



**Peabody Planning Board
Minutes**

FOR JANUARY 5, 2023, MEETING

APPROVED ON JANUARY 19, 2023



Planning Board Minutes

January 5th, 2023

Time: 7:00—7:54 p.m.

Location: Wiggin Auditorium and simulcast on Peabody Access TV.

Members Present: Mr. Tom Bettencourt, Mr. John Ford, Atty. Peter Arvanites, Dr. Judith Otto, Mr. Roy Simoes, Mr. Joseph Gagnon, Mr. Matthew Genzale, Atty. Marc Perlman

Others Present: Mr. Andrew Levin (Senior Planner), Mr. Curt Bellavance (Director of Community Development and Planning), Ms. Stephanie Peach (Ward Three Councillor), Attorney John Keilty

- ▶ Chairman of the Board Thomas Bettencourt called the meeting to order at 7:00 p.m.
- ▶ Chairman Bettencourt suspended the regular meeting for the public hearing.

1. PUBLIC HEARING

Definitive Subdivision Westford Ave.

Notice is hereby given that under the provisions of Chapter 41, Section 81T of the Massachusetts General Laws, the Peabody Planning Board will hold a public hearing on September 15th, 2022 at 7:00 p.m. in the Peabody City Hall, Wiggin Auditorium, 24 Lowell Street, Peabody, MA 01960 for approval of a definitive subdivision plan known as Westford Avenue, Sheet(s) 1-11, plan dated November 14th, 2021, drawn by Eastern Land Survey Associates, Inc., showing a section of roadway to be constructed in the City of Peabody.

Said property is located near or at: Elaine Ave., Longwood Ave.

And shown on Assessors Map(s): 124 Parcels: 198

▶ Continued from October 20th, 2022

● Mr. Levin informed the Chairman and the Board members that in their packets they received a letter from the applicant or on the behalf of the applicant from Attorney David Ankeles requesting the withdrawal of the subdivision application that was filed for Westford Ave.

Motion: Mr. Ford made the motion to receive the communication from Attorney Ankeles regarding Westford Ave. requesting the withdrawal of said project.

Seconded: Mr. Genzale

Unanimously approved.

Motion: Mr. Ford made the motion to allow the petitioner for Westford Ave. to withdraw.

Seconded: Mr. Simoes

Roll call was taken, and unanimously approved (8 to 0).

Proposed Zoning Amendment

BE IT ORDAINED by the City Council of the City of Peabody as follows:



That the Zoning Ordinance of the City of Peabody entitled Zoning Ordinance - 2011, as amended, is hereby further amended as follows:

SECTION ONE: By amending Section 6 Entitled Special Regulations as follows:

By deleting in its entirety Section 6.15 Mill Overlay District (MOD) as adopted on March 14, 2019, and inserting in place thereof a new Section 6.15 entitled Mill Overlay District (MOD) as follows:

6.15 Purpose

6.15.1 Establishment and Boundaries

6.15.2 Applicability and Relationship to Underlying Zoning

6.15.3 Permitted Uses

6.15.3.1 The following uses shall be permitted by right in the Mill Overlay District (MOD)

6.15.3.2 The following uses shall be permitted by Special Permit in the Mill Overlay District (MOD)

6.15.4 Parking, Landscaping, Façade, Signs and Pedestrian Accommodation

6.15.5 Noise

6.15.6 Light

6.15.7 Waivers

SECTION TWO: That the Zoning Map of the City of Peabody entitled, City of Peabody Zoning Map Adopted April 28, 2011, as amended, is hereby further amended as follows:

The following parcels are included within the Mill Overlay District:

Assessors Map 053, Parcel 046A and numbered 56 Pulaski Street

Assessors Map 053, Parcel 046C and numbered 58 Pulaski Street (R)

Assessors Map 053, Parcel 047 and numbered 58 Pulaski Street

Assessors Map 053, Parcel 085 and numbered 60 Pulaski Street

Assessors Map 053, Parcel 087 and numbered 58 Pulaski Street

Assessors Map 053, Parcel 500 and numbered 56 Pulaski Street A

Assessors Map 053, Parcel 501 and numbered 56 Pulaski Street B

Assessors Map 053, Parcel 502 and numbered 56 Pulaski Street C

Assessors Map 053, Parcel 503 and numbered 56 Pulaski Street D

Assessors Map 053, Parcel 504 and numbered 56 Pulaski Street E

Assessors Map 053, Parcel 505 and numbered 56 Pulaski Street F & G

Assessors Map 053, Parcel 506 and numbered 56 Pulaski Street H

Assessors Map 053, Parcel 507 and numbered 56 Pulaski Street I

Assessors Map 053, Parcel 508 and numbered 56 Pulaski Street J

Or any new subdivision of the lots thereof

SECTION THREE: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION FOUR: This ordinance shall take effect as provided by law.

●Chairman Bettencourt asked the audience if there was anyone who wanted to speak in favor of the Amendment.

●Mr. Curt Bellavance (Director of Community Development and Planning) addressed the Board on the Amendment to the existing Mill Overlay District. He explained that the Board may be familiar with the issue since the original Mill Overlay District was presented four years ago. Mr. Bellavance then explained to the Board that they had voted in favor of this zoning proposal in 2018—and it moved on to the City Council where it was adopted. During the 2018 process, 58R Pulaski Street was included into the district. Mr. Bellavance then explained that the City had come before the Planning Board and City Council recently in regards of adding an additional lot to the Mill Overlay District which was an adjacent property. Mr. Bellavance went on to explain that it was successful—that it was voted on and recommend by the Planning Board to the City Council, which then adopted the language of the map change to add that additional parcel. Mr. Bellavance then explained that the goal of the Mill Overlay District is to take underperforming buildings



in an industrial area—and create incentive to invest in that building, Mr. Bellavance explained the existing zoning wouldn't provide many incentives for any interested parties in purchasing. Mr. Bellavance went on to explain that the city worked with the developer and our staff along with the Mayor and Ward Councillor and other City Councillors at that time to create the Mill Overlay District.

Mr. Bellavance then explained that other property owners had inquired in regard to the Mill Overlay District, explaining that these other property owners liked the success that is happening there, and want to be part of this, explaining that interested parties want to add their properties into the district. Mr. Bellavance explained that in working with existing property owners, the Mayor, Ward Councillor, and the Assistant City Solicitor—there were changes drafted including some additional language being added to the section along with changes to the existing Mill Overlay District language as well as expanding the district to include the abutting properties to the Mill Overlay District as listed. Mr. Bellavance then provided the Board with an illustration of the properties that were to be included. Mr. Bellavance then went on to discuss the “language” and “definitions.” Mr. Bellavance then expressed that he would be open to any questions the Board might have.

- Chairman Bettencourt at that point expressed that he would take any questions from the Board.

- Dr. Otto (6.15.4 subsection C—signs and façade improvements) and Mr. Bellavance had discussions about signs in the district.

- Dr. Otto (6.15.7 waivers) and Mr. Bellavance had discussions about the ZBA having the ability to entertain waivers from dimensional requirements. Attorney Arvanites then asked Mr. Bellavance why the word “waiver” is being used instead of “variance?” Attorney Arvanites then explained that he always thinks of the ZBA as variance granting authority. Attorney Arvanites asked Mr. Bellavance if it was the same thing. Mr. Bellavance explained that it is the same thing.

- Mr. Genzale asked that Mr. Bellavance elaborate on the decision to incorporate 56 Pulaski into the Overlay. Mr. Bellavance explained that the reason behind it was to create more of a transitional zoning district where you have basically a property sitting next to a bunch of single-family homes, creating a transitional zone.

- Mr. Gagnon then asked Mr. Bellavance if the new Overlay took into consideration residential housing—Mr. Gagnon wanted clarity on the issue. Mr. Bellavance explained that currently the Mill Overlay District does not include housing of any kind. Mr. Gagnon then asked that Mr. Bellavance explain what “personal service establishment” would be...Mr. Bellavance explained that it could be a nail salon, hairdresser, accountant—any type of service that would be provided on a small level it wouldn't be a commercial type of use.

- Dr. Otto wanted clarification on the building that's most southerly on the property, asking if it was built before 1940...Mr. Bellavance explained that the building was not built before 1940, explaining that for a district to exist, at least three buildings needed to be built prior to 1940.

- Mr. Simoes wanted some clarification on the abutters being notified. Mr. Bellavance explained that abutters notices were sent out. He then stressed that there were two notices sent out: one regarding the public hearing of the Planning Board and the other regarding the public hearing of the City Council.

- Mr. Simoes then discussed that now would have been the appropriate time to find a way to allow or address the theater or function facility without allowing it in all IL in the whole city. Mr. Simoes wanted to know if this issue was going to be revisited in the coming months...Mr. Bellavance explained that it was a private application from a landowner it wasn't something that was put through either by the City Council or the Planning office.



● Discussion was had over the version of the Zoning Language that Mr. Bellavance was referring to, and the version submitted to the Board.

● City Councillor Stephanie Peach (19 Margin Terrace, Ward 3 Councillor) explained that she understood that this item on the agenda would not be voted on tonight, which she agreed with so that the correct language be submitted to the Board. Councillor Peach explained that there were eight drafts between herself, the Mayor, and Mr. Bellavance over the last two months trying to get this put together and explained that a different version might have been submitted. Councillor Peach went on to address some of the Boards comments. A lengthy discussion was then had between Councillor Peach and the Board on the area.

● Attorney John Keilty (40 Lowell Street, Peabody, MA 01960—representing Pulaski Acquisition LLC) explained that he had appeared before the Board before asking for an amendment to the Zoning Ordinance to allow theater and public hall to be allowed in the IL Zoning district. Atty. Keilty explained that he had asked that it be allowed by right and that this Board recommended the adoption of such an amendment by the City Council however that it be by Special Permit. Attorney Keilty then explained that he went to the City Council subcommittee meeting and the notion of trying to incorporate his requested zone change at the time came up with the subcommittee meeting as perhaps being included in this Zoning Amendment. Atty. Keilty explained that Pulaski Acquisition LLC would like to be recorded as being in favor of the change and he would ask that his land which is (map 53 lot 82) the building Mr. Simoes was speaking of (old Webster Industries). Attorney Keilty then explained that area is where he is proposing to put the user of a theater and public hall if he gets through this whole process.

● Chairman Bettencourt then asked if the Board had any question.

● The Board and Mr. Bellavance had discussions about the recent business of “Public Hall” and “Theater.”

● Chairman Bettencourt then asked if anyone would like to speak either in favor or opposition, hearing none, he would accept a motion to continue this public hearing to the next meeting.

Motion: Mr. Ford would move to recess the public hearing for the Mill Overlay District changes to the next meeting in January.

Seconded: Dr. Otto

Unanimously approved.

► Chairman Bettencourt stated the Board would go back to the agenda of the regular meeting.

A. **Approval of Minutes:** 11/3/2022, 11/17/2022, 12/1/2022

● The Chairman then addressed the Board on the approval of the minutes for 11/3/22, 11/17/22 and 12/1/22—and requested a motion on the approval.

Motion: Mr. Gagnon made the motion to accept the prior minutes as indicated.

Seconded: Mr. Simoes

Unanimously approved.

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



C. Site Building Permit Plan Reviews:

190R Newbury Street—Map 35, Lot 38a

i. This is an application by Robert Denisco seeking a site plan review for the proposed construction of a 60-unit multi-family residential building over a parking deck, surface parking and access driveways. Continued from the Boards January 5th, 2023, meeting.

▶ ACTION CONTINUED TO 1/26/2023

● Attorney John Keilty provided the Board with a letter requesting an extension to January 26th, 2023.

Motion: Mr. Ford made the motion to receive the written communication from Attorney Keilty regarding 190R Newbury Street requesting an extension of time to act until January 26th, 2023, moved to receive and grant set extension.

Seconded: Attorney Arvanites

Unanimously approved.

55 Pulaski Street—Map 53, Lot 029

i. This is an application by Dennis & Georgia Giannis, Trustees seeking a site plan review for the proposed redevelopment of the site for multi-family housing. The application includes the construction of eight (8) new duplex buildings, as well as the renovation of the existing building into 5 units of housing. There is a proposed 44 parking spaces, with four (4) spaces located within two (2) buildings, with the remainder throughout the site in an open-air parking lot. Continued from the Boards January 5th, 2023, meeting.

▶ ACTION CONTINUED TO 1/26/2023

● Attorney John Keilty provided the Board with a letter requesting an extension to January 26th, 2023.

Motion: Mr. Ford made the motion to receive the written communication from Attorney Keilty regarding 55 Pulaski Street requesting an extension of time to act until January 26th, 2023.

Seconded: Attorney Arvanites

Unanimously approved.

D. **Appointments:** None

E. **Subdivision Board Action:** Westford Ave.—**Withdrawn**

F. **Correspondence:**

1. Memo from Community Development—Re: Westford Avenue
2. Packet from Attorney David L. Ankeles—Re: Westford Avenue:
 - i. Memorandum on Roadways, Rights of Way and Access to Property w/plans and easement
 - ii. Letter from Lynn Police Department
 - iii. Letter from Lynn Fire Department



- iv. Email from Lynn Department of Public Works; and
- v. Draft of Proposed Covenant Limiting Access and Egress
3. Packet from George M. Guanci—Re: Westford Avenue
4. Planning Board Public Hearing Notice
5. Packet from the Peabody City Council—Re: Proposed Zoning Ordinance Amendment; Section 6.15 Mill Overlay District
 - i. Special Permit Application submitted by Jack Elias, LLC for property at 468 Lowell Street
6. Packet on amending the zone ordinance of the city of Lynn
7. Memo from Robert J. Langley, P.E.— Millview 55 Pulaski Street (December 6, 2022)
 - i. Downstream Sewer Capacity Peer Review from Tighe and Bond—Re: 55 Pulaski Street (dated December 1, 2022)
8. Memo from Robert J. Langley, P.E.—Millview 55 Pulaski Street (December 13, 2022)
9. Packet dated December 13th, 2022, from Horsley Witten Group—Second Stormwater Peer Review, Proposed Redevelopment at Millview 55 Pulaski Street
10. Memo from Robert J. Langley, P.E.—Millview 55 Pulaski Street (December 15, 2022)
11. Packet dated December 9th, 2022, from Weston & Sampson—Re: Millview Development, Peabody, MA Water Service System Evaluation
12. Memo from Robert J. Langley, P.E.—Millview 55 Pulaski Street (December 27, 2022)
 - i. Downstream Sewer Capacity Peer Review from Tighe and Bond—Re: 55 Pulaski Street (dated December 1, 2022, and updated December 23, 2022)
13. Regional Notices
14. Letter from Attorney Ankeles—Re: Westford Avenue (December 21, 2022)
15. Memo from Robert J. Langley, P.E.—Re: Millview 55 Pulaski Street-Water Service System Evaluation-Revised Plans (December 27, 2022)
 - i. Water System Evaluation Peer Review from Weston and Sampson—Re: Millview Development, Peabody, MA (January 5, 2023)

G. City Council: None.

H. Other Matters before the Board:

1. **VOTE:** Officers (Chairman, Vice-Chairman, Secretary)

● **Vote for Chairman**

Motion: Dr. Otto to recommend Mr. Thomas Bettencourt as Chairman of the Peabody Planning Board

Seconded: Mr. Ford & Mr. Gagnon

Roll call was taken, and unanimously approved (7 to 0).

● **Vote for Vice-Chairman**

Motion: Attorney Arvanites to recommend Mr. John Ford as Vice-Chairman of the Peabody Planning Board

Seconded: Mr. Gagnon, Mr. Simoes & Dr. Otto

Roll call was taken, and unanimously approved (7 to 0).



● **Vote for Secretary**

Motion: Mr. John Ford to recommend Attorney Peter Arvanites as Secretary of the Peabody Planning Board

Seconded: Dr. Otto & Mr. Gagnon

Roll call was taken, and unanimously approved (7 to 0).

2. Board Member Seeding

● **Seeding Selection**

- ▶ Attorney Diane Cooper #1
- ▶ Mr. Joseph Gagnon #2
- ▶ Dr. Judith Otto #3
- ▶ Attorney Peter Arvanites #4
- ▶ Mr. Roy Simoes #5
- ▶ Mr. Matthew Genzale #6
- ▶ Mr. John Ford #7
- ▶ Mr. Dennis Feld #8

● Mr. Levin brought up to the Board the revision of current fees. He thought that it would just be up to the Planning Board to decide however it has come to his attention that it might have to include the City Council he is waiting to hear back from the City Solicitor. Mr. Levin then suggested that instead of just looking at changing one item the Board should look at changing other items as well.

I. **Adjournment: 7:54 p.m.**

- ▶ Chairman Bettencourt expressed that at this time he would accept the motion to adjourn.

Planning Board:

MOVE to adjourn: Dr. Otto

Seconded by: Mr. Genzale

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=KktogreZvlGM>