational Trails Program grant award. The Town of Danvers was awarded \$50,000 to complete the surface of the Rail Trail with the Town of Wenham. She said that the project was probably going to be completed within the next three to four weeks. The ceremony is going to take place on Friday at 11:00 a.m. at the Hobart Street parking lot at the intersection with Cherry Street Fish Market. She stated that they may have a demonstration of how the stone dust surface will be installed.

OTHER BUSINESS

Request by Symes Associates for approval of signage for Aria at Hathorne Hill, 100 Kirkbride Drive.

Jeff Rhuda, from Symes Associates, appeared before the Board regarding a signage change for Aria at Hathorne Hill. He told the Board that they had acquired development rights to Aria, and the plan was approved with sign locations in two places, which conflicts with zoning. He stated that they need to go to the Zoning Board of Appeals for multiple signs. He stated that both sites will have signs along with landscaping.

Henry asked the procedural question whether they need to go to the ZBA first.

Day told the Board that they are the review authority for the Hawthorne West District. It is within their purview to approve this, so it shows the ZBA what the Planning Board thought. They still need to get relief from the ZBA.

Prentiss asked if there was lighting on the signs, and Rhuda responded that the signs will be on a timed lighting system that will shut off overnight.

Cheetham asked if the sign was near the recycling area, and Rhuda said it was not and showed where the recycling area was in relation to the signs. Cheetham asked Rhuda if they needed the second sign, and Rhuda thought it was needed since there was a fair amount of traffic on the street. Rhuda said the entrances were going to be built out, and landscaping would be added. Cheetham said she did not have a problem with the two signs.

MOTION: Zilinsky moved to close the sign package for Aria at Hathorne Hill. Prentiss seconded the motion. The motion passed by unanimous vote.

PUBLIC HEARING

128R Water Street. Request for Special Permit and Site Plan Approval pursuant to Section 30 and Section 4 of the Zoning Bylaw submitted by Bunky's Realty LLC for property located in the Waterfront Village District. The applicant proposes to build a boat yard containing boat storage, brokerage and related uses in said District. The proposed building on the site will contain 4,500 square feet of gross floor area containing an office, men's and women's bathrooms, and a garage area. (Assessor's Map 64, Lots 62) (*Site Plan action date: June 7, 2013/Special Permit action date: June 14, 2013*)

Tom Alexander, an attorney with Alexander and Femino, One School Street, Beverly, Massachusetts, appeared before the Board on behalf of the applicant.

He told the Board that the Special Permit was triggered by the proposed use of the site, and the square footage of the new building triggered Site Plan approval. Henry advised the Board that the Special Permit requires a super majority, and the Site Plan approval only needs three votes.

Alexander told the Board that with him were the applicant, Jeff Bunk, and his wife, Donna, who are the principals of Bunky's Realty LLC.

Alexander stated that a 4,500 square foot building would be sited on a 36,710 square foot lot. The minimum lot size requirement is 5,000 square feet, and all design criteria have been met.

Alexander stated the property is located in the Waterfront Village District, and that the proposed use is in harmony with the intent of this new district. He said it is one of the least intense uses that could be on the site. He pointed out other allowed uses include restaurants, take-out food, medical offices, professional offices and retail sales. He stated that the boatyard is a quiet use, and pointed out there is

already another boatyard nearby. He felt that the use would be in harmony with both the zoning bylaws and neighborhood.

Alexander stated that the applicant already owns Bunky's Marina, and pointed out that the applicant did a good job cleaning up the site and making it presentable. The Liberty Street bridge is scheduled to be demolished and rebuilt, and that is going to have a significant impact on his business.

Alexander told the Board that this hearing was continued from the last meeting at the request of Liberty Marina, who had concerns with the drainage plans. He told the Board that the attorney and engineer for the marina are here this evening. The drainage plans were revised, and a new plan is being presented with the changes requested by their engineer, Scott Cameron. Alexander told the Board that they understood that the plan needs to be reviewed by the various departments.

Engineer Rich Williams, of Williams and Sparages, summarized the plan. As part of the reconstruction of Bates Street, a new sewer main was installed, and their line will need to be connected to this main.

Williams stated that power runs down the street that will connect to the site. He described the existing drainage on the site showing that the runoff goes in different directions. Some of it runs out to Water Street, and some of it runs towards Liberty Marina, a small portion runs out to Bates Street. Some runs towards the wetlands system, and a small portion runs out to Bates Street. One of the changes that will be seen is a detailed report being submitted to the Planning Board because an abutter asked for the runoff to be broken down into the four pieces; 30% goes to Water Street: 60% to wetlands and remainder to the other areas.

Williams said the proposal was to construct a 60 ft. x 90 ft. building. They slid the building as close to Water Street as possible in order to not affect buffer zones or views of people on Bates Street. Access to the site is proposed to be off the right of way. He stated that parking is at the front of the building with a handicapped spot, with the remaining parking in back. Williams stated that the gray area on the plan is boat storage and parking. He stated that the sewer connection will be out to Bates Street connecting existing sewer service to the new main. The floor drain goes into a gas trap, and then into the sewer, which will flow out to Bates Street. This will be a gravity connection. The drainage system proposed will take runoff from the majority of the parking lot, and treat it in accordance with the DEP stormwater management standards. Due to the fact this is a marina, it may be considered to have higher pollutant loads. The standards do not say what the treatment should be, but they do give guidance for options for treatment.

Williams felt that they provided the treatment as required. The landscaping is designed in accordance with the bylaw. There is a heavily vegetated strip between parking and homes on Bates Street, which is 20 feet wide consisting of shade trees and arborvitaes for screening. Because Danvers has a no-cut zone at 25 feet, they removed the pavement that is within that zone. This impervious area will now be grass. The perimeter of the building, and the back of the parking lot will have landscaping. Williams said that plants were not put at the back of the building because of the roof runoff. The area between the parking lot and right of way will be graded with a rock slope. Williams said that in order to flatten the site they are cutting one to two feet from the high side to match the grade in the middle. They are not expecting this to be a big earth work project, they will just be moving material around on the site.

Day read the comments from staff regarding the application. Fire had no objections, and the applicant received a ZBA variance for frontage. They are aware that an appeal has been filed, but it is acceptable for Planning to hear this application. The Electric Department can work with the applicant to supply the necessary power. She said that Engineering submitted comments advising the Planning Board not to issue an approval until revised plans are submitted. Day stated that abutters David Marcou and Susan Tropeano provided written comments. The Conservation Commission was requested to continue without discussion because they wanted the right to comment on the revised design.

Day thanked the applicant and attorney for arranging the site visit. She stated that this was the first project under the new Waterfront Village District. The bylaw addresses issues raised by this proposal, and there is a provision that governs the maximum noise levels.

Cheetham inquired what the topography was on the stone wall, asking if it was going to be a rip rap wall because of the six foot difference. She asked if this was going to be fenced. Williams responded that it was not going to be a rip rap wall; it was going to be landscape stone. He stated there is a fence around the perimeter of the project.

Cheetham asked how many boats can be stored on the outer lot. Williams responded that it depends on how big the boats are. Cheetham asked how safe the site is with the boats packed close together. She stated that in some areas Fire has put in travel lanes between the boats.

Bunk said that his marina on Liberty Street has the capacity to store 50-100 boats, and he has never had more than 40 boats. He said there is no activity in the winter. He confirmed that they did a travel lane at his other marina. Cheetham asked if the boats were full of gas, and Bunk responded saying the new rule of thumb is not to store the boat with a full tank of gas. This is what he advises.

Sears thought the back of the building needed more character. Bunk responded that a fence will be behind it. Sears suggested a faux window, and Bunk responded that no one would see a fake window.

Henry asked how high the building was, and Zilinsky said it was going to be 35 feet.

Zilinsky said that she liked the landscaping and buffering from the neighborhood, stating that one-third of the landscaping needs to be evergreen if you abut a residential neighborhood. Williams said that they exceed the one-third requirement, and the arborvitaes will grow in a column. Zilinsky wants to be sure the neighbors are sufficiently buffered and asked what the people would see during the winter.

Bunk said the boats would be lower than 13 feet 6 inches.

Zilinsky asked about snow storage, and Williams said they do not plow in the wintertime. Zilinsky asked about the travel lane for the fire truck. Williams responded that the snow would be moved to the side, and they could not plow to the edge because the boats are there.

Sears asked what the proposed color of the building was going to be. Bunk responded it would be something with a nautical theme in the gray family.

Sears asked if boat owners can work on the boats on the site, and Bunk responded yes. Sears asked what the hours of operation were going to be on the site, and Bunk responded from sun up to sun down stating that people cannot work on their boats in the dark.

Sears asked the Engineer to go over the lighting on the site. Williams said there would be wallpacks on the building. He indicated that there were originally two parking lot lights on the plan, but they have decided to eliminate these.

Bunk stated that the neighbors asked him not to put the parking lot lights on the site.

Sears asked the height of the fence and was told it was going to be a six-foot chain link fence.

Sears asked if the Engineer's comments were addressed in the revised plans being submitted, and Williams responded that they were.

Sears asked what the percentage of landscaping was, and Williams responded 37%.

Sears questioned why the drainage report had the address as 126R Water Street. Alexander stated that the property at the Registry of Deeds has been referred to as 128R Water Street and 126R Water Street, but the Town of Danvers refers to this site as 128R Water Street.

Prentiss asked if the area bumped out from the buffer zone would be used for storage, and Williams responded that it would not be used for storage.

Prentiss stated that he thought the plan looked good, and most of his questions were answered at the site visit. He likes the buffered area.

Sears asked what the topography was of the site on the side abutting the houses, and Williams responded it slopes up towards the houses. There is a three foot drop into the parking lot.

Sears asked if there should be a berm, and Williams responded that that is what they did. Cheetham stated it already existed. Sears asked the height of the arborvitaes when planted, and Williams responded they can bump them up to six feet.

Sears asked about the fences around the abutting properties, and Bunk described them. Sears asked if the boats would be secure with a six-foot fence, and Bunk responded that he thought they would be fine. Bunk stated his good friend lives at 5 Bates Street and will keep an eye on the site for him. He felt that Liberty Marina has not had any problems, so he did not anticipate any either. Sears asked if the gate would be locked, and Bunk responded yes, but would be accessible by the owners.

Prentiss asked how much of the existing site is impervious, and how much landscaping and permeable area they are providing. Williams felt that what is on the site now is what was there previously. He felt they were reducing the amount of impervious surface.

Henry stated that Day had found an objective noise standard. He felt lighting had been addressed, and the hours of operation had been discussed. He would like something in the decision to be sure Fire is happy with the boat storage plan for the winter. He wants it made clear what Fire wants.

Henry stated he would defer the questions he had regarding drainage to the Conservation Commission.

Sears stated he had an operational question asking if the applicant was apt to having people take their boat from storage, drop it in the water themselves, and then return it to the site later. Bunk stated that he does not encourage this, and stated when the boats are out, they are out. He stated that they will be hauled in and hauled out by him. Sears asked if he would accept a condition stating this, and Bunk responded that he would.

Theodore Regnante, an attorney with a law practice at 401 Edgewater Park, Wakefield, Massachusetts, addressed the Board stating that he represents the adjoining property owned by the Cheevers, known as Liberty Marina. He stated that they had retained Engineer Scott Cameron, regarding their concerns about water runoff from the property such as rate, volume and treatment. Regnante stated that the runoff looked like sheet flow, and they have been working with Williams and Alexander regarding their concerns. Regnante stated that Cameron will tell the Board his concerns.

Scott Cameron, from The Neve-Morin Group, Inc., 447 Boston Road, Topsfield, addressed the Board. He stated that he had been retained by Regnante and the Cheevers to review the plans for drainage. The concern was sheet flow onto the adjoining property, and he is working with Williams regarding these concerns.

Cameron stated that the rate of runoff from the site to the marina property may have been overstated, and that they are concerned with the water quality.

He stated that the Land Uses with Higher Potential Pollutant Loads (LUHPPL) have regulations, but they are concerned that uses associated with a marina such as painting, wet sanding, heavy metal runoffs, solvents, etc. are not appropriate for relief from this standard. He stated that they did meet with the applicant last Thursday, and new calculations and drainage proposals were presented by Williams. They need to review the plans.

Henry stated that procedurally this site is before the Conservation Commission, and felt that this should be presented to them. Cheetham stated that the Board has the responsibility to review this.

Williams stated that the plans that are presented to the Conservation Commission will be the same as what will be presented to the Planning Board.

David Marcou, 3 Bates Street. Marcou appreciated all the concerns being addressed at this meeting. He would like to hear what the Fire Department thinks is safer, full or empty gas tanks. He stated that he has been woken up to an explosion once, and wants to be sure it does not happen again. Noise is his other concern. He stated that safety is his number one priority, and noise is second. Londi's has work being done at 1:00 a.m. Henry stated that there are state guidelines regarding noise, and he read from the zoning bylaws what the requirements are.

Marco stated that dumpsters are being emptied and are loud. Henry told Marcou that the Board has the right to approve site plans, but they are not the enforcement entity. He told Marcou that he has rights as an abutter to seek enforcement, and advised him to reach out to the Town to let the appropriate departments know.

Sears brought up the site at Popes Landing stating that Kevin Farrell had reviewed the different procedures that the Fire Department goes through. Farrell had indicated that the preference was to keep the gas tanks full because this does not allow vapors.

Bunk replied that the newer trend to add ethanol has changed storage practices in favor of lower levels over the winter.

Sears asked what they would have on site for fire control. Bunk responded that hydrants are near the site, they would use fire extinguishers, and follow Fire Department requirements.

Alan Farrell, 8 Bates Street. Farrell asked if there was going to be gas in the building, and Williams responded yes. He stated the gas company was at the site painting the street.

Bunk stated that they had to camera the existing sewer line, and they found the existing line is still there. He stated that the driveway in front of 5 Bates Street was being dug up for the sewer main and would be repaired.

Farrell stated he was pleased with this site. He is glad that the boats are limited by height. He stated that Liberty Marina has larger boats, but they do not come over the road.

Janet Lettich, 12 Riverside Street. Lettich told the Board that the Chemical Safety Board did an animation of their house exploding. She wants to be sure this site is safe. She stated that Liberty Marina is a good neighbor, and does not have issues with them. She does not think that she will have a problem with Bunk. She had a fear of a lot of trash when the Dunkin Donuts was built, but it is clean and does not have trash. She stated that they need elbow room, and greenery, and they want to feel safe.

Richard Ventura, Dunkin Donuts, 128 Water Street. Ventura stated he owns the adjacent wetland and is concerned with drainage.

Pete Clement, 9 Jersey Lane. Clement felt it was a good proposal for this site.

Cheetham stated that the new plans are not showing the direction of the runoff, and Williams responded that he has a detailed watershed map.

Henry informed the applicant that Day usually requests the specs on the wallpack lighting. He asked if they wanted to talk about the hours of operation, and Sears stated dawn to dusk is long time. Sears asked what they do at the present site, and Bunk responded it was dawn to dusk. He stated he would do whatever the Board wanted.

Prentiss stated that procedurally the Board cannot control the hours of operation.

Henry stated that the Special Permit allows for restricted hours, and he will follow up with staff on this matter.

Zilinsky stated that once they have a new plan, it needs to be reviewed by the Town Engineer.

Henry stated that the size of the arborvitaes would be bumped up, and Sears pointed out that the applicant had agreed to six-foot arborvitaes.

MOTION: Zilinsky moved to continue the public hearing to the next Planning Board meeting scheduled for June 11, 2013 with a Site Plan and Special Permit action date of June 14, 2013. Prentiss seconded the motion. The motion passed by unanimous vote.

MINUTES

MOTION: Zilinsky moved to approve the minutes of May 14, 2013. Prentiss seconded the motion. The motion passed by unanimous vote.

ADJOURNMENT

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

The meeting adjourned at 8:20 p.m.

Respectfully submitted: Francine T. Butler

The Planning Board approved these minutes on July 9, 2013.