



**Peabody Planning Board
Minutes**

**FOR AUGUST 17, 2023, MEETING
APPROVED ON SEPTEMBER 7, 2023**

Planning Board Minutes

August 17th, 2023

Time: 7:00—7:25p.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. Roy Simoes, Mr. Joseph Gagnon, Mr. Dennis Feld, Atty. Marc Perlman

Others Present: Andrew Levin, Attorney David Ankeles, Mark Whiting, Diandra DiBiase

- ▶ 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):

- ▶ CONTINUED FROM 8/3/2023

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SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.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

- Chairman of the Board Thomas Bettencourt asked if anyone would like to speak in opposition or favor, hearing none, the Board received a request from Attorney John Keilty.

→**Motion:** Mr. John Ford-The Planning Board move to receive a communication from Attorney John Keilty regarding the “Zoning Overlay District” on Bourbon Street dated August 14th, 2023, requesting an extension to the September 7th, 2023, Planning Board meeting, move to receive and grant said extension.

→**Seconded:** Dr. Judith Otto

Unanimously approved.

A. Approval of Minutes: 8/3/2023

→**Motion:** Attorney Peter Arvanites-Move that the Board approve the minutes of the Planning Board meeting of August 3rd, 2023.

→**Seconded:** Mr. Roy Simoes

Unanimously approved.

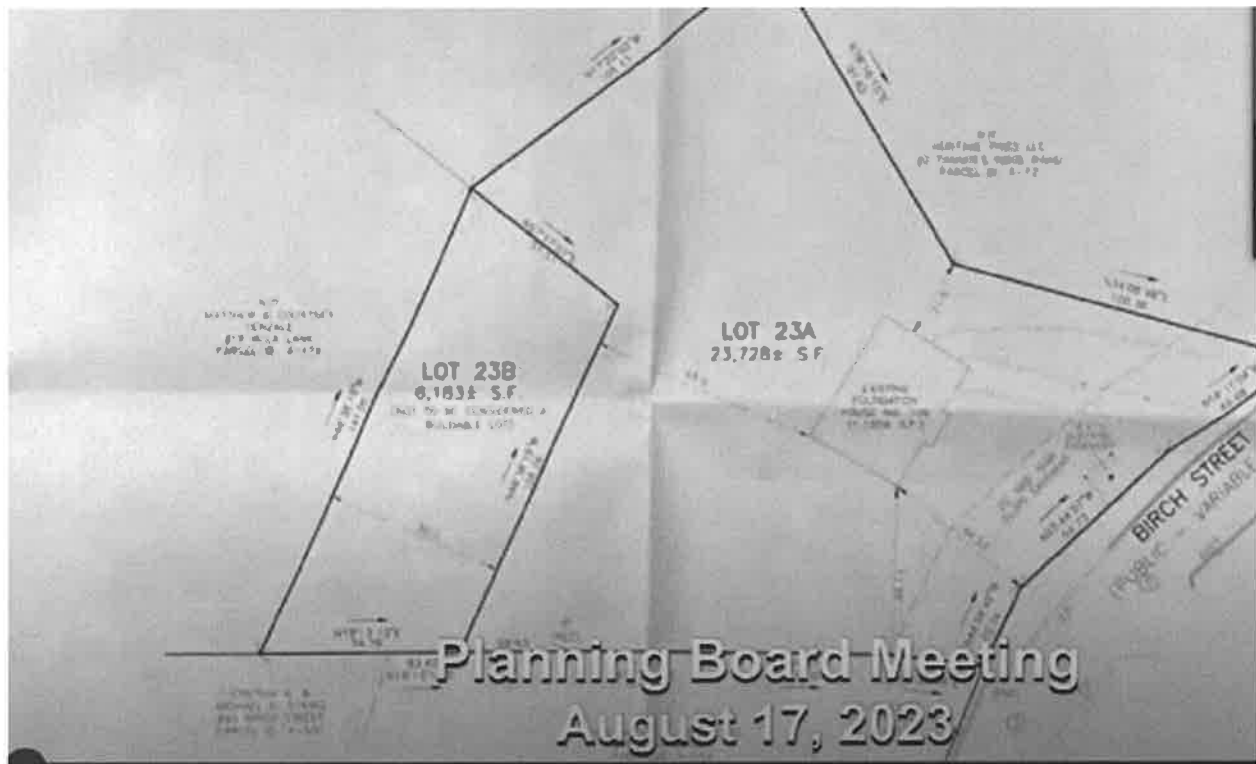
B. ANR/Land Court:

1. 100 BIRCH STREET (Map 4, Lot 173)

- i. This is an application from Heritage Pines, LLC, C/O Carl Crupi. The applicant is seeking to convey a 6,183-sf rear portion of the lot (29,911 sf total) to the direct abutter to the west at #8 Villa Lane. This Parcel is considered to be non-buildable—and the remaining land will still constitute a legal lot.

● Mr. Andrew Levin interjected to inform the Chairman and Board that the application that was submitted to the Board by the applicant misstated the application address. The application notes the address as #8, when it should be #19. Mr. Levin then stressed that the “Map” and “Lot” are correct and the Plan that was submitted does reflect the right address.

● Attorney David Ankeles {246 Andover Street, Unit# 101, Peabody, MA} appearing on behalf of the applicant in place of Attorney Vontzalides, who normally represents the applicant as stated in the application. Attorney Ankeles explained that this was a request for an acknowledgement—the Plan in front of the Board does not require the Board’s approval {under the Rules and Regulations Governing the Subdivision of Land}—it involves a transfer of approximately 6,183 square feet from Lot 23 to the abutting lot at 19 Villa Lane. After the transfer, both lots will be legal and buildable. Attorney Ankeles then informed the Board that he would be happy to answer any questions the Board might have, and thanked the Board.



→**Motion:** Mr. John Ford-The Planning Board move to approve an ANR Plan of Land in Peabody, MA prepared by Williams Sparages Company of Middleton, MA for Heritage Pines, LLC {10 Elizabeth Drive, Wilmington, MA}. Plan creates a new lot {23B} that came out of lot 23. New lot {6,183sf} will be combined with land of 19 Villa Lane to form one continuous lot.

→**Seconded:** Dr. Judith Otto

Roll call was taken: 8 to 0; 1 Recused

C. Site Building Permit Plan Reviews:

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 8/3/2023

▶ ACTION CONTINUED TO 8/17/2023

● Attorney David Ankeles {246 Andover Street, Unit# 101, Peabody, MA} representing Simon Properties and PEG Company. Attorney Ankeles requested permission from the Chairman of the Board to allow the former manager of the North Shore Shopping Center to come forward and address the Board. Mr. Mark Whiting expressed his gratitude in allowing him the time and opportunity to address the group that he holds in really high esteem. Mr. Whiting explained that after representing the North Shore Mall for 27 years, tonight he represents himself—and simply wanted to thank the Board and express his appreciation for the Board's professionalism, kindness, and support. Mr. Whiting then informed the Board that on July 31st, 2023, he retired. Mr. Whiting expressed that he wanted to publicly thank several administrations—Mayor Torigian, Bonfanti and Mayor Bettencourt as well as their employees for the amazing level of support and collaboration that has allowed North Shore to transform, survive and remain vital all these years, but Mr. Whiting wanted to thank this group in particular, the Planning Commission. Mr. Whiting elaborated on the work, devotion, integrity, and dedication that has been shown to him all these years—and his appreciation for the joint achievement. Mr. Whiting then gave a synopsis of the North Shore Mall and how over the years it has provided around \$150 million dollars in property tax to the city.

● Attorney David Ankeles thanked the Chairman for that opportunity and proceeded to give a brief report on what's been going on relative to the application of PEG Companies and the hotel. Attorney Ankeles explained that a couple of weeks ago the peer review contracts had gone out—they've been out for a few weeks now and we have not yet received any of the responses, studies, or analysis back from the reviewers. Attorney Ankeles commented that upon receipt of materials they would be reviewed by his people, the engineers and the appropriate members of the city, the fire, and police departments—regarding traffic and fire safety. Attorney Ankeles then gave an update on the ability of constructing some walkways that Mr. Andrew Levin had suggested in prior meetings—Attorney Ankeles was happy to inform Mr. Levin and the Board that the negotiations with May Stores, who controls that particular area have been productive and currently we are in the process of having our Engineers draft various plans and options for those walkways. Attorney Ankeles then requested that within the next month the Board, and the new manager of the mall take a stroll through the mall or around that area to show the Board what's been accomplished. Attorney Ankeles then requested a continuance to the Board's September 21st, 2023, meeting.

● Chairman of the Board Thomas Bettencourt expressed that at this time he would accept a motion on this matter.

→**Motion:** Mr. John Ford—In the matter of 0 Prospect Street {the North Shore Mall} that the Board grant an extension of time until September 21st, 2023.

→**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.

- ▶ CONTINUED FROM 8/3/2023
- ▶ ACTION CONTINUED TO 8/17/2023

→**Motion:** Mr. John Ford-In the matter of 54 Prospect Street we have received a letter from Attorney John Keilty dated August 14th, 2023, requesting an extension of time until September 7th, 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.

- ▶ CONTINUED FROM 8/3/2023
- ▶ ACTION CONTINUED TO 8/17/2023

→**Motion:** Mr. John Ford-In the matter of 47 Tremont Street we have also received a letter from Attorney John Keilty dated August 14th, 2023, requesting an extension of time until September 7th, 2023.

→**Seconded:** Dr. Judith Otto

Unanimously approved.

D. Appointments:

1. Stonegate Subdivision Developer update.

- Mr. Andrew Levin explained to the Board that Mr. Roy Simoes had requested that the applicant and developer come back and provide the Board with an update, since work has been going pretty steadily—they are here this evening to provide that update.

- Ms. Diandra DiBiase informed the Board that she was there on behalf of Peabody Living, LLC-the owner and developer of “The Stonegate” subdivision. Ms. DiBiase proceeded to outline the status of the project...so we are pretty much wrapped up with the utilities on site, we just spent a month crushing some material that was onsite in preparation for the roadway...we anticipate coming in front of the Board at the end of September or beginning of October for Lot releases.

- Mr. Roy Simoes asked Ms. Diandra DiBiase if she anticipates getting binder down before the winter. Ms. DiBiase’s response was that they anticipate paving sometime around Labor Day—and then coming in front of the Board. Mr. Simoes’ follow-up question to Ms. DiBiase was—then likely curb stone sidewalks will be next spring, Mr. Simoes suspects. Ms. DiBiase confirmed, and elaborated that their plan is to have the houses conveyed so, basically our construction schedule is about 7 months from the time we put a foundation in to convey all the houses between June and October of 2024—and have the subdivision wrapped up by the winter of 2024, including final finished binder.

- Chairman of the Board Thomas Bettencourt then thanked Ms. Diandra DiBiase for her update.

E. Subdivision Board Action: None.

F. Correspondence:

1. Memo from Robert J. Langley, P.E., Director of Engineering-RE: Planning Board Update—210 Prospect, 47 Tremont, 50-54 Prospect dated August 10th, 2023.
2. Regional Notices.

G. City Council: None.

H. Other Matters before the Board: None.

●Mr. Roy Simoes expressed his frustration with items on the agenda being continuously continued and assumed that it's probably more frustrating for the public who have a concern about the happenings that are going on around them—and the Board continues to accept these continuance requests. Mr. Simoes then inquired if there was a way to impose a realistic date on applicants or representatives of applicants who request a continuance, not just kicking the can down the road every two weeks. Mr. Simoes stressed to the Board that the same stuff keeps going from the active pile to the junk pile over and over again. Mr. Simoes then asked if any of the other Board members felt the same way as him.

I. Adjournment: 7:25p.m.

→**MOVE to adjourn:** Dr. Judith Otto

→**Seconded by:** Mr. Joseph Gagnon {raised his hand}

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=VRe-ZI0eX7Q>.