



**Peabody Planning Board Minutes
FOR OCTOBER 3, 2024, MEETING
APPROVED OCTOBER 17, 2024**

Planning Board Minutes

October 3rd, 2024

Time: 7:00—7:38p.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. Tom French

Others Present: Andrew Levin, Attorney John Keilty

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

A. Approval of Minutes: 9/5/2024

→**Motion:** Mr. Roy Simoes—Motion to approve the minutes of the September 5th, 2024, meeting.

→**Seconded:** Dr. Judith Otto

Unanimously approved and 1 Present.

B. ANR/Land Court:

- i. **59 Pine Street, Peabody, MA 01960** {Parcel ID: 034-004 & 034-004C}—Applicant: Attorney John Keilty of 40 Lowell Street, Peabody, MA 01960. The property is located in the {R1} Zoning District, where Lots T & J have the required area and frontage on a public way via Pine Street. With a Lot area of 20,000s.f. and Lot frontage of 125f.t.—applicant is proposing to move the property line to build a dwelling. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

● Attorney John Keilty {40 Lowell Street, Peabody, MA 01960} proceeded to give the Board an overview of the application. The plan was prepared by Eastern Land Survey Associates, Inc. {104 Lowell Street, Peabody, MA 01960} and Attorney Keilty believes that it's an ANR plan since both Lots on the plan show sufficient area and frontage on a public way, which is Lowell Street. Attorney Keilty explained that the reason behind this plan was due to a recent filing being made with the Conservation Commission where we were able to have approved a house that is located on the rear of Lot {Lot 2B}. The plan that was approved at the Conservation Commission is shown as the addition to the rear of the premises, which is actually an indoor swimming pool. It's straddling the original Lot line and thereby creating an encroachment. Therefore, a new plan should be brought before the Board to obtain the Board's signature in order to create an Approval Not Required {ANR} Lot. The Zoning matters will be brought before the Board of Appeals on October 21st, 2024, meeting—asking for rear yard relief to allow the building itself to be very close to the notch created. Rationale for not pulling the line back even further to the northwest is that the area being proposed has an "Order of Conditions," Attorney Keilty elaborated on the topic.

● Mr. Roy Simoes asked Attorney Keilty if the T-shaped {upside down T} house was existing. Attorney Keilty confirmed and explained that it's where the principles live, and they are here this evening. They're building a home for their daughter at the rear. Mr. Simoes' follow-up question was about going before the ZBA—relief for the existing home. Attorney Keilty's response was frontage for the existing home and the rear yard. Mr. Andrew Levin requested clarification on the setbacks. Attorney Keilty replied with front setback and rear setback. Mr. Simoes then inquired if at one time this was a huge C-shaped Lot. Attorney Keilty confirmed and elaborated at length. Dr. Judith Otto then inquired as to how the proposed house is to be accessed. Attorney Keilty responded with the easement shown on the right of the plan tight to property

line, that'll be the access to the rear. Dr. Otto pointed out that the drawing doesn't look quite finished {the dotted lines are not brought down all the way on the drawing}. Attorney Keilty noted that when the easement is granted the line will be continued.

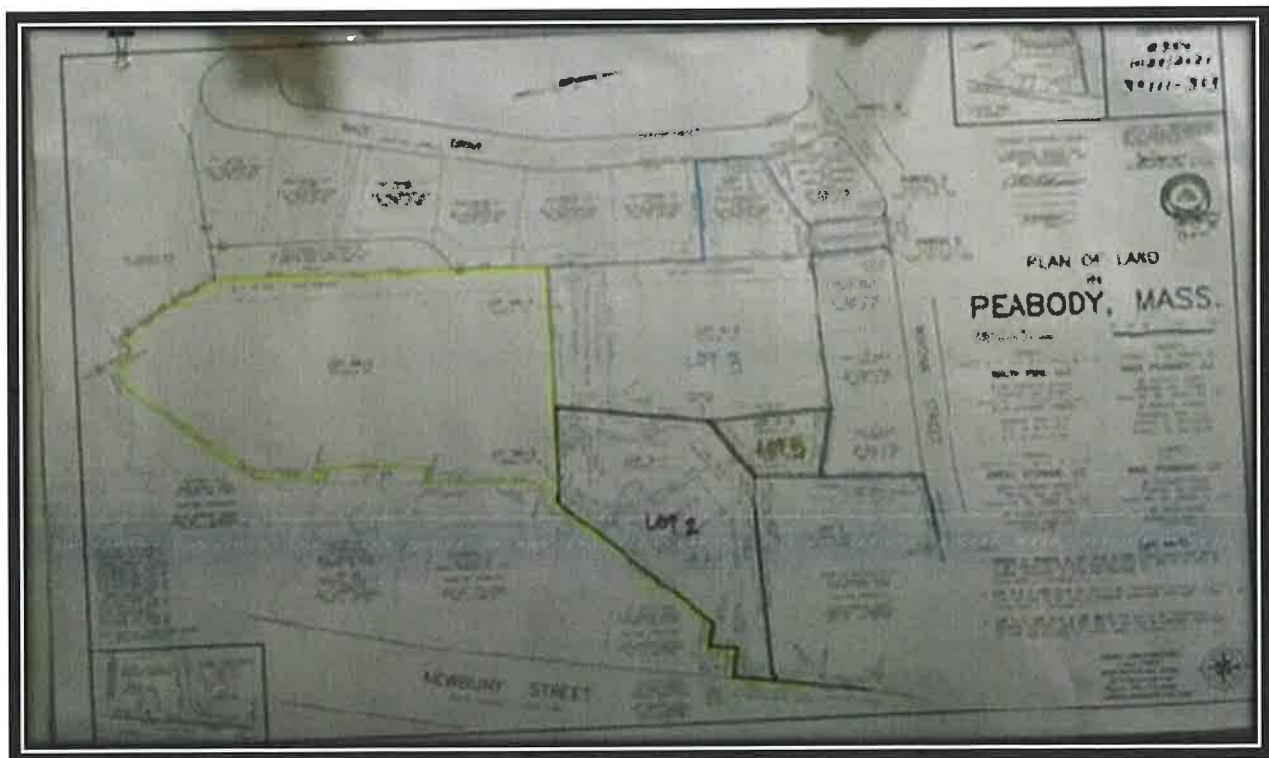
→**Motion:** Mr. John Ford—The Planning Board move to approve an ANR Plan of Land in Peabody, MA—prepared by Eastern Land Survey Associates, Inc. of 104 Lowell Street, Peabody, MA—prepared for Anthony Avola [the date on the Plan was originally September 19th, 2012, however it was revised on September 3rd, 2024]. The Plan is further identified by number F6486. All lots have area and frontage on a way in existence, so moved.

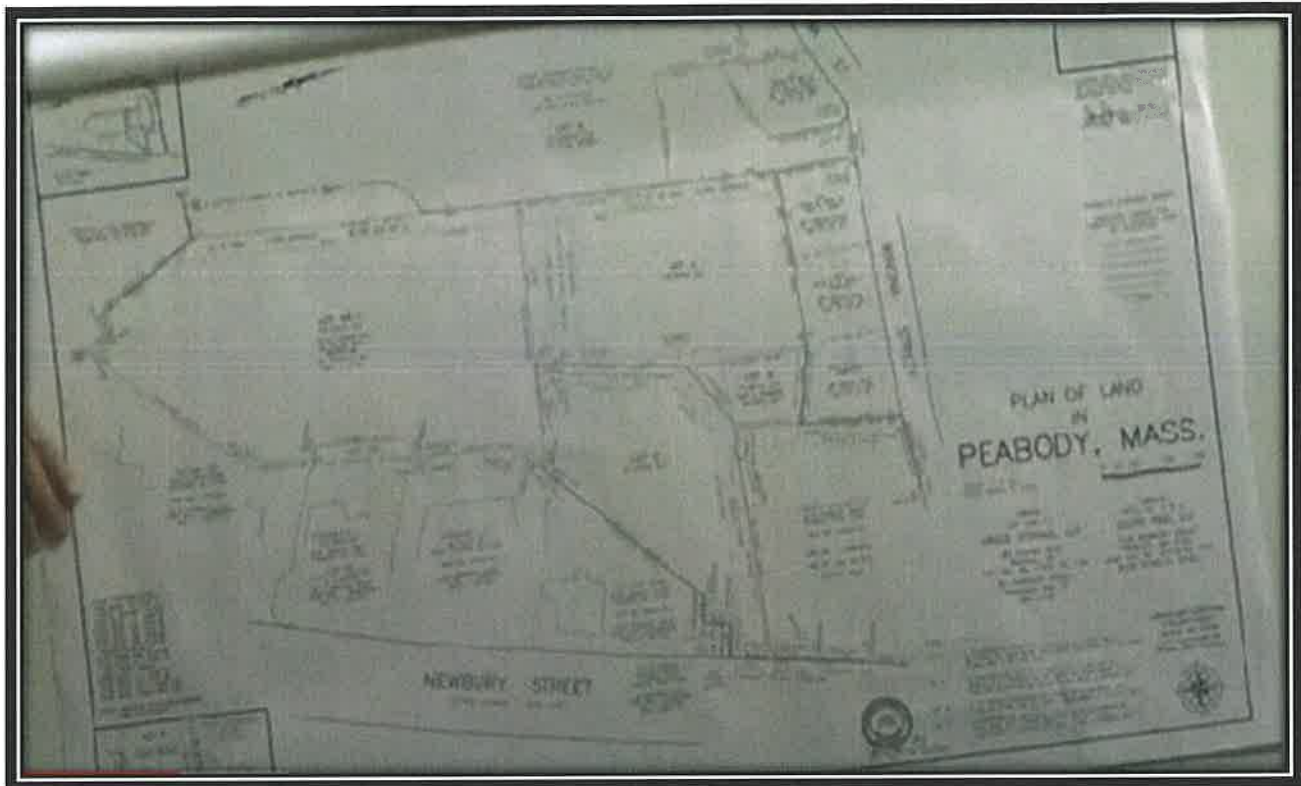
→**Seconded:** Attorney Peter Arvanites

Roll call: 7 to 0.

- ii. **128 Newbury Street, Peabody, MA 01960** {Parcel ID: 057-074 & 057-074T}—Applicant: Attorney John Keilty of 40 Lowell Street, Peabody, MA 01960. Owners: Circle Storage, LLC and South Pike, LLC. The property is located in the {BR1} Zoning District, where Lots 4A-1 and 2 have the required area and frontage on Newbury Street, Lot 3 has the required frontage on Winona Street, other Parcels to be combined as notes indicate on Plan of Land. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

●Attorney John Keilty {40 Lowell Street, Peabody, MA 01960} commented that this was a plan that he tried to get before the Board back in the earlier portions of the summer, however his client had not paid his taxes—this is the parcel of land that the Treasurer made an appearance before the Board on explaining that the Planning Board has the right to withhold signatures on plans when taxes are not paid. Since that time taxes have been paid, so Attorney Keilty has resubmitted the plan, but Attorney Keilty is not certain if the plan will be used, since certain conveyances have taken place off an older plan. Attorney Keilty brought his plans to the podium and utilized them to illustrate his point at length. Currently a peer review is being conducted at “Public Services,” to move a stormwater collection area underneath—to move it from where it is currently located to another area. This particular issue is slowing the progress on building the accessway, but it will be built, and all Lots shown on the plan will be accessed through that easement. Attorney Keilty reiterated that they could never use this plan and elaborated on the subject.





●Mr. Andrew Levin commented on his confusion and requested clarification on Lot 3 from Attorney Keilty. A discussion between both parties continued on the topic. Mr. John Ford then asked Attorney Keilty why he is even considering this R1 Zone Lot be combined with Lot 3. Attorney Keilty responded with ownership and elaborated. Mr. Roy Simoes then commented that if Attorney Keilty was not aware, everyone here is confused—you're saying that things are combined, but they should have been shown combined, in my opinion, on the mylar. So, up where it says Winona Street in the top right corner there's a 50-foot access to Winona; and it comes out; and then gets bigger in the back, right. Mr. Levin then interjected and tried to clarify which plan was being discussed—the plan that Mr. Simoes is referencing is the plan that you're looking to get endorsed this evening, correct. Attorney Keilty confirmed. The discussion continued with which plan was being referenced. Mr. Simoes then inquired about whether the stormwater management issue was the same item that was described to the Board two or three months ago—it's a bunch of sealed concrete containers that basically go through the pollution and doesn't allow the polluted groundwater to come into it; it gives clear passage for the stormwater to get in and infiltrate. Attorney Keilty's response was that he doesn't think that's the case—I don't think they're that specialized and he proceeded to elaborate at length on the subject. Mr. Simoes then asked Attorney Keilty if Mr. Caruso was still planning on building a contractor's yard on {4A-1}. Attorney Keilty's response was yes. Mr. Simoes' follow-up question to Attorney Keilty was what the new purchaser of the area is planning on building. Attorney Keilty's response was that the owner has an interest in utilizing the Lot for an auto body {Lot 2}, as for Lot 3 Attorney Keilty doesn't believe he has plans for the Lot. Attorney Keilty then explained that when the purchaser applies for "Site Plan Review," the architectural drawings will be shown for the auto body facility. Attorney Keilty then proceeded to explain at length on the subject. Mr. Joseph Gagnon then asked Attorney Keilty if all parties involved in this location [and noted on his plans] are paid up on their taxes. Attorney Keilty responded with a yes. Mr. Gagnon responded with isn't that wonderful, how many years did that take? Mr. Ford stated that he still has an issue with combining the R1 Lot with Lot 3 in the BR Zone and outlined his concerns at length to Attorney Keilty. A discussion ensued between Mr. Levin and Attorney Keilty on which plan will be used if and when Attorney Keilty applies for "Site Plan Review."

→**Motion:** Mr. John Ford—The Planning Board move to endorse a Plan of Land in Peabody, MA—prepared by Jarosz Land Surveying of Saugus, MA—prepared for Circle Storage, LLC and South Pike LLC, so moved [the date of signature of the surveyor is March 6th, 2024, no other date is noted on the plan other than the city’s timestamp].

→**Seconded:** Mr. Joseph Gagnon

Roll call: 7 to 0.

C. Site Building Permit Plan Reviews:

15 NEWBURY STREET (Map 88, Lot 6)

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, 978-538-5783.

▶ CONTINUED FROM 9/5/2024

▶ ACTION CONTINUED TO 10/3/2024

●Mr. Andrew Levin informed the Board that a letter of continuance was received from the applicant requesting an extension to the Board’s November 7th, 2024, meeting.

→**Motion:** Mr. John Ford—In the matter of 15 Newbury Street, move to receive a late communication from GPI dated October 3rd, 2024, requesting an extension of time until November 7th, 2024, move to receive the communication and grant said extension.

→**Seconded:** Attorney Peter Arvanites & Dr. Judith Otto

Unanimously approved.

D. Appointments: None.

E. Subdivision Board Action: None.

F. Correspondence:

1. Regional Notices.

G. City Council: None.

H. Other Matters before the Board: None.

●Mr. Roy Simoes made a suggestion/request on getting copies of the ANR application drawings in his packet {in size 11x17}. Mr. Andrew Levin explained that the ANR application only requires the applicant to provide 4 copies and a mylar [it’s been the process in place for many, many years]. Mr. Simoes then requested that Mr. Levin address this issue at the subcommittee meeting reviewing the “Rules and Regulations.”

I. Adjournment: 7:38p.m.

→**MOVE to adjourn:** Dr. Judith Otto

→**Seconded by:** Mr. Tom French & Mr. Joseph Gagnon

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=kh9UgHK3X7g>.