



**Peabody Planning Board Minutes  
FOR JANUARY 16, 2025, MEETING  
APPROVED FEBURARY 20, 2025**

## Planning Board Minutes

January 16<sup>th</sup>, 2025

Time: 7:00—7:58p.m.

Location: The Wiggin Auditorium and simulcast on Peabody Access TV.

**Members Present:** Mr. Thomas Bettencourt, Mr. John Ford, Attorney Peter Arvanites, Mr. Roy Simoes, Mr. Joseph Gagnon, Dr. Judith Otto, Mr. Matthew Genzale, Mr. Sean Walsh

**Others Present:** Andrew Levin, Attorney John Keilty, Michael Mei, Attorney Nick Ambeliotis

► Chairman of the Board Thomas Bettencourt called the meeting to order at 7:00 p.m.

### A. Approval of Minutes: 11/21/24 & 12/5/24

→**Motion:** Attorney Peter Arvanites—Move to approve the minutes of the meetings of November 21<sup>st</sup>, 2024, and December 5<sup>th</sup>, 2024.

→**Seconded:** Dr. Judith Otto

**Unanimously approved.**

### B. ANR/Land Court: None.

### C. Site Building Permit Plan Reviews:

#### 1. 15 NEWBURY STREET (*Map 88, Lot 6*)

- i. This is an application by GR Development, LLC—seeking a site plan review to construct a car wash to be located at 15 Newbury Street, Peabody, MA. The proposed development involves a single 69,360 s.f. Parcel. The property is located in the {BR1} Zoning District, where a car wash use is permitted by Special Permit from the City Council. The development will include a 4,765 s.f. car wash building with a 135' long single tunnel wash, an equipment room, restroom, office area, and customer service area. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, [andrew.levin@peabody-ma.gov](mailto:andrew.levin@peabody-ma.gov), 978-538-5783.

► CONTINUED FROM 12/5/2024

► ACTION CONTINUED TO 1/16/2025

● Chairman of the Board Thomas Bettencourt explained that in the Board's packet was a letter from Greenman-Pedersen, Inc. respectfully requesting the withdrawal of the project from the Planning Board without prejudice—and at this time the Chairman noted that he would accept a motion.

→**Motion:** Mr. John Ford—Move to allow the petitioner to withdrawal without prejudice.

→**Seconded:** Mr. Sean Walsh

**Unanimously approved.**

#### 2. 2 CENTRAL STREET (*Map 85, Lot 59*)

- i. This is an application by Michael Mei—seeking a site plan review to renovate an existing building to convert it from a bank to a restaurant. The work will also include the construction of a seating deck located above the existing parking lot. All the of the drive-thru equipment and canopy will be removed as part of the project. The property is located within the "Central Business District." The subject parcel is comprised of approximately ±7,041 s.f. of land and was most recently occupied by

Century Bank. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, [andrew.levin@peabody-ma.gov](mailto:andrew.levin@peabody-ma.gov), 978-538-5783.

● Mr. Matthew Genzale recused himself [and left the meeting] while this matter was being discussed.

● Mr. Andrew Levin informed the Board that in their packets this evening they will notice the “late adds” submitted for this project. First is a [letter of opposition] submitted by the abutters. Second is a correspondence from the applicant in response to the [letter of opposition]—both would be considered “late adds” should the Board choose to accept.

→ **Motion:** Mr. John Ford—In the matter of 2 Central Street move to receive a couple of “late adds.” One from law firm [Megaloudis & Gakis, PLLC of Rosewood Drive in Danvers, MA 01923 representing the abutters]—there’s a two-page cover letter with a deed attached. Secondly, a quite lengthy communication addressed to Mr. Andrew Levin dated January 16<sup>th</sup>, 2025, from Mr. Bob Lavoie dated January 16<sup>th</sup>, 2025, [further into it there’s a letter from Johnson & Borenstein, LLC—Attorneys at Law of 12 Chestnut Street, Andover, MA 01810 dated January 16<sup>th</sup>, 2025, representing the applicant] move to receive.

→ **Seconded:** Dr. Judith Otto & Mr. Roy Simoes

**Unanimously approved.**

● Attorney John Keilty {40 Lowell Street, Peabody, MA 01960} representing MK Peabody Investments, Inc. MK is the current owner of the property at 2 Central Street, Peabody, MA. They are developing the property for use by ShoYu restaurant, which will be a fusion restaurant [modeled after Japanese traditional and Chinese foods]. The restaurant currently has three locations—Boston, Saugus and Andover. Attorney Keilty mentioned that they have been before the “Conservation Commission” and have filed a “Notice of Intent” and received an “Order of Conditions”—for which the appeal period is running. Attorney Keilty also mentioned that they have applied for a full “Liquor License.” The license is currently under review—there are a couple of revisions that are needed to the application itself. Attorney Keilty also noted that he spoke with his Investigating Agent—and those will be cleared up and the “Liquor License” will probably be issued early next week. Attorney Keilty explained that they are appearing before this Board tonight for their “Site Plan Review”—of our construction plans. Attorney Keilty proceeded to comment that with the application, civil plans were filed [showing the site plan itself, architectural plans—demonstrating the layout of the restaurant, which will have two floors and an outside deck] and elaborated on the subject matter at length [outdoor dining will be pursued with the City Council—Councillor McGinn would like all of the necessary permits to be issued before the applicant comes before the City Council with the outdoor dining request—Attorney Keilty thinks that the applicant will be in a position to file for outdoor dining on that deck within the next couple of weeks.]. Attorney Keilty then mentioned that he would be happy to answer any questions that the Board may have—and provided a brief synopsis on Engineering being vetted through the “Conservation Commission” review process. Attorney Keilty also noted that the principle issue at the “Conservation” level was that the location is situated in a “Flood Plain”—Attorney Keilty proceeded to elaborate on the matter.

● Mr. Roy Simoes inquired with Attorney John Keilty on why they are appearing before the Board so late in the process—why not a couple of months ago...Mr. Simoes also inquired about an easement that runs across the property. Attorney Keilty responded with no; it’s an easement that passes from Central out in an L-shaped fashion to Mill. Mr. Simoes interjected and responded with yes; they’re for the benefit of both parties. Attorney Keilty confirmed. Attorney Keilty then noted that in part of the Board’s packet is an objection because of the presence of that easement—with a response from Attorney Lavoie, which indicates the ability to provide passage [the applicant has 12 feet of clearance to 11-foot lanes on either side of our stations—and we’re not impeding the two parking spaces that are referenced in that easement]. Attorney Keilty believes that they have complied with the easement requirements however, Attorney Ambeliotis and Attorney Lavoie are in discussions about the practical applications [whether or not our access supplies the adequate provisions with respect to easement law]. Attorney Keilty continued with his summation. Mr. Roy Simoes then

interjected with his comment on the legal height for a truck being 13.6 feet, so Mr. Simoes suspects that Attorney Keilty is saying that there is going to be 12 feet of clearance. Hopefully, you'll put a sign there that says 12-foot clearance. The discussion on the subject continued between Mr. Simoes and Attorney Keilty. Mr. Joseph Gagnon joined in on the discussion requesting clarification from Attorney Keilty on the height and width—Attorney Keilty clarified. Mr. Gagnon then queried about air rights with Attorney Keilty, and if it's a concern. Attorney Keilty replied that he was not there to repine on how that works, but he would point-out that there were quite a few years of negotiation for air rights over the Turnpike. So, there have been claims concerning air above an easement—Attorney Keilty continued expanding on the matter. Mr. Gagnon's follow-up question was if there would be any detriment to either abutter due to the deck being there—in Attorney Keilty's opinion, no. The discussion concerning the easement continued—and how the dotted easement lines are not specified on the plans [this is a civil matter that either the abutters need to work it out or they're going to have to go to court and figure out]. Mr. Gagnon stressed again his concern with the easement not being clear on the plans and expanded further. Dr. Judith Otto followed-up on Mr. Gagnon's point by referencing plan C3 which shows two other easements, but not the easement being talking about here tonight. Dr. Otto also agrees that this issue is not something that the Board should be adjudicating, but our plans always show easements, and Dr. Otto thinks this one should too. Dr. Otto then inquired on the second-floor dining areas being accessible to people in wheelchairs...Attorney Keilty responded with yes, there will be an elevator. Mr. John Ford then questioned Attorney Keilty on the taxes being paid-in-full on this property. Attorney Keilty's response was that he believes yes. Mr. Ford's follow-up question was concerning City Engineers, who may have any concerns or complaints with this project. Attorney Keilty's response was no—and any recommendations they made are attached to our "Order of Conditions." Attorney Keilty elaborated on the subject. Mr. Ford then asked if the Fire Department had any commentary on the deck—if they have to get in there. Attorney Keilty informed Mr. Ford that the Fire Department has not commented as of yet. Attorney Keilty also commented that he is aware that Captain Chris Dowling is going to ask if they can get trucks through with their turning radius [we have applied a radius map which may not be the exact plan that PFD uses, but we'll apply that and speak with Captain Dowling as to what he would require].

●Mr. Andrew Levin then commented that DPW has reviewed this project based upon the "Conservation Commission," but Mr. Levin has since talked to DPW, and they had a couple other questions as well. They were wondering about the utilities [the pipes] and how you'll be getting sewer and water to the location. Mr. Michael Mei {applicant} explained that the sewer, electricity, and water are being provided through Mill Street. Attorney John Keilty noted that if the caveat/recommendation from the Board is to have the pipes replaced once they are opened [due to inadequacy], the applicant would agree to supply them. Mr. Levin reiterated to the Board that should a motion be made tonight that it includes the utility access be inspected with DPW present to satisfy any requirements from DPW regarding utilities.

●Attorney Nick Ambeliotis {99 Rosewood Drive, Danvers, MA 01923} appearing on behalf of the abutter MRG Real Estate, LLC and Hanna Design, LLC. The reason for being before the Board tonight is the abutters want to be good neighbors and want to see a nice project next door, but they have an issue with the deck. Attorney Ambeliotis commented that the deck is being constructed entirely on the abutters easement area. The petitioner mentioned that these plans have gone out for technical review, but Attorney Ambeliotis does not believe that they've taken into account the actual easement on this property—and it's not shown on the site plan or brought to anyone's attention until this week. Attorney Ambeliotis commented that upon review of the plans he sees the top of the deck as 10 feet high, which means that the clearance is not 10 or 11 feet it's really 9 feet if the plans are correct. The distance between the piles according to the petitioner looks like 10 feet to Attorney Ambeliotis and the inner piles appear to be 11 feet [you have to account for the rear staircase]. Is that enough width for my client's to have the use and enjoyment of their easement? Attorney Ambeliotis continued to stress his points at length to the Board.

→**Motion:** Mr. John Ford—Move to see a revised copy of the plan noting the easement.

→**Seconded:** Dr. Judith Otto  
**Roll call: 5 to 2**

●Attorney John Keilty respectfully requested the matter be continued to the Board's February 6<sup>th</sup>, 2025, meeting.

→**Motion:** Mr. John Ford—Move to grant the petitioner an extension of time until February 6<sup>th</sup>, 2025.  
→**Seconded:** Dr. Judith Otto  
**Roll call: 7 to 0**

●Mr. Andrew Levin went to retrieve Mr. Matthew Genzale to resume his duties as a member of the Planning Board after the vote was taken on the 2 Central Street project.

### 3. 0 HARDY STREET (*Map 85, Lot 001*)

This is an application by Michael Becker—seeking a site plan review to redevelop a vacant ±8,983 s.f. commercially zoned parcel bounded by Hardy St., Munroe St., Munroe Court, and Central St. The project consists of redeveloping the existing paved site to accommodate construction of an 8-unit commercial condominium building with associated walkways, paved parking area, utilities, landscaping, and other site amenities. Hardy St. drainage improvements are also planned as part of the development. Construction activities will include demolition and removal of structures and pavement; excavation; foundation installation; building construction; backfilling; installing and reconfiguring utility and drainage connections as needed; grading; paving; gas trap installation; and loaming and seeding and other site landscaping. The property is located in the {BC} Zoning District. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, [andrew.levin@peabody-ma.gov](mailto:andrew.levin@peabody-ma.gov), 978-538-5783.

●Attorney John Keilty {40 Lowell Street, Peabody, MA 01960} informed the Board that this project was before “Construction Review” this week—there are a myriad of questions with respect to the development of the property—poignant and useful observations were made at the “Construction Review” meeting. Attorney Keilty respectfully requested that this matter be continued until the February 6<sup>th</sup>, 2025, meeting—and revised plans will be filed by January 30<sup>th</sup>, 2025.

●Mr. Roy Simoes commented that maybe reducing the number of units is a possibility [from eight to something else]...Attorney John Keilty replied that at the “Construction Review” he thinks his plan had nine units...The discussion continued between Mr. Simoes and Attorney Keilty on the number of units noted on the plans [eight or nine]. Mr. Simoes inquired on the clearances to overhead wires—if it was an item brought up at the “Construction Review” meeting. Attorney Keilty commented that the issue was brought up by one of Mr. Simoes’ representatives [Attorney Keilty explained that the applicant would need to provide sufficient clearance, and they should be working with PMLP to make sure there isn’t too much sag]. Mr. Simoes then asked if this project had gone before the “Conservation Commission.” Attorney Keilty’s response was that the project had gone before the “Conservation Commission”—and it had gotten approved. Dr. Judith Otto then commented that typical building elevations that give us an indication of materials are provided. However, she doesn’t see it on this plan—Mr. Andrew Levin interjected and explained that the elevations were listed on the application. Attorney Keilty then commented that the building is going to change it’s going to get smaller and narrower. Mr. Simoes then asked if the neighbors to the north, which is the entrance to the car wash—if they expressed any ill will against this project. Attorney Keilty explained that they did not come to the “Conservation Commission”—and to date Attorney Keilty believes that is the only fully noticed out appearance.

→**Motion:** Mr. John Ford—In the matter of 0 Hardy Street move to grant the petitioner’s request for an extension of time until February 6<sup>th</sup>, 2025.

→**Seconded:** Mr. Matthew Genzale  
**Unanimously approved.**

#### **D. Appointments:**

1. Letter from Paul DiBiase, Manager-Peabody Living, LLC dated November 26<sup>th</sup>, 2024—Re: Stonegate Subdivision-Subdivision Completion, Full Tripartite Agreements Release Request, and Street Acceptance Request.
  - i. Stonegate Subdivision “As Built” and “Street Acceptance” plans.
  - ii. Stonegate Subdivision “Tripartite Agreement” #1 and #2.
    - ▶ CONTINUED FROM 12/5/2024
    - ▶ ACTION CONTINUED TO 1/16/2025

●Mr. Andrew Levin provided a recap to the Board on the current standing of the Stonegate Subdivision project. The applicant submitted a letter requesting a continuance to the Board’s February 6<sup>th</sup>, 2025, meeting.

→**Motion:** Mr. John Ford—In the matter of Stonegate Subdivision move to receive a communication from James Nicholas, Engineer-City of Peabody—outlining 18 points that need to be addressed by Mr. DiBiase, move to receive.

→**Seconded:** Dr. Judith Otto  
**Unanimously approved.**

→**Motion:** Mr. John Ford—In the matter of Stonegate Subdivision move to receive a communication from Diandra DiBiase requesting an extension of time until February 6<sup>th</sup>, 2025, move to receive communication and grant said extension.

→**Seconded:** Dr. Judith Otto & Mr. Joseph Gagnon  
**Unanimously approved.**

**E. Subdivision Board Action:** None.

#### **F. Correspondence:**

1. Withdrawal letter dated January 8<sup>th</sup>, 2025, from Christopher York, P.E. of Greenman-Pedersen, Inc.—  
Re: 15 Newbury Street.
2. Regional Notices.

**G. City Council:** None.

#### **H. Other Matters before the Board:**

●Mr. Andrew Levin noted that Dr. Judith Otto had taken on the task of revising the “Subdivision Rules & Regulations”—this item is now spanning into its second year now and would require a motion to continue said action of subcommittee, so if anybody wishes to make a motion.

→**Motion:** Dr. Judith Otto—Move to extend the work of the “Rules & Regulations” committee in accordance with our own procedural rules which require us to reconvene in every calendar year.

→**Seconded:** Mr. Sean Walsh  
**Unanimously approved.**

1. VOTE: Officers (Chairman, Vice-Chairman, Secretary).
2. Board Member Seeding.

→**Motion:** Mr. John Ford—Move to nominate Mr. Thomas Bettencourt as Chairman for the 2025 term of the Planning Board.

→**Seconded:** Dr. Judith Otto & Mr. Roy Simoes  
**Roll call: 7 to 0**

→**Motion:** Attorney Peter Arvanites—Move to nominate Mr. John Ford as Vice-Chairman for the 2025 term of the Planning Board.

→**Seconded:** Mr. Joseph Gagnon & Dr. Judith Otto  
**Roll call: 7 to 0**

→**Motion:** Mr. Roy Simoes—Move to nominate Attorney Peter Arvanites as Secretary for the 2025 term of the Planning Board.

→**Seconded:** Mr. John Ford & Dr. Judith Otto  
**Roll call: 7 to 0**

**Board Seeding:**

Mr. Thomas Bettencourt = #10

Mr. John Ford = #2

Attorney Peter Arvanites = #4

Dr. Judith Otto = #5

Mr. Roy Simoes = #3

Mr. Dennis Feld = #1

Mr. Joseph Gagnon = #7

Mr. Matthew Genzale = #8

Mr. Sean Walsh = #6

Mr. Tom French = #9

I. **Adjournment: 7:58p.m.**

→**MOVE to adjourn:** Mr. Joseph Gagnon

→**Seconded by:** Dr. Judith Otto

**Unanimously approved.**

An audio and visual recording of the meeting is available by following the link below or copying this link into an internet browser: <https://www.youtube.com/watch?v=EvD3OUua1k0>.