



**Peabody Planning Board
Minutes**

**FOR JULY 20, 2023, MEETING
APPROVED ON AUGUST 3, 2023**

Planning Board Minutes

July 20th, 2023

Time: 7:30—8:31 p.m.

Location: Wiggin Auditorium and simulcast on Peabody Access TV.

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

Others Present: Mr. Andrew Levin, Attorney John Keilty, Mr. Joel Saslaw, Mr. James Casaletto, Mr. Casey Burch

- ▶ Chairman of the Board Thomas Bettencourt called the meeting to order at 7:30 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 **PEABODY PLANNING BOARD** will conduct a public hearing on **THURSDAY EVENING, JULY 20th, 2023**, at 7:00 P.M., 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:

By amending Section 6.16.1 Residential Overlay District by adding the following parcels of land to the Residential Overlay District:

**ASSESSORS MAP 035, PARCEL 025 AND NUMBERED 535 LOWELL STREET
ASSESSORS MAP 027, PARCEL 006A AND NUMBERED 8 BOURBON 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SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.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} appearing on behalf of the owners of number 535 Lowell Street and 8 Bourbon Street—asking that the Overlay District be extended into these two properties to enable Attorney Keilty’s client to entertain proposals for residential. Attorney Keilty’s client has been approached by 55+ community developers. Attorney Keilty then gave a lengthy explanation of the area—and the plans for the area. Attorney Keilty explained that they would be adding one more building with somewhere in the vicinity of 40 units—but they haven’t begun to develop those plans because they don’t have any residential component available to them. Attorney Keilty explained that his meeting with the City Council had been postponed—and wanted the Planning Board to weigh-in...Attorney Keilty thinks from the standpoint of this Board as Planners, it makes good sense to consider the Zone change and to consider it favorably...Attorney Keilty thinks that to give the added value to this area would result in a faster completion—and would be in keeping with some of the Zoning that we’ve adopted recently. Attorney Keilty stated that he is hopeful that the Board would consider the approval, a recommendation of approval to the City Council—Attorney Keilty would now answer any questions the Board might have.

●Mr. Joseph Gagnon and Attorney Keilty had a discussion on where the 55+ community would be located and how many units in the community.

●Dr. Judith Otto wanted to know if Community Development would like to weigh in on this project. Mr. Andrew Levin explained that at this moment Community Development does not have a recommendation, but prior to the City Council meeting Mr. Levin feels something should be drafted up.

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

●Mr. Joel Saslaw {21 Benevento Circle, Peabody, MA—former Ward 5 Councillor} came to the meeting tonight to speak in opposition to this proposal for a number of reasons. Mr. Saslaw gave an outline of time when he was a Councillor and his dealings with the applicant of this property. Mr. Saslaw expressed that the only person that this proposal is good for is Mr. Al Yebba, not for Peabody. Mr. Saslaw then explained at length why he feels that having more apartments in that area doesn't make sense—the former Ward 5 Councillor then proceeded to give examples of how Mr. Yebba didn't follow through. Mr. Saslaw requested that the Board do their due diligence...Mr. Saslaw knows that the Board will...Mr. Saslaw then commented that he looks at this again—and it benefits one person, Mr. Al Yebba...it doesn't benefit the city of Peabody or its residents.

●Dr. Clay Miller {12 Bourbon Street, Apt. #16} spoke in opposition of the proposal. Dr. Miller explained at length that what he is concerned about with this proposal is the major traffic issues. Not to mention, the environmental concerns in the area—we have an endangered species of flying squirrels in the area...the building and the pollution to the area would affect that. Dr. Miller also explained that the area already has an infestation of rats, and none of this is being addressed. Dr. Miller then stressed how he's totally against the proposal—and noted that the area should remain business not residential.

●Ms. Millie Cunninham {11 Bourbon Street} voted against this proposal for the record.

●Ms. Debbie Lastih {12 Bourbon Street} commented on how she is totally against having more apartments in the area. Ms. Lastih then mentioned the traffic concerns in the area—and listed examples. Ms. Lastih expressed her feelings on the city building on every little space of land they have—give us a break...Ms. Lastih then reiterated that she is opposed to this proposal...Wrong place and wrong time.

●Chairman of the Board Thomas Bettencourt asked if there was a recommendation from the Board.

●Mr. Matthew Genzale expressed how he doesn't like to be commenting, reviewing, or considering motions like this about specific projects when it's really about a "Zoning Overlay" or a "Zoning Change" without having Community Developments position, Mr. Curt Bellavance in particular or any kind of recommendation from that office. Mr. Genzale then stressed that without any additional information from Community Development—he's not prepared to discuss or vote or anything like that.

●Mr. Andrew Levin outlined at length some of the regulations within the "Residential Overlay" for the Board.

●Mr. Joseph Gagnon asked Attorney Keilty for clarification on the area he is looking to include in the "Residential Overlay". Mr. Gagnon then proceeded to state his point of view on the area at length. Mr. Gagnon then pointed out this is "Spot Zoning" in his opinion.

→**Motion:** Mr. Matthew Genzale-The Planning Board move to recommend continuing the Public Hearing until the next meeting when the Board can be provided with some additional feedback from the office of Community Development—and just some more time to due diligence before the Board makes a recommendation.

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

A. Approval of Minutes: 6/15/2023

→**Motion:** Attorney Peter Arvanites-Move that the Board approve the minutes of the June 15th, 2023, Planning Board meeting.

→**Seconded:** Dr. Judith Otto

Unanimously approved.

B. ANR/Land Court:

105 BOW STREET (Map 23, Lot 13 & 14A)

This is an application from Mr. James W. Casaletto & Katherine G. Casaletto, 105 Bow Street, Peabody, MA 01960. It consists of two residential properties: 105 Bow Street and 25 Bow Street—no buildable lot is being created, Parcel with building being sold to neighbor.

●Mr. James Casaletto {105 Bow Street} explained that he is looking to purchase the plot of land and the accompanying structure on the lot from his neighbor at 25 Bow Street.

●Attorney Peter Arvanites asked Mr. James Casaletto what are his plans for the use of the barn. Mr. Casaletto explained that he and his wife have two kids and another on the way and they would be using it for storage.

→**Motion:** Mr. John Ford-The Planning Board move to approve an ANR Plan of Land—Plan prepared by Medford Engineering & Survey for Mr. James W. Casaletto & Ms. Katherine G. Bator. Parcel A will be subdivided from Lot 1 and combined with Lot 2, which is also known as 105 Bow Street to form one continuous Lot.

→**Seconded:** Dr. Judith Otto

Roll call was taken: 8 to 0

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.

▶CONTINUED FROM 6/15/2023

●Mr. John Ford informed the Chairman of the Board Thomas Bettencourt that they have a couple of late ads for 1 Newbury Street that Mr. Ford would like to receive. One being from Mr. Robert Langley-Director of Engineering dated July 19th, 2023, with some proposed conditions—and the other from Tighe & Bond through Mr. Langley dated July 17th, 2023, in reference to the Traffic Peer Review, received.

→**Unanimously approved.**

● Mr. Casey Burch {Solli Engineering} on behalf of the applicant CollabDev1 LLC, concerning the coffee shop located at 1 Newbury Street. Mr. Burch then proceeded to give a lengthy recap of the project. Mr. Burch then requested that the Board vote on the matter. Mr. Burch then addressed the Board's drive-through traffic questions.

→**Motion:** Mr. John Ford-In the matter of 1 Newbury Street, just for the record, we are talking about a revised plan with a date of July 13th, 2023, the Planning Board move to recommend for permit to issue conditionally with the ten conditions laid-out in Mr. Bob Langley's memo of July 19th, so moved.

→**Seconded:** Dr. Judith Otto

Roll call was taken: 7 to 0; 1 Present

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.

▶ CONTINUED FROM 6/15/2023

▶ ACTION CONTINUED TO 6/20/2023

● Mr. Andrew Levin informed the Board that he had spoken with Attorney David Ankeles earlier this week, and Attorney Ankeles had submitted a letter of continuance that the Board should have in front of them— Attorney Ankeles is asking to extend to the August 17th, 2023, meeting. Mr. Levin then proceeded to give the Board a synopsis of the status of the project.

→ **Motion:** Mr. John Ford-In the matter of 0 Prospect Street I would like to receive a communication from Attorney David Ankeles dated July 18th requesting an extension of time to August 17th, move to receive and grant said extension.

→ **Seconded:** Dr. Judith Otto

Unanimously approved.

54 PROSPECT STREET (Map 51, Lots 4, 4A, 4B, 4C & 4D)

This is an application by Mr. David Lemieux, 54 Prospect Street, Peabody, MA 01960—seeking a site plan review for the existing 2.0-acre property, which consists of five parcels under common ownership. The proposed North Point apartment complex will consist of 26 two-bedroom apartments comprising a total gross floor area of approximately 57,500 square feet.

● Attorney John Keilty {40 Lowell Street} appearing on the behalf of the applicants Mr. David and Roland Lemieux—and respectfully ask that this matter be continued to the next Planning Board meeting of August 3rd, 2023. Attorney Keilty outlined at length some details on the project at hand.

→ **Motion:** Mr. John Ford-Move to grant the petitioners request for an extension of time to August 3rd, 2023.

→ **Seconded:** Dr. Judith Otto

Unanimously approved.

47 TREMONT STREET (Map 75, Lot 164)

This is an application by AGA Foster, LLC, 6 Andrews Brothers Way, Peabody, MA 01960 {Name of Owner: The Farhat Group, 4 Nathan's Way, Peabody, MA} seeking a site plan review to construct a 3 story self-storage building on Lot 1A together with 15 parking spaces. Exterior loaded and interior loaded units will be accessed from the rear {south} side of the building on the lower level. The main entrance to the building will be near the northeast corner of the building on the first-floor level. The building will be 80 feet wide by 198 feet long and have a ground coverage of 11,840 square feet and a gross floor area of 47,360 square feet. The total impervious coverage of Lot 1A would be reduced by 2,500 square feet, more or less from the impervious coverage that was originally proposed and approximately 5,700 square feet of the Parcel will consist of landscaped areas. 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} informed the Board that this matter also is still pending before “Site Plan Review.” Attorney Keilty then inquired if this matter had been presented before the Planning Board... Attorney Keilty then realized that this was the first time. Attorney Keilty went on to explain that it’s a piece of property that was originally purchased by Mr. Robert Denisco by a company called AGA Foster, LLC. Attorney Keilty explained that they did permit for a building to be located on this particular Parcel—that fronts on Tremont Street. Mr. Ahmed Farhat did buy the Parcel from AGA Foster, LLC. The Con. Comm. “Site Plan” approval has expired. Attorney Keilty then explained that there have been other proposals in other aspects of the property. Attorney Keilty went on to explain at length some of the items being addressed on this project—and how the applicant is looking to build a self-storage facility that will be in large

part the exact same size as the initial strip mall. Attorney Keilty then requested a continuance to the Planning Board's meeting of August 17th, 2023.

●Mr. John Ford explained to Attorney John Keilty that as an Officer of the Board he visited the site in question—and there were some issues up there at that time. Mr. Ford explained that he had requested an up to date as built plan. Mr. Ford stressed how he would like to see that as built plan before moving any further on to anything else related to this site.

●Mr. Andrew Levin briefed the Board on his meeting last week with the applicant to discuss this as per the Construction Review Committee process. Mr. Levin then explained that the lot Mr. John Ford is referring to is the rear lot which is now known as Apex Sports—this was approved back in 2019. Mr. Levin then gave a lengthy outline on the status of the property to the Board members.

→**Motion:** Mr. John Ford-Move to approve an extension of time to August 17th, 2023, and require an as built plan, so moved.

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

D. Appointments: None.

E. Subdivision Board Action: None.

F. Correspondence:

1. Peabody Planning Board Notice of Public Hearing—RE: 535 Lowell Street & 8 Bourbon Street.
2. Letter from Attorney David Ankeles—RE: The Mall at North Shore Marriott/PEG Companies dated June 27th, 2023.
3. Memo from Mr. Robert J. Langley, P.E., Director of Engineering—RE:1 Newbury Street-Proposed Coffee Shop Peer Review Progress dated July 7th, 2023.
 - i. Tighe&Bond—RE: Traffic Peer Review-Proposed Coffee Shop with Drive-Through Window-1 Newbury Street, Peabody, MA dated June 27th, 2023.
4. Letter from Mr. Casey J. Burch, Sr. Project Manager-Solli Engineering, LLC—RE: Revised Material-Site Plan Review Application Proposed Coffee Shop-Lot 2- 1 Newbury Street (Parcel ID: 088-008X) Peabody, MA dated July 13th, 2023.
 - i. Solli Engineering Letter of Intent--revised date July 13th, 2023.
 - ii. Solli Engineering Development Impact Statement--revised date July 13th, 2023.
 - iii. Solli Engineering Long-Term Operation & Maintenance Manual--revised date June 7th, 2023.
 - iv. Solli Engineering Letter—RE: Traffic Impact Assessment-Proposed Coffee Shop with Drive-Thru—1 Newbury Street, Peabody, MA {Project Number: 22201001} revised date July 12th, 2023.
 - v. Solli Engineering Project Narrative & Stormwater Report revised date July 13th, 2023.
 - vi. Proposed Parcel Redevelopment Permitting Plan Set—1 Newbury Street, Peabody, MA.
5. Regional Notices.

G. City Council: None.

H. Other Matters before the Board: None.

I. Adjournment: 8:31p.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=5vU7jYf3cxo> .