



**Peabody Planning Board Minutes
FOR AUGUST 21, 2025, MEETING
APPROVED SEPTEMBER 4, 2025**

Planning Board Minutes

August 21st, 2025

Time: 7:00—7:22p.m.

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

Members Present: Mr. Tom Bettencourt, Mr. John Ford, Mr. Roy Simoes, Mr. Joseph Gagnon, Dr. Judith Otto, Mr. Matthew Genzale, Mr. Dennis Feld

Others Present: Andrew Levin, Attorney John Keilty

► Chairman of the Board Tom Bettencourt called the meeting to order at 7:00 p.m.

***VOTE:** Secretary—Planning Board.

● Chairman Tom Bettencourt informed the Board that at this time he would accept a nomination for Secretary of the Planning Board.

→**Motion:** Mr. John Ford—Move to nominate Mr. Joseph Gagnon for the position of Board Secretary.

→**Seconded:** Mr. Roy Simoes

→**Seconded:** Mr. Matthew Genzale

Roll call: 6 to 0

● Mr. Joseph Gagnon graciously accepted, and Chairman Tom Bettencourt congratulated Mr. Gagnon on his new post.

A. Approval of Minutes: 7/17/2025

→**Motion:** Mr. Joseph Gagnon—Move to accept the minutes of the July 17th Planning Board meeting.

→**Seconded:** Dr. Judith Otto

Unanimously approved 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, 978-538-5783.

► CONTINUED FROM 8/7/2025

► ACTION CONTINUED TO 9/4/2025

2. **15 SYLVAN STREET** (*Map 30, Lot 49*)

- i. This is an application by Raising Cane's Restaurant LLC—seeking a site plan review 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 ±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 ±0.85 acres of the site is in Danvers and approximately ±0.90 acres is in Peabody. The proposed project includes the construction of a new ±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, 978-538-5783.

▶ CONTINUED FROM 8/7/2025

▶ ACTION CONTINUED TO 8/21/2025

→**Motion:** Mr. John Ford—Move to receive a “late communication” from Attorney John Keilty of 40 Lowell Street. The date on the correspondence is October 19th, 2025, and Attorney Keilty is requesting an extension until September 4th, 2025, move to receive and grant said extension.

→**Seconded:** Mr. Joseph Gagnon

Unanimously approved.

●Mr. Andrew Levin interjected and informed the Board that he had a conversation today with Mr. Will Paulitz where Mr. Paulitz commented to Mr. Levin that the peer review did come back however he needs time to review—comments on that review should follow shortly.

D. Appointments:

1. Attorney John Keilty—Re: 19 Centennial Drive.
2. Mr. Paul DiBiase, Peabody Living LLC—Re: Stonegate Subdivision Tripartite Agreement Release and Street Acceptance.

●Attorney John Keilty {40 Lowell Street, Peabody, MA} appearing on behalf of 19 Centennial Drive LLC. Attorney Keilty informed the Board that he had taken this matter to the Board of Appeals last month where there was a plan presented which was drawn by Eastern Land Survey. The plan showed two areas where we wanted to remove landscaping and replace it with parking space. Attorney Keilty proceeded to explain that it's a building that lacks parking and elaborated to the Board. Attorney Keilty then provided the Board with a synopsis on the outcome of the Zoning Board of Appeals meeting. The Zoning Board of Appeals members felt that Attorney Keilty's ask on the removal of two landscaped areas in order to add additional parking was detrimental. Attorney Keilty explained that he had the plans redrawn and reapplied. However, for Attorney Keilty to go before the Zoning Board of Appeals again he needs permission from the Planning Board [plans were utilized on the screen for explanation]. The initial plan that Attorney Keilty presented all of the landscaping on Summit Street was going to be removed and replaced with parking. Attorney Keilty feels that the new plan is different enough [with the Planning Board's suggestion] to go before the ZBA for a second attempt/look. Attorney Keilty then requested that the Planning Board approve the second plan for him to be able to return to the ZBA.

●Mr. Roy Simoes then inquired that this plan being shown was different than the first plan and asked Mr. Andrew Levin put the first plan back on the screen. Attorney John Keilty interjected and noted that the plan dated March 27th was the plan he presented to the ZBA, and the revised plan is dated August 5th. A muffled discussion between Attorney Keilty and Mr. Andrew Levin concerning the plans was had at length. Mr. Simoes outlined for clarification as to what it is the applicant is requesting—the shaded area on the plan is currently landscaped and you are proposing to eliminate those two shaded areas and add 11 parking spaces.

Attorney Keilty confirmed. Mr. Levin interjected and mentioned that he was confused as to why Attorney Keilty is before the Planning Board and what the ZBA is really looking for the Planning Board to give you on this issue. Attorney Keilty explained that the statute provides that you can't come back within two years once you've been rejected unless the Planning Board supplies you with a vote that says there is substantial difference between what you're asking for now and what you had previously asked for—you don't give me authority to do anything but reapply. Mr. Levin's second question to Attorney Keilty is that this was clearly set up due to the turning radiuses on this area when this project was approved for 19 Centennial and asked Attorney Keilty if he knew if that was a condition for emergency access or have you talked with the Fire Department. Is the Fire Department going to be able to navigate that turn now if there's parking there? Attorney Keilty explained that that bump-out area is being removed so that we'll have a proper turn when we put the spaces in and elaborated on the subject at length. Mr. Levin reiterated the question, Attorney Keilty you have done the turning radiuses? Attorney Keilty's response was that he had not, but he expects that Mr. Mello has. Mr. Levin posed the question again whether Mr. Mello has or hasn't. Attorney Keilty replied that he can't answer the question. Mr. Levin then commented that this is not going to be for a building permit but for him to get a variance. Mr. Levin highly recommended that the Board in their motion, if possible, make it so that the Fire Department review the plan and make sure that they are able to get around that turn.

●Mr. Joseph Gagnon commented that Attorney John Keilty was before the Planning Board to see if there's enough of a significant change that you can reapply at the Board of Appeals. Attorney Keilty confirmed. Mr. Gagnon continued noting that there has to be a significant change. Attorney Keilty confirmed again. Mr. Gagnon continued that it has to be determined by this Board. So, I think all we're doing is we're going to recommend that or we're saying that there is or isn't significant change...anything else...that's up to the Board of Appeals. Attorney Keilty interjected and commented that he didn't object a suggestion to the public, if you will, that this be reviewed so that when we get to the ZBA, I'll go have that meeting with the Fire Department before the meeting.

→**Motion:** Mr. John Ford—In the matter of 19 Centennial Drive, move to allow the petitioner to reapply with the ZBA with the condition that he consults with the Fire Department on turning radiuses for that northeast corner of the parking lot and it is a significant difference than his original plan that he brought before the ZBA. Move to allow the petitioner to reapply to the ZBA.

→**Seconded:** Mr. Matthew Genzale

Roll call: 7 to 0

●Chairman Tom Bettencourt went on to the next item under "Appointments" on the agenda. The Stonegate Subdivision Tripartite Agreement Release and Street Acceptance. Mr. Andrew Levin interjected and provided the Board with a recap of this project and its current bond standing at length.

- Bond release of \$200,000 May of this year.
- Street bond release \$50,000.
- DPS/City currently holds \$88,000 from the project.
- Mr. DiBiase is requesting the release of the remaining bond amount.
- Yesterday DPS provided the City with a memo asking that the City not take any action on this and not release the funds.
 - The memo from DPS was a "late add" if the Board chooses to accept.
- This morning an e-mail was received from Mr. DiBiase asking that this item be continued to the next Planning Board meeting.

→**Motion:** Mr. John Ford—Move to put this item on the next agenda.

→**Seconded:** Dr. Judith Otto

Unanimously approved.

●Mr. Roy Simoes asked Mr. Andrew Levin if the packet that Mr. John Ford was holding would be in the Board's next packet. Chairman Tom Bettencourt commented that it was sent to everyone's e-mail. Mr. Simoes reiterated all the things that he's holding, which I assume are photos and a letter from DPS. Mr. Levin explained that he had the copies with him and mentioned that Mr. DiBiase would not be attending the meeting tonight. Mr. Simoes commented that he understands that. Mr. Levin then noted that the Board doesn't need to accept the packet tonight, but he has the copies if the Board would like to take them home tonight for review [and available online]. Mr. Simoes then mentioned that he went there himself and he's pretty sure he knows what he's looking at and he really doesn't see anything wrong. Mr. Simoes would like to know exactly what Mr. Will Paulitz sees that's wrong. There's not one single area of erosion. There's not any visible soil. There's growth. That's what I see there, and I don't understand. Mr. Levin noted Mr. John Ford's point that since the applicant is not here the Board might not want to receive this packet tonight for discussion. A discussion ensued on how to address the matter between the Board and Mr. Levin. Mr. Simoes then expressed his opinion on how he's never seen a developer been put through so many hoops ever here...it makes no sense. He did a good job. There's no erosion. And there's a massive detention pond there that's very ugly there, but that was what he was forced to build by the last DPS Director. Mr. Simoes reiterated that he doesn't see anything wrong, but he would like to see what Mr. Paulitz has to say about it. Mr. Ford reclarified that he was not going to receive the "late" packet where Mr. DiBiase is not here to discuss this tonight, so I was just going to take it home. If we were going to discuss this tonight I would have received it however there will be no discussion, so we'll take it up at the next meeting. Mr. Joseph Gagnon then commented that he walked the site at 8:00 a.m. this morning and he didn't see anything wrong with it either. It's all vegetation down there. It's huge. I think he built it bigger than what he was required to build. Mr. Levin interjected and commented that we have a packet in front of us laying out exactly everything. Mr. Gagnon stressed that he understands that and reiterated that he walked the site and it looked perfect to him. That's all he wanted to say.

E. Subdivision Board Action: None.

F. Correspondence:

1. Letter [dated August 4th, 2025] and corresponding documents from Attorney John Keilty regarding 19 Centennial Drive.
2. Letter dated August 12th, 2025, from Mr. Paul DiBiase, Peabody Living LLC—Re: Stonegate Subdivision Tripartite Agreement Release and Street Acceptance.
3. Regional Notices.

G. City Council: None.

H. Other Matters before the Board: None.

I. Adjournment: 7:22p.m.

→**MOVE to adjourn:** Mr. John Ford

→**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=AntJG150azE> .