



Peabody Planning Board Minutes

**FOR NOVEMBER 2, 2023, MEETING
APPROVED NOVEMBER 16, 2023**

Planning Board Minutes

November 2nd, 2023

Time: 7:00—8:14p.m.

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

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

Others Present: Andrew Levin, Attorney David Ankeles, Attorney John Keilty, Steven Morris, Mike Shunta, Julian Santos, David Robinson, Dexter Preston

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

A. Approval of Minutes: 10/5/2023 & 10/19/2023

→**Motion:** Attorney Peter Arvanites-Move to approve the Planning Board meeting minutes of October 5th & 19th of 2023.

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

Unanimously approved and 1 Present.

B. ANR/Land Court: None.

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 10/19/2023

► ACTION CONTINUED TO 11/2/2023

● Mr. Andrew Levin explained that the missing piece to this project was the final review from the Engineering Department—yesterday is when the closeout memo from Mr. Robert Langley was received via e-mail as a “Late Add.” On behalf of Community Development, Mr. Levin submitted a memo highlighting some other conditions. These conditions were worked out with Attorney David Ankeles to make sure that the project benefits everybody. Mr. Levin then informed the Board that Community Development is comfortable with an approval contingent upon the memo provided by Community Development and Mr. Robert Langley, both dated 11/1/23.

→**Motion:** Mr. John Ford-Move to receive as a “Late Add” a memo from Mr. Robert Langley-Director of Engineering in regard to 210 Andover Street dated November 1st, 2023. Additionally, I would move to receive a memo from Community Development dated November 1st, 2023, in regard to the same project, move to receive.

→**Seconded:** Mr. Roy Simoes

Unanimously approved.

● Attorney David Ankeles {246 Andover Street, Peabody, MA} confirmed for the Board that he had a meeting with Mr. Robert Langley, and have gone over all of peer review and met with Mr. Curt Bellavance from the Community Development office—and the applicant has agreed to incorporate all of the requests

and conditions of the Reviewers, Community Development, and the Mayor's office—relative to the continued use of the property. Attorney Ankeles opened the floor to questions.

●Mr. Roy Simoes addressed the electrical easement that runs through the property—is your client ready to manage that and do a workaround whether it go clockwise or counterclockwise around the building and that will be tended to, and the new easement will be filed...Attorney David Ankeles confirmed.

●Mr. John Ford pointed-out the future use of the property and asked for confirmation that it would be covered under condition number three in the Community Development memo...Attorney David Ankeles confirmed.

→**Motion:** Mr. John Ford-In the matter of 0 Prospect Street, also known as 210 Andover Street, Residence Inn—would move to issue permit with the following conditions: conditions being laid out in a November 1st memo from Mr. Robert Langley {12 conditions} and {9 more conditions} laid out in the November 1st memo from Community Development, so moved.

→**Seconded:** Attorney Peter Arvanites

Roll call 7 to 0.

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 10/19/2023

▶ ACTION CONTINUED TO 11/2/2023

●Mr. Andrew Levin notified the Board that a few of the third-party reviews for 50-54 Prospect Street have been received. The applicant has also received them, and they have been submitted into the record. Attorney John Keilty {40 Lowell Street, Peabody, MA} explained to the Board that they are waiting for the traffic report and requested a continuance to the next Planning Board Meeting of November 16th, 2023.

→**Motion:** Mr. John Ford-Move to allow the petitioner an extension of time until the meeting of November 16th, 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 10/19/2023

▶ ACTION CONTINUED TO 11/2/2023

●Attorney John Keilty {40 Lowell Street, Peabody, MA} respectfully requested a continuance to November 16th, 2023, Planning Board Meeting. Attorney Keilty gave a brief update on the project. Mr. John Ford then asked Attorney Keilty if the retaining wall at the base of the hill by the Credit Union—has there been any investigation. Attorney Keilty confirmed and elaborated at length on the matter. Mr. Roy Simoes asked the following of Attorney Keilty—the Engineer is going to produce a drawing and stamp it, right—and that will be submitted here at some point. Mr. Simoes then asked Attorney Keilty if he really believed that he could

accomplish all the items noted by the next Planning Board Meeting or if this matter should be pushed to the meeting in December.

Motion: Mr. John Ford-Move to allow the petitioner an extension of time until the meeting of December 7th, 2023.

→**Seconded:** Mr. Roy Simoes

Unanimously approved.

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.

▶ CONTINUED FROM 10/19/2023

▶ ACTION CONTINUED TO 11/2/2023

● Attorney John Keilty {40 Lowell Street, Peabody, MA} addressed the promised Architectural and Elevation Plans of the units that are intending to be built. Attorney Keilty then asked that the matter be continued to the Planning Board's next Meeting of November 16th, 2023.

Motion: Mr. John Ford-In the matter of 28 Washington Street move to allow the petitioner an extension of time until November 16th, 2023.

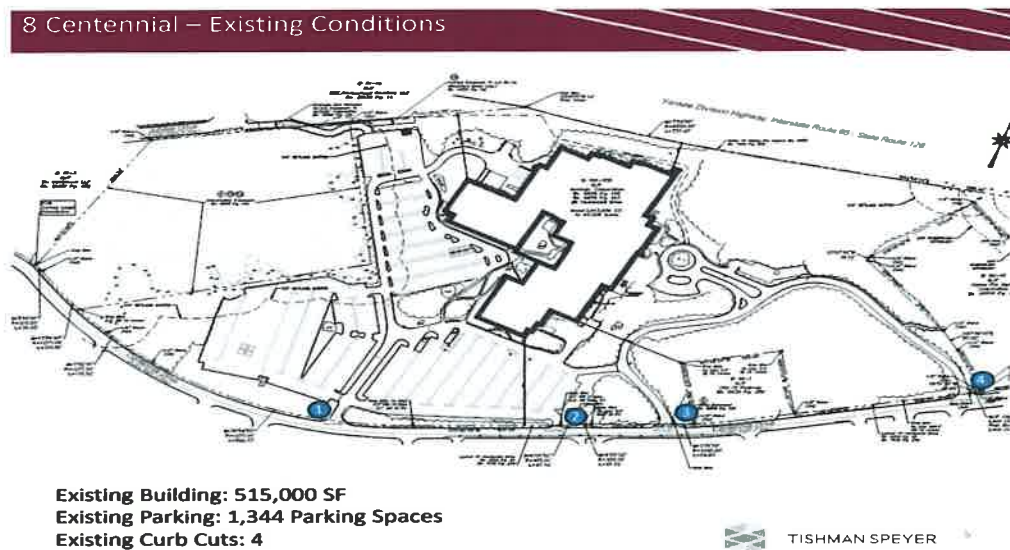
→**Seconded:** Attorney Peter Arvanites

Unanimously approved.

8 CENTENNIAL DRIVE (Map 091, Lot 006)

This is an application by 8 Centennial Drive Owner, LLC c/o Tishman Speyer Development, LLC—seeking a site plan review for a proposed redevelopment. Project to include demolition of all existing facilities and construction of four warehouse buildings totaling ±710,560 square feet. All four warehouses are set up to accept multiple tenants. Project to also include site work, including earthwork, parking reconfiguration, site lighting, and landscaping. The anticipated number of employees is approximately 1,000. 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} informed the Board that this was also a project he is working on—and gave a brief overview. Attorney Keilty then introduced Mr. Steven Morris {Developer-Tishman Speyer}, who presented on the 8 Centennial Drive project at length.



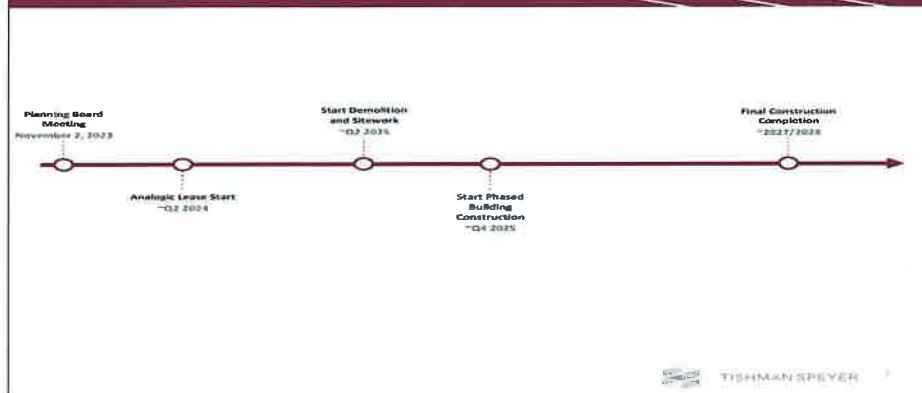
8 Centennial – Proposed Project



Proposed Building: 710,560 SF (Total)
Proposed Parking: 711 Parking Spaces
Curb Cuts: 3 existing cuts to be reused

TISHMAN SPEYER

Proposed Development Timeline



TISHMAN SPEYER

● Mr. Andrew Levin informed the Board that they had met with the applicants and their extensive team for a “Construction Review” meeting that was attended by different City Departments. Mr. Levin then stressed that we have to receive “Peer Reviews” on many of the items from Engineering, which is being figured out as we speak. Mr. Levin then mentioned that Community Development had spoken with the Developer and the Applicant and chatted about a few items on the project site—for example, more pedestrian movement in safety sidewalks, worker open space, snow storage labeled, and some other items, etc. Mr. John Ford asked if the buildings were all one level. Mr. Steven Morris explained that there will be a little bit of rate change across the site but nothing too dramatic. Mr. Ford and Mr. Morris then had a lengthy discussion on what types of businesses would be in these buildings—including hours of operation, number of lessees, and truck traffic. Mr. Roy Simoes then expressed his contentment on the shielding of the loading docks from Centennial. Mr. Joseph Gagnon proceeded to question Mr. Morris on the types of items that will be stored in these warehouses. For example, anything combustible or hazardous. Mr. Morris’ response was that he was not sure of the users, however this is not going to be any type of Life Science facility. The discussion on what types of storage continued between Mr. Gagnon and Mr. Morris. Attorney John Keilty interjected into the conversation and explained that if an individual tenant is dealing with combustibles, they will need to get a special permit or the appropriate permits from the Fire Department. Mr. Matthew Genzale then inquired as to how the distinguishment was being made on the meaning of “Handling of Materials”—Mr. Genzale wanted clarification. A lengthy discussion was had between Mr. Andrew Levin and Mr. Genzale on the matter with Attorney John Keilty jumping into the conversation. Mr. Genzale then inquired with Mr. Steven Morris on considering mixed use—Mr. Morris’ response was not to do mixed use and he elaborated on the reasoning at length. Mr. Gagnon then wanted to know if there was a way to keep track of tenants who might need additional parking. Mr. Levin provided a lengthy explanation to Mr. Ganon’s question {follow what the IP Parking Regulations are}. Attorney Keilty then joined in on the parking conversation. Mr. Morris interjected and explained that rules have to be set-up of how everyone plays in the sandbox...an easement

agreement will be set-up between all the buildings. Mr. Roy Simoes then asked if the site would have an onsite active manager. Mr. Morris' response was there might be a handful of onsite managers and Engineers for the buildings. A conversation between Mr. Simoes and Mr. Morris ensued concerning the loading docks and the flexibility of some of that space being turned into parking spaces should the need arise.

●Attorney John Keilty requested a continuance to the December 7th, 2023, Planning Board Meeting.

Motion: Mr. John Ford-Move to grant the petitioner regarding 8 Centennial Drive an extension of time until December 7th, 2023

→**Seconded:** Attorney Peter Arvanites & Mr. Matthew Genzale

Unanimously approved.

140 SUMMIT STREET (Map 093, Lot 8)

This is an application by Atlantic Oliver 140 Summit Street, LLC—seeking a site plan review to construct an approximately 82,790 square foot building addition to the existing Christianbook warehousing facility—including two proposed truck loading dock areas to support the warehouse addition. 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} representing Christianbook Distributors. Attorney Keilty proceeded to introduce those involved in the project and at the meeting—along with a synopsis of Christianbook's background and the project.

●Mr. Mike Shunta {Oliver Street Capital} gave a brief overview of the project and introduced Mr. Julian Santos—to provide a brief summary of the campus at 140 Summit. Mr. Julian Santos {Vice-President of Operations at Christianbook} provided an overview of Christianbook and discussed the plans for expansion to the Board. Mr. Joseph Gagnon then asked Mr. Santos what items are being stored. Mr. Santos' reply was essentially they carry 130,000 items of inventory on hand on any given day. The vast majority of items are books, bibles, Christmas items, and educational material.



●Mr. John Ford had some questions concerning stormwater run-off. Mr. David Robinson {Project Manager at Allen & Major Associates, Inc.} gave a lengthy overview of the site and the project.



Christian Book Existing Conditions
 Redline, Planar Feasibility



● Mr. Roy Simoes then had a question concerning the west elevation—the only elevation that really means anything in his opinion...the whole length of it faces the street. Mr. Simoes' wanted to know if they would be prefabricated concrete panels that would be delivered to the site or is it tilt up construction...is it going to be just gray concrete, etc. Mr. Dexter Preston {Architect for Dacon} answered the question—the panels will be pre-cast panels they are insulated, prefabricated concrete panels, and they are delivered in stacks and erected on site. They are a series of panels that will match the aesthetic of the existing building, which is masonry, and the reveals are going to be set into the pre-cast to match the existing building façade...aesthetics, colors, etc. They are roughly 8 feet wide modular panels. Mr. Roy Simoes then asked about solar panels. Mr. Preston explained that the addition would be solar ready, however he would need to look into the building that was constructed in 2016 to see if it is structurally engineered for solar.

● Attorney John Keilty then requested that this matter be continued to the next meeting.

Motion: Mr. John Ford—Move to allow the petitioner for Christianbook to continue this presentation at the Planning Board's next meeting of November 16th, 2023.

→**Seconded:** N/A

Unanimously approved.

D. Appointments: None.

E. Subdivision Board Action: None.

F. Correspondence:

1. Letter from RJO & Associates, Inc.—Re: 210 Andover Street—Response to Initial Peer Review (Stormwater) dated October 23rd, 2023.
2. Letter from Mr. Michael A. Santos of VHB—Re: Response to Peer Review Comments Proposed Residence Inn-Northshore Mall dated October 25th, 2023.
3. Stormwater Management Report prepared by R.J. O'Connell & Associates, Inc.—Revised date October 23rd, 2023.
4. Revised Site Plan For Redevelopment Of Residence Inn Northshore Mall, 210 Andover Street, Peabody, MA revised date October 23rd, 2023.
5. Regional Notices.

G. City Council: None.

H. Other Matters before the Board:

1. Mullin Rule.

●Mr. Andrew Levin informed the Board that he had reached-out to the Assistant City Solicitor, Ms. Liz Lashway on the exact definition of adjudicatory hearing. What the definition boils down to in Mass General Law 30A Section 11 is: proceeding before an agency in which the legal rights duties or privileges of specifically named persons are required by Constitutional right or by any provision of the General Laws to be determined after opportunity for an agency hearing. Mr. Levin then clarified that a "Site Plan Review" is not an adjudicatory hearing and elaborated on what would be considered an adjudicatory hearing, i.e., Public Hearing for anything rather than what we've had this meeting this evening. Mr. Levin and the Board discussed amongst themselves at length the issue at hand. Mr. Joseph Gagnon then mentioned that the Board is down one Board member—we should be focused on filling the Board seats...it's been a long time since the Board has been at full-capacity. Mr. Gagnon feels that this issue would certainly circumvent any kind of Mullin Rule. Chairman Thomas Bettencourt then addressed the Board on the steps that are being taken to fill the empty Board seats.

I. Adjournment: 8:14p.m.

→**MOVE to adjourn:** Mr. Roy Simoes

→**Seconded by:** Mr. Matthew 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=xJ3D8LtUAU> .