

August 28, 2019

15 King Street Neighborhood Meeting

A meeting of the neighbors of 15 King Street was held on August 28, 2019 at 6:30 P.M. by Ward 4 Councilor Ed Charest. The meeting was held in the Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA. In attendance were City Council Members: Ed Charest, Tom Gould, Mark O'Neil, Pete McGinn, John Turco, Ann Manning- Martin, Tom Rossignoll, and Ryan Melville as well as School Committee Members: Joe Amico and Jarrod Hochman. Also, in attendance were Community Development Director Curt Bellavance and 150+ Peabody residents. The following is a summary of concerns statements and questions. Questions are in bold type. As a whole the audience was not in favor of the project, citing , traffic, safety, overcrowded schools, parking, alternative project scare tactics and quality of life concerns.

Councilor Charest provided proposed Site Plan Packet that was submitted to the City Council from for those in attendance to look at, from approximately 6pm-6:50pm. Proposed plans were for 110, over 55, single and two-bedroom units, apartment complex. He then addressed the audience and stated the following....

- The Developer an Architect would not be in attendance.
- Those in attendance will have an opportunity to come to the podium and ask specific questions or speak in favor or opposition.
- Those who would like to speak should state their name and address.
- There is a Clerk taking Meeting Minutes so any questions for the Developer can be answered.
- The Meeting Minutes will be posted to the City Website.

Councilor Charest then opened the floor to any residents with questions.

Barbara Copp, Palmer Ave, had the following concerns...

- The City has enough low-income housing
- Age restriction will cause issue with pride in ownership
- Overcrowding of neighborhood
- Safety concerns with so many cars
- Traffic congestion

Councilor Charest addressed the low- income housing concern citing Peabody Inclusionary Housing Ordinance that requires 15% of all housing to be affordable. Financially, developers would not want to provide more than what is required.

Diane Hamilton, Raymond Circle, had the following remarks and concerns...

- There needs to be clarification on what was stated at the last meeting regarding only the owner needing to be 55 years of age. This allows for anyone else to live in the unit, not just 55 and over.
- A person who is 55 or over can move in with a young family. It's not just 55 and older. Advertising these units as a Senior Community is misleading.
- Increased burden on schools
- Parking will be an issue. Any overflow will be on the neighborhood side streets. The proposed tandem parking is very inconvenient and will also cause parking on side streets. Snow will add to the issue.
- No green space
- Traffic, cut throughs within the neighborhood

Councilor Charest explained that developers are proposing housing for 55 and over because that includes senior citizens. Units will be owner – occupied and they may not be rented out. Most of the proposed units are only 1 and 2 bedrooms. There is an acre of open space proposed.

Paul Tremblay, Thorndike St., had the following question...

- **If this development is not approved what are the developer's other options?**

Councilor Charest asked Community Development and Planning Director Curt Bellavance to elaborate on what is allowed by right....

Curt Bellavance provide the following information....

- The property is zoned for 1 and 2 family homes, however the structure that is there now is considered pre-existing, non-conforming in regard to use and dimensional control.
- When the property went up for sale there were some inquiries from rehab facilities and hospitals. These would be allowed as nonconforming.
- Medical or addiction rehab would also be allowed. There were calls inquiring as to this as well.
- Comprehensive Permit (40B) or Affordable Housing are other options that could take place on the site.
- The developer is proposing these units through a section of the Zoning Ordinance that allows for those nonconforming uses and changes of those through a Special Permit from City Council.
- All of these options were discussed with the developer.
- The developer applied for a Special Permit through City Council.
- A Special Permit can be conditioned. The concerns heard tonight could be made part of those conditions.
- There is a small unknown of what could happen if this project doesn't move forward.

Councilor Charest further explained conditioning a Special Permit...

- Condition set forth by a Special Permit stay with the property.
- Condo Associations have their own regulations as well.

Councilor Charest wanted to reiterate....

- An alcohol /drug rehab or a 40B Comprehensive Permit are allowed by right and are real possibilities, if this project didn't move forward. It is not a threat.
- City Council can limit and put conditions on the proposal.
- A 60- unit Comprehensive Permit was approved at 55 Newbury Street last week. It has 1,2- and 3-bedroom units.

Jarrold Hochman, Ellsworth Rd., had the following remarks, concerns and questions...

- Scaring the neighborhood into believing there will be a 40B development or a drug rehab facility is a disservice to the neighbors and the city.
- A 40B Comprehensive Permit can only go through if there is less than 10% affordable housing in the city.
- **The city is currently at 9.6%, so after the 40B on Newbury Street what is the affordable housing rate?**
- Every project in the city over 8 units must provide 15% affordable housing. With all the projects going on in the city we must be fast approaching the 10% required.
- Although the 40B is a possibility, it's not realistic and shouldn't be used as a scare tactic for the neighborhood.
- **Are there any other developments with over 100 units that have been approved with tandem parking?**
- Tandem parking in a house is very different than tandem parking in a condo complex, where you need to come down four stories to move your car.
- This proposal includes removal of snow from the whole site in any snow event over 3". **Where are 238 cars going when it snows 3"?**
- Cars from the Condo complex will be parking in the surrounding streets.
- The proposal does not require the residents of the condo be 55 or over in this proposal. It only requires 1 owner be 55 or older. That 1 owner is not required to occupy the condo. The only restriction in the proposal is that the condo cannot be rented.

- **Who will enforce that restriction?**
- Anyone can live in these condominiums, college students...
- The more people residing in the units, the more cars there will be. There will be more than 238 cars.
- This will increase traffic.
- The traffic study is preposterous.
- The neighbors wanted to have a meaningful conversation with the developer about a proposal that would fit in this neighborhood and that both sides agree to. That is not what this proposal is.
- We are not saying we don't want the site developed.
- We are saying the City Council rezoned a few years back. We expect the Council to respect the decisions it made. That is why we chose to live where we live.
- A vote for this proposal in December should not occur before the new council is sworn in. A lame-duck council should be voting on this proposal.
- Eight City Councilors must vote in favor of this proposal for it to pass.

Councilor Charest addressed Mr. Hochman's statements...

- The 55 or over must be owner occupied. I will double check to make sure this is in the proposal.
- It is up to the City Council to condition the Special Permit in regard to being 55 and over and being owner occupied only.
- Building Inspector will enforce this.
- The majority of retirees do not come and go 5 and 6 times a day. These units will not be appealing to families with multiple cars because of the parking restrictions and conditions the Council is able to require.
- There are NO scare tactics being used. I am only stating what are distinct possibilities.
- I am only giving you the information so you can make decisions. It would be wrong not to share all the information.
- The 2020 Census will impact the Affordable Housing requirement. A 40B is a possibility in this neighborhood, should this proposal be denied.

Maureen Callahan, Ethel Ave. had the following concerns and questions...

- **Did that property belong to the city?**
- **Who sold 15 King Street to this developer?**
- **Why weren't the owners given the developmental guidelines as to what can be built?**
- There are a lot of people in their 50's who have school age children.
- Snow, parking, cars, traffic, overcrowded schools, are all valid concerns.
- As residents of this neighborhood we are more concerned with what we want rather than what the developer wants. We want what it is zoned for...that is single and two-family homes.
- Feel as though it is smoke, and mirrors and the neighbors are trying to be sold on what the developer wants.
- It is not a dilapidated building or an eyesore on the neighborhood. It was a working facility up until 2017.
- The traffic study was not done at a time during school traffic.
- We don't want this project. We don't have any recourse if this goes through.

Councilor Charest addressed the following...

- The traffic study was redone after the last meeting because I also felt the traffic study numbers were deflated. It is available to look at tonight.
- This project has been going on for 2 years. We are hear tonight to listen to your concerns and have the developer address these concerns and answer additional questions. There will be another neighborhood meeting with the developer and/or team.

- We all would love to see single and 2-family homes here. I would support that, but there are not any developers wanting to build that. It doesn't make sense financially for them.
- This 55 and over Community concept is what is best for the city.
- This has not been voted on. City Council has not voted on this.

Stephanie from Emerson St. asked the following...

- **Who are the people communicating directly with the developer, Hemisphere?**

Councilor Charest answered that himself along with the Mayor's Office, attorneys.

- As the Ward Councilor, you are supposed to be advocating for us. You are coming to us with what "they" want but we don't know what is said at those meeting, and don't know if you are relaying what "we" want.
- **Are you, Curt and the Mayor saying, we are ok with a development but on a smaller scale? How demanding are you guys being?**
- It's the size that is causing all the issues with the school, traffic and parking.
- **Why can't we demand the traffic study be done by a company hired by the City?**

Councilor Charest answered that yes, he has been communicating and advocating for the neighborhood. For example, their first proposal included 150 Units, then 135 and then 120, which we said absolutely no to. After a neighborhood meeting, some residence didn't want anything more than 50 others said that a number somewhere around 100 would be acceptable. Land swap and zoning change were also spoken about. These were unfavorable to the residents. The following are issues from the last neighborhood meeting that Councilor Charest relayed to the developer.... building materials, and that it should not just be cement; residents asked the building to be set away from Ellsworth and the entrances; funding infostructure outside of the complex that has tied in; King St. intersection with Lowell St., Southwick Ave., Emerson St.; one and two- bedroom units were favorable with a majority being one-bedroom. A single and two-family development would be what we all want but that is not happening. The reason we are here tonight is to take down the questions and concerns of the residents and go back to the developer with them. We can absolutely go to the developer and let them know their number is too high to use a different traffic study company. We can ask for whatever we want.

Carla Scheri, Kittredge St.,

- This project does not affect my neighborhood directly.
- Here to support neighbors of King St. so what happened to my neighborhood with Bartholomew St., doesn't happen the theirs.
- **What is the plan when all the residents move in? When a family with kids does move into a one-bedroom unit?**
- **What is the plan for the traffic?**
- **Why does the developer think that taking an Uber or Lift is a mitigating factor in not affecting traffic?**
- The traffic study is ridiculous.
- The city needs to pay attention to smart growth.

Joe Stone, Lowell St., had the following concerns...

- Traffic, specifically the cut-through streets. Traffic is already bad.
- Noise from traffic
- Traffic Study is worthless
- 55 and over is not going to be enforced

Colleen Shaw, Southwick Rd., had the following statements and concerns and question....

- We are direct abutters to project
- Thank you to Councilor Charest for always answering her calls
- The proposed project is too close to Southwick.
- **Can the building be moved?**
- Traffic cut through on Southwick, no sidewalks. Safety concern.

Christian Texeira, Kosciusko St., had the following concerns remarks and questions....

- **Why didn't the developers know what could be built there?**
- Bought a home in this neighborhood for the neighborhood, quality of life.
- Once this is built it will detract from quiet neighborhood.
- Infostructure should come before the progress
- It's a nice project but not for this location.
- The can only build what zoning allows for.

Wendell Boggs, Ellsworth St., had the following concerns...

- We shouldn't be hearing about projects through Facebook.
- Want a commitment from City Council for better communication.
- Councilor Charest should come out and talk to us.
- Would like to see a letter from Hemisphere of concerns they are addressing.
- Smaller project is better for neighborhood.

John Salisbury, had the following concerns

- Broken process- there was a little notice on agenda about changing zoning
- Feel as though it was being "snuck" in
- There have been no real substantial changes from the initial proposal. Hemisphere isn't listening.
- One and Two-family homes are what is allowed.
- We have not had a voice on City Council.
- Council must give them rights to build. Rights that we don't have.
- Delayed until December because neighbors are speaking up. Talk to your Councilors.

Virginia Ryan, Palmer Ave., had the following remarks, questions and concerns.....

- Very simple, if they need a Special Permit, don't give it to them. Vote it down.
- **What is the exact number of Affordable Housing Units in the City?**
- Was told by Peabody Housing Authority that the Tanners Court Units are not included in that number because it subsidized by the State.
- **Where the affordable housing?**
- **Don't let them scare you with 40B talk. It may be a possibility, but how good a possibility?**
- Thank you to Ed for having the meeting.

Pamela Vecchio, Ellsworth St., had the following remarks, questions and concerns....

- It is possible for there to be extended families living in these Units.
- Traffic and parking are big concerns
- Nice project wrong location
- **What are other possibilities? Is there a Plan A or Plan B?**

Councilor Charest reiterated the following possibilities are drug rehab, and a 40B. This is not to scare. These are possibilities by right. I live here too. I care and I am being honest. The developer says they will not do one- and two-

family houses. They do not need approval for a drug rehab or 40B. These can be done by right. They do not need approval for these options.

Paul Hamilton, Raymond Cr., had the following remarks...

- Scare tactics are being used. If this project is take it or leave it. Leave it.
- There have been minimal changes from the initial proposal
- At 110 Units the developer stands to clear 25 Million dollars
- Project is too big for the area and at the detriment of the neighborhood.
- Ed should fight this and stand up for the neighborhood.

Bukia Chalvire, Hilltop Dr., had the following remark and concern....

- The developer is telling us what they are doing, Councilor Charest should tell the developer what the residence want.

Councilor Charest addressed by Ms. Chalvire by pointing out the questions, remarks and statements are being recorded by Mrs. McGrath for transparency. We will take all this information and bring it forward to the developer. We have this meeting to hear each other. I will continue to communicate to you and take these concerns to the developer. I hear you all loud and clear.

Kathleen O'Connell, Emerson St., had the following remarks...

- There cannot be a drug rehab in this location pursuant to MGL 94c regarding drugs in a school zone.
- A drug rehab would never be approved. It is too close to 2 schools.
- Ed is being misinformed. A drug rehab will never happen. It is a threat to get us to be ok with the proposed 110 Units.

Councilor Charest addressed the comment by saying he has been told by City Attorneys that a drug rehab is a possibility by right. He will look into the MGL94c claim. There was a hospital and rehab on the property before.

Brian Cacchiotti, Franklin St., had the following remarks,

- There is a loophole in the R2 Zoning which attorneys will use to exploit us. This is an existing nonconforming use. That means the hospital was not allowed there.
- People think.....If you buy the property continue to use it as a hospital. If you are not going to utilize it as a hospital, follow the R2 Zoning guidelines for one- or two-family homes. This is NOT the case.
- MGL does allow for other nonconforming construction in an R2 Zoning District like enormous condo developments.
- Why don't we hear about a cancer center going in there? We are only hearing scare mongering ideas.
- You want to stop this? Call your City Councilors and your At -Large Councilors because in order to approve a nonconforming use the City Council must affirm each of these actions.....it must be similar in character, similar in intensity of use, size structure only, effect on adjacent properties, effect on public hearing, morals or safety.
- 40B is a portion of any project. It is no more than 25%, that allows people who make 80% of the normal income in your community. This is not people on welfare. Do not let possibility of 40B scare you. Everything about this project has been fear driven.
- Provided a plan for one- and two-family development. (made part of these minutes)

Councilor Charest asked the audience to give him a number of single-family homes the residence would support?

Many yelled out numbers. One person yelled out whatever is allowed by right on that lot, making it around 18 homes.

A single-family home requires a 5,000-sf lot and a two-family home requires a 7,500 sf lot.

Councilor Charest thanked everyone for coming and assured the audience he will bring their concerns to the developer.