



**Peabody Planning Board Minutes
FOR NOVEMBER 6, 2025, MEETING
APPROVED DECEMBER 4, 2025**

Planning Board Minutes

November 6th, 2025

Time: 7:00—7:54p.m.

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

Members Present: Mr. Tom Bettencourt, Mr. John Ford, Mr. Roy Simoes, Mr. Joseph Gagnon, Dr. Judith Otto, Mr. Matthew Genzale, Mr. Dennis Feld

Others Present: Andrew Levin, Attorney John Keilty, Jean Christy

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

A. Approval of Minutes: 10/16/2025

→**Motion:** Mr. Joseph Gagnon—Move that we accept the minutes of the October 16th, 2025, meeting.

→**Seconded:** Dr. Judith Otto

Unanimously approved and 1 Present.

B. ANR/Land Court:

- i. **1-3 Ian Circle, Peabody, MA 01960** {Map 75, Parcel 194A & 194}—Applicant Attorney John Keilty of 40 Lowell Street, Peabody, MA. The property is located in the {R2} Zoning District. Applicant is proposing to move lot lines. Original Lot 3 [$\pm 7,698$ s.f.] and original Lot 4 [$\pm 11,762$ s.f.] are to be redivided into Lot 3A [$\pm 7,502$ s.f.] and Lot 4 A [$\pm 11,922$ s.f.]. 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 two entities, both of which are owned and managed by a client of Attorney Keilty's, Mr. Michael O'Hara. The first deed is to MBOH LLC, and the second piece of property is owned by CMOH LLC. Attorney Keilty explained that it's simply a matter of the owner of the two properties wanting to move the lot line that exists between the properties [and commented that the former property line is noted with dotted lines on the plan, so the Board can see what the lot's shape looked like before]. Attorney Keilty commented that when the Board endorses the "Approval Not Required" plan, the solid line would be the new property line. Both lots have sufficient area and frontage for their zoning district such that they will not become any more nonconforming. Attorney Keilty also mentioned that he does not know the exact purpose of this zone change, but judging from past history, it would seem to Attorney Keilty that we're trying to make what shows as Lot 4A as big as possible—and now there is some open space to the right. Attorney Keilty also noted that it would not shock him if there were a proposal, but that would require a variance and would not be before this Board until such a time a variance is granted. But that's speculation on Attorney Keilty's part and he's happy to answer any questions the Board may have.

• Dr. Judith Otto inquired on whether both lots being created have frontage that complies with the current zoning? Attorney John Keilty responded that they have the required frontage in the zoning district. Yes. Dr. Otto thanked Attorney Keilty.

• Mr. Roy Simoes commented that Attorney John Keilty might not know what's going in there, but he knows what's going in there...maybe Attorney Keilty can explain why the applicant would need to go before the ZBA. Is it for square footage? It's certainly not for frontage. Can you explain Attorney Keilty? You mentioned that if they try to put another duplex in there, they would need to go to "Zoning" for relief. Attorney Keilty can you explain what the reason for the relief would be if they were to try to put another house in there? Is it for not lacking square footage? It's not lacking frontage. Attorney Keilty commented that $\pm 7,500$ s.f. is required for the duplex and he has $\pm 11,922$ s.f., if he tries to

take any away, he doesn't have $\pm 15,000$ s.f. combined. Mr. Simoes commented right. Right. So, it's not frontage. It's the square footage that's the problem. Attorney Keilty concurred with Mr. Simoes that the square footage is the issue. Mr. Simoes thanked Attorney Keilty for his response.

•Mr. Andrew Levin mentioned to Attorney John Keilty that the utility easement is not shown on this plan—right about where the original lot line kind of jogs in...is this going to affect that at all? Attorney Keilty responded that he was not able to see what Mr. Levin was referring to. Mr. Levin explained that there's an electric easement that goes up Ian Circle...Attorney Keilty noted that the easement is not shown on the plan, but it would remain on the record at the Registry of Deeds.

•Mr. John Ford revisited the issue of the easement and asked Attorney John Keilty if the easement is currently split between the two properties 50/50? Attorney Keilty explained that on the plan in which he thinks that of the definitive subdivision it chose to be entirely on with this iteration. It'll be all on Lot 4A [it's to the right of the dotted line]. Mr. Roy Simoes jumped-in and mentioned that since the easements were brought up, they're not drawn on the plan. Mr. Simoes also noted that he knows that the two homes are underground fed, so the easement will have to be redrawn to account for the underground electricity traversing through the other person's lot. Mr. Simoes also stressed that that issue will need to be addressed with a permanent easement. Mr. Andrew Levin then interjected into the discussion and commented that he was looking at a satellite image of the property, and it looks like right through the existing lot line, there's a box or a juncture that's located right there. Mr. Simoes elaborated that typically that entails a 5x10 easement on the left lot and a 5x10 easement on the right lot forming a 10x10. So now that's going to be 100% in the other one, so you're going to have underground conductors going to a different home going through the other person's lot. Mr. Simoes stressed that it should have shown up on this drawing and it's not. Mr. Levin then inquired if Attorney Keilty's client owns both properties. Attorney Keilty confirmed [different entity, but yes]. The discussion of lot lines continued between Attorney Keilty and Mr. Levin. Mr. Simoes also joined in on the conversation expressing his concerns. For example, if you [Attorney Keilty] where to leave here tonight with a signed plan you could record it, and it would be wrong. Mr. Simoes then pointed-out that just because the same guy owns both properties today doesn't mean that he can't sell one tomorrow. Attorney Keilty commented true. Right. So, Mr. Simoes' recommendation to Attorney Keilty is to get the drawing edited with easements shown correctly and an easement encasing the underground electric and various other things. Mr. Ford agreed with Mr. Simoes' assessment and commented that he doesn't have a problem with the plan, but he would like an accurate plan with the easements on it.

•Attorney John Keilty respectfully requested that the matter be continued so that he can provide additional information on the plan. Attorney Keilty then commented that Ms. Michelle Machado was right.

→**Motion:** Mr. John Ford—Move to grant the petitioner's request to extend time to edit the plan.

→**Seconded:** Mr. Matthew Genzale

Unanimously approved.

C. Site Building Permit Plan Reviews:

1. 103 FOSTER STREET (Map 095, Lot 001A)

- i. This is an application by William & Robert Dandreo—seeking a site plan review to demolish and redevelop the existing building structures. Redevelopment will include the construction of a single building comprised of multiple storage bays for contractor storage. The site, a former industrial property is comprised of one parcel totaling approximately ± 1.84 acres. The site contains three buildings formerly used for industrial purposes, including associated paved and gravel driveways and parking areas. A perennial stream, Goldthwait Brook, runs along the southern boundary of the parcel. The Boston & Maine Railroad is situated to the north/northwest of the property along with residential and mix-use properties. The surrounding area consists of commercial and industrial properties within the {GB} and {BC} Zoning Districts. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

• Before Attorney John Keilty approached the podium and presented, Mr. Andrew Levin mentioned that this is an application that was filed with the “Conservation Commission” a little bit ago. We had a “Construction Review” with the applicant about 1-2 months ago and this project is currently in “ConCom.” I’m sure Attorney Keilty is going to explain all of this, but I reached out to Tighe & Bond—the engineer who’s doing these plans. Mr. Levin then proceeded to comment that a Ms. Jean Christy of Tighe & Bond would present her presentation on this project to the Board, and Mr. Levin was going to accept her now into the meeting—just to give the Board a heads-up.

• Ms. Jean Christy {Principle Engineer, Tighe & Bond} thanked the Board for accommodating her via ZOOM this evening and explained that she was here tonight to present the redevelopment of 103 Foster Street on behalf of the applicant. Ms. Christy proceeded to provide the Board with a lengthy overview of the project [utilizing slides]. Ms. Christy also noted that the entire site is within the jurisdiction of the Peabody “Conservation Commission,” and as Mr. Levin mentioned, we are under review. Ms. Christy also commented that in speaking with Ms. Lucia DelNegro earlier today they’re getting really close to issuing our “Order of Conditions.” Currently, the project is in peer review and Ms. Christy proceeded to elaborate. Ms. Christy then provided the Board with a lengthy synopsis of the project:

- Currently the site has a two-story brick building, a one-story brick building, a brick garage and a couple other outbuildings.
 - Most of the property is paved or gravel—kind of broken pavement.
- Proposing to demolish all of the existing buildings and pavement and replace them with new construction.
- Located within MASS DEP activity and use limitation area.
 - Historical contamination onsite. The AUL is requiring that the site be properly capped and managed to prevent exposure to the environment to any of those potential contaminants.
- Located in an industrial area.
 - The railroad tracks to the northwest of our site are kind of our buffer between us and any residential uses.
 - So, this property does not immediately abut any residential use.
- Access easements along the north side of the building that we do propose to retain through proposed construction.
- Replace with a single building with a single-story located within all of our building setbacks.
 - Only one access from Foster Street—proposing to improve that access.
 - Paving the entire width of the property at the front—using pavement striping and demarcation to better define the in-and-out of the property.
 - Proposing to improve that driveway, apron, and sidewalk along Foster Street.
- Proposed use is contractor bay storage.
 - Single secure units that a contractor would rent out to support or store some of their equipment and dry goods.
 - Renters would be responsible for taking care of the trash they generate from their usage and disposing of it.
 - Dumpster onsite.
 - Proposing eight parking spaces. Applicant does not expect them to be used because of the general nature of this development, but they are there because they needed to provide something.
- AUL:
 - Proposing to pave the entire property.
- Stormwater:
 - Not proposing groundwater recharge. We don’t want to put water back into the ground here, but we are proposing to improve the quality of stormwater leaving the site. So, what we’ve done is come up with a grading scheme, you know, topography here that keeps all the water that’s half falling onto the site collected, treated and then disposed of either, you know, the cleaner water back to Goldthwait Brook or into the City’s collection system on Foster Street.
 - Proposing new water services, sanitary services, and then electric telephone services as well.
- Parcel information:
 - Located in the General Business Zoning District.
 - Project is within the Flood Boundary District, but not in the Wetlands Conservancy District.
 - Requesting a waiver from the landscaping requirements—relative to the AUL—it’s tough to put plants in the ground and keep them hydrated while trying to not disturb that soil and not

put water into the ground. Part of our off-site mitigation with the “Conservation Commission” is to provide some of those riverfront area mitigation plantings as part of the George Peabody Legacy Park project at 16 Lowell Street. A planting plan has been issued to the “Commission” to satisfy the on-site impacts that we are having to the riverfront area.

•Ms. Jean Christy then commented that she would be happy to answer any questions anybody might have.

•Mr. Roy Simoes asked a question concerning what looks like easement lines running in a northeast southwest direction [plan labeled C103] the description of that is illegible. What is that? Ms. Jean Christy’s response was that she believes it’s the railroad. Mr. Simoes interjected and noted that it can’t be a railroad because it’s going right through your building. Ms. Christy jumped-in and commented that it was a railroad sighting. Mr. Simoes then exclaimed that it’s a spur. Ms. Christy confirmed. Mr. Simoes commented that it was a good answer and proceeded to ask Ms. Christy how many units are planned and mentioned that architectural drawings are usually provided to the Board showing elevations. . . Mr. Simoes reiterated the question of how many units. Ms. Christy’s response was that she thinks there’s 17- or 18-units total. Mr. Simoes’ response to Ms. Christy’s answer was that there’s another plan that’s been going around that he’s seen that all the long thin ones are split down the middle and they have doors from both sides, so he’s just kind of curious about that. . . maybe you could get back to us.

•Mr. Andrew Levin interjected and commented that the plan that Mr. Roy Simoes was speaking of was the plan that was submitted before the applicant filed their “Site Plan Review” application. They filed a plan for the “Construction Review Meeting,” and at that meeting that was brought up that it looks like there was 50-some-odd units—at that meeting it was described that that was not the right plan, and that this was the plan that they were going with instead—they switched it. Mr. Simoes then asked if that’s the case, which sides are the doors that the vehicles can get in and out from? Are they riverside or opposite riverside? Ms. Jean Christy answered that they’re riverside and mentioned that offhand she does not know if they were considering doors on the opposite side as well, so that if you did need to drive through to, you know, load up equipment, you could do that. Mr. Simoes then inquired on the height of the building. Ms. Christy noted that she thinks they’re one story, and she knows that they’re below the three stories. Ms. Christy also commented that she doesn’t think that the architectural drawings are finalized yet to get the total height. Mr. Simoes also pointed-out a frack tank on the plan and asked if that was a permanent feature. Ms. Christy’s response was no and mentioned that it was included at the request of the “Conservation Commission” in the event that we did need to deal with some challenging groundwater during construction—it would not be there permanently. Mr. Roy Simoes mentioned to Ms. Christy that he’s involved with the local electric utility and there’s been talk between our people and the property owner about a pole line running through the area—will Tighe & Bond work with PMLP during the pole installation to make sure that any not so nice soil that gets dug up gets managed properly? Ms. Christy answered yes. Mr. Simoes then thanked her.

•Dr. Judith Otto commented that typically with architectural plans, we get plans, but also elevations with indication of building materials. So, that should be part of things to come forward per Dr. Otto’s request. Ms. Christy then acknowledged Dr. Otto’s comment. Dr. Otto then inquired if the canal for the brook is actually on the applicant’s property or the adjacent property or split. Ms. Christy’s response was that she thinks it’s a little bit of all—there are areas where it’s on our property and then off our property and part of one of the buildings foundations is integral to that wall. Dr. Otto then pointed-out to Ms. Christy that on the adjacent property there is a little recreational area alongside the brook, and in the City’s original plan, and Mr. Andrew Levin is going to correct me if I’m incorrect on this, was to be able to build a trail that led in the direction of the George Peabody at 205 Washington Street. Mr. Levin then interjected and mentioned that he was not here when that plan. . . Mr. Levin is actually unsure of what plan Dr. Otto is speaking of. Dr. Otto then stressed that her bigger point is that we should investigate the status of that and what is desirable going forward.

•Mr. Joseph Gagnon commented that his concern is the entrance itself on Foster Street, and he thinks of tractor trailers possibly, and certainly a fire ladder truck going in there. . . I mean, you got there 12 feet wide. . . sure there’s 24 feet if there’s no cars coming the other way, but the swing whether you’re going right or left, it just seems like it’s not wide enough at the entryway where you have those concrete pads on both sides. Mr. Gagnon is just wondering, and he knows there’s a utility pole right on the edge of the concrete pad that may or may not have to be moved, but Mr. Gagnon thinks that it should be wider to accommodate a possible tractor trailer or certainly the Fire Department might have an

issue with their ladder truck making the swing in there, especially if there happens to be a vehicle parked in the way. Mr. Gagnon noted that it's something of concern and maybe something you want to look at to see if you can make that wider than the 24 feet there...

•Mr. John Ford asked that Ms. Jean Christy touch briefly upon the contaminant issues...Are they at the surface? Are they deep down? What are the contaminants? Ms. Christy explained that she is not the LSP, so she doesn't have all of this in the top of her brain, but Tighe & Bond did do a phase one earlier this summer where we looked at what the record information is about what those contaminants are...so, I don't have it in the top of my head, but we can get a summary to the Board. Mr. Ford then inquired if there were recent core samples taken on that site. Ms. Christy's response was that there are no recent samples. Mr. Ford then brought up the subject of capping. Mr. Ford assumed that it's going to be asphalt capping? Ms. Christy confirmed. Mr. Ford then asked if the elevation was going to be raised at all or is it going to remain the same? Ms. Christy answered that it was going to stay exactly the same because we're in the flood plain and we don't want to impact our flood storage. Mr. Ford then asked about stormwater—it's being treated onsite and then where does it go from there? Ms. Christy explained that it's being treated onsite through, you know, regular deep sump hooded catch basins as well as structural water quality units and then there are multiple discharges either going straight to Goldthwait Brook or out onto Foster Street to one of the culverts out there today. Mr. Ford then asked if their railroad right-of-way is all under private ownership and has it been decommissioned? Ms. Christy's response was that she doesn't believe it has been decommissioned, but she might be speaking out of turn here. Mr. Ford then noted that he's asking questions, and if we could get some answers that would be excellent. Thank you.

•Mr. Matthew Genzale requested that Attorney John Keilty describe the use a little bit...what does it mean to be warehouse and wholesaling activities? Attorney Keilty's response was that the intended use is contractor's bays, so we'll have small contractor businesses that will be able to have a single vehicle, and our number of units now really only accommodate single truck [perhaps if there were two smaller trucks, but on our proposal, we're not requesting any kind of special permit for outdoor storage]. All storage would be indoors—no materials and even no office space. Attorney Keilty had originally thought that these would be mezzanine style—park the truck and then have a little office space [no intention to create office space above either]. Strictly intended to be no completion, no assemblage in-and-out. Mr. Genzale proceeded to reiterate that "Warehousing Activities" imply someone could be manning or working at...Mr. Genzale directed Attorney Keilty to the area where the terminology was noted. Ms. Christy jumped into the discussion to clarify and commented that the listing came directly from the proposed uses in the "Zoning Code"—it was the one that best fit. That's why we used that one. Not necessarily including warehouse though. Mr. Genzale stressed how 18 or 19 bays can have 8 parking spots—if they're operating as businesses, wouldn't it stand a parking spot per unit at least? Ms. Christy's response was that she didn't think the intent was that everybody coming into, you know, to use their bay was going to be dropping a car off there—they'd be coming in with their truck, loading up equipment such as lawnmowing equipment or other things and then leaving. So, they would not necessarily need a parking spot. Attorney Keilty joined in the discussion and introduced the topic of the project's entrance/entryway and elaborated on the peer reviewer's comments on the project. Mr. Roy Simoes interjected and commented that he knows the area very well, it's a terrible looking facility and anything they could possibly put there is a plus to the city and the neighbors.

•Mr. Andrew Levin then had a few questions of his own to ask...he noted that this application is in front of the "Conservation Commission" knowing full well this would be coming in front of the Planning Board. Mr. Levin also explained that Mr. Will Paulitz did have the peer reviewers look at the front entrance; however, we haven't received anything from Mr. Paulitz to the Planning Board yet with this new submittal. So, we haven't gotten any sign-off yet. That being said, Mr. Levin has a couple of questions:

- If you do not have architectural plans that can be provided, you guys will have to seek a waiver that the Board would have to agree upon for architectural plans—and then you did not submit a waiver either for the photometric plan.
- Mr. Levin then noted that it was mentioned that this project does not abut residential...Mr. Levin explained that it does directly abut residential. Right on the other side of the canal is a multi-family apartment building or condos that will directly overlook this site. So, I think for my recommendation, a photometric plan might actually be pretty helpful for the Board, and if not to talk to the applicant about their lighting on the site.
- Mr. Levin also mentioned that he thinks he was looking at the plan and missed Ms. Christy's explanation on which direction the doors would open...if Mr. Levin remembers correctly, they're opening towards the river, correct? Ms. Christy's response was correct. Mr. Levin then explained that the plans that were submitted you know the existing foundation walls remain and then is says proposed fence—is that because there might be a

fence along the canal or will there definitely be a fence along the canal? Ms. Christy's response was that there will be a fence along the canal and elaborated on her answer.

- Mr. Andrew Levin then discussed the front entrance:
 - Currently as it exists today, the topography, the site slopes towards the river and there are concrete barriers that go along the easement line. Mr. Levin then asked if they're planning on getting rid of the concrete barriers along the easement. Ms. Christy confirmed. Mr. Levin then asked if there would be anything differentiating between traffic within this site and traffic going to the properties in the rear via the easement? Ms. Christy's response was that there was nothing to direct or prevent folks using it—that access easement is still wide-open pavement there...there might be something we can do in terms of striping to kind of demarcate either property line or easement areas. Mr. Levin stressed the point that this site is currently being unused and we're now putting contractor bays which are going to have trucks—and the properties in the rear also have trucks...Mr. Levin thinks that some sort of safety differentiation between vehicles traveling to the rear and vehicles traveling within the site will be needed.
- Mr. Andrew Levin then addressed the issue of landscaping...he will always ask and highly recommend, strongly recommend that landscaping be provided. Mr. Levin also understands that they have an AUL on the site, but he thinks if you could add landscaping or some sort of hard landscaping, hard infrastructure in the front entrance area, he thinks it would go a long way...Mr. Levin then looked to Mr. Roy Simoes' expertise on the light pole that is in front having quite a bit of stuff on it for this site. Mr. Simoes' response was that the whole area will be completely reworked electrically speaking—and as far as plantings go, Mr. Simoes doesn't think that we can dictate something that the applicant can't do. Mr. Simoes then explained that the applicant can't let water get into the substrate and noted that if they're going to do some plantings, do them elsewhere...do them where they're going to do the stormwater compensation over by Brodie's. Mr. Simoes stressed that they can't penetrate the seal, so putting plantings in penetrates the seal...water will infiltrate...Mr. Simoes then asked Mr. Levin if he wanted the applicant to put them in pots? Concrete pots? Mr. Levin's response to Mr. Simoes' question was that he would like to see any sort of hard infrastructure. Mr. Levin would like to see our downtown look very nice, and he'd like to see landscaping in our downtown area, especially in this area. Mr. Levin then elaborated on his reasoning for his landscaping recommendation. Mr. Simoes then interjected and stressed that you can't however dictate something that violates DEP rules, and we should let the "Conservation Commission" deal with that. Attorney Keilty also joined in on the conversation and provided his input along with history of the site.
- Mr. Andrew Levin had one last question for Attorney John Keilty. Mr. Levin wanted to know if Attorney Keilty was going to require any variances for this property. Attorney Keilty's response was no. Mr. Levin then mentioned especially if you're not providing landscaping in this way—Mr. Levin guesses Attorney Keilty will have to speak with the Building Department because BC allows residential and the "Zoning" bylaw does state that the general...Attorney Keilty interjected and noted that they're not residential. Mr. Levin commented that he knows they're not residential, but they abut residential. Mr. Levin then noted that under the Landscaping Section 10, it does state that under general regulations applicable in all zoning districts that rear side or rear yards abut land zone for residential use, a landscape buffer shall be required. A landscape buffer shall be a vegetative state of at least 3 feet in depth and six feet in height and insulation contains a mix of evergreen deciduous trees, shrubs that buffer shall be sight impervious even during winter. A fence may be used in addition to landscaping. So, Mr. Levin would recommend that they talk and work with the Building Department.

•Mr. Andrew Levin mentioned to Attorney John Keilty that he doesn't know if the Board is willing to vote on this tonight, and Mr. Levin doesn't know what the recommendation is, but Attorney Keilty might wish to seek a request for continuance. Attorney Keilty requested that the matter be continued to the Board's next meeting.

→**Motion:** Mr. John Ford—Move to grant the petitioner's request for an extension of time until the second meeting of November.

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

D. Appointments:

1. Attorney John Keilty—Re: Repetitive Application to ZBA 13 West Diane Road.

•Attorney John Keilty {40 Lowell Street, Peabody, MA} explained to the Board that this is a matter of wanting to send a repetitive petition to the Board of Appeals. Attorney Keilty commented that the first presentation he utilized the actual application for the variance was wrong. Attorney Keilty noted that it was there doing—he interpreted the plan he was given incorrectly. Attorney Keilty proceeded to explain that there is a deck on back that required a left side variance—we asked for relief on the right side of two feet. The bump out on the house that exists today is two feet from the side yard. All that’s happening there is there’s a deck being placed, but the plan said new addition. It’s the stairway down that requires front yard relief and we will continue to use the same two-foot side yard. Attorney Keilty believes that the petition that was denied was properly denied because it was confusing. The Board was unable to discern what was really being asked for, so Attorney Keilty has filed a new petition, proper advertisement, and the new plan will show things properly—and Attorney Keilty would respectfully request that the Board authorize him to go back to the “Board of Appeals” with a new petition.

•Mr. John Ford inquired with Attorney John Keilty whether this property ever had variances granted before? Attorney Keilty’s response was that the Eastern Land Survey tells him it did...I did not for that two-foot side yard. Attorney Keilty also commented that he did not ask for the building file before he’s back at the “ZBA.” Attorney Keilty will ask for the building permit file, so he can see if a variance was granted. Mr. Ford then asked Attorney Keilty if this was R1 zoning? Attorney Keilty answered yes—or R1A. Mr. Ford then asked for clarification, is it R1A or R1? Mr. Ford made the point that back in the old days when these houses were developed and constructed, were the dimensional requirements different than what they are now? Attorney Keilty’s response was yes. In this particular yes, this was one of the older and existing before the subdivision.

•Dr. Judith Otto commented that what’s shown as a proposed addition in the September 3rd plan is actually a proposed deck and stairs...is that the only change that is being requested Attorney Keilty? Attorney Keilty answered that where it says proposed addition, it’s now going to say proposed stairs—and it’s called out on the left side that proposed deck in back and highlighted to a greater degree and that was never even requested in the first variance. Dr. Otto thanked Attorney Keilty.

•Chairman of the Board Tom Bettencourt asked if the Board had any other questions. Hearing none, he’d accept a motion.

→**Motion:** Mr. John Ford—In the matter before the Planning Board regarding 13 West Diane Road, move to allow the petitioner to refile with the ZBA for a second bite at the apple, so moved.

→**Seconded:** Mr. Joseph Gagnon

Roll call: 7 to 0.

E. Subdivision Board Action: None.

F. Correspondence:

1. Regional notices.

G. City Council: None.

H. Other Matters before the Board:

1. 2026 Meeting dates and agenda deadlines for the Planning Board.

→**Motion:** Mr. John Ford—Move that the Board accepts the dates proposed for our 2026 schedule.

→**Seconded:** Dr. Judith Otto

Unanimously approved.

I. Adjournment: 7:54p.m.

→**MOVE to adjourn:** Dr. Judith Otto

→**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=vvuvwyu3goM>.