



**Peabody Planning Board  
Minutes**

**FOR APRIL 6, 2023, MEETING  
APPROVED ON APRIL 20, 2023**

## Planning Board Minutes

April 6<sup>th</sup>, 2023

**Time:** 7:00—7:43p.m.

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

**Members Present:** Mr. Tom Bettencourt, Mr. John Ford, Mr. Roy Simoes, Dr. Judith Otto, Atty. Diane Cooper

**Others Present:** Andrew Levin, Sam Malafronte, Atty. John Keilty

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

### A. **Approval of Minutes: 3/16/2023**

●The Chairman then addressed the Board on the approval of the minutes for the 3/16/23 meeting.

→**Motion:** Mr. John Ford move to approve the minutes of the last meeting with the exception that I misspoke primarily on page four in regard to 190R Newbury Street—the word should be conditionally not additionally, just for the record.

→**Seconded:** Mr. Roy Simoes

**Unanimously approved.**

### B. **ANR/Land Court:**

- i. 1 Newbury Street, Peabody, MA 01960 {Parcel ID: 088-008X}—Applicant: Mr. John Roche, Manager-CollabDev1 LLC, 529 Main Street, Boston, MA 02129 {Name of Owner: AWH Peabody Hotel, LLC C/O AWH Partners LLC}. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, [andrew.levin@peabody-ma.gov](mailto:andrew.levin@peabody-ma.gov), 978-538-5783.

●Mr. Sam Malafronte {Project Engineer with Solli Engineering located at 11 Vanderbilt Ave. in Norwood, MA}. Mr. Malafronte explained that he is here on behalf of the applicant, Mr. John Roche. Mr. Malafronte explained that Mr. Roche is the Manager of CollabDev1 LLC, and he is looking to create Parcel A from the existing Holiday Inn Parcel on Newbury Street—it actually abuts Corporate Place and has frontage on Corporate Place to the rear. The applicant is looking to create a .702-acre lot from the 5.77-acre existing Parcel. Mr. Malafronte then explained that he would be happy to answer any questions.

● The Chairman then asked if the Board had any questions.

●Dr. Judith Otto wanted to know what the Zoning requirements are in this Zoning District.

●Mr. Sam Malafronte didn't have them on hand but explained that this Parcel is compliant with Zoning.

●Dr. Judith Otto interjected and asked Parcel A.

●Mr. Sam Malafronte confirmed and explained that both Parcels are compliant. Mr. Malafronte then went on to explain that it creates two Parcels that are complying with building setbacks and frontage. Mr. Malafronte believes that the minimum frontage is either 40 or 50 feet—and this has 105 feet, and the Holiday Inn has 213 along Newbury Street and then additional frontage on Corporate Place.

●Mr. Andrew Levin explained that it is in Zone BR1. Mr. Levin then went on to explain that he believes that they meet everything—there's no lot size and the frontage was reviewed, and they meet that and the side setbacks.

●Mr. John Ford and Mr. Malafronte then had a discussion on the location of the Parcel's frontage.

●Mr. Sam Malafronte expressed his client's wishes of redeveloping the out parcel once it is created and improve it with a coffee shop development—and that's kind of the reasoning for the unique lot shape...it really just follows the limit of the redevelopment. Mr. Malafronte then explained that prior to this meeting he submitted the Site Plan Review for this development.

●Mr. John Ford then asked Mr. Malafronte that is a state road and are you going to use the exiting curb cut...Mr. Malafronte confirmed—the right-in-right-out of 1 Newbury. Mr. John Ford then asked Mr. Malafronte if the state is aware of the plan. Mr. Malafronte explained that they submitted today, so that will start the permitting process for the actual development. Mr. Malafronte then explained that they have no direct access issues with the state but it's more or less going to be an indirect review due to the traffic generation most likely.

●Mr. Andrew Levin gave an explanation to the Board on how he has been working with Mr. Malafronte for a while now and outlined some of the items they addressed. Mr. Levin then asked that Mr. Malafronte explain why there is no easement labeled on the plan. Mr. Malafronte then passed out handouts to the Board. Mr. Levin then explained to the Board that they may also want to just accept all three of these images that Mr. Malafronte has shown tonight—one is the ANR plan, the rendering, and the easement plan if the Board wishes to accept those.

→**Motion:** Mr. John Ford move to receive this late add—3 documents, two drawings and a photograph if you will in regard to 1 Newbury Street, move to receive.

→**Seconded:** Mr. Roy Simoes

**Unanimously approved.**

●Mr. Sam Malafronte explained how they were going to use the existing curb cut of the hotel—the right-in-right-out and this exhibit EXA is going to be part of the Declaration of Covenants and Easements that's going to be recorded upon the creation of this Parcel. Mr. Malafronte then explained that what this Declaration is going to do is provide the new lot with indirect access to the lot through the existing hotel Parcel...utility access through Corporate Place—and once the development is provided it will actually cover maintenance, snow removal, stormwater run-off...anything associated with maintenance, utilities, and infrastructure. Mr. Malafronte explained that they have a draft at this point.

●The Chairman then asked if the Board had any questions.

●Mr. Roy Simoes commented that what Mr. Malafronte is identifying is critical areas—the blue hash, that's where your potential customers for the establishment will be able to travel to get to where they have to get. Mr. Malafronte confirmed, and then explained that the owner will have rights over the whole lot for access, but these are just the areas that he's designated as critical from a maintenance...Mr. Simoes then asked Mr. Malafronte which owner. Mr. Malafronte responded with the owner of the proposed lot...the future owner.

●Mr. Roy Simoes and Mr. Malafronte then discussed parking and queueing room.

●Mr. Roy Simoes then brought up the point that on the northerly part of this Parcel—kind of where Corporate Place opens up...there's a bunch of trucks up there...tree cutting, landscape, bucket trucks—and quite frankly it's not at all appealing to me and I don't even know if there is any permitting needed to park tractor trailers and whatnot...Mr. Simoes can't imagine why those are there—and does you client or the client that owns the hotel intend on keeping those there.

●Mr. Sam Malafronte explained that when they came for a pre-application meeting with the city that it was a concern from the Police department as well as the Planning department. Mr. Malafronte then explained that with the new layout of that parking area it's going to be virtually impossible for a tractor trailer or a large truck to get up into that area. Mr. Roy Simoes then pointed out unless they go in through Lynnfield and go down Green Street and come around onto Corporate Place. Mr. Malafronte explained that it's not the intention of his applicant, which is the new lot to have that maintained...obviously from a coffee shop standpoint he doesn't want tractor trailers next door.

●The Chairman then asked if the Board had any other questions, hearing none, he would accept a motion.

→**Motion** Mr. John Ford move to recommend approval of an ANR Plan of Land in Peabody, MA for parcel identified as 1 Newbury Street, date on drawing is March 7<sup>th</sup>, 2023, plan prepared by Northeast Survey Consultants for Solli Engineering, move to approve.

→**Seconded** Dr. Judith Otto  
**Unanimously approved.**

### **C. Site Building Permit Plan Reviews:**

#### **190R Newbury Street—Map 35, Lot 38a**

i. This is an application by Robert Denisco seeking a site plan review for the proposed construction of a 60-unit multi-family residential building over a parking deck, surface parking and access driveways. Continued from the Boards January 5<sup>th</sup>, 2023, meeting.

▶ **ACTION CONTINUED TO 4/6/2023**

▶ The Board imposed a condition that the proponent provide the Board with a revised plan at the Board's April 6<sup>th</sup> meeting.

→**Motion** Mr. John Ford move to receive as a late add a revised site plan for 190R Newbury Street, this was one of the conditions of approval—date on the plan is March 30<sup>th</sup>, 2023, for Cy Tenney Residences and prepared by Hayes Engineering of Wakefield, MA, move to receive.

→**Seconded** **Atty. Diane Cooper**  
**Unanimously approved.**

●Mr. Andrew Levin reminded the Board that this item is now in front of the City Council for their Special Permit request.

#### **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 5<sup>th</sup>, 2023, meeting.

▶ **ACTION CONTINUED TO 4/13/2023**

●Atty. John Keilty respectfully asked that the matter be continued to the Board's next meeting because in this instance we are awaiting a closeout memorandum from Mr. Bob Langley. Atty. Keilty explained that he and Mr. Langley have spoken about their contribution to the Dobbs Road pump station issue—and when we see

that memorandum, Atty. Keilty believes that his client will be fully accepting of the amount Mr. Langley has placed in that memorandum.

●Mr. John Ford suggested to Atty. John Keilty, if he wouldn't mind, going a week beyond from the next Board meeting just in case there's an issue. Atty. Keilty didn't object to Mr. Ford's suggestion.

→**Motion:** Mr. John Ford move to allow the petitioner of 55 Pulaski to grant him an extension of time to act until April 27<sup>th</sup>, 2023.

→**Seconded:** Dr. Judith Otto  
**Unanimously approved.**

**D. Appointments:** None.

**E. Subdivision Board Action:** None.

**F. Correspondence:** *\*Items with an asterisk next to it will only be available digitally.*

1. Notice of the Planning Board Public Hearing on Thursday, April 20<sup>th</sup>, 2023, at 7:00 p.m. in the Wiggin Auditorium {Abutter's notices were mailed-out on Tuesday, March 21<sup>st</sup>, 2023, and legal ad in Weekly News: March 30<sup>th</sup> and April 6<sup>th</sup>, 2023}.
2. City Council Notice dated March 16<sup>th</sup>, 2023—RE: Correction to Special Permit Decision 2-2023, William A. & Joanne Demoree, 297 Lynn Street.\*
3. City Council Notice dated March 15<sup>th</sup>, 2023—Special Permit #2, Map 124, Lot 60.\*
4. City Council Notice dated March 20<sup>th</sup>, 2023—RE: P164-23 Councillor O'Neill-move to receive, under suspension of the rules, Item 8-D communication from Jarrett Temple, Regional Environmental & Land Manager, Holcim-NER, Inc., {formerly Aggregate Industries}, 35 Village Road #703, Middleton, regrading Aggregate Industries-2022 Annual Report and refer to the Ad Hoc Committee on Aggregate Industries. {Unanimous}.\*
5. DRAFT--2023 Recreation and Open Space Plan.\*
6. Regional Notices.\*

**G. City Council:** None.

**H. Other Matters before the Board:**

1. Review of current fees.
2. 2023 Recreation and Open Space Plan.

●Mr. Andrew Levin outlined the discussion he had with the subcommittee members on the site plan application fees to the Board—and the proposed fee schedule that Mr. Levin and the subcommittee members believe would work. Mr. Levin then explained that for this fee change to take effect we would have to change the zoning ordinance—and he proceeded to explain the measures that would have to be taken for this change to happen. Mr. Levin and some of the Board members had discussions on the matter.

●Mr. John Ford addressed the Chairman and explained that as Chairman of the subcommittee he would move to recommend that the Board adopt the new fee structure for site plan application fees—and submit a letter to the City Council.

→**Motion:** Atty. Diane Cooper move to send a letter to the City Council endorsing the new fee structure—and letting the Council know that we wish to have that approved.

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

●Mr. Andrew Levin then discussed at length the Recreation and Open Space Plan that he has been working on for a little over a year now to the Board.

●The Chairman then addressed the Board with a motion to adopt.

●Mr. Andrew Levin then explained that it would not be a motion to adopt, but a motion to recommend—and he explained that the Board could add-in anything they wished. Mr. Roy Simoes then had a discussion on the issue with Mr. Andrew Levin.

I. **Adjournment: 7:43p.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 & Atty. Diane Cooper

**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=YSDJ8ulAeRI>.