

**NOVEMBER 9, 2020
SPECIAL
ZBA**



City of Peabody
Zoning Board of Appeals

CITY OF PEABODY

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5792

NOVEMBER 9, 2020 ZBA AGENDA
LEGAL NOTICE

2020 OCT 27 A 11:07

CITY CLERK

NOTICE IS HEREBY GIVEN THAT THERE WILL BE A SPECIAL REMOTE PARTICIPATION MEETING OF THE ZONING BOARD OF APPEALS ON MONDAY, NOVEMBER 9, 2020, AT 7:00 PM

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A § 18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Peabody Zoning Board will be conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public adequately access the proceedings in real time, via technological means. Individuals may participate remotely in the meeting via a participation platform called Zoom.

Members of the public and/or parties with a right and/or requirement to attend this meeting may access the remote participation through any one of the following ways:

- Enter this link into your web browser to join the meeting: <https://us02web.zoom.us/j/83259415389>
- Enter this link into your web browser to open the Zoom website: <https://zoom.us/join>. Enter the meeting/webinar ID# **832 5941 5389** as directed on the webpage and click "Join". Follow the on-screen instructions to join the meeting.
- Participants can dial a toll-free number: +1 312 626 6799 to join the meeting. When prompted, enter meeting/webinar ID# **832 5941 5389** and follow the instructions to join the meeting.

PLEASE FAMILIARIZE YOURSELF WITH THE MUTE/UNMUTE FUNCTION AS WELL AS THE RAISE HAND FEATURE ON THE ZOOM PLATFORM.

THE AGENDA FOR THIS MEETING AND THESE INSTRUCTIONS ARE POSTED ON THE CITY OF PEABODY WEBSITE. WWW.PEABODY-MA.GOV

PEABODY ACCESS TELEVISION WILL BE AIRING THIS MEETING LIVE ON CHANNEL 9, AS WELL AS STREAMING ON THEIR FACEBOOK AND YOUTUBE PLATFORMS.

IF YOU WISH TO COMMENT ON OR REVIEW ANY PLANS OR DOCUMENTS RELATED TO ITEMS ON THIS AGENDA PLEASE CONTACT CARLA MCGRATH VIA PHONE, E-MAIL OR WRITTEN LETTER. ANY E-MAIL OR WRITTEN COMMENTS MUST BE RECEIVED BEFORE NOV 5, 2020.

ZONING BOARD OF APPEALS
C/O CARLA MCGRATH, CLERK
24 LOWELL STREET
PEABODY, MA 01960
carla.mcgrath@peabody-ma.gov
978-538-5792



CITY OF PEABODY

2020 DEC -8 A 8:14

CITY CLERK

NOVEMBER 9, 2020 SPECIAL ZBA MEETING MINUTES

A meeting of the Peabody Zoning Board of Appeals was held on Monday, November 9, 2019 at 7:00 p.m. remotely via Zoom platform.

MEMBERS PRESENT	MEMBERS ABSENT
Frances Bisazza-Gallugi, Chairperson	
Stephen Zolotas, Vice-Chairperson	
Julie Picardi	
Dan Sencabaugh	
Barry Osborne	
Keith Slattery	
Ed Colbert	

NEXT SPECIAL MEETING FOR 15 KING STREET, MONDAY, DECEMBER 7, 2020

Also in attendance were the following...

Curt Bellavance: Director Community Development, City of Peabody

Ezra Glenn: ZBA 40B Consultant

Jason Panos. Attorney representing King Street

Mark Mazzarelli: Landscape Design

Will Chalfant: Khalsa Architecture, Design, Lighting

James Hanley: DCI Civil Engineer

Scott Thornton: Vannasse Traffic

Ben Goldfarb: Nauset Construction Management

Al Chow: King Street LLC Owner/Developer

(Ms. Gallugi read the opening statement made part of these minutes)

1. Continued application of **HDG King Street, LLC c/o Attorney Jason Panos**, for a **Chapter 40B Comprehensive Permit** as it applies to the premise known as **15 King St, Peabody, MA, Map 074, Lot 258**. Petitioner seeks to construct 133 units. The property is located in an **R2 Zoning District**.

(Ms. Gallugi let audience know that tonight we would be hearing from **Curt Bellavance, Captain Chris Dowling, City Officials and abutters**)

SPECIAL MEETING:

Curt Bellavance: Community Development Director: Gave a brief overview of the process thus far and what is to be expected moving forward. The meeting was opened on October 5, 2020. The applicant gave their presentation. In order to give the abutters ample time to speak and to give people time to send in letters, questions and comment from the public will be heard this evening. Water, Sewer, Site Design and Traffic Consultants were hired for third party review. This is called Peer Review. They will work with City Staff to review the project. The Zoning Board will hear from the public along with the information from peer review. There will be a few more meetings. Our next meeting will be on traffic. This meeting is set up for the public to provide input so that you can take that testimony and make that part of the record.

Captain Chris Dowling: Peabody Fire Department: In review of this project we have concerns with demolition, construction, fire department apparatus access, sprinkler system, fence enclosure of a fire hydrant. If the demolition company needs water, they either have to provide their own or put their own temporary fire hydrant in. We're not going to allow them to use a fire hydrant that is used for that neighborhood. Hydrant flow is good now, but that would be something for Will Paulitz, City Engineer, to look into the impact on with this type of construction with these many units.

Fran Gallugi: Presented letters from the Planning Board, Building Department, Health Department, Community Development and Peabody Municipal Light Plant.

Barry Osborne: Motion to accept the letters

Stephen Zolotas: Second

Fran Gallugi: Took a roll call vote. All in Favor (5-0)

(Letters accepted into the record and made part of these minutes)

(Anyone who would like to see these letters can contact Carla McGrath at 978-538-5792. She can email copies.) Next, we will hear from City Officials. We also have letters from Representative Walsh, Senator Lovely, Councilor Melville, Councilor Manning.

Barry Osborne: Motion to accept the letters

Stephen Zolotas: Second

Fran Gallugi: Took a roll call vote. All in Favor (5-0)

(Letters accepted into the record and made part of these minutes)

(Anyone who would like to see these letters can contact Carla McGrath at 978-538-5792. She can email copies.)

Dan Sencabaugh: Read into the record a letter from Councilor Ann Manning which is made part of these minutes.

Ann Manning: Spoke in opposition of the project and in support of the Zoning Board's fairness. A question of Safe Harbor applicability to this comprehensive permit was questioned.

Ms. Gallugi: Did not think the City qualified for Safe Harbor as that would be something for the Legal team.

Jason Panos: Spoke about the different types of Safe Harbor criteria for a Comprehensive 40B and explained why the City does not qualify, citing the following..... The City of Peabody has not met its 10% subsidized housing inventory, 1.5% of the developable property in the City of Peabody does not have affordable housing, there is no Housing Production Plan that has been accepted by the City of Peabody.

Ezra Glenn: Concluded that he is in agreement with Jason as a representative for the City and that the city does not qualify for Safe Harbor. Added there is on more "Safe Harbor" qualification, it doesn't apply here either, is if an applicant has come in with a with a related project and been turned down by your board on a site and then essentially tries to use 40b as a threat later.

Jason Panos: It's important to note the reason why it doesn't apply here is because the city has inclusionary zoning. You may recall that the application was before the City Council on a Special Permit prior filing of the comprehensive permit and because that proposal had built into it 15 of that housing stock set aside for affordable purposes that takes it out from under that particular safe harbor.

City Officials (**Jarrold Hochman, Ryan Melville**) spoke in opposition citing concerns with parking, traffic congestion, traffic safety, school overcrowding causing unfavorable learning environment, child safety in the school zone, cut through streets will be burdened, snow removal, size and scope too large, current site is unkept, strain of city services, DPS needs to address the broken fire hydrant.

The following abutters spoke in opposition citing safety, snow removal, lighting, traffic, overcrowded school, upkeep of property deplorable, height to tall, scope too big, city service strain, too much, unsafe for children, parking, neighborhood integrity, location of dumpsters, rodent issues, shade cast from height of project, overpopulation, strain on infrastructure, strain on school sytem

Collen Shaw 3 Southwick Rd
Daniel Gallant 7 Southwick Rd
John Salisbury 7 Emerson Rd
Jarrold Hochman 52 Ellsworth Rd
Kelly Donovan 4 Augustus St
Roger Sonia 15 Augustus St
Lisa Fernando Gomes 6 King St.

Fran Gallugi: Presented letters from following abutters...

Mary Balestraci 1 Southwick
Albert and Brenda Rizzo 27 Kusciosko St
Christiano Teixeira 25 KosciuskoSt
Cidalia Silva 28 King St
Jose Silva 28 King St
Marla Tremblay 10 King St

Barry Osborne: Motion to accept the letters from abutters

Stephen Zolotas: Second

Fran Gallugi: Took a roll call vote. All in Favor (5-0)
(Letters accepted into the record and made part of these minutes)
(Anyone who would like to see these letters can contact Carla McGrath at 978-538-5792. She can email copies.)

Fran Gallugi: Addressed Jarrod Hochman's question on Safe Harbor and will have it vetted once again by the City Solicitor.

Barry Osborne: Spoke about concerns with how horrible the site looks now. The number of units is too much.

Ezra Glenn: Gave an overview of the next steps and the timeline which gives the Board 180 days from the opening of the hearing to hear testimony and make a decision.

Fran Gallugi: The next meeting is scheduled for December 7, 2020 at 7pm. There will be a traffic presentation from the applicant.

Dan Sencabaugh: Motion to continue the hearing

Stephen Zolotas: Second

All in Favor (5-0)

Stephen Zolotas: Motion to adjourn

Julie Picardi: Second



Peabody Municipal Light Plant

Community Owned. Not for profit. **It's Ours** CITY OF PEABODY

2020 OCT 21 A 8:57

October 21, 2020 CITY CLERK

Carla McGrath, Clerk
Zoning Board of Appeals
City of Peabody
24 Lowell Street
Peabody, MA 01960

Dear Ms. McGrath:

Pursuant to the Zoning Board of Appeals request of October 6, 2020, PMLP offers the following comments on the 15 King Street project:

- PMLP has sufficient facilities in the area and is able to reliably provide power to this development.
- There may be some poles that need to be relocated around the site, some of which may be at the new developer's expense.
- An easement may be necessary from the developer for us to continue providing power to abutting homeowners on Southwick Road.

On the basis of the information provided to PMLP, we do not oppose the project.

If you need further information, please feel free to contact me at 978-531-5975.

Sincerely,

Roy Simoes
Supervising Electrical Engineer



City of Peabody

Office of Inspectional Services
24 Lowell Street, Peabody, MA 01960
Phone 978-538-5786

CITY OF PEABODY

2020 OCT -6 A 9:52

CITY CLERK

October 6, 2020

Re: 15 King Street Comprehensive Permit
Map 074 Lot 258
R2 Zoning District

Dear ZBA Board Members,

I have received notification for the proposed residential development at 15 King Street. I understand that this 40B process will be exclusively handled by the Zoning Board, but please be aware that the construction development will fall directly under my purview.

As with all our large-scale proposals of this type, I require a third-party review before issuance of any building permit. The review will follow the guidelines designated to me under G.L. c.44, §53G which I have attached and can also be viewed on the Building Department's web-page, <https://www.peabody-ma.gov/inspector/cinstruction-control-document-initial-06-11-2013.pdf>.

To expedite this quickly, the applicant or representative will need to reach out to me (albert.talarico@peabody-ma.gov), so I may provide them with our third party reviewer contact information.

Sincerely,

Albert Talarico, CBO
Building Commissioner
City of Peabody

City of Peabody

Office of Building Inspector

24 Lowell Street

Peabody, MA 01960

Phone: 978-538-5785 Fax: 978-538-6794



5. Any applicant or property owner assessed such a consultant fee may take an administrative appeal from the selection of the outside consultant to the City Council. Such appeal must be made in writing and may be taken only within seven days after the Building Commissioner has provided notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Building Commissioner shall be extended by the duration of the administrative appeal. In the event that no decision is made by the City Council within one month following the filing of the appeal, the selection made by the Building Commissioner shall stand.


Albert Palanico, CBO
Peabody Building Commissioner



CITY OF PEABODY
DEPARTMENT OF HEALTH AND HUMAN SERVICES
24 Lowell Street
Peabody, Massachusetts 01960
(978) 538-5926
Fax: (978) 538-5990

BOARD OF HEALTH
THOMAS J. DURKIN III, CHAIRMAN
LEIGH ANN MANSBERGER, MD, MPH
ANTHONY CARLI
SHARON CAMERON
DIRECTOR

CITY CLERK

To: Zoning Board of Appeals
From: Sharon Cameron
Date: October 29, 2020
Re: Comprehensive Permit Application Review – 15 King St.

The Peabody Health Department has the following comments on the Comprehensive Permit Application for 15 King St. Some construction and design items we did not see addressed in the above permit application are as follows:

During Construction:

1. We request that the developer be required to undertake aggressive rodent control measures prior to any demolition, development or site preparation work. The developer must work with a licensed pest control firm to develop an Integrated Pest Management plan, including surveillance and baiting of the site a minimum of 14 days prior to the commencement of any work, and any additional measures needed to control pests for the duration of the project. The IPM plan should also include:
 - o Names and certifications of licensed pest control applicators
 - o Initial survey documenting existence of rodent activity, burrows, and sanitation conditions that could support rodent activity.
 - o Details about rodent control measures to be implemented, including locations of traps and bait stations, types and amounts of pesticides used, schedule for follow-up monitoring, cleanup of bait stations and rodent carcasses, and management of sources of food and harborage on the site.
 - o Procedures for responding to rodent complaints, including name and contact information for individual to respond to neighborhood complaints.
 - o Finished landscaping plan designed to minimize opportunities for rodent harborage.
2. The developer should be required to submit a plan for prevention and mitigation of nuisance impacts such as dust, odor, and noise for the duration of the construction.
3. A plan that addresses management of hazardous materials and building materials such as asbestos must be filed with City of Peabody prior to commencement of demolition or construction.
4. If fill is to be brought on site, the applicant/developer must comply with all applicable state and local requirements.



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BOARD OF HEALTH
THOMAS J. DURKIN III, CHAIRMAN
LEIGH ANN MANSBERGER, MD, MPH
ANTHONY CARLI
SHARON CAMERON
DIRECTOR

5. The final surface must be graded so as not to create any stagnant water and/or run-off which could create objectionable conditions.
6. All wastes generated by development activities must be appropriately stored and removed in a timely manner. Dumpsters must have appropriate permits and be located at appropriate distances so as not to interfere with the safety, convenience or health of abutters or residents.

Design Comments:

Trash management plan must ensure the prevention of nuisance conditions. If trash storage is to be located indoors, developer must ensure that trash storage area is constructed and operated so as to be easily cleanable and avoid the generation of odors or pest issues for building occupants. If outdoor trash storage is proposed, ensure that dumpsters are set back from adjacent properties at a sufficient distance to avoid the creation of nuisance odors or pest problems for abutters, properly screened, and located on a cleanable surface. Because locations of dumpsters shown on plans are across from neighboring properties and will be visible from King and Southwick streets, both dumpsters should be screened from view with fencing or other similar materials. Developer shows no recycling facilities for residents. Will 2 dumpsters be adequate for the 3 buildings?

Developer should consider designating the property as a no-smoking building to prevent complaints of smoke infiltration between units or into common areas. Board of Health regulations prohibit smoking in a common area within 20 feet of a building entrance, window, or ventilation system. If smoking is to be allowed, construct building to avoid shared ventilation systems and to prevent migration of smoke from a residential unit into other residential units or common areas.

If buildings are to be pet-friendly, identify plan for management of pet waste and pet waste stations provided and maintained on the property so that nuisance conditions are not created for building occupants or abutters.

Consideration must be given to prevent the occurrence of nuisance conditions such as excessive noise from HVAC and refrigeration systems, or light nuisances associated with on-site lighting fixtures. Exterior building lighting and parking lot lighting shall be facing so as to avoid nuisance conditions for neighbors.

Buildings to be equipped with intercom notification systems and electrically operated locks for main entrance doors as per MGL Chapter 143 Sect 3R.



City of Peabody

Department of Community Development and Planning

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5900 • Fax 978-538-5987

CITY OF PEABODY

NOV - 6 - A - 59

CITY CLERK

MEMORANDUM

TO: Mrs. Frances Gallugi, Chair
Peabody Zoning Board of Appeals

FROM: Community Development and Planning Department
Andrew Levin, City Planner

SUBJECT: **COMPREHENSIVE PERMIT – 15 KING STREET**

DATE: November 2nd, 2020

M.G.L. CHAPTER 40B COMPREHENSIVE PERMIT – 15 KING STREET

This is an application by HDG KING STREET, LLC c/o The Panos Law Group, proposing the construction of a multi-family, affordable housing development in accordance with M.G.L. c. 40B. The proposed development consists of 133 condominium type ownership housing units. There is a proposed 59 one bedroom, 60 two bedroom, and 14 three bedroom apartments with 213 interior and exterior parking spaces in 3 buildings.

The Department of Community Development and Planning offers the following recommendations:

- That plantings along King Street and Ellsworth be planted at a certain caliber to provide extensive buffering.
- That a pedestrian movement plan be provided or explained by the applicants.
 - o This Department recommends that some sort of off-road pathway or striped on-road pathway be added connecting the buildings to abutting sidewalk infrastructure.
- That an outdoor resident area, located to the northwest of building A be created for residents.
 - o This Department would recommend the addition of benches or picnic tables in this area for residents to utilize.
- That the Board of Appeals confirms with the applicant the trash procedure and responsibility for residents, i.e; are residents responsible for bringing trash to the

dumpsters located on property? How will large item pickup be done? How will trash areas be secured? What type of items can residents leave in this area?

- This Department recommends that the applicant install signage and rules that all trash must be able to be put in the trash receptacles and that trash may not be left outside of or not fully contained within the trash area.
- With the trash areas being located within the parking area, and in some instances abutting parking spaces, this Department recommends that the applicants install bollards around the trash areas to protect from vehicle damage.

If you are to have any further questions or require further information please feel free to contact Andrew Levin, City Planner at 978.538.5783.

Abutter Concerns about 15 King Residence Project

Mary Balestracci, 1 Southwick Road, Peabody, mbalestr@earthlink.net, 978-977-9512

CITY OF PEABODY

Concerns Stemming from the HDG, LLC Proposal and Presentation on October 5, 2020:

2020 OCT 27

CITY CLERK

► **The residents of Southwick Road should have free and easy access to the only fire hydrant on our street, which HDG, LLC previously attempted to fence in.** HDG attempted to restrict access to the hydrant so that they would have easy access to water for their demolition and construction efforts. I informed Ed Charest, the Ward Councilor for our neighborhood, about the situation and he intervened on behalf of the residents. This occurred last year, prior to the presentation on October 5, 2020.

► At the October 5 presentation, HDG, LLC repeatedly used **comparisons to JB Thomas Hospital, at the “height of operations”**; however, JB Thomas Hospital has not been operational for more than two decades and Peabody’s residential and commercial population has grown exponentially since then. I would like to hear what the proposed impact of their project would be, based on **current density and usage.**

► At the same presentation, Southwick Road was mentioned as part of the **traffic study** (re: intersection with Lowell St) conducted on behalf of HDG, LLC but Southwick Road should not be considered as a route of egress (it’s a privately owned, one way street, so egress would be the only potential reason for such a traffic study).

► HDG made no explicit mention of **prohibiting access to Southwick Road during construction.** I would like assurance that all reasonable measures will be taken to prohibit the use of Southwick Road for egress, construction affiliated parking and so on.

► At the recent presentation, **HDG, LLC made no mention of those residents and City officials opposed to this development project.** They claimed widespread support for this project among residents; however, I collected several pages of signatures and wrote a letter to Mass Housing opposed to the size and scope of this project, as did many others, so I know firsthand that there is extensive opposition to their proposal. **Their attempt to skew public opinion in their favor is disingenuous and misleading.**

► HDG, LLC continuously labels this parcel as a **“blighted” property** in order to argue for the speedy development of this property on behalf of the neighborhood; however, **the property at King Street was not “blighted” until after HDG, LLC took possession of the parcel and allowed it to fall into disrepair.**

As a direct abutter, this has been an untenable situation for quite some time. Not only did HDG, LLC become an absentee owner, with little or no physical presence on site, they also **sped up the deterioration the property** by renting it out to filming crews to perform ‘stunts’ and by allowing the local SWAT team to run drills, which created damage to the building that was never addressed (broken windows and so on, that allowed trespassers to enter the property). **Their failed stewardship of this parcel has already had a negative impact on the quality of life for residents.**

► HDG provided very little detail about the potential for **artificial light pollution** in their proposed development, beyond a vague assurance that there would not be any (this was not convincing to me, as a

direct abutter). I would like to see a mock-up of the type and location of lighting, and the level of brightness that this combined lighting would create, if possible.

► At the October 5 presentation, **vibration mitigation during construction** was not fully discussed. I live roughly 15 feet from the edge of the King Street property and the **smokestack structure**. Given my proximity to the demolition / construction site and the age of my house, which was built in the late 19th century and has a natural stone foundation, I am very concerned about potential damage to my home. **I would like to know more about the proposed measures that HDG, LLC will take to mitigate any negative impact their drilling, excavation, and construction could have on existing structures.**

► **Infrastructure:** There was no mention of the **lack of public transportation** at the presentation. While it is a lovely thought that residents will 'bike' and 'walk' to their destinations, this is not likely to happen during the **winter months**. Nor will they be able to easily access public transportation, which means greater traffic congestion, more wear and tear on existing roads and so on.

The **Center School is also at or over capacity** and is sorely in need of upgrades, so additional students are only going to add more stress to an already overburdened school.

The **existing utilities are old and, in many cases, in need of upgrades** so the addition of so many units will only result in future problems for all—existing residents and new residents alike.

Water pressure is of particular concern, since there are currently intermittent issues with water pressure in the area. The addition of 133 units to this aging system seems likely to create severe problems for existing residents. HDG, LLC did not sufficiently address this issue since they compared their water study to outdated numbers, from more than 20 years ago.

► At the presentation, HDG, LLC, gave an **estimated construction schedule of 5 years**. This seems **excessive**, particularly for direct abutters, many of whom now work from home as a result of the pandemic. This seems like an unnecessary burden to place on residents, particularly when each phase of construction will bring **problems with rodents, vibration, noise, and general disruption to daily activities in the surrounding area.**

Potential MGL Concerns (State Zoning Regulations):

► According to **MGL, Part I, Title VII, Chapter 40A, Section 9B**, residents should have access to **sunlight for the purposes of solar power**. The existence or potential for solar panels to be installed should not be precluded for residents of Southwick Road.

At the last public meeting held about the 15 King Project (I believe this was in August of 2019), prior to HDG, LLC's application for a 40B permit, **HDG, LLC produced a "sunshine study,"** which stated that the **residents of Southwick Road would be deprived of a significant amount of sunlight, particularly during the winter months**, due to the size and location of their proposed structures. The deprivation of sunlight was not mentioned at the presentation on October 5, and I am concerned that the height of the proposed buildings will have a **detrimental impact on the ability of current residents to access sunlight.**

► Any sizeable construction in this area could negatively impact the existing water table and increase flooding potential. The construction of such large buildings will **inevitably displace and raise the levels of the water table**. **MGL, Part I, Title II, Chapter 21 covers many of these issues (particularly sections 8, 8c, 9, 12, 62, and 63)**. I believe that this area is also designated as part of the **Peabody North Coastal Watershed**. The development of this parcel has the potential to reverse the flood mitigation

measures taken by the city by displacing the existing water table and **potentially creating underground water pollution** during the construction process.

► **The regulation of underground pollutants and run-off is also addressed in MDEP Regulation 310 CMR 27.00, which notes the Federal Water Pollution Control Act.**

► I would like to ensure that **any construction be conducted under the guidance of the oversight duties covered in MGL, Part I, Title II, Chapter 21A, particularly in conjunction with the Massachusetts Department of Environmental Protection.** This is to guard against pollutants and to protect environmental considerations. I am concerned about the **demolition of the smokestack** and the boiler room, which is only 15 feet away from my house. Given that diesel fuel and a medical incinerator are located on this site, there is a **strong likelihood that demolition of this building could release pollutants into the environment and create a hazardous living situation.**

► I'm not sure if this is applicable, but **MGL Part I, Title VII, Chapter 40A, Section 6** discusses construction and oversight. It struck me that the law in question mentions a property that has been neglected or abandoned for 2 years or more: **"A zoning ordinance or by-law may define and regulate nonconforming uses and structures abandoned or not used for a period of two years or more."** Perhaps this allows us more say in the development of this parcel? (I'm not a lawyer, so I'm not sure about this point, but I do know that HDG, LLC has purposefully neglected and virtually abandoned this property while they were in possession of the parcel.)

September 29, 2020

Dear 'decision makers' ~ please know that to allow such a huge 'out of place ' new construction in this area is going against many citizens valid concerns of the negative impacts! We are looking to you for help in preventing it! We are unable to attend meetings & extremely grateful for citizens that are taking time to attend via ZOOM, but to help keep this from happening, we will all need to work together.

I am writing to oppose the request for Chapter 40B Comprehensive Permit as it applies to the premise known as 15 King St. Peabody, MA, Map 074, Lot 258. This is scheduled to go before the City of Peabody Zoning Board of Appeals on Monday, October 5, 2020 at 7:00.

I believe that the building itself will cause substantial detriment to the public good and to the neighboring residential community. This type of proposed development is not sympathetic to the surrounding neighborhood and will devalue residential property values in the area.

The developer should consider designing a project more in line with the current zoning R2, (3.2.2 R-2 – Single- and Two-Family Residences: To provide sites for single-family and two-family residential development, while respecting the existing character of the neighboring homes and properties. The predominant uses are single- and two-family dwellings.) and the surrounding area R1, (A3.2.1 R-1, R-1A, and R-1B – Single-Family Residences: To provide sites for single-family residential development, while respecting the existing character of the neighboring homes and properties. Intensive land uses and uses which would detract from the desired residential character are not permitted), or at least reduce the size of the plan they now have. The present change in the variance request must be denied. I did not move to my one level ranch in Peabody to look out my back window to see a tall 3 or 5 story building. I bought my house because of the neighborhood it is in.

The current residents of this neighborhood focus on the amount of traffic that will be generated by this development. The developers fail to realize type of traffic issue their project will cause. We must recognize that this development will generate traffic on neighborhood streets such as King Street and Lowell St. way beyond what this neighborhood can handle. These streets are not able to handle the type or amount of traffic generated by this development. The problem will be compounded in the winter months when we have times that we must be off the streets for plowing. I own a home with a three-car driveway. I have three cars at my residence. When there is a snow emergency, I can park all my vehicles in my driveway. Where will all the cars from the 15 King St. development go? Not on my street. I will call for a police officer and a tow truck right away. Also, where will they put all their snow? They cannot push it onto King St., and they have limited space for parking as it is. During a snow emergency, this location will be a nightmare.

Not to say that this development will most definitely put a strain on our already strained school system. The water and sewer systems will also be affected beyond repair. This city is currently not ready to handle the problems that will present themselves from this monster of a development while there is another one being constructed not too far down the road. How much can one neighborhood take?

It is time to consider sending some of these developers to the open properties on the western side of Peabody. Instead of crowding the center of this city even more than it can handle.

Respectfully,
Brenda & Albert Rizzo
27 Kosciusko Street
Peabody, MA 01960
781-640-5116
781-640-4115
bgr27k@gmail.com

Carla McGrath

From: Christiano Teixeira <christianontex@gmail.com>
Sent: Wednesday, September 30, 2020 10:42 PM
To: Carla McGrath
Subject: [External] JB Thomas Hospital site

WARNING This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

September 30, 2020.

To who it may concern,

We would like to express our feelings and thoughts about this humongous project that they are trying to put in our quiet neighborhood.

When we started searching a good place for our new home, to raise our children, one of our most concern was to find a safe and quiet neighborhood. And we did. We found Emerson Park area to be the right place to raise our 2 and 4 years old. All of the sudden, we started to hear about this huge project on the site of the former JB Thomas Hospital.

The area size is not appropriate for such huge project. We don't even have the infrastructure for such a thing. The intersection of King st with Lowell st is already dangerous as it is, we see accidents happening constantly, imagine adding that huge project.

Adding this high number of apartments/units into this area will be a major safety concern for all residents, specially for children and elderly. Besides of all, this project will ruin our quality of life.

The project will also crowd our school system and our traffic. If it goes through we are talking about adding 200+ vehicles into our neighborhood.

The project it's self doesn't even have the minimum parking space required by the law and the City of Peabody, for their own residents. Realistically, they would need a land twice as big to build such huge project. Imagine if we have to change our zoning to accommodate every developer project... zoning exists for a purpose, it has to be respected, rules has to be followed.

Imagine on snow emergency days that we have to get our cars off the street into our driveways . Where those people will going to park their cars, since they don't even have the minimum required parking space by law? So we can't forget that we're talking about 130+ families, where nowadays usually there's at least two cars per apartment, totaling around 260 new cars into our quiet area.

I think, no one would like to have that huge building added in your quiet area. There are already, close neighbors concerned not to see the early morning sunshine anymore. Do you have an idea how bad will that be? It would increase the depression rate on people.

It's time to start thinking about building those huge projects outside of neighborhoods, which is already crowd and will not bear that.

Respectfully,

Christiano Teixeira
25 Kosciusko St, Peabody, MA

Cidalia Silva
28 King Street
Peabody, MA 01960
(978) 430-4472
Luacheia93@yahoo.com

September 30, 2020

Ms. Carla McGrath
Zoning Board of Appeals
24 Lowell Street
Peabody, MA 01960

Dear Ms. McGrath:

I am writing to you in regards to the application for Chapter 40B Comprehensive Permit for 15 King Street, Peabody, Massachusetts that has been submitted by HDG King Street, LLC c/o Attorney Jason Panos and why it must be denied.

As an 18 year resident of the City of Peabody, more specifically, as an abutter of the aforementioned property, I am very familiar with this specific area of the city. Our neighborhood is located in a heavily populated region of the city. As I am sure you are aware, this area is zoned as R2, which allows for single and two family homes. If you drive around this area, you will find that our neighborhood is a beautiful family-friendly area with homes ranging in style from cape style houses to ranches to colonials. A colossal building of this magnitude, simply put, does not comply with zoning ordinances and will be detrimental to the infrastructure of this area of our city.

Our neighborhood contains the only middle school for the entire city of Peabody, which houses grades Six through Eight, with an estimated student body of 1,300 students, many of which are driven to school or take the school bus which increases the traffic flow in this area. Additionally, there is also an elementary school in this neighborhood, which houses grades Kindergarten through Fifth grade, with an estimated student body of 380 students.

As you can see, from these numbers alone, the traffic flow to this region of the city is already strained. Add to this the fact that King Street is a major cut through road from South Peabody to Lowell Street, which is one of the main arteries in the city and lead to major highways. This area is already bustling and traffic on King Street is often backed up, especially during prime hours of travel. There is no public transportation in this region, so it is not uncommon to see multiple cars for each living space in this neighborhood. Adding this massive project to an already congested area is a recipe for disaster, especially given that there will not be enough allotted parking available for each proposed unit. This alone adds to the environmental issues of our city, i.e. increased traffic, pollution, and trash disposal to name a few.

As citizens of Peabody and the state of Massachusetts, we are well aware of the housing crisis that is upon us, however, allowing this proposal at this time is not the solution. Housing is

needed but the answer lies in working together and finding a solution that can meet the needs of this crisis while not placing further burden on areas that simply cannot handle it.

I implore you to please consider these primary points when reviewing the Chapter 40B Comprehensive Permit for 15 King Street, Peabody, Massachusetts and help us preserve our neighborhood by denying this request and urging the developer to work with our neighborhood to come to a solution that everybody can live with. Just as the developer has money invested in this property, abutters have also invested in our homes.

Thank you for your time in reviewing this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cidalia N. Silva', with a stylized, cursive flourish at the end.

Cidalia N. Silva

Jose M. Silva
28 King Street
Peabody, MA 01960
(978) 430-0144
jcsilvagano@gmail.com

September 30, 2020

Ms. Carla McGrath
Zoning Board of Appeals
24 Lowell Street
Peabody, MA 01960

Dear Ms. McGrath:

I am writing to you in regards to the application for Chapter 40B Comprehensive Permit for 15 King Street, Peabody, Massachusetts that has been submitted by HDG King Street, LLC c/o Attorney Jason Panos and why it must be denied.

First, allow me to give you some background information on myself. I am the definition of the American Dream. I immigrated to this country in 1997 with dreams of the future for myself and for my family. Along with my wife, we worked hard and saved money so that we could purchase our very first home. We wanted to have children and to buy a house with a fence so our kids could play in the backyard. We wanted a safe neighborhood. We wanted a quiet neighborhood. We found our first (and current) house in 2002 and were so excited. We worked on it and have made it our home. We had the swing set in the backyard, our children ran around and we sat on the deck watching them. We are within walking distance to two schools, which has always been extremely convenient. Neighbors walk their dogs past our house; new moms push their babies in strollers as they head to the park around the corner. We feel safe walking this neighborhood after dark and will receive a "hello" from a neighbor as we walk by. At the time of our purchase, Kindred Hospital was our neighbor across the street.

Unfortunately, the ownership would change hands and ultimately close. Now, we are in a situation of a developer that wants to come in and change everything that we have loved about this neighborhood since we saw the For Sale sign when we purchased. What the developer is proposing to do in filing for a 40B Comprehensive Permit is detrimental to the future of this neighborhood and to the city of Peabody. The size of this project goes against all zoning regulations for an R2 zone and will further add strain to an already strained system, including water/sewer, public services, and not to mention traffic and congestion to the region. Additionally, out of the 133 proposed units, only 34 will be "affordable", therefore, this will hardly put a dent in the housing crisis and yet the effects from it will be felt throughout the city.

I ask you to please consider these important issues when reviewing the Chapter 40B Comprehensive Permit for 15 King Street, Peabody, Massachusetts and help us preserve our neighborhood by denying this request and urging the developer to work with our neighborhood to come to a better solution for this property.

Thank you for your time in reviewing this correspondence.

Sincerely,



Jose M. Silva

Carla McGrath

From: marla tremblay <marlatremblay@hotmail.com>
Sent: Thursday, November 05, 2020 9:06 AM
To: Carla McGrath
Cc: lisa gomes
Subject: [External] Re: [External] HDG King St

CITY OF PEABODY
NOV -5 A 9:07
CITY CLERK

WARNING This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Hi Carla

I live at 10 king St --across from the "power plant building w the giant smoke stack". I listened to the Zoom presentation last month regarding the development planned and I have some comments that I would like read at the follow up meeting next Monday, Nov 9th.

I am in favor of developing this property as it has become a major blight on our neighborhood. The developer, however, is not showing himself to be a good neighbor. The property is not being maintained safe or secure.

My concerns with their proposal are the following:

*when was the traffic study done? With the pandemic and subsequent lockdown, travel is well below normal levels. Any study done after the end of February would be invalid.

*2 bedroom units are being allotted 1.5 parking spots. What is a 0.5 parking spot?

*5 stories is too big for the neighborhood! Nothing in the area is above 3 stories.

*building C is very close to King St. It will be like having a giant wall directly in front of my house. Could the building be more centered in the space with parking on the perimeter?

* I certainly hope that the current condition of the property does not reflect the care and maintenance that the developers will provide once the land is developed.

Thank you,
Marla tremblay
10 king St

Sent from my iPad

> On Sep 28, 2020, at 9:38 AM, Carla McGrath <carla.mcgrath@peabody-ma.gov> wrote:

>
> Good morning. Please click the link below for the application at 15 King Street.

>
> https://citypeabodyma-my.sharepoint.com/:f/g/personal/carla_mcgrath_peabody-ma_gov/EmuBDSSBmvdEilv7AWUbgdMByuLUixg9pE0a22IzOcmOrw?e=dceJpS

> There will be a full presentation on October 5th.

>
> Kindly,

CITY OF PEABODY
2020 OCT -5 A 10:11
CITY CLERK

September 29, 2020

Zoning Board of Appeals

24 Lowell St. Peabody, MA 01960

Dear Chair Fran Gallugi and the Honorable Members of the Peabody Zoning Board of Appeals:

As a twenty-year elected representative of the City of Peabody, both as a School Committee member and currently as a City Councilor, I am writing to share with you the many reasons the application for 133 housing units for 15 King St. Peabody Massachusetts submitted by Hemisphere Development Group LLC (HDG) must be drastically scaled down to a more reasonable project.

But first, let me say this: AFFORDABLE HOUSING IS A PRIORITY IN PEABODY.

Peabody is a welcoming community and is friendly to affordable housing. Affordable housing has been a priority for Peabody since 2004 when we adopted Inclusionary Zoning requirement of 15 % affordability for new housing developments. We have recently increased our efforts in 2019 to include more affordable housing by adopting a 20 % inclusionary zone in a newly created Residential Overlay District. Peabody also partnered with Winn Development with a unanimous City Council vote to utilize 1.6 million dollars of the city's Community Preservation Fund to preserve 235 affordable units for many of our seniors and disabled residents. Peabody has made so many strides in providing affordable housing, an internal assessment to determine if we have already met the 10 % threshold required of us is warranted and underway.

TRAFFIC and SAFETY

There is no public transportation nearby, the proposed 1.6 parking spaces per unit is insufficient for a project of this magnitude. Traffic at this area is the worst throughout the city. According to recent 2019 data released by Mass DOT, the intersection at which this project will be located (King/Lowell/Endicott) is the most dangerous location in the city resulting in the most car crashes. The area is impassible during the winter given King St.'s steep incline presenting dangerous conditions. School buses already avoid this main street for safety reasons and their inability to make the turn at, again, the city's most dangerous intersection.

EVERYBODY LOSES

Based on the disastrous potential impact of this massive project, I beg you to reduce the size of this proposal at this location. Both the existing residents of the surrounding neighborhood as well as the new residents of the new development will suffer. If the original proposed project is approved, I can assure you that the quality of life for all will be ruined and the City of Peabody will never recover from the resonating damaging effects felt throughout the city caused by a project of this density at this densely populated and over stressed location.

Sincerely,

Anne Manning-Martin

Councilor-at-Large

37 Dexter St. Peabody, MA 01960



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON, MA 02133-1054

THOMAS P. WALSH
STATE REPRESENTATIVE
12TH ESSEX DISTRICT

Committees:
Ways and Means
Public Safety and
Homeland Security
Transportation
Tourism, Arts and Cultural Development
CITY OF PEABODY
2020 OCT 26 P 2:00
CITY CLERK
STATE HOUSE, ROOM 276
TEL: (617) 722-2676
Thomas.Walsh@MAhouse.gov

February 13, 2020

Mr. Michael Busby, Relationship Manager
Massachusetts Housing Finance Agency
1 Beacon Street, Suite 29
Boston, MA 02108

Dear Mr. Busby,

We write to you to express our serious concerns about the application from Hemisphere Development regarding 15 King Street in Peabody, the site of the former J.B. Thomas Hospital, which is under consideration for a comprehensive permit under Massachusetts General Law Chapter 40B. We believe the proposal is excessively dense for this parcel.

While Hemisphere Development has the legal right to pursue a comprehensive permit under the law, we strongly believe their efforts violate the spirit of Chapter 40B. Originally, the developer proposed creating 145 condominiums in a 55+ setting. Later, the proposal was reduced to 110 units. Due to vocal opposition from the surrounding residents, the developer withdrew this proposal before the proper boards and authorities in the City of Peabody had the opportunity to vote on it. The developer then significantly changed the proposal to 180 units of multi-family housing on just over two acres of land. Further, they increased the height of the buildings, which will have a detrimental impact on the neighboring single-family residences.

Peabody is moving forward toward meeting its 10% requirement of affordable housing. The community is just tenths of a percent away from meeting and exceeding that 10% goal. Several proposals are pending that would be more in character with the neighborhoods, with less strain on delivering public services.

We fully understand the need for more housing in Peabody and throughout Massachusetts. We ask that you understand our concerns about approving housing in inappropriate venues, just for the sake of reaching a number. Respectfully, we ask that this project not be allowed to go forward.

Sincerely,

Representative Thomas P. Walsh
12th Essex District

Senator Joan B. Lovely
2nd Essex District

February 10, 2020

Mr. Michael Busby
Relationships Manager, MA Housing Finance Agency
One Beacon St. Boston, MA 02108

CITY OF PEABODY

2020 NOV 10 A 9 22

CITY CLERK

Dear Mr. Busby,

I write to express my opposition to the project eligibility for 15 King Street Peabody, Massachusetts. I am a Councilor at Large in the City of Peabody and I would like to emphasize that the City of Peabody has embraced affordable housing and is a leader in housing for those who would require affordable housing on the North Shore. I also would like to maintain that the project at 15 King Street was never brought before the Peabody City Council and was withdrawn by the property owners. I do not believe a good faith effort has been made to alleviate the issues I will lay out in this letter and that this application is a misuse of the 40B statute.

Peabody has recently updated our Residential Overlay District and Inclusionary Zoning requirements to increase the amount of affordable housing a new development would require and to encourage such development in areas that can sustain the growth that those developments will bring. This is not the action of a community that wishes to stifle affordable housing but is the action of a community wishing to contribute to the solutions to alleviate the housing crisis facing the Commonwealth as a whole. This project and the property owners' use of 40B to circumvent our zoning will have a major impact on community leader's ability to get popular approval of viable and appropriate housing developments in the future. Peabody does not intend to be like many communities in the Commonwealth and only hit the minimum requirements for housing we effort to support our neighbors and their housing issues.

This project will seriously impact the infrastructure of the surrounding area and massively disrupt the neighborhood that it will abut. The neighborhood that this project will be constructed in is made up mostly of single- and two-family homes. The widths of the streets and the water and electrical infrastructure were built with that in mind, there is no doubt that the proposed project will have a detrimental impact on the infrastructure. Services to current residents will be impacted by this project, this area is densely populated currently the proposed project will exacerbate public service issues such as water and power.

There are currently serious traffic concerns on the King St/Lowell St corridor and this project will overwhelm what is already an outdated traffic plan and design. Why would we want to subject more of our neighbors to this already difficult traffic issue? There are multiple schools that are in the area of this proposed project, the school traffic and additional residents this project will bring could be extraordinarily detrimental to quality of life.

I understand the goal of additional affordable housing and that the Commonwealth is in the grips of a real housing crisis. As an elected official I along with my fellow elected officials have taken this issue seriously and acted to do our part. The idea that this project will be approved will set our community back in its efforts to meet this housing challenge. It is my opinion that this project should be denied. How can housing advocates argue for updating our housing policies to encourage housing in appropriate areas when those can be circumvented in this fashion? Peabody is not the type of community that 40B was created to deal with, Peabody is doing its part and this project is not in line with growing the amount of affordable housing in our community. I respectfully request you deny this application for project eligibility.

Respectfully,



Ryan Melville
Councilor at Large
City of Peabody
30 Hancock St.
Peabody, MA 01960



City of Peabody

Department of Community Development and Planning

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5900 • Fax 978-538-5987

CITY OF PEABODY

NOV 4 2020 59

CITY CLERK

MEMORANDUM

TO: Mrs. Frances Gallugi, Chair
Peabody Zoning Board of Appeals

FROM: Community Development and Planning Department
Andrew Levin, City Planner

SUBJECT: **COMPREHENSIVE PERMIT – 15 KING STREET**

DATE: November 2nd, 2020

M.G.L. CHAPTER 40B COMPREHENSIVE PERMIT – 15 KING STREET

This is an application by HDG KING STREET, LLC c/o The Panos Law Group, proposing the construction of a multi-family, affordable housing development in accordance with M.G.L. c. 40B. The proposed development consists of 133 condominium type ownership housing units. There is a proposed 59 one bedroom, 60 two bedroom, and 14 three bedroom apartments with 213 interior and exterior parking spaces in 3 buildings.

The Department of Community Development and Planning offers the following recommendations:

- That plantings along King Street and Ellsworth be planted at a certain caliber to provide extensive buffering.
- That a pedestrian movement plan be provided or explained by the applicants.
 - o This Department recommends that some sort of off-road pathway or striped on-road pathway be added connecting the buildings to abutting sidewalk infrastructure.
- That an outdoor resident area, located to the northwest of building A be created for residents.
 - o This Department would recommend the addition of benches or picnic tables in this area for residents to utilize.
- That the Board of Appeals confirms with the applicant the trash procedure and responsibility for residents, i.e; are residents responsible for bringing trash to the

dumpsters located on property? How will large item pickup be done? How will trash areas be secured? What type of items can residents leave in this area?

- This Department recommends that the applicant install signage and rules that all trash must be able to be put in the trash receptacles and that trash may not be left outside of or not fully contained within the trash area.
- With the trash areas being located within the parking area, and in some instances abutting parking spaces, this Department recommends that the applicants install bollards around the trash areas to protect from vehicle damage.

If you are to have any further questions or require further information please feel free to contact Andrew Levin, City Planner at 978.538.5783.



Peabody Municipal Light Plant

Community Owned. Not for profit. It's Ours. PEABODY

2020 OCT 21 A 8:51

October 21, 2020

CITY CLERK

Carla McGrath, Clerk
Zoning Board of Appeals
City of Peabody
24 Lowell Street
Peabody, MA 01960

Dear Ms. McGrath:

Pursuant to the Zoning Board of Appeals request of October 6, 2020, PMLP offers the following comments on the 15 King Street project:

- PMLP has sufficient facilities in the area and is able to reliably provide power to this development.
- There may be some poles that need to be relocated around the site, some of which may be at the new developer's expense.
- An easement may be necessary from the developer for us to continue providing power to abutting homeowners on Southwick Road.

On the basis of the information provided to PMLP, we do not oppose the project.

If you need further information, please feel free to contact me at 978-531-5975.

Sincerely,

Roy Simoes
Supervising Electrical Engineer



City of Peabody

Office of Inspectional Services
24 Lowell Street, Peabody, MA 01960
Phone 978-538-5786

CITY OF PEABODY

2020 OCT -6 A 9:52

CITY CLERK

October 6, 2020

Re: 15 King Street Comprehensive Permit
Map 074 Lot 258
R2 Zoning District

Dear ZBA Board Members,

I have received notification for the proposed residential development at 15 King Street. I understand that this 40B process will be exclusively handled by the Zoning Board, but please be aware that the construction development will fall directly under my purview.

As with all our large-scale proposals of this type, I require a third-party review before issuance of any building permit. The review will follow the guidelines designated to me under G.L. c.44, §53G which I have attached and can also be viewed on the Building Department's web-page, <https://www.peabody-ma.gov/inspector/cinstruction-control-document-initial-06-11-2013.pdf>.

To expedite this quickly, the applicant or representative will need to reach out to me (albert.talarico@peabody-ma.gov), so I may provide them with our third party reviewer contact information.

Sincerely,

Albert Talarico, CBO
Building Commissioner
City of Peabody

City of Peabody

Office of Building Inspector

24 Lowell Street

Peabody, MA 01960

Phone: 978-538-5785 Fax: 978-538-6774



5. Any applicant or property owner assessed such a consultant fee may take an administrative appeal from the selection of the outside consultant to the City Council. Such appeal must be made in writing and may be taken only within seven days after the Building Commissioner has provided notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Building Commissioner shall be extended by the duration of the administrative appeal. In the event that no decision is made by the City Council within one month following the filing of the appeal, the selection made by the Building Commissioner shall stand.

A handwritten signature in black ink, appearing to read "Albert Falarico".

Albert Falarico, CBO

Peabody Building Commissioner



**CITY OF PEABODY
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

24 Lowell Street
Peabody, Massachusetts 01960
(978) 538-5926
Fax: (978) 538-5990

BOARD OF HEALTH
THOMAS J. DURKIN III, CHAIRMAN
LEIGH ANN MANSBERGER, MD, MPH
ANTHONY CARLI
SHARON CAMERON
DIRECTOR

CITY OF PEABODY
OCT 29 12 33
CITY CLERK

To: Zoning Board of Appeals
From: Sharon Cameron
Date: October 29, 2020
Re: Comprehensive Permit Application Review – 15 King St.

The Peabody Health Department has the following comments on the Comprehensive Permit Application for 15 King St. Some construction and design items we did not see addressed in the above permit application are as follows:

During Construction:

1. We request that the developer be required to undertake aggressive rodent control measures prior to any demolition, development or site preparation work. The developer must work with a licensed pest control firm to develop an Integrated Pest Management plan, including surveillance and baiting of the site a minimum of 14 days prior to the commencement of any work, and any additional measures needed to control pests for the duration of the project. The IPM plan should also include:
 - Names and certifications of licensed pest control applicators
 - Initial survey documenting existence of rodent activity, burrows, and sanitation conditions that could support rodent activity.
 - Details about rodent control measures to be implemented, including locations of traps and bait stations, types and amounts of pesticides used, schedule for follow-up monitoring, cleanup of bait stations and rodent carcasses, and management of sources of food and harborage on the site.
 - Procedures for responding to rodent complaints, including name and contact information for individual to respond to neighborhood complaints.
 - Finished landscaping plan designed to minimize opportunities for rodent harborage.
2. The developer should be required to submit a plan for prevention and mitigation of nuisance impacts such as dust, odor, and noise for the duration of the construction.
3. A plan that addresses management of hazardous materials and building materials such as asbestos must be filed with City of Peabody prior to commencement of demolition or construction.
4. If fill is to be brought on site, the applicant/developer must comply with all applicable state and local requirements.



**CITY OF PEABODY
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

24 Lowell Street
Peabody, Massachusetts 01960
(978) 538-5926
Fax: (978) 538-5990

BOARD OF HEALTH
THOMAS J. DURKIN III, CHAIRMAN
LEIGH ANN MANSBERGER, MD, MPH
ANTHONY CARLI
SHARON CAMERON
DIRECTOR

5. The final surface must be graded so as not to create any stagnant water and/or run-off which could create objectionable conditions.
6. All wastes generated by development activities must be appropriately stored and removed in a timely manner. Dumpsters must have appropriate permits and be located at appropriate distances so as not to interfere with the safety, convenience or health of abutters or residents.

Design Comments:

Trash management plan must ensure the prevention of nuisance conditions. If trash storage is to be located indoors, developer must ensure that trash storage area is constructed and operated so as to be easily cleanable and avoid the generation of odors or pest issues for building occupants. If outdoor trash storage is proposed, ensure that dumpsters are set back from adjacent properties at a sufficient distance to avoid the creation of nuisance odors or pest problems for abutters, properly screened, and located on a cleanable surface. Because locations of dumpsters shown on plans are across from neighboring properties and will be visible from King and Southwick streets, both dumpsters should be screened from view with fencing or other similar materials. Developer shows no recycling facilities for residents. Will 2 dumpsters be adequate for the 3 buildings?

Developer should consider designating the property as a no-smoking building to prevent complaints of smoke infiltration between units or into common areas. Board of Health regulations prohibit smoking in a common area within 20 feet of a building entrance, window, or ventilation system. If smoking is to be allowed, construct building to avoid shared ventilation systems and to prevent migration of smoke from a residential unit into other residential units or common areas.

If buildings are to be pet-friendly, identify plan for management of pet waste and pet waste stations provided and maintained on the property so that nuisance conditions are not created for building occupants or abutters.

Consideration must be given to prevent the occurrence of nuisance conditions such as excessive noise from HVAC and refrigeration systems, or light nuisances associated with on-site lighting fixtures. Exterior building lighting and parking lot lighting shall be facing so as to avoid nuisance conditions for neighbors.

Buildings to be equipped with intercom notification systems and electrically operated locks for main entrance doors as per MGL Chapter 143 Sect 3R.

Jose M. Silva
28 King Street
Peabody, MA 01960
(978) 430-0144
jcsilvagano@gmail.com

CITY OF PEABODY
2020 OCT -5 A @ 10
CITY CLERK

September 30, 2020

Ms. Carla McGrath
Zoning Board of Appeals
24 Lowell Street
Peabody, MA 01960

Dear Ms. McGrath:

I am writing to you in regards to the application for Chapter 40B Comprehensive Permit for 15 King Street, Peabody, Massachusetts that has been submitted by HDG King Street, LLC c/o Attorney Jason Panos and why it must be denied.

First, allow me to give you some background information on myself. I am the definition of the American Dream. I immigrated to this country in 1997 with dreams of the future for myself and for my family. Along with my wife, we worked hard and saved money so that we could purchase our very first home. We wanted to have children and to buy a house with a fence so our kids could play in the backyard. We wanted a safe neighborhood. We wanted a quiet neighborhood. We found our first (and current) house in 2002 and were so excited. We worked on it and have made it our home. We had the swing set in the backyard, our children ran around and we sat on the deck watching them. We are within walking distance to two schools, which has always been extremely convenient. Neighbors walk their dogs past our house; new moms push their babies in strollers as they head to the park around the corner. We feel safe walking this neighborhood after dark and will receive a "hello" from a neighbor as we walk by. At the time of our purchase, Kindred Hospital was our neighbor across the street.

Unfortunately, the ownership would change hands and ultimately close. Now, we are in a situation of a developer that wants to come in and change everything that we have loved about this neighborhood since we saw the For Sale sign when we purchased. What the developer is proposing to do in filing for a 40B Comprehensive Permit is detrimental to the future of this neighborhood and to the city of Peabody. The size of this project goes against all zoning regulations for an R2 zone and will further add strain to an already strained system, including water/sewer, public services, and not to mention traffic and congestion to the region. Additionally, out of the 133 proposed units, only 34 will be "affordable", therefore, this will hardly put a dent in the housing crisis and yet the effects from it will be felt throughout the city.

I ask you to please consider these important issues when reviewing the Chapter 40B Comprehensive Permit for 15 King Street, Peabody, Massachusetts and help us preserve our neighborhood by denying this request and urging the developer to work with our neighborhood to come to a better solution for this property.

Thank you for your time in reviewing this correspondence.

Sincerely,



Jose M. Silva

Carla McGrath

From: Christiano Teixeira <christianontex@gmail.com>
Sent: Wednesday, September 30, 2020 10:42 PM
To: Carla McGrath
Subject: [External] JB Thomas Hospital site

CITY OF PEABODY

2020 OCT -5 A 10:10

CITY CLERK

WARNING

This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

September 30, 2020.

To who it may concern,

We would like to express our feelings and thoughts about this humongous project that they are trying to put in our quiet neighborhood.

When we started searching a good place for our new home, to raise our children, one of our most concern was to find a safe and quiet neighborhood. And we did. We found Emerson Park area to be the right place to raise our 2 and 4 years old. All of the sudden, we started to hear about this huge project on the site of the former JB Thomas Hospital.

The area size is not appropriate for such huge project. We don't even have the infrastructure for such a thing. The intersection of King st with Lowell st is already dangerous as it is, we see accidents happening constantly, imagine adding that huge project.

Adding this high number of apartments/units into this area will be a major safety concern for all residents, specially for children and elderly. Besides of all, this project will ruin our quality of life.

The project will also crowd our school system and our traffic. If it goes through we are talking about adding 200+ vehicles into our neighborhood.

The project it's self doesn't even have the minimum parking space required by the law and the City of Peabody, for their own residents. Realistically, they would need a land twice as big to build such huge project. Imagine if we have to change our zoning to accommodate every developer project... zoning exists for a purpose, it has to be respected, rules has to be followed.

Imagine on snow emergency days that we have to get our cars off the street into our driveways . Where those people will going to park their cars, since they don't even have the minimum required parking space by law? So we can't forget that we're talking about 130+ families, where nowadays usually there's at least two cars per apartment, totaling around 260 new cars into our quiet area.

I think, no one would like to have that huge building added in your quiet area. There are already, close neighbors concerned not to see the early morning sunshine anymore. Do you have an idea how bad will that be? It would increase the depression rate on people.

It's time to start thinking about building those huge projects outside of neighborhoods, which is already crowd and will not bear that.

Respectfully,

Christiano Teixeira
25 Kosciusko St, Peabody, MA

Cidalia Silva
28 King Street
Peabody, MA 01960
(978) 430-4472
Luacheia93@yahoo.com

CITY OF PEABODY
2020 OCT -5 A 10:11
CITY CLERK

September 30, 2020

Ms. Carla McGrath
Zoning Board of Appeals
24 Lowell Street
Peabody, MA 01960

Dear Ms. McGrath:

I am writing to you in regards to the application for Chapter 40B Comprehensive Permit for 15 King Street, Peabody, Massachusetts that has been submitted by HDG King Street, LLC c/o Attorney Jason Panos and why it must be denied.

As an 18 year resident of the City of Peabody, more specifically, as an abutter of the aforementioned property, I am very familiar with this specific area of the city. Our neighborhood is located in a heavily populated region of the city. As I am sure you are aware, this area is zoned as R2, which allows for single and two family homes. If you drive around this area, you will find that our neighborhood is a beautiful family-friendly area with homes ranging in style from cape style houses to ranches to colonials. A colossal building of this magnitude, simply put, does not comply with zoning ordinances and will be detrimental to the infrastructure of this area of our city.

Our neighborhood contains the only middle school for the entire city of Peabody, which houses grades Six through Eight, with an estimated student body of 1,300 students, many of which are driven to school or take the school bus which increases the traffic flow in this area. Additionally, there is also an elementary school in this neighborhood, which houses grades Kindergarten through Fifth grade, with an estimated student body of 380 students.

As you can see, from these numbers alone, the traffic flow to this region of the city is already strained. Add to this the fact that King Street is a major cut through road from South Peabody to Lowell Street, which is one of the main arteries in the city and lead to major highways. This area is already bustling and traffic on King Street is often backed up, especially during prime hours of travel. There is no public transportation in this region, so it is not uncommon to see multiple cars for each living space in this neighborhood. Adding this massive project to an already congested area is a recipe for disaster, especially given that there will not be enough allotted parking available for each proposed unit. This alone adds to the environmental issues of our city, i.e. increased traffic, pollution, and trash disposal to name a few.

As citizens of Peabody and the state of Massachusetts, we are well aware of the housing crisis that is upon us, however, allowing this proposal at this time is not the solution. Housing is

September 29, 2020

Dear 'decision makers' ~ please know that to allow such a huge 'out of place' new construction in this area is going against many citizens valid concerns of the negative impacts! We are looking to you for help in preventing it! We are unable to attend meetings & extremely grateful for citizens that are taking time to attend via ZOOM, but to help keep this from happening, we will all need to work together.

2020 OCT -5 A 10:11

I am writing to oppose the request for Chapter 40B Comprehensive Permit as it applies to the premise known as 15 King St. Peabody, MA, Map 074, Lot 258. This is scheduled to go before the City of Peabody Zoning Board of Appeals on Monday, October 5, 2020 at 7:00.

I believe that the building itself will cause substantial detriment to the public good and to the neighboring residential community. This type of proposed development is not sympathetic to the surrounding neighborhood and will devalue residential property values in the area.

The developer should consider designing a project more in line with the current zoning R2, (3.2.2 R-2 – Single- and Two-Family Residences: To provide sites for single-family and two-family residential development, while respecting the existing character of the neighboring homes and properties. The predominant uses are single- and two-family dwellings.) and the surrounding area R1, (A3.2.1 R-1, R-1A, and R-1B – Single-Family Residences: To provide sites for single-family residential development, while respecting the existing character of the neighboring homes and properties. Intensive land uses and uses which would detract from the desired residential character are not permitted), or at least reduce the size of the plan they now have. The present change in the variance request must be denied. I did not move to my one level ranch in Peabody to look out my back window to see a tall 3 or 5 story building. I bought my house because of the neighborhood it is in.

The current residents of this neighborhood focus on the amount of traffic that will be generated by this development. The developers fail to realize type of traffic issue their project will cause. We must recognize that this development will generate traffic on neighborhood streets such as King Street and Lowell St. way beyond what this neighborhood can handle. These streets are not able to handle the type or amount of traffic generated by this development. The problem will be compounded in the winter months when we have times that we must be off the streets for plowing. I own a home with a three-car driveway. I have three cars at my residence. When there is a snow emergency, I can park all my vehicles in my driveway. Where will all the cars from the 15 King St. development go? Not on my street. I will call for a police officer and a tow truck right away. Also, where will they put all their snow? They cannot push it onto King St., and they have limited space for parking as it is. During a snow emergency, this location will be a nightmare.

Not to say that this development will most definitely put a strain on our already strained school system. The water and sewer systems will also be affected beyond repair. This city is currently not ready to handle the problems that will present themselves from this monster of a development while there is another one being constructed not too far down the road. How much can one neighborhood take?

It is time to consider sending some of these developers to the open properties on the western side of Peabody. Instead of crowding the center of this city even more than it can handle.

Respectfully,
Brenda & Albert Rizzo
77 Kosciusko Street
Peabody, MA 01960
781-640-5116
781-640-4115
bgr27k@gmail.com

Carla McGrath

From: marla tremblay <marlatremblay@hotmail.com>
Sent: Thursday, November 05, 2020 9:06 AM
To: Carla McGrath
Cc: lisa gomes
Subject: [External] Re: [External] HDG King St

CITY OF PEABODY
NOV - 5 - A 9:07
CITY CLERK

WARNING This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Hi Carla

I live at 10 king St --across from the "power plant building w the giant smoke stack". I listened to the Zoom presentation last month regarding the development planned and I have some comments that I would like read at the follow up meeting next Monday, Nov 9th.

I am in favor of developing this property as it has become a major blight on our neighborhood. The developer, however, is not showing himself to be a good neighbor. The property is not being maintained safe or secure.

My concerns with their proposal are the following:

*when was the traffic study done? With the pandemic and subsequent lockdown, travel is well below normal levels. Any study done after the end of February would be invalid.

*2 bedroom units are being allotted 1.5 parking spots. What is a 0.5 parking spot?

*5 stories is too big for the neighborhood! Nothing in the area is above 3 stories.

*building C is very close to King St. It will be like having a giant wall directly in front of my house. Could the building be more centered in the space with parking on the perimeter?

* I certainly hope that the current condition of the property does not reflect the care and maintenance that the developers will provide once the land is developed.

Thank you,
Marla tremblay
10 king St

Sent from my iPad

> On Sep 28, 2020, at 9:38 AM, Carla McGrath <carla.mcgrath@peabody-ma.gov> wrote:

>

> Good morning. Please click the link below for the application at 15 King Street.

>

> https://citypeabodyma-my.sharepoint.com/:f:/g/personal/carla_mcgrath_p

> eabody-ma_gov/EmuBDSSBmvdEilv7AWUbgdMByuLUixg9pE0a22IzOcmOrw?e=dceJpS

There will be a full presentation on October 5th.

>

> Kindly,

Abutter Concerns about 15 King Residence Project

Mary Balestraci, 1 Southwick Road, Peabody, mbalestr@earthlink.net, 978-977-9514

Concerns Stemming from the HDG, LLC Proposal and Presentation on October 5, 2020:

CITY OF PEABODY
2020 OCT 27
CITY CLERK

► **The residents of Southwick Road should have free and easy access to the only fire hydrant on our street, which HDG, LLC previously attempted to fence in.** HDG attempted to restrict access to the hydrant so that they would have easy access to water for their demolition and construction efforts. I informed Ed Charest, the Ward Councilor for our neighborhood, about the situation and he intervened on behalf of the residents. This occurred last year, prior to the presentation on October 5, 2020.

► At the October 5 presentation, HDG, LLC repeatedly used **comparisons to JB Thomas Hospital, at the “height of operations”**; however, JB Thomas Hospital has not been operational for more than two decades and Peabody’s residential and commercial population has grown exponentially since then. I would like to hear what the proposed impact of their project would be, based on **current density and usage.**

► At the same presentation, Southwick Road was mentioned as part of the **traffic study** (re: intersection with Lowell St) conducted on behalf of HDG, LLC but Southwick Road should not be considered as a route of egress (it’s a privately owned, one way street, so egress would be the only potential reason for such a traffic study).

► HDG made no explicit mention of **prohibiting access to Southwick Road during construction.** I would like assurance that all reasonable measures will be taken to prohibit the use of Southwick Road for egress, construction affiliated parking and so on.

► At the recent presentation, **HDG, LLC made no mention of those residents and City officials opposed to this development project.** They claimed widespread support for this project among residents; however, I collected several pages of signatures and wrote a letter to Mass Housing opposed to the size and scope of this project, as did many others, so I know firsthand that there is extensive opposition to their proposal. **Their attempt to skew public opinion in their favor is disingenuous and misleading.**

► HDG, LLC continuously labels this parcel as a **“blighted” property** in order to argue for the speedy development of this property on behalf of the neighborhood; however, **the property at King Street was not “blighted” until after HDG, LLC took possession of the parcel and allowed it to fall into disrepair.**

As a direct abutter, this has been an untenable situation for quite some time. Not only did HDG, LLC become an absentee owner, with little or no physical presence on site, they also **sped up the deterioration the property** by renting it out to filming crews to perform ‘stunts’ and by allowing the local SWAT team to run drills, which created damage to the building that was never addressed (broken windows and so on, that allowed trespassers to enter the property). **Their failed stewardship of this parcel has already had a negative impact on the quality of life for residents.**

► HDG provided very little detail about the potential for **artificial light pollution** in their proposed development, beyond a vague assurance that there would not be any (this was not convincing to me, as a

direct abutter). I would like to see a mock-up of the type and location of lighting, and the level of brightness that this combined lighting would create, if possible.

► At the October 5 presentation, **vibration mitigation during construction** was not fully discussed. I live roughly 15 feet from the edge of the King Street property and the **smokestack structure**. Given my proximity to the demolition / construction site and the age of my house, which was built in the late 19th century and has a natural stone foundation, I am very concerned about potential damage to my home. **I would like to know more about the proposed measures that HDG, LLC will take to mitigate any negative impact their drilling, excavation, and construction could have on existing structures.**

► **Infrastructure:** There was no mention of the **lack of public transportation** at the presentation. While it is a lovely thought that residents will ‘bike’ and ‘walk’ to their destinations, this is not likely to happen during the **winter months**. Nor will they be able to easily access public transportation, which means greater traffic congestion, more wear and tear on existing roads and so on.

The **Center School is also at or over capacity** and is sorely in need of upgrades, so additional students are only going to add more stress to an already overburdened school.

The **existing utilities are old and, in many cases, in need of upgrades** so the addition of so many units will only result in future problems for all—existing residents and new residents alike.

Water pressure is of particular concern, since there are currently intermittent issues with water pressure in the area. The addition of 133 units to this aging system seems likely to create severe problems for existing residents. HDG, LLC did not sufficiently address this issue since they compared their water study to outdated numbers, from more than 20 years ago.

► At the presentation, HDG, LLC, gave an **estimated construction schedule of 5 years. This seems excessive**, particularly for direct abutters, many of whom now work from home as a result of the pandemic. This seems like an unnecessary burden to place on residents, particularly when each phase of construction will bring **problems with rodents, vibration, noise, and general disruption to daily activities in the surrounding area.**

Potential MGL Concerns (State Zoning Regulations):

► According to **MGL, Part I, Title VII, Chapter 40A, Section 9B**, residents should have access to **sunlight for the purposes of solar power**. The existence or potential for solar panels to be installed should not be precluded for residents of Southwick Road.

At the last public meeting held about the 15 King Project (I believe this was in August of 2019), prior to HDG, LLC’s application for a 40B permit, **HDG, LLC produced a “sunshine study,”** which stated that the **residents of Southwick Road would be deprived of a significant amount of sunlight, particularly during the winter months**, due to the size and location of their proposed structures. The deprivation of sunlight was not mentioned at the presentation on October 5, and I am concerned that the height of the proposed buildings will have a **detrimental impact on the ability of current residents to access sunlight.**

► Any sizeable construction in this area could negatively impact the existing water table and increase flooding potential. The construction of such large buildings will **inevitably displace and raise the levels of the water table. MGL, Part I, Title II, Chapter 21 covers many of these issues (particularly sections 8, 8c, 9, 12, 62, and 63).** I believe that this area is also designated as part of the **Peabody North Coastal Watershed**. The development of this parcel has the potential to reverse the flood mitigation

measures taken by the city by displacing the existing water table and **potentially creating underground water pollution** during the construction process.

▶ **The regulation of underground pollutants and run-off is also addressed in MDEP Regulation 310 CMR 27.00, which notes the Federal Water Pollution Control Act.**

▶ **I would like to ensure that any construction be conducted under the guidance of the oversight duties covered in MGL, Part I, Title II, Chapter 21A, particularly in conjunction with the Massachusetts Department of Environmental Protection.** This is to guard against pollutants and to protect environmental considerations. I am concerned about the **demolition of the smokestack** and the boiler room, which is only 15 feet away from my house. Given that diesel fuel and a medical incinerator are located on this site, there is a **strong likelihood that demolition of this building could release pollutants into the environment and create a hazardous living situation.**

▶ I'm not sure if this is applicable, but **MGL Part I, Title VII, Chapter 40A, Section 6** discusses construction and oversight. It struck me that the law in question mentions a property that has been neglected or abandoned for 2 years or more: **"A zoning ordinance or by-law may define and regulate nonconforming uses and structures abandoned or not used for a period of two years or more."** Perhaps this allows us more say in the development of this parcel? (I'm not a lawyer, so I'm not sure about this point, but I do know that HDG, LLC has purposefully neglected and virtually abandoned this property while they were in possession of the parcel.)