



# Town of Danvers Planning Board

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

[www.danversma.gov](http://www.danversma.gov)

## Planning Board Members:

James Sears, Chair  
Louis George, Clerk  
Torey Adler  
Jean Hartnett  
Tim Spittle  
Mike Decoulos, Associate

## **Location: Danvers Senior Center and Remote Participation September 12, 2023 7:00 p.m. MINUTES**

James Sears called the meeting to order at 7:00PM.

Board members present: Louis George (Acting Chair), Jean Hartnett (Acting Clerk), and Tim Spittle, Absent: James Sears; Torey Adler.

Staff present: Joshua Morris

*152 Endicott Street – Request for a Roadway Improvement Plan and Site Plan Review pursuant to Section Four of the Zoning Bylaw submitted by JBM Danvers, LCC for property in the Commercial III (C-3) zoning district. The applicant proposes to improve an existing way (Chalet Court) to access a new retail/commercial building and a new hotel (Assessor's Map 63, Lot 14). (Continued to the Planning Board meeting on September 26, 2023 as requested by the Applicant in a letter dated July 31, 2023.)*

Motion to continue the applications for 152 Endicott Street to September 26, 2023 made by Jean Hartnett. Seconded by Tim Spittle. In favor: 3. Opposed: 0.

Bill Bradstreet (Town Meeting Member Precinct 1)-September 14 Conservation Commission will meet regarding 152 Endicott Street. Does it matter which happens?

Staff-please clarify question.

Bill Bradstreet-Conservation involved with this property. Does this meeting affect Planning Board meeting? Is this a formality?

Staff-Conservation related matters will be discussed on September 14. Site Plan related matters will be discussed at Planning Board meeting on September 26. Meetings can run with various boards simultaneously.

Board-one meeting is not dependent upon another.

Bill Bradstreet-do not want boards fighting if decision hinders another board.

Staff-complementary relationships between boards; we all work together.

Board-Permitting Update read aloud which notes what will be discussed at Conservation meeting.

Staff-recommend bringing Conservation related questions up at Conservation meeting.

***Whipple Hill Subdivision – Tripartite Agreement and Release of Performance Guarantee***

Staff-Whipple Hill Subdivision approved 2016 – 20 lot subdivision. Reviewed history of work at the property and Engineering memo from 2022 listing items that were not complete at that time. Engineering has requested Planning Board to release \$21,910.00 (remaining portion of Performance Guarantee) for Town to complete subdivision.

Board- how much info becomes available in the future if developer is before board again so that we would know they breached agreement?

Staff-situation is uncommon; subdivisions typically completed. Each project is individual and would not hold prejudice with developer. All information is public.

Board-is amount enough to cover remaining work?

Staff-noted collaboration with agency that is part of Department of Agriculture which will assist; amount should be enough.

Board-has developer been involved; indicated not able to do the work? Have residents been informed? Any complaints of unfinished work?

Staff-have spoken and emailed with applicant and their legal counsel regarding this. Have not received a response that work will be completed. Development team informed of this meeting. Property owners have reached out to office regarding unfinished work.

Bill Bradstreet-do not want board to approve this. Is this enough for Town to complete work? If additional costs, where does that money come from?

Staff-collaboration with agency is mitigating costs. Funds will be enough.

Bill Bradstreet-agency giving money to help. What about other items?

Staff-read aloud email from agency. Town staff and Engineer in agreement that funds would be enough.

Board-action releases performance guarantee and pulls remaining funds from agreement.

Bill Bradstreet-will it be point of contention if agency works with Town again? Should it be held against developer?

Staff-not appropriate course of action.

Board-that question is not what is before us tonight. We need to look at finishing the job and accessing the funds. We are voting to release funds from agreement to use with agency funds to complete job.

Motion to issue the release of the performance guarantee in the Tripartite Agreement made by Jean Hartnett (read aloud). Seconded by Tim Spittle. In favor: 3. Opposed: 0. Motion carries.

### ***Minutes***

Motion to accept minutes of July 25, 2023 meeting made by Jean Hartnett. Seconded by Tim Spittle. In favor: 3. Opposed: 0. Motion carries.

### ***Staff Update***

Staff-152 Endicott Street continued to September 26, 2023. Currently only agenda item for that meeting.

Board-Town Meeting is February 5, 2024.

### ***Meeting Adjournment***

Motion to adjourn made by Jean Hartnett. Seconded by Tim Spittle. In favor: 3. Opposed: 0. Meeting adjourned at 7:40PM.