



**Peabody Planning Board  
Minutes  
FOR SEPTEMBER 21, 2023, MEETING  
APPROVED ON OCTOBER 5, 2023**

## Planning Board Minutes

**September 21<sup>st</sup>, 2023**

**Time:** 7:00—8:12p.m.

**Location:** Lower-Level Conference Room and simulcast on Peabody Access TV.

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

**Others Present:** Andrew Levin, Sam Malafrente, Attorney David Ankeles, Steve Glowacki, Michael Santos, Attorney John Keilty, Chris Mello,

- ▶ 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 9/7/2023

Notice is hereby given that the **PEABODY PLANNING BOARD** will conduct a public hearing on **THURSDAY EVENING, JULY 20<sup>th</sup>, 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**SECTION TWO:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.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.

→**Motion:** Mr. John Ford-Move to receive a communication from Attorney John Keilty dated September 14<sup>th</sup>, 2023, requesting withdrawal without prejudice on petition for a “Zoning” change to the “Zoning Amendment-Overlay District,” grant said withdrawal without prejudice.

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

### **A. Approval of Minutes: 9/7/2023**

→**Motion:** Attorney Peter Arvanites-Move to approve the minutes of the September 7<sup>th</sup>, 2023, meeting.

→**Seconded:** Dr. Judith Otto  
**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. Andrew Levin explained to the Board that he was contacted by Mr. Sam Malafronte of Solli Engineering, where Mr. Malafronte explained a time lapse on recording the “ANR” Plans that were endorsed. Mr. Levin informed the Board that he requested Mr. Malafronte to come before the Board and explain the situation.

●Mr. Sam Malafronte gave the Board an overview of the process they underwent for their “ANR” and “Site Plan Review” approvals—and informed the Board that the applicants six-month period where the Plan can be recorded is about to lapse on October 6<sup>th</sup>, 2023. Mr. Malafronte then explained that his client is in the process of purchasing the Parcel from the current owner of the hotel, but he doesn’t want to create an incumbrance on this property until he owns it. So, he basically wants to transfer the ownership, and file the “ANR” on the same day just in case financials were to fall through. However, Mr. Malafronte stressed that it was not the case—and everything is looking positive. Mr. Malafronte explained that this is the reason why he is before the Board again for a reindorsement of the “ANR” Plan.

→**Motion:** Mr. John Ford—Move to approve an “ANR Plan of Land” in Peabody, MA. Plan was prepared by Northeast Survey Consultants at 3 Ferry Street, Studio 1 East, Easthampton, MA 01027. The Plan was prepared for Solli Engineering—the Plan is further identified as drawing number 22-013.1. DWG. The date on the Plan is March 7<sup>th</sup>, 2023, the Plan creates Parcel A from land identified from Assessor’s Map: 088-008X. Parcel A has an area of .702 AC. ±.

→**Seconded:** Dr. Judith Otto

**Unanimously approved.**

## 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 9/7/2023

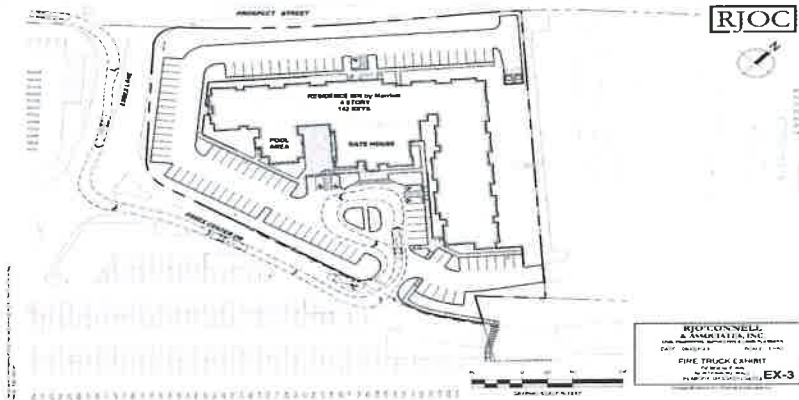
▶ ACTION CONTINUED TO 9/21/2023

●Mr. Andrew Levin explained to the Board that he has been in contact with Attorney David Ankeles and the Development Team—they’ve been extremely responsive and helpful. Mr. Levin elaborated on his meeting with them about a week ago where they discussed the review received from the peer reviewer, Tighe & Bond—in regard to their traffic on-site. Attorney Ankeles is here to address and answer any questions the Board might have on this matter. Mr. John Ford suggested that the Board allow Attorney Ankeles to present and for the Board to follow along with the new information just handed to them.

●Attorney David Ankeles expressed to the Board that he would just like to highlight some points, not go through every item listed. Attorney Ankeles mentioned that he brought with him tonight Mr. Steve Glowacki from RJO’Connell and Mr. Michael Santos. Attorney Ankeles informed the Board of Mr. Santos’ discoveries of the traffic flow—and the situation at the intersection of Prospect Street and the Mall.

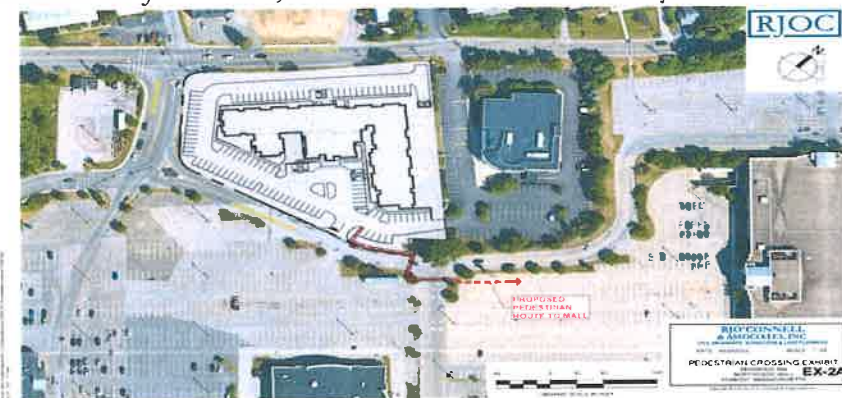
●Mr. Steve Glowacki of RJO’Connell Associates discussed the right-in-right-out that was an issue of concern at the previous hearing—and reintroduced the prior discussions on whether they should eliminate or not eliminate—and pedestrian conductivity down here. Mr. Glowacki explained that he would touch on those points and Mr. Michael Santos would elaborate further on traffic. Mr. Glowacki proceeded to explain at

length the conversation he had with Mr. Curt Bellavance and Mr. Andrew Levin—and outlined the concerns—and stressed on creating a “campus environment” regarding pedestrian connectivity. Mr. Glowacki then addressed the comment made by the traffic peer reviewer on the circulation for fire trucks with his fire truck diagram. Mr. Glowacki explained that test pits will need to be done at a later date to address stormwater infiltration. Mr. Glowacki then introduced Mr. Michael Santos and invited him up to present the traffic part of the presentation.



●Mr. Michael Santos of VHB addressed the Board—and explained that the responses to the peer review would address the main points. Mr. Santos brought up an updated traffic analysis—and mentioned the original study looked at the intersection of Prospect Street and the North Shore Mall driveway. Mr. Santos pointed out that the second signal down at this location was not included in the original study. Mr. Santos then elaborated on the traffic signals and explained that they operate on the same traffic signal controller—it’s a computer that controls the operations of both intersections. Mr. Santos explained that after Wednesday’s meeting he was able to go out into that signal controller and pull out the traffic signal timings, it was something Tighe & Bond had asked us to do. Mr. Santos then went over the impact analysis and the conclusion was, the hotel itself was not going to have any major significant impact for additional capacity or any real signal changes—but Mr. Santos noticed that two of the detectors are malfunctioning right now. These two detectors are showing up as failures, which causes serious issues for traffic operations. Mr. Santos explained to the Board that this was a City maintenance issue and wanted to bring it to the Board’s attention.

●Dr. Judith Otto had a question concerning layout—and utilized the handout that was passed out at the beginning of the meeting to the Board members to have her question addressed. A lengthy discussion ensued between Dr. Judith Otto, Mr. Steve Glowacki and Attorney David Ankle on the matter.



●Mr. Joseph Gagnon brought up his issues with the plan—Mr. Gagnon doesn’t think the right-in-right-out is a good idea because it’s so close to the other intersection. Mr. Gagnon then made the observation of why couldn’t the driveway be placed all the way on the Northerly side. A lengthy conversation between Mr. Gagnon and Attorney David Ankeles on this matter ensued. Mr. Gagnon then inquired if they had gotten confirmation from the Fire Department on a truck being able to do that loop. Mr. Steve Glowacki jumped in

on the conversation and explained that the larger vehicle template was used to run that loop around the front. Mr. Andrew Levin then interjected and informed the Board that it had been discussed with Captain Dowling from the Fire Department at the initial “Construction Review Committee” meeting. Mr. Gagnon also pointed out the clump of trees at the corner of the walkway before crossing Essex Center Drive—you might want to be aware of the tree placement path so there’s no obstruction to people walking on the walkway. Mr. Glowacki joined the conversation—and explained they would have to look at sight lines.

●Mr. John Ford then inquired about the traffic signal proposed for the crosswalk. Attorney David Ankeles then explained that there was, but that was when it was located at a different spot. Attorney Ankeles then utilized the diagram to address the Board’s question on this topic at length. Attorney Ankeles then thanked the Board for their time and asked for a continuance to the Planning Board’s next meeting.

→**Motion:** Mr. John Ford-Move to grant petitioner an extension of time to the next meeting of October 5<sup>th</sup>, 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 9/7/2023

▶ ACTION CONTINUED TO 9/21/2023

●Attorney John Keilty informed the Board that he had spoken with Mr. Robert Langley this week, and Mr. Langley informed him that he was going to send this project out for limited peer review. Attorney Keilty then asked for a continuance to the Board’s next meeting of October 5<sup>th</sup>, 2023.

→**Motion:** Mr. John Ford-Move to grant an extension of time to the Planning Board’s next meeting of October 5<sup>th</sup>, 2023.

→**Seconded:** Mr. Joseph Gagnon

**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](mailto:andrew.levin@peabody-ma.gov), 978-538-5783.

▶ CONTINUED FROM 9/7/2023

▶ ACTION CONTINUED TO 9/21/2023

●Attorney John Keilty explained to the Board that he would like to do a follow-up on his presentation from the last Board meeting—explaining a few items. Mr. Andrew Levin interjected, and explained that the plans sent over electronically from Mr. Chris Mello were for 45 Tremont Street, which is a completely separate issue. Attorney Keilty and Mr. Mello explained that all they wanted to do was show the Board the plans and provide them with the information that they’re able to extract from them—it moves us forward. Mr. John Ford then commented that the Board can’t accept what it doesn’t have—however would welcome any commentary from Attorney Keilty and Mr. Mello. Mr. Levin then explained that what Mr. Mello is outlining is, a “Special Permit” Application filing with the City Council for the use of a self-storage facility—and Mr.

Levin explained that he provided the City Council with a memo outlining certain things that were missing from the plan that did not match the original plan. Mr. Levin then apologized, and explained that the memo was written for 47 Tremont Street, which is the front Parcel. The applicant is currently in front of the Planning Board for a “Site Plan Review” for the proposed self-storage facility—the use is not by right in that area, so they need to seek a “Special Permit.” Mr. Levin continued at length outlining the issues with 45 & 47 Tremont Street to the Board—and Attorney Keilty and Mr. Mello joined the conversation.

●Mr. Chris Mello went through at length the nine-item memo that was provided to him of items to address. Mr. Andrew Levin then interjected to provide some context on the issue to the Board. The nine items discussed: curbing, dumpster, provide “As-Built Plans,” sewer line (\$100,000 cash bond held by DPS), parking islands, landscaping area abutting the rear building, main entrance placement, landscaping areas on the western side of the building, corner of the building—parking lot. Mr. Levin then advised the Board not to vote on the front Parcel until the rear Parcel—the one we just discussed was solidified. Dr. Judith Otto then asked about the timing of the reconstruction of the sewer line—and if that is dependent on us voting for modification of it. Mr. Mello doesn’t believe so...the discussion continued amongst Dr. Otto, Mr. John Ford, Mr. Levin, and Mr. Mello.

●Attorney John Keilty commented on how he would like to come back before the Board for modification on October 5<sup>th</sup>, 2023. Mr. Andrew Levin outlined the steps of what Attorney Keilty needed to complete to be able to do that. The discussion on this topic continued between Attorney Keilty and Mr. Levin. Attorney Keilty then requested a continuance on 47 Tremont Street to the Boards next meeting, which is October 5<sup>th</sup>, 2023.

→**Motion:** Mr. John Ford-Move to allow the petitioner an extension of time to the October 5<sup>th</sup>, 2023, meeting.

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

#### **D. Appointments:**

1. Attorney John Keilty-RE: 42 Franklin Street.

●Attorney John Keilty respectfully withdrew his request for an appointment on 42 Franklin Street.

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

#### **F. Correspondence:**

1. Letter from Attorney John Keilty-RE: Zoning Amendment-“Residential Overlay District” dated September 14<sup>th</sup>, 2023.
2. Letter from Attorney John Keilty-RE: 42 Franklin Street dated September 14<sup>th</sup>, 2023.
3. Regional Notices.

#### **G. City Council:** None.

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

#### **I. Adjournment: 8:12p.m.**

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

→**Seconded by:** Dr. Judith Otto  
**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=2O2qgn2D0pA>.