



**Peabody Planning Board
Minutes**

FOR APRIL 20, 2023, MEETING

APPROVED ON MAY 4, 2023

Planning Board Minutes

April 20th, 2023

Time: 7:00—8:08p.m.

Location: Wiggin Auditorium and simulcast on Peabody Access TV.

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

Others Present: Andrew Levin, Atty. John Keilty, Joe Bettencourt, Chris Mello, Stephanie Peach {Ward 3 Councillor}

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

PUBLIC HEARING(S):

Notice is hereby given that the **PLANNING BOARD OF THE CITY OF PEABODY** will conduct a **PUBLIC HEARING** on **THURSDAY EVENING, APRIL 20th, 2023**, at 7:00 P.M., in the Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA, and remotely via Zoom, in accordance with the provisions of Chapter 40A, Section 5 of the Massachusetts General Laws **TO CONSIDER AMENDING THE ZONING ORDINANCE OF THE CITY OF PEABODY** as follows:

SECTION ONE: 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:

TO RE-DESIGNATE THE FOLLOWING PARCELS FROM RESIDENTIAL R-2 TO CENTRAL BUSINESS BC:

**ASSESSORS MAP 085, PARCEL 002H AND NUMBERED 10 MUNROE STREET
ASSESSORS MAP 085, PARCEL 002I AND NUMBERED 12 MUNROE STREET**

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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

●Attorney John Keilty {40 Lowell Street, Peabody, MA} representing 10 Munroe Realty LLC of 108 Leighton in East Boston, MA. They have purchased the land known and numbered as 10 and 12 Munroe Street—at the time of this purchase Attorney Keilty had endeavored to have approved two duplexes to be located in an R-2 Zone. Attorney Keilty took that through to the Conservation Commission—and the Commission issued an Order of Conditions, since that approval there has been some consideration of a Special Permit for the car wash that is located directly across Munroe Street from my lots...my client's lots. These are the lots at 10 and 12 Munroe Street that we've now asked to be rezoned from their current zoning {R-2} to BC. Attorney Keilty then discussed at length the reasoning for the rezoning—and if they were successful with the zone change, they would combine the two lots into one lot and put a three-story building with 33 parking spaces on the ground, which would serve 14 units. Attorney Keilty explained that there would be an inclusionary zoning provision that would require 15% of the 14...which Attorney Keilty thinks it's 1.1 unit that would need to be affordable—and they would certainly comply with the affordable housing guidelines and restrictions.

●Attorney John Keilty explained that he's asking the Council to consider this zone change. Attorney Keilty feels as though it makes sense in the big picture. Attorney Keilty then addressed MBTA legislation, bus stops and meeting compliance at length. Attorney Keilty expressed his thoughts on the City's Community Development Department in terms of bringing revenue and bringing people to the downtown area—and we are just off downtown. Attorney Keilty then discussed other developments in the area—and explained that he feels they would be providing a building that would be reviewed under Site Plan review by the Planning Board and at the same time be reviewed by the Conservation Commission. Attorney Keilty explained that he is attempting to get a new Order of Conditions that would apply to this lot. Attorney Keilty discussed the steps taken to ensure the design is approved. Attorney Keilty also spoke about how he and his clients have met with Councillor Peach {Ward 3 Councillor} and other Councillors that have exhibited an interest. Attorney Keilty explained that his client's have been on site with Councillor Peach and met with several of our neighbors...our neighbors from a sort of political standpoint have seen the clean-up that has been undertaken by Attorney Keilty's client and they have also seen Attorney Keilty's client's interest—and there wanting to work with the car wash and the like—we're happy to ask you to approve and recommend to the City Council this Zoning change from R-2 to BC and with that Attorney Keilty was happy to answer any questions that the Planning Board may have.

●Chairman of the Board Thomas Bettencourt then asked if the Board had any questions.

●Mr. Matthew Genzale and Attorney John Keilty had a lengthy discussion on Zoning designations—and why BC. Mr. Andrew Levin joined in on the conversation on Zoning designations.

●Chairman of the Board Thomas Bettencourt then asked if the Board had any other questions.

●Mr. Andrew Levin interjected to clarify that it's currently located in a R-2 kind of block...the Parcels next to it if you are on Hardy Street looking between the Hardy Street and Walnut Street area that's a majority of BC Zoning and then the properties going towards Central Street are also all Zoned BC as well.

●Mr. Matthew Genzale expressed that looking at the Zoning map he didn't think that BC is inappropriate based on the number of BC properties in the proximity—a discussion then commenced between Mr. Genzale and Attorney Keilty on the matter.

●Chairman of the Board Thomas Bettencourt then asked if the Board had any other questions.

●Mr. Roy Simoes stated that he tends to agree with Attorney John Keilty that a commercial use of the first floor would be endlessly vacant. There's other commercial mixed uses in more traveled streets that aren't filled. Mr. Simoes agrees with Attorney John Keilty on that issue. Mr. Simoes made a commentary on the four duplexes to the right of that property or behind it he guesses you could quantify which are actually on Hardy Street have been in a dilapidated state for decades. Mr. Simoes doesn't think more duplexes is the answer, so Mr. Simoes is leaning towards what Attorney John Keilty is trying to do. Mr. Simoes then pointed out that 15% inclusionary zoning {15% of 14} is 2.1, so I suppose you'd be doing two units. Mr. Simoes then asked Attorney Keilty is it condos or apartments...Mr. Simoes rationale for asking the question is that if there is ownership then there tends to be some pride or at least with 14 units Mr. Simoes would suspect they would have some professional management that would take care of the property that would be nice to see.

●Mr. Roy Simoes and Attorney John Keilty had a discussion on parking, living stories and zoning—and Attorney Keilty explained that the eventual building would probably be similar to the building at 98 Main. Mr. Simoes then commented that Attorney John Keilty would have a higher probability of being successful—and not being accused of spot zoning here having it be the BC where you have BC on two sides of you already, are you in agreement Attorney Keilty. Attorney Keilty agreed.

●Chairman of the Board Thomas Bettencourt then asked if the Board had any questions, hearing none, the Chairman then asked if anyone in the audience would wish to speak in favor of this Zoning Amendment.

●Ms. Stephanie Peach, Ward 3 Councillor {19 Margin Terrace} explained how she has been working with the Developers on this project from the initial application for the two duplexes, which was by right in the R-2 Zone—and working with the neighbors who have for the last 30 years seen a vacant lot with crime and illegal disposal, so they're very happy with what has been done there so far they are in support of this change...we are talking as we move forward into a Special Permit process...you know the density of the building. Ms. Peach thinks that Attorney John Keilty misspoke, from her understanding it's only three stories total, parking on the first story and then the two stories of actual apartments based on the Project Managers. Ms. Peach went on to explain that 14 is the number that has been thrown out there by the Developer, but that is something we will continue to discuss through the Special Permit process. Ms. Peach mentioned that in speaking with the neighborhood they are in favor of a change that will get this Lot developed and be a fit for the neighborhood. Ms. Peach reiterated that she was in favor of this change as well as the neighborhood she represents.

●Mr. Joseph Gagnon pointed out that it had been mentioned that it's only going to be three stories, first floor parking and the second and third floors residential—however if you go for the zone change, they'll be allowed by right to put an additional story, correct. Ms. Stephanie Peach explained that the Zoning does allow for that height, but the housing is by Special Permit only so while they might be able to request that many stories, Ms. Peach doesn't anticipate the City Council granting them that many stories.

●Mr. Andrew Levin then asked if there was anyone in the ZOOM Platform that would wish to speak.

●Mr. Gary Fleming of 8 Walnut Street, Unit 110 {lived there for 17 years}—and he looks right out over the lot and would like to make some comments on what he's heard. Mr. Fleming explained that Munroe Street is a one-way heading toward Hardy and the majority of the people who do go to the car wash do enter from Hardy and do use the one-way in the opposite direction, which they really shouldn't be doing. The other point that Mr. Fleming wanted to make is that it's not very busy back there...as far as people there aren't lines and every once and a while a car goes in here and there, so it's not a big deal to switch the direction of the building, but he doesn't think it would be a huge problem if it did face Munroe. Mr. Fleming also mentioned that he would not like to see a business in that space, he would prefer it all to be residential. Mr. Fleming then gave examples of what he has observed happening in that lot over the years. Mr. Fleming expressed how he thinks it's a great idea but would recommend that they stay away from putting a business there—and see it pointing toward Munroe.

●Chairman of the Board Thomas Bettencourt then asked Mr. Gary Fleming if he was in favor or in opposition of the project.

●Mr. Gary Fleming responded with that he was in favor of the project, but in opposition with it facing Hardy and a business being place in that area.

●Chairman of the Board Thomas Bettencourt then asked if anyone else would wish to speak in favor or in opposition.

●Mr. Andrew Levin then asked for confirmation from Attorney John Keilty on his next steps if the zoning change goes through...are you planning on combining the two lots. Attorney John Keilty confirmed.

●Chairman Bettencourt expressed that at this time he would accept a recommendation.

→**Motion:** Mr. John Ford—The Planning Board move to recommend to the City Council to adopt the Zone change from R-2 to BC in regard to 10 and 12 Munroe Street.

→**Seconded:** Dr. Judith Otto

Unanimously approved.

A. Approval of Minutes: 4/6/2023

●The Chairman then addressed the Board on the approval of the minutes for the 4/6/23 meeting.

→**Motion:** Dr. Judith Otto

→**Seconded:** Mr. Roy Simoes

Unanimously approved.

B. ANR/Land Court: None.

C. Site Building Permit Plan Reviews:

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 4/27/2023**

●Attorney John Keilty {40 Lowell Street, Peabody, MA} appearing on behalf of Dennis Giannis, Trustee who is the operator of the Roadhouse Pub on 55 Pulaski Street. Attorney Keilty went on to explain that they are proposing to tear down the Roadhouse Pub and build a complex referred to in our plans and referred to in our Peer Reviews as Mill View located at 55 Pulaski Street. Attorney Keilty outlined at length the steps and decisions taken on this project. Attorney Keilty then explained to the Board that Mr. Langley had summarized all of their Peer Reviews and provided the closeout reports from each of their reviewers—and Attorney Keilty then proceeded to outline at length some of the recommendations of Mr. Langley’s memo and the reviewers.

●Mr. Andrew Levin asked that Attorney John Keilty go over the plans with the Board one last time to make sure that everybody understands what’s in front of them and what’s getting approved. Mr. Levin then presented the renderings {on the big screen} and actual site plan to the Board. Attorney John Keilty then walked the Board through the renderings. Attorney Keilty then mentioned to the Board that a landscape plan will need to be provided—the landscape plan will actually identify what the plantings are and be submitted to the Community Development department for approval.

●Chairman of the Board Thomas Bettencourt then asked if the Board had any questions.

●Mr. Roy Simoes asked that Mr. Andrew Levin show the other plan.

●Mr. John Ford then asked Attorney John Keilty the most recent plan is dated January 19th, 2023, just for the record. Attorney Keilty confirmed.

●Mr. Andrew Levin presented the revised site plan on the big screen, per Mr. Roy Simoes request.

●Chairman of the Board Thomas Bettencourt then asked if the Board had any questions and expressed that at this time, he would accept a motion.

●Mr. Roy Simoes had a few comments to make concerning the project. Mr. Chris Mello responded to the electrical issue. Mr. Andrew Levin asked Mr. Mello to confirm that he had stated it in the general notes of the plan...Mr. Mello confirmed.

●Chairman Bettencourt expressed that at this time he would accept the motion.

→**Motion:** Mr. John Ford—Move to recommend in the matter of 55 Pulaski to recommend permit to issue conditionally—Attorney Keilty has mentioned Mr. Langley’s letter of April 11th and within that are 11 recommended conditions they will now become compulsory. Additionally, condition 12 would be per section 6.11—no building permit to issue until affordable housing has been approved by the City Council and the City/Developer participation agreement has been executed by the applicant and signed by the Mayor and recorded at the Registry of Deeds. Condition 13 would be landscape plan to be submitted and approved by Community Development prior to Special Permit approval. For clarity, this is a plan dated January 19th, 2023, so moved.

→**Seconded:** Dr. Judith Otto

Roll call vote was taken: 9 to 0.

Unanimously approved.

D. Appointments:

1. 2023 Recreation and Open Space Plan.

●Mr. Andrew Levin explain that over the past year the City of Peabody had taken the project of updating our Recreation and Open Space Plan. Mr. Levin explained that he had given a summary of the Plan at the last Board meeting, however, for those members who were not present he gave a brief summary of the Plan again.

●Dr. Judith Otto had some minor comments however she didn’t want to bother the Board with them so she would just be sending them on to Mr. Andrew Levin. Dr. Otto expressed how she would like to commend the Board for including the recommendation for capital funding to act on some of these things.

→**Motion:** Dr. Judith Otto—Move to recommend authorizing Drew to prepare a letter on our behalf to recommend acceptance of this plan.

→**Seconded:** Mr. Roy Simoes

Unanimously approved.

E. Subdivision Board Action: None.

F. Correspondence:

1. Memo from Robert J. Langley, P.E., Director of Engineering—RE: Millview 55 Pulaski Street-Engineering Peer Review Closeout Memo {dated April 11, 2023}, including Final Peer Review Packet.
2. 2023 Recreation and Open Space Plan.
3. Regional Notices.

G. City Council: None.

H. Other Matters before the Board: None.

●Mr. Roy Simoes asked Mr. Andrew Levin about the document to raise the fees if it was enroute to the City Council. Mr. Levin’s response was that it was submitted yesterday to be submitted for the City Council’s April 27th meeting—and from there we will have to work with Allyson Danforth the City Clerk.

●Mr. John Ford wanted to inform the Board that he had a site visit, not a formal site visit for the Board but there were representatives from other Boards and City departments in regard to 47-48 Tremont Street. Mr. Ford explained that pretty much every department had an issue up there—the issue for the Planning Board was removal of a retaining wall and it appears to be the construction of a new retaining wall, which in Mr. Ford’s opinion is failing...the lower portion is bulging out and the property above it seems to be sliding downhill...the other portion of the missing retaining wall would have held back a sand bank, which is just a sand bank right now, so at that time Mr. Ford expressed to Attorney John Keilty we would be looking for an as built to date and a plan with any modification that they have done or they intend to do—and that’s basically my observations of the site on that day. Mr. Ford wanted to share with the Board his observations. Mr. Andrew Levin added to Mr. Ford’s comments on the subject.

I. **Adjournment: 8:08p.m.**

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

Planning Board:

→**MOVE to adjourn:** Dr. Judith Otto

→**Seconded by:** Mr. Roy Simoes & 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=2XcXPTi0_wM .