



Peabody Planning Board Minutes

**FOR OCTOBER 5, 2023, MEETING
APPROVED ON NOVEMBER 2, 2023**

Planning Board Minutes

October 5th, 2023

Time: 7:00—8:06p.m.

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

Members Present: Mr. Thomas Bettencourt, Mr. John Ford, Mr. Joseph Gagnon, Mr. Roy Simoes, Mr. Dennis Feld, Atty. Marc Perlman

Others Present: Andrew Levin, Attorney James Mears, Pauline Moraitis, Attorney David Ankeles, Attorney John Keilty, Chris Mello

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

A. Approval of Minutes: 9/21/2023

→**Motion:** Mr. John Ford-Move to approve the minutes of the September 21st, 2023, meeting.

→**Seconded:** Mr. Joseph Gagnon {raised his hand} & Mr. Dennis Feld {raised his hand}

Unanimously approved and 1 Present.

B. ANR/Land Court:

- i. 168 Lynn Street, Peabody, MA 01960 {Parcel ID: 116-101}—Applicant: Mr. W. David Bourque, 168 Lynn Street, Peabody, MA 01960. Parcel A is to be joined with Lot 9B and become one contiguous lot. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

●Attorney James Mears {9 Pasture Road, Beverly, MA 01915} representing the owner and applicant W. David Bourque. On behalf of Mr. Bourque, Attorney Mears is requesting that the petition be continued to the Planning Board's next meeting—since we are currently discussing some options to the request that is currently in front of the Board with our neighbor Mr. William Skouras. So, Attorney Mears respectfully requested a continuance to the Board's next meeting.

→**Motion:** Mr. John Ford-Move to grant the petitioner and extension of time until the next meeting of the Planning Board.

→**Seconded:** Mr. Joseph Gagnon

Unanimously approved.

●Ms. Pauline Moraitis is the owner of the front 170 Lynn Street, Peabody, MA. Ms. Moraitis appeared before the Board to oppose the applicant's request. Ms. Moraitis outline her concerns with the applicant's request at length—and elaborated on their tumultuous relationship as neighbors. Chairman of the Board Thomas Bettencourt then interjected and informed Ms. Moraitis that she has to keep the topic relevant to this request, not what has happened in the past. Mr. Moraitis' response was that she understood—she then proceeded to make a proposition to Mr. David Bourque. Ms. Moraitis offered Mr. Bourque fifty percent more than what Mr. William Skouras had offered him.

C. Site Building Permit Plan Reviews:

0 PROSPECT STREET

Newly created Lot in vicinity of 61 Prospect Street {051-006} and 210 Andover Street {051-008}.

This is an application by PEG Companies, 180 North University Ave., Provo, Utah 84601 {Name of Owner: Mall at Northshore, LLC, 210 Andover Street, Peabody, MA 01960} seeking a site plan review for a proposed 101,302 square-foot Residence Inn by Marriott.

- ▶ CONTINUED FROM 9/21/2023
- ▶ ACTION CONTINUED TO 10/5/2023

●Attorney David Ankeles {246 Andover Street, Peabody, MA 01960} representing the applicant of 0 Prospect Street. Attorney Ankeles' appearance before the Board tonight was to provide an update on the project. Attorney Ankeles informed the Board that he had received all of his peer reviews—they are now incorporating all of the requests and suggestions for improvement into the Plans—the revised Plans should be submitted to the Board before October 26th, 2023, so the Board will be able to review them. Attorney Ankeles then requested a continuance to the Board's meeting of November 2nd, 2023, at which point the final Plans can be reviewed.

→**Motion:** Mr. John Ford-Move to allow the petitioner of 0 Prospect Street to extend until November 2nd, 2023.

→**Seconded:** Mr. Joseph Gagnon
Unanimously approved.

54 PROSPECT STREET (*Map 51, Lots 4, 4A, 4B, 4C & 4D*)

This is an application by Mr. David Lemieux, 54 Prospect Street, Peabody, MA 01960—seeking a site plan review for the existing 2.0-acre property, which consists of five parcels under common ownership. The proposed North Point apartment complex will consist of 26 two-bedroom apartments comprising a total gross floor area of approximately 57,500 square feet.

- ▶ CONTINUED FROM 9/21/2023
- ▶ ACTION CONTINUED TO 10/5/2023

●Attorney John Keilty {40 Lowell Street, Peabody, MA 01960} appearing before the Board on behalf of the applicant. Attorney Keilty informed the Board that he was provided with some contracts by Mr. Robert Langley—the contracts have been executed and brought back to Mr. Langley and the Board. Attorney Keilty then respectfully requested a continuance to the Board's next meeting of October 19th, 2023.

→**Motion:** Mr. John Ford-Move to allow the petitioner to extend his time until October 19th, 2023.

→**Seconded:** Mr. Roy Simoes
Unanimously approved.

47 TREMONT STREET (*Map 75, Lot 164*)

This is an application by AGA Foster, LLC, 6 Andrews Brothers Way, Peabody, MA 01960 {Name of Owner: The Farhat Group, 4 Nathan's Way, Peabody, MA} seeking a site plan review to construct a 3 story self-storage building on Lot 1A together with 15 parking spaces. Exterior loaded and interior loaded units will be accessed from the rear {south} side of the building on the lower level. The main entrance to the building will be near the northeast corner of the building on the first-floor level. The building will be 80 feet wide by 198 feet long and have a ground coverage of 11,840 square feet and a gross floor area of 47,360 square feet. The total impervious coverage of Lot 1A would be reduced by 2,500 square feet, more or less from the impervious coverage that was originally proposed and approximately 5,700 square feet of the Parcel will consist of landscaped areas. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

- ▶ CONTINUED FROM 9/21/2023
- ▶ ACTION CONTINUED TO 10/5/2023

28 WASHINGTON STREET (*Map 95, Lot 113*)

This is an application by Mr. George Glynos, 6 Pine Ridge Road, Essex, MA 01929—seeking a site plan review to construct a new three-unit townhouse style building. The building will be 30' by 60' and three stories in height and contain three three-bedroom units and a single garage space on the basement level. Access to the site will be over the existing driveway located adjacent to the northern property line. 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 requested a continuance on the matter—and gave an update on the project to the Board.

Motion: Mr. John Ford-At the request of Attorney John Keilty in the matter of 28 Washington Street—move to grant his extension until the October 19th, 2023, meeting.

→**Seconded:** Mr. Roy Simoes

Unanimously approved.

D. Appointments:

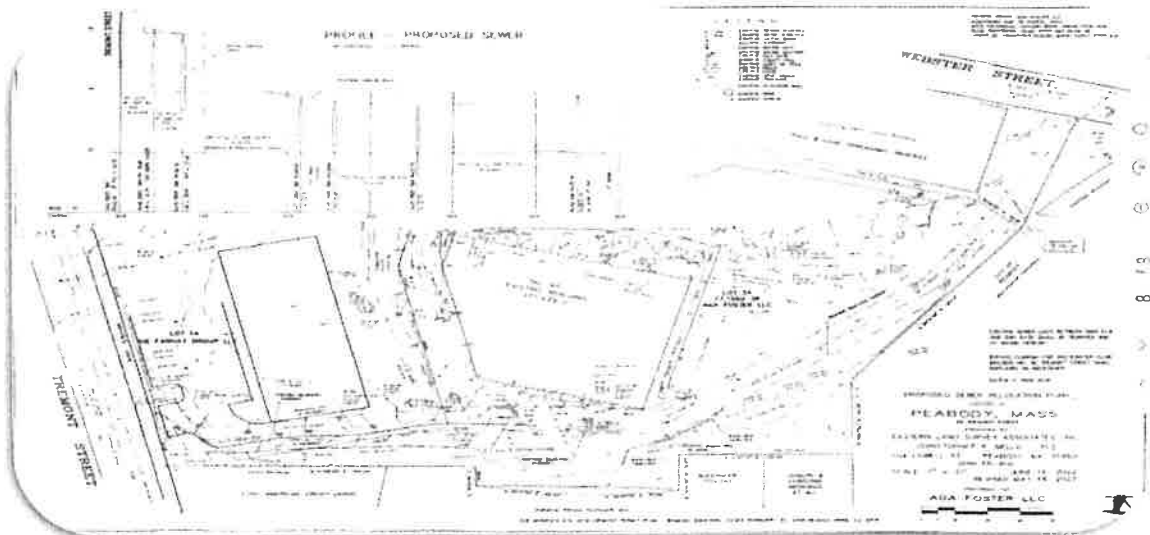
1. 45-47 Tremont Street—RE: Request for Modification of Site Plan Application. To review corresponding documents, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

●Attorney John Keilty requested to speak on the modification, since Mr. Robert Langley is reluctant to review 45 Tremont Street in conjunction with the “Site Plan Review” because of the unfinished nature of the property at 47 Tremont Street. Attorney Keilty explained that he is appearing before the Board tonight seeking modification of a couple of small items. Attorney Keilty then gave a lengthy explanation of the current standing of the projects. Attorney Keilty then addressed the modifications {excerpt from Attorney John Keilty’s letter dated September 28th, 2023}:

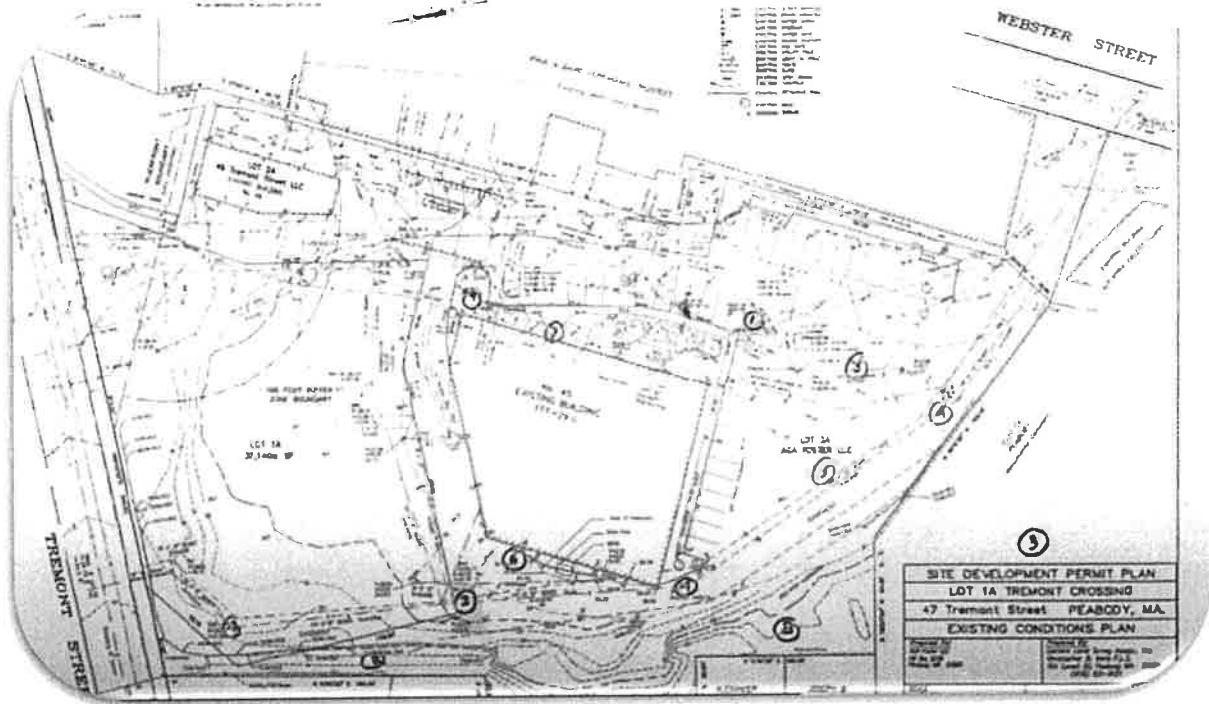
1. Modification to allow 3 parking spaces where a rounded curbing and planting area was proposed at the Southerly corner of the sports complex.
2. Modification to allow entrance to sports complex to be on the Easterly side of the building rather than on the Southerly or rear of the building.

3. Modification of the landscaped area at the Northeast corner of the building to provide for a larger area as constructed, to accommodate certain utilities (hydrant and utility pole) and a grassy area.
4. Modification allowing the removal of an “existing Granite Block Retaining Wall” and plantings to provide for a newly constructed wall closer to abutting property creating an addition area for parking.

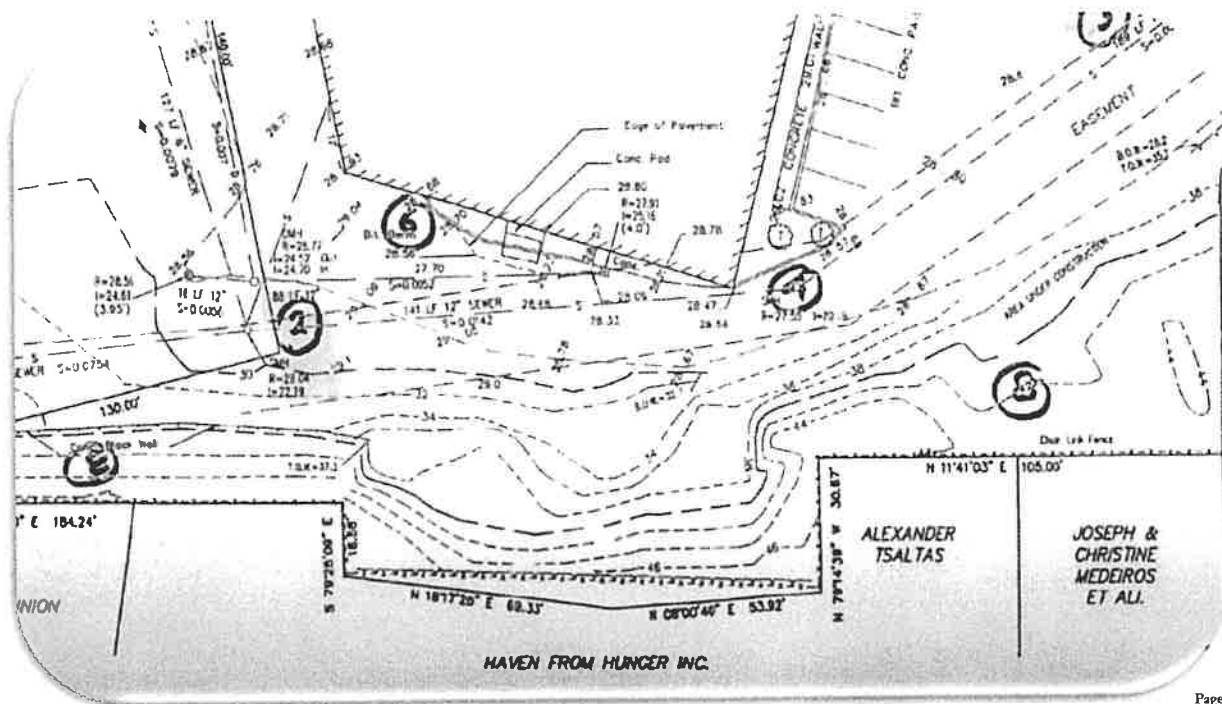
Mr. Chris Mello joined in on the modification conversation with Attorney John Keilty. Attorney Keilty then discussed the sewer line not being centered on the easement—a new easement will be provided, and the pipe will be centered. Attorney Keilty also mentioned that a \$100,00 bond has been filed with the Public Services Department to encourage the movement of this sewer line. Mr. John Ford then asked Attorney Keilty that based on the Plan the new easement goes under the newly constructed wall, is that correct. Mr. Chris Mello’s response to the question was: yes, I believe. A lengthy discussion between Mr. John Ford and Mr. Chris Mello ensued on the subject. Mr. Andrew Levin then expressed to the Board that this issued needs to be discussed in the full realm, not individual conference. Mr. Chris Mello then went over the “Proposed Sewer Relocation Plan” dated May 2023, at length.



Mr. John Ford then joined the discussion—asking questions of Mr. Mello on the subject. Mr. John Ford didn't have a problem with the four modification the applicant was proposing. Mr. Joseph Gagnon had a question regarding the parking modifications—will landscaping be reduced due to these parking changes. Mr. Mello addressed the question utilizing the "Site Development Permit Plan."



●Mr. Andrew Levin clarified for the Board that Attorney John Keilty has provided the Board with a list of modifications to the originally approved Plan—Attorney Keilty is seeking this approval, but this does not involve the front Parcel which is 47 Tremont Street—still before the Board for "Site Plan Review." A lengthy conversation concerning the sewer and the retaining wall between Mr. Roy Simoes and Mr. Chris Mello ensued. Mr. Mello utilized one of the Plans to answer Mr. Simoes.



The conversation between Mr. Mello and Mr. Simoes continued concerning the wall following the notch in the property.

Motion: Mr. John Ford-In the matter of 45 Tremont Street we have before us four modifications outlined in a letter from Attorney John Keilty dated September 28th, 2023. Move that the Board allow only these four modifications to the 45 Tremont Street Plan on the letter dated September 28th, 2023, from Attorney John Keilty.

→**Seconded:** Mr. Joseph Gagnon
Unanimously approved.

E. Subdivision Board Action: None.

F. Correspondence:

1. Letter from Seaside Reality Associates, LLC—RE: Chapter 61A Notice of Intent to Convert-64 Andover Street dated September 14th, 2023.
2. Letter from Attorney John Keilty—RE: 47 Tremont Street dated September 28th, 2023.
3. Letter and Site Development Permit Plans from Eastern Land Survey Associates, Inc.—RE: F12804, 47 Tremont Street dated September 21st, 2023.
4. Letter from Attorney John Keilty—RE: 28 Washington Street dated September 28, 2023.
5. Regional Notices.

●Mr. Andrew Levin gave an overview of some of the “Correspondences” to the Board. The Board members and Mr. Levin then discussed amongst themselves the items received at length. Mr. Levin then informed the Board that the Community Development office has undertaken the project of updating the City’s “Master Plan”—Mr. Levin will keep the Board apprised of any updates.

G. City Council: None.

H. Other Matters before the Board: None.

●Chairman Thomas Bettencourt then informed the Board that the City Council had granted the Planning Board the use of the Mullin Rule. A discussion developed amongst the Board on the issue. Chairman Bettencourt notified the Board that this issue will be taken up at the next meeting.

●Mr. Roy Simoes then brought to the Board’s attention the first applicants Plan drawing—he found it confusing. Mr. Andrew Levin interjected and informed the Board that they need to hold-off on discussing this matter—where the applicant is present. Mr. Joseph Gagnon then voiced his opinion on having an individual come before the Board and express their objections to a proposed plan that hasn’t been submitted, discussed, or reviewed yet—it’s like the cart before the horse. Chairman Thomas Bettencourt joined in on the conversation to voice his opinion on the subject.

I. Adjournment: 8:06p.m.

→**MOVE to adjourn:** Mr. Roy Simoes
→**Seconded by:** Mr. John Ford
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=eKD47ED-3Ec> .