



**Peabody Planning Board
Minutes**

**FOR JUNE 1, 2023, MEETING
APPROVED ON JUNE 15, 2023**

Planning Board Minutes

June 1st, 2023

Time: 7:00—7:45p.m.

Location: Wiggin Auditorium and simulcast on Peabody Access TV.

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

Others Present: Andrew Levin, Attorney John Keilty

- ▶ 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, JUNE 1st, 2023**, at 7:00 P.M., in the Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA, 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:

BE IT ORDAINED by the City Council of the City of Peabody as follows:

That the Zoning Ordinance of the City of Peabody entitled Zoning Ordinance-2011, as amended through April 27, 2023, is hereby further amended as follows:

SECTION ONE: By amending Section 12.5 entitled Application and Site Plan Contents to delete the language in sub-paragraph A “an application fee in the amount of \$100.00” and inserting in place thereof “an application fee as referred to in Section 12.18 Fee Schedule”.

SECTION TWO: By creating a new Section 12.18 entitled Fee Schedule as follows:

An administrative fee for Site Plan Review is required with every Site Plan Review Application. The fee is \$500 for each Site Plan Application plus \$50 per 1,000 square feet of proposed new building envelope over 5,000 square feet. In no case shall the application fee exceed \$10,000.

Fee Schedule Table:

<u>Proposed Building Envelope Square Footage</u>	<u>Application Fee</u>
5,001 – 6,000 sf	\$500 + \$50
6,001 – 7,000 sf	\$500 + \$100
7,001 – 8,000 sf	\$500 + \$150
Etc.	\$500 +

SECTION THREE: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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

•Mr. Andrew Levin {Senior Planner-Community Development & Planning} presented on amending Section 12.5 entitled “Application and Site Plan Contents” and newly proposed Section 12.18 entitled “Fee Schedule Table”. The Board and Mr. Levin had a lengthy discussion on the wording/use of the word “envelope” and

the “Fee Schedule Table”. After lengthy deliberations, the Board came to a consensus to use the word “footprint” instead of “envelope” and to remove the “Fee Schedule Table” from the newly proposed Section 12.18 and add it to the Site Plan Application.

→**Motion:** Attorney Peter Arvanites move to recommend to the City Council the amendment as proposed be adopted with the exception of—one, changing the word “envelope” to “footprint”—and two, taking the “Fee Schedule” and removing it from the amended section of the ordinance and making it a part of the Site Plan Application.

→**Seconded:** Mr. John Ford
Unanimously approved {8 to 0}.

A. Approval of Minutes: 5/18/2023

●The Chairman then addressed the Board on the approval of the minutes for the 5/18/23 meeting.

→**Motion:** Mr. John Ford move approval of the minutes of the Planning Board Meeting of May 18th, 2023.

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

B. ANR/Land Court: None.

C. Site Building Permit Plan Reviews:

1 NEWBURY STREET (Map 88, Lot 008X)

This is an application by Mr. John Roche, Manager-CollabDev1 LLC, 529 Main Street, Boston, MA 02129 {Name of Owner: AWH Peabody Hotel, LLC C/O AWH Partners LLC} seeking a site plan review for a proposed 2,400± square-foot coffee shop redevelopment located on the outparcel {Lot 2} at 1 Newbury Street. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

▶ CONTINUED FROM 5/18/2023

→**Motion:** Mr. John Ford move to receive a late communication from Solli Engineering dated June 1st, 2023, asking for an extension of time to act until the June 15th, 2023, Planning Board meeting, move to receive and grant said extension.

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

→**Motion:** Mr. John Ford move to receive a late memo from Mr. Robert Langley {Public Services} which discusses items reviewed by the peer review contractors, move to receive.

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

●Mr. Andrew Levin explained that the late add from Mr. Robert Langley is the third-party review documents that have been received from the proposed coffee shop over on Newbury Street. So, those third-party reviews have come back, and Mr. Langley is reviewing them as well as Solli Engineering the applicant. Mr. Levin believes that Mr. Langley is going to meet with the applicant next week to discuss it and we should have a memo to the Board by the next meeting.

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. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.
▶ ACTION CONTINUED TO 6/20/2023

●Mr. Andrew Levin explained that at the last meeting the applicant for 0 Prospect Street, which is the proposed hotel at the Northshore Mall had asked to continue to June 20th, 2023, but it puts them on the next Planning Board meeting.

D. Appointments: None.

E. Subdivision Board Action:

1. Letter from Attorney John Keilty dated May 16th, 2023, regarding Winona Woods.
 - i. Discharge and Release of Covenant, Winona Woods—the Covenant is recorded at Essex South Registry of Deed in Book 35961, page 123.

●Attorney John Keilty {40 Lowell Street, Peabody, MA} indicated on the cover letter the Covenant was recorded in Book 35961—based on a sub-division approved on March 1st, 2007, its life has expired. The life of the Covenant that's on record has expired... Attorney Keilty explained that The Planning Board released a bond months and months ago that was being held—and now Attorney Keilty explained they are anticipating what might come up in terms of the sale by the current owners to Tramel/Crow. Attorney Keilty is requesting that the Board execute the Release, so that it can be recorded...and we won't hear from anybody about it.

→**Motion:** Mr. John Ford move the release of Covenant on a sub-division known as Winona Woods, release and execute the document.

→**Seconded:** Mr. Roy Simoes

Unanimously approved.

●The Board members proceed to sign the Release.

●Mr. Roy Simoes had questions for Attorney John Keilty concerning the ANR's...the cut-out of sections...did that have to do with the pollution. Attorney Keilty response was that all the ANR's were with respect to the non-subdivision lots...the lots that were in front...and still are in front. Mr. Simoes then reiterated to Attorney Keilty but wasn't this cut-away part of the pollution plume...Attorney Keilty confirmed that it was part of the reason. Attorney Keilty went on to explain that the only area with pollutants on the old sub-division are two tiny little lots at the very beginning that are not going to be bought by Tramel/Crow. Attorney Keilty and Mr. Simoes had a discussion on the cleaning-up of the site.

F. Correspondence:

1. Planning Board Public Hearing Thursday, June 15th, 2023, to consider amending the Zoning Ordinance of the City of Peabody.
 - i. 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
2. Regional Notices.

G. City Council:

1. None.

●Mr. Andrew Levin informed the Board that a few late adds were submitted by the City Council. One was in regard to 190R Newbury Street...they received their special permit application approval at their last meeting, so they will be moving forward with that project. Mr. Levin also informed the Board of the Regional Notices

received from Danvers and Middleton. Mr. Levin expressed to the Board that he had reviewed the notices—and nothing really of note for the city...but Mr. Levin has them if the Board would like to see them.

H. Other Matters before the Board:

M.G.L. Chapter 40B Comprehensive Permit—*Planning Board Review & Recommendation*

41 NEWBURY STREET (Map 078, Lot 015B)

41 Newbury Street Realty LLC {the “Applicant”} is hereby applying to the Zoning Board of Appeals of the City of Peabody, pursuant to M.G.L. Chapter 40B, Sections 20-23, as amended, for the issuance of a Comprehensive Permit authorizing the Applicant to develop 60 units of rental on land located at 41 Newbury Street, Peabody, MA. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

- Mr. Andrew Levin then brought up to the Board that at the last meeting the Comprehensive Permit Application for 41 Newbury Street...the Board at that time had mentioned that due to the lack of Board members present to move it to the next meeting, so that they could review—and then provide if they so choose a letter of recommendation to the Zoning Board of Appeals.
 - Dr. Judith Otto commented on the units that are closest to the street are twelve feet away from Route 1—Dr. Otto wanted to observe her own opinion that when we are allowing people to live twelve feet from a major highway through the city, we are not doing the best for housing. Dr. Otto understands that there is a tremendous need for housing across the Commonwealth, but it seems a sad example to put it there. Dr. Otto also noted that in some of the three-bedroom units the bedrooms don’t have windows, they’re in an interior hallway—and Dr. Otto thought that was not allowed under Mass Building Code...so obviously the plans are going to have to change if that is the case. Dr. Otto thought that it was excellent that they consolidated the driveway to the apartment building where the Spring Hill Suites sits behind...that will help with access in-and-out of the properties and finally Dr. Otto wanted to note that the landscaping is minimal...and not a very happy thought of 60 families living in a place where there literally is no outdoor space for them to enjoy. Mr. Andrew Levin interjected and clarified for the Board that that question had been brought up in an internal meeting with the applicant. Mr. Levin explained that on top of the building there is quite a bit of outdoor space that they are providing as well.
 - Chairman of the Board Thomas Bettencourt asked if there were any questions, hearing none, he would accept a motion.
 - Mr. John Ford suggested recommending they reduce the scope of this whole project so it’s a better fit for where it’s at. Mr. Andrew Levin asked for clarification from Mr. Ford—on reducing the size of the building or the number of units...Mr. Ford’s response was both. The discussion continued on the subject at hand.
- Motion:** Mr. Roy Simoes move to recommend writing a letter to the Zoning Board of Appeals for this Chapter 40B Comprehensive Permit that we suggest more open-space available to the residents and install a larger landscape buffer on the westerly side of the building, which is Route 1.
- Seconded:** Mr. Joseph Gagnon
- Unanimously approved.**
- Mr. Andrew Levin and Dr. Judith Otto continued their conversation on the footage of the building from the highway—and referencing to sheet C-4.
 - Mr. Roy Simoes commented on asking Mr. DeBiase at his convenience to come before the Board and give the Board an update on the progress of the sub-division Mr. DiBiase is doing at the end of Ralph Road and Pearl Street. Mr. Simoes mentioned that he hasn’t heard anything negative about it, but Mr. Simoes knows that the Board made the gentlemen that worked on Birch Hill Estates come before the Board a couple of times—and Mr. Simoes wanted to know what the Board thought about that. Mr. Simoes commented that he’s either way...50/50. Mr. John Ford commented that he himself wouldn’t mind an update from the

developer—and mentioned that it might even be one of his conditions that he has to keep us updated. Mr. Roy Simoes asked that Mr. Andrew Levin look into the matter.

I. Adjournment: 7:45p.m.

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

Planning Board:

→**MOVE to adjourn:** Dr. Judith Otto

→**Seconded by:** Mr. John Ford

Unanimously approved.