



**Peabody Planning Board Minutes  
FOR JUNE 5, 2025, MEETING  
APPROVED AUGUST 7TH, 2025**

## Planning Board Minutes

June 5<sup>th</sup>, 2025

**Time:** 7:00—7:56p.m.

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

**Members Present:** Mr. Thomas Bettencourt, Mr. John Ford, Attorney Peter Arvanites, Mr. Roy Simoes, Mr. Joseph Gagnon, Dr. Judith Otto, Mr. Matthew Genzale, Mr. Dennis Feld

**Others Present:** Andrew Levin, Curt Bellavance, Attorney John Keilty, Matt Ashley

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

### PUBLIC HEARING(S):

Notice is hereby given that the **PEABODY PLANNING BOARD** will conduct a public hearing on **THURSDAY EVENING, JUNE 5, 2025**, at 7:00 P.M., City Hall, 24 Lowell Street, Peabody, MA, and remotely via Zoom, in accordance with the provisions of MGL Chapter 40A, Section 5 **TO CONSIDER AMENDING THE ZONING ORDINANCE OF THE CITY OF PEABODY** as follows:

**Section 8: Floodplain Overlay District and Wetlands Conservancy District** in order to comply with the updated FEMA floodplain changes.

The complete text of these proposed amendments to the Zoning Ordinance are on file with the Peabody City Clerk, 24 Lowell Street, Peabody, MA 01960, where it is available for inspection during regular business hours.

For remote participation using the Zoom platform please visit [www.peabody-ma.gov](http://www.peabody-ma.gov) under “Calendar” on the home page or contact the City Clerk’s office.

●Mr. Curt Bellavance {Director, Community Development & Planning for the City of Peabody} presented to the Board the changes being proposed to the “Floodplain Ordinance.” Mr. Bellavance explained that currently the “Floodplain Ordinance” is within the “Zoning Ordinance” under Section 8—that’s been in place for some time now. Mr. Bellavance continued to comment that 22,000 communities nationwide participate in the National Flood Insurance Program. The City of Peabody is one of those 22,000.

Mr. Bellavance proceeded to outline some of the benefits of the program:

- Allows our residents to get government backed flood insurance.
- It allows the City of Peabody to apply for Federal grants in flood areas.

●Mr. Bellavance also noted that an announcement will be made soon about a grant that we’ve received for a flood area and elaborated that if the City weren’t to participate in this program it would limit Federal funding for disaster assistance and individuals from getting mortgages under FHA or Veteran’s Affairs [if they’re located in a flood area]. Federal law prohibits FEMA from providing flood insurance if you don’t participate in this program. Mr. Bellavance also mentioned that you can get private insurance as well—it’s more flexible but it has a higher coverage while the federally backed insurance is less expensive and is usually set for flood prone areas. So, as part of remaining in the program FEMA adopted changes to the floodplain maps—as part of that they created a statewide ordinance or bylaw. Mr. Bellavance explained that back in October they were notified regarding the flood maps changing and a new ordinance would be issued for us to adopt. In January 2025, we sent our first draft to the state—the “Division of Conservation Resources” it’s the State coordinating agency, so we’ve been working with them in regard to our floodplain ordinance. Mr. Bellavance communicated to the Board that they went back and forth with them for about three months regarding the

changes and elaborated at length on the subject matter. A draft was accepted by the State in mid-April and sent to the City Council to follow the process of adopting the changes to the “Zoning Ordinance.” They placed that on their “Industrial and Community Development Sub-Committee” meeting, which took place last week, where Mr. Bellavance presented before the City Council. They voted to advertise that and have me come back at another meeting for a public hearing. During that time period as we were drafting the ordinance, we received a letter from FEMA basically saying that there weren’t any significant changes in Essex County, but we did come across a few changes, one of which is 143 Lynnfield Street [which wasn’t in a floodplain but now is in a significant floodplain]. There were also some minor changes over near Parsons and Proctor Circle [they’re not necessarily in a floodplain but it looks like the floodplain area is expanding, so the next time around they will be impacted]. Mr. Bellavance then addressed in length the ordinance itself. After completing his presentation Mr. Bellavance opened the floor to questions.

● Chairman of the Board Thomas Bettencourt then inquired if there was anyone on ZOOM or in person that would wish to speak in favor of this agenda item. Hearing none, the Chairman then asked if there was anyone wishing to speak in opposition? Hearing none, the Chairman then remarked that he’d accept a motion at this time.

→**Motion:** Mr. John Ford—The Planning Board move to recommend the City Council adopt the “Zoning” change before us concerning the “Floodplain Overlay District and Wetlands Conservancy District,” so moved.

→**Seconded:** Attorney Peter Arvanites

**Roll call: 8 to 0.**

● Mr. Curt Bellavance informed the Board that he believes the public hearing for the City Council is set for June 26<sup>th</sup>, 2025. If the City Council votes to recommend the adoption—we’ll send that language to FEMA. They have to review that if they review it and approve, which we hope because they have already reviewed it they’ll send us what’s called the letter of final determination. So, we’re hoping to do that in the next month, so thank you.

► Chairman Bettencourt closed the public hearing and returned to the regular scheduled meeting.

#### **A. Approval of Minutes: 5/1/2025 & 5/15/2025**

→**Motion:** Mr. John Ford—The Planning Board move to approve the minutes of the May 1<sup>st</sup>, 2025, meeting.

→**Seconded:** Mr. Matthew Genzale

**Roll call: 8 to 0.**

→**Motion:** Attorney Peter Arvanites—The Planning Board move to approve the minutes of the May 15<sup>th</sup>, 2025, meeting as amended [due to a typographical error which appeared in the initial meeting minutes].

→**Seconded:** Mr. John Ford

**Roll call: 7 to 0 [and 1 Present].**

#### **B. ANR/Land Court: None.**

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

##### **1. 0 HARDY STREET (Map 85, Lot 001)**

- i. This is an application by Michael Becker—seeking a site plan review to redevelop a vacant ±8,983 s.f. commercially zoned parcel bounded by Hardy St., Munroe St., Munroe Court, and Central St. The project consists of redeveloping the existing paved site to accommodate construction of an 8-

unit commercial condominium building with associated walkways, paved parking area, utilities, landscaping, and other site amenities. Hardy St. drainage improvements are also planned as part of the development. Construction activities will include demolition and removal of structures and pavement; excavation; foundation installation; building construction; backfilling; installing and reconfiguring utility and drainage connections as needed; grading; paving; gas trap installation; and loaming and seeding and other site landscaping. The property is located in the {BC} Zoning District. 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.

▶ CONTINUED FROM 5/15/2025

▶ ACTION CONTINUED TO 6/5/2025

→**Motion:** Mr. John Ford—Move to receive a “late” communication from Will Paulitz, Director of DPS dated May 30<sup>th</sup>, 2025, where he lays out five points that he would like modified or attention to.

→**Seconded:** Attorney Peter Arvanites

**Unanimously approved.**

●Attorney John Keilty {40 Lowell Street, Peabody, MA} representing Hardy and Munroe LLC, which is managed by Mr. Michael Becker. Attorney Keilty noted that they are also in receipt of the memo that the Board has just received. That memo resulted in a meeting earlier this week in which the Director of Public Services, our Engineers, and I had a discussion about the need for curbing in sidewalks. Attorney Keilty also noted that there was also a discussion of the installation of a 4-foot-wide sidewalk [contained in the Rules and Regulations of Sub-Division Control and the Planning Board call for 5-foot sidewalks]. The City Engineering Department suggested that they could perhaps accept a 4-foot sidewalk, plus granite curbing. The sidewalk would be on Munroe and on Hardy Street, however the sidewalk would be on our property—which would leave us with much less space to navigate in our parking. Attorney Keilty proceeded to explain that they also requested that we create curbing so that there would be evident curb cuts; a 20-foot opening at Central Street on the westerly end of our property on Hardy Street; and another 20-foot opening at the intersection of Hardy and Munroe. Attorney Keilty’s client pushed back with respect to having the sidewalk on his land—most notably because of future maintenance issues—more importantly liability issues. Attorney Keilty mentioned that he received a call later that afternoon in which Mr. Will Paulitz mentioned that they would not only consider, but in the grant of the easement they would agree to accept liability in the future use of the sidewalk, and they would maintain the sidewalk going forward—that still presents difficulty in access egress and traversing our property and we have not yet determined whether we’re going to show these items on our plan or come back to the Board for further discussion. Attorney Keilty then requested that this matter be placed on the Board’s agenda for July 17<sup>th</sup>, 2025.

●Attorney Peter Arvanites inquired about the City’s agreement to accept liability or indemnify the developer in the event of some occurrence in the sidewalk area...Attorney John Keilty explained that Mr. Will Paulitz did tell him on that issue he had conferred with the City Solicitor and the City Solicitor did suggest that they could accept that liability and that it would be done in the form of a recitation in the easement that we would grant to have the sidewalk on our property. Attorney Arvanites commented that he would feel more comfortable assessing the whole thing if he saw the language of the agreement between the City and the developer relative to that issue. Attorney Keilty replied with okay and noted that he would be happy to share if they get there.

●Mr. Roy Simoes noted that obviously this came to us today and he’s very familiar with the property—Mr. Simoes doesn’t want to say that it’s crazy, but it seems counterintuitive to have 5- or 6-units facing Hardy and one facing Munroe and only allow for a 20-foot curb cut to...Attorney John Keilty interjected and apologized, and noted that there are two 20-foot curb cuts. Mr. Simoes clarified that he understand there’s two because the last unit got turned to face Munroe that’s sideways now and elaborated. Mr. Simoes noted that it seems illogical to him that you would only allow for one curb cut for 5 potential contractors to navigate through a 20-foot curb cut and then make a hard left and a hard right to get to their door. Mr.

Simoes doesn't understand why Will wouldn't just allow for that entire curb cut and make a steep apron on the concrete. Mr. Andrew Levin tried to interjected and Mr. Simoes asked that Mr. Levin let him finish his comment. Mr. Simoes proceeded to note that it doesn't make any sense to do that because nobody...if he's going to rent or sell these...who's going to want to have garage doors that...I mean people will be going over the curbstones—it's crazy...and the sidewalks...I know it's a City ordinance, but sidewalk to where...to a building that belongs to the car wash that comes out to a zero setback so that you can walk right into that wall—then what. So, that's my comments. Mr. Levin explained that the curb cut did not just come from Mr. Paulitz it came from the Community Development Department, DPS, and the Police Department. Captain Richards, who reviews all these projects for traffic, vehicle, and pedestrian safety also was in agreement that a completely curb less wide-open parking lot abutting the roadway was a no-go. They did not like that, and it was actually one of the first comments that was made in the first meeting that we had with the applicants—the City would not agree with no curb cuts and just one wide open curb cut, so we asked them to go and amend the project—which they came back with a smaller plan. Mr. Levin proceeded to elaborated on the subject matter to the Board—a lengthy discussion ensued on the subject with other Board members on how to address this situation [one solution was to implement three curb cuts]. Attorney John Keilty also joined in on the conversation and addressed his apprehensions.

●Attorney John Keilty requested a continuance on this matter.

→**Motion:** Mr. John Ford—In the matter of 0 Hardy Street the Board would move to grant Attorney Keilty's verbal request for an extension of time until July 17<sup>th</sup>, 2025, so moved.

→**Seconded:** Attorney Peter Arvanites & Mr. Roy Simoes

**Roll call: 8 to 0.**

**2. 60 PULASKI STREET** (*Map 53, Lot 85*)

- i. This is an application by Raymond Falite—seeking a site plan review to redevelop the property at 60 Pulaski Street by removing the remaining remnants of the previous development and constructing two proposed commercial buildings and associated parking fields and loading dock area. The project also proposes a public access walking trail and canoe launch along the Waters River. The property is ±6.7 acres and is bounded by commercial properties along Pulaski Street, Waters River and by residential properties on the easterly side of Pulaski Street. The property is located within the Light Industry {IL} and Mill Overlay {MOD} Zoning Districts. 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.

▶CONTINUED FROM 5/15/2025

▶ACTION CONTINUED TO 6/5/2025

●Attorney John Keilty {40 Lowell Street, Peabody, MA} provided the Board with an overview of the current standing of the project. Attorney Keilty explained that the concern on the part of the reviewers and the City Engineers was about the ability to access this parcel of land with the curb cuts provided after the discussion of our southerly access—going to be shared [58 Pulaski Street]. Attorney Keilty proceeded to comment that as a result of those meetings plans have been revised to tackle and solve the turning radius issues in both directions. Attorney Keilty continued to elaborate on the subject matter. Attorney Keilty then respectfully requested a continuance to the Board's July 17<sup>th</sup>, 2025, meeting.

→**Motion:** Mr. John Ford—In the matter of 60 Pulaski Street the Board would move to grant Attorney Keilty's request to extend out to the July 17<sup>th</sup>, 2025, meeting.

→**Seconded:** Mr. Roy Simoes

**Unanimously approved.**

●Mr. Roy Simoes then asked Attorney John Keilty that in expectation of receiving said changed plans we can infer that just one curb cut on the Danvers end of Pulaski to the property? Attorney Keilty replied that they

still have two, but the Danvers end is going to be the principle access. The one at the other end can only be utilized for passenger cars, smaller vehicles, but the northerly Danver's end will be all large truck access. The discussion continued between both parties.

**3. 15 SYLVAN STREET (Map 30, Lot 49)**

- i. This is an application by Raising Cane's Restaurant LLC—seeking a site plan to redevelop an existing office/bank and parking lot to a proposed “Raising Cane's Restaurant” at 200 Endicott Street in the Town of Danvers, MA and 15 Sylvan Street in the City of Peabody, MA. The site, which currently consists of approximately  $\pm 1.75$  acres of land, contains an existing paved parking area, on-site utilities, and landscaping. The site is split by the Town/City boundary, in which  $\pm 0.85$  acres of the site is in Danvers and approximately  $\pm 0.90$  acres is in Peabody. The proposed project includes the construction of a new  $\pm 3,378$  s.f. “Raising Cane's Restaurant” with drive-thru along with new paved parking areas, landscaping, storm water management, and associated utilities. The project will also provide erosion and sedimentation controls during the demolition and construction periods, as well as long term stabilization of the site. The property is located within the Business Regional {BR} Zoning District. 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.

●Attorney John Keilty {40 Lowell Street, Peabody, MA} representing the applicant Raising Cane's. Attorney Keilty proceeded to explain that there is no portion of the building located in Peabody the building is entirely located in Danvers. Attorney Keilty also noted that Mr. Matt Ashley is just handing out some renderings of how the building lays out on the property and he is here this evening to discuss. Mr. Matt Ashley {Project Manager, Land Development-Bohler} representing the applicant Raising Cane's reiterated some of the same points about the project as Attorney Keilty. Mr. Ashley also mentioned that it's the existing bank/office space of Fidelity. The site under its current condition is largely an impervious surface with 53 parking spots, very minimal landscaping, and three curb cuts—two located on Endicott and one down in the bottom left corner in Peabody on Sylvan Street. In the current condition, the one in Peabody is a full access drive with the other two on Sylvan being a right-in-right-out—mainly because it's a divided highway. All the utilities under the existing condition and proposed condition are through Danvers—nothing tying into Peabody utilities. In the proposed conditions, which is the rendering just passed out to everyone, we are proposing a  $\pm 3,300$  s.f. quick serve restaurant with a dual drive-thru—along with 29 parking spots mainly in Peabody and also into Danvers. As for access, we are removing one of the existing curb cuts on Endicott Street and the site will be accessed via two right-in-right-out driveway access. Mr. Ashley also touched upon the initial feedback received from the pre-construction meeting—to restrict movement so cars wouldn't be crossing all four lanes of traffic. This issue is being addressed via a raised median but still making it mountable for larger trucks or emergency vehicles to access if they had to in certain scenarios. Mr. Ashley continued elaborating on the project to the Board at length [stormwater, landscaping and lighting]. Mr. Ashley then opened the floor to any questions the Board may have.

●Mr. Roy Simoes inquired if the water and sewer was through Danvers. Mr. Matt Ashley confirmed. Mr. Simoes then asked about the bottom right corner of the plan and what in the world it was...is this a place to dump snow...Mr. Ashley's response was that it's just a vacant area however we are maintaining access to get down there. Mr. Simoes then asked, who's is it. Mr. Ashley answered that it was part of their property. The discussion between both parties continued on the subject at hand. Mr. Simoes also mentioned that when digging begins “Dig Safe” will need to be contacted and he also noted that there's a high voltage electric line that belongs to Peabody Municipal Light that's in that sidewalk, as well as a manhole, and a street crossing into the Sylvan Street Grill parking lot. Mr. Simoes stressed that extreme care needs to be taken. Mr. Ashley commented that he appreciated Mr. Simoes comment and mentioned that during the pre-construction meeting the representative for PMLP had brought that item to their attention.

●Mr. John Ford inquired as to how the impervious surface was reduced. Mr. Matt Ashley utilized his renderings to address Mr. Ford's question at length.

●Mr. Matthew Genzale asked about the weird area in the back...it looks like it's paved back there is the intention just to leave it...it looks like they're parking cars back there or it's wide enough to have a car parked back there...just kind of see no evil hear no evil or is it like Mr. Simoes said you could see that being used as snow storage. Mr. Matt Ashley's response was that the area in question would not be used for snow storage at all especially with the river back there. The discussion continued between Mr. Genzale and Mr. Ashley on the subject. Attorney John Keilty interjected and commented that this project will be before the Danvers Conservation Commission and Planning Board.

●Mr. Andrew Levin mentioned that this project has already been discussed with the Department of Public Services and reiterated that this project is almost entirely outside of the City of Peabody except for the one entrance. Mr. Levin proceeded to elaborate on the subject of the curb cuts to the Board at length. Mr. Matthew Genzale joined in on the discussion with some questions [how people traveling from Danvers on Sylvan Street towards Peabody how they would access into the parking lot—would they be able to take a left]. Mr. Matt Ashley explained that if travelers were coming down north down Sylvan Street to get into the development they would take a left at the light at Endicott and then turn right into the development. If the traveler were coming up Sylvan Street from Peabody they would be able to take a right into the development [the intention is not to cross Sylvan Street]. The discussion continued between Mr. Genzale and Mr. Ashley on how travelers will be deterred from crossing Sylvan Street.

●Attorney John Keilty respectfully requested that this matter be carried over to the July 17<sup>th</sup>, 2025, meeting.

→**Motion:** Mr. John Ford—In the matter of Sylvan Street [Raising Cane's Restaurant] the Board would move to grant Attorney Keilty's request for an extension of time until July 17<sup>th</sup>.

→**Seconded:** Mr. Matthew Genzale

**Roll call: 8 to 0.**

**D. Appointments:** None.

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

**F. Correspondence:**

1. Revised "Site Plan" for 0 Hardy Street.
2. Regional Notices.

**G. City Council:** None.

**H. Other Matters before the Board:** None.

●Mr. Andrew Levin reminded the Board that at the last meeting our consultant that was working on the "Master Plan" mentioned that they were going to come in front of the Planning Board at this meeting to request the Board accept it...we then had a public discussion kind of drop-in deal this week where the public was invited in to review the plan and we heard some good comments, so they're working on just putting those final comments into the plan now and I would foresee the consultant attending our July 17<sup>th</sup>, 2025, meeting.

●Dr. Judith Otto commented that both of the plans that were looked at today, so the Hardy Street plan and the one we just looked at the reductions are not coming through at any particular scale, so to be precise about this the scale of those plans is actually 7/8 of an inch equals 20 feet, so we cannot use engineering scales to try to get an idea of what's going on in these plans. Dr. Otto was wondering if there was a way to get a more precise reduction that is actually to a known and commonly used scale. Mr. Roy Simoes explained that what he believes happened is that it's probably a 24 by 36 C size or D size plan and it's handwritten down the

bottom for scale and then they just put it through a reducing machine, but it doesn't change the words that's what happens. Dr. Otto mentioned that the graphic scale tells us how to scale it, so both of those plans also have a graphic scale you have to ignore the 1-inch equals 10 feet thing it doesn't apply. The discussion between both parties on the subject matter continued. Dr. Otto's question to Mr. Levin was whether he can check these plans when they come in and try to have the applicants do a better job on the reduction so we can actually meaningfully use engineering skills to evaluate these plans. Mr. Matthew Genzale jumped-in and explained that when you print 11 by 17 it's not a true half size of a 24 by 36 plan and nobody prints 12 by 18, so you can't call it a half size. Mr. Levin explained that the PDFs are always online and those should be true to scale. Mr. Levin then asked the Board that what they're saying is they'd like to switch to 12 by 18 plans. We can ask applicants to provide those sizes instead. Dr. Otto's response was that she is just looking to get something that the Board members can appropriately measure. Mr. Levin duly noted Dr. Otto's request.

**I. Adjournment: 7:56p.m.**

→**MOVE to adjourn:** Mr. Joseph Gagnon

→**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=SB7ILjBuELI>.