



JULY 18, 2022 REGULAR ZBA MEETING MINUTES

A meeting of the Peabody Zoning Board of Appeals was held on Monday, July 18, 2022 at 7:00 p.m. Peabody City Hall, 24 Lowell St., Wiggin Auditorium

MEMBERS PRESENT	MEMBERS ABSENT
Frances Bisazza-Gallugi, Chairperson	
	Stephen Zolotas, Vice-Chairperson
Keith Slattery	
Chris Gilbert	
Barry Osborne	

Also in attendance...

John R. Keilty: 128 Newbury St. Attorney

Mark Beranski: 128 Newbury St

Andy Hanton: 128 Newbury St

Jim Ward: 128 Newbury St. Co-council

Jason Panos: 58 Pulaski and Walnut St Council

Anthony Capachietti: 58 Pulaski St

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

Stephen Zolotas absent. Applicants need 4 yes to be approved

REGULAR MEETING

1. Continued Administrative Appeal of J.D Raymond Transport c/o Attorney Kimberly Kroha from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 15.6.2, as it applies to the premise known as **27-R FARM AVE**, Peabody, MA, 069-005A. Petitioner seeks an **administrative appeal** from the Building Permit Issuance by Commissioner Talarico for 27R Farm Ave. The property is located in a DDD zoning district.

Fran Gallugi: Do we have an update Attorney Kroha?

Attorney Kim Kroha: Attorney representing JD Raymond. we were here back in June We had filed an appeal from the building permit that issued for the budding apartment complex that was approved under Chapter 40b at the last hearing in June. Prior to that we had filed a request for determination of applicability with Conservation Commission asking the Commission to look at wetland areas around the site. They were meeting a few days after that. Since that time the Conservation Commission has met twice and they conducted a site walk that was almost two hours, walking all along the property and taking a look at the different wetland areas. At the last meeting, last week, the Conservation Commission continued the hearing to September 14th. We are still looking at the wetland areas our expert from GZA. Our environmental expert gave his opinion during the public hearing in front of the Conservation Commission that the wetland area that we focused on during the sidewalk which is a roadway that was permitted in 2016 that leads to the apartment. So, at where the roadway starts to meet the apartment that wetland had state jurisdiction and the wetland up front everybody had agreed had state jurisdiction. So, the question was whether or not they connected making the back one a state jurisdictional wetland. During the site walk looked at the vegetation and the soils which are the two factors. So, just to sort of summarize where we're at with that the impact is that if that's a state jurisdictional wetland then the Conservation Commission has to conclude that the apartment and there's a corner of a building in some of the parking lot that falls within the buffer area, whether or not there's any impact on the wetland areas and it also has an effect on the stormwater. So, the site visit and the last Conservation Commission hearing were only two days apart there was considerable material put in during that time that was part of the reason that there was a continuance. There was also a question during the site walk by Commission Members asking if we could do a peer review. So, and one of the letters that was submitted by me on behalf of JD Raymond we had suggested that a peer review would be appropriate and had mentioned that the developer of the apartment complex should pay for the peer review. The attorney for the developer responded and said JD Raymond is the applicant of this request for determination of applicability. So, they should pay for the peer review. Conservation Commission didn't make any decision on the peer review, but I do want to note for this Board's review that in the comprehensive permit that was issued it does call for as one of the conditions that this board can order a peer review of all of the developmental impacts under state wetlands. So, my request tonight is that the suspension that issued in June be continued out beyond the September 14th Conservation Commission hearing and also that the Board have a peer review at the developer's expense to take a look at the wetland areas.

Fran Gallugi: Conservation has still not made a determination. We will need to continue to August 15 then to the September 19th meeting. Can you put it in writing you are requesting a continuance and send it to Carla.

Barry Osborne: Motion to continue to August 15, 2022

Keith Slattery: Second

Fran Gallugi: Roll call vote (4,0)

2. Application of Daniel Flaherty for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.1.5, as it applies to the premise known as **103 GOODALE ST (R)**, Peabody, MA, 017-099B. Petitioner seeks a variance to construct a detached garage and requires relief to Accessory Structure Size where 500 sf is allowed, and 728 sf is proposed. The property is located in a R1 zoning district.

(Keith to read legal ad)

Steve DiChiara: Homeowner gave a brief overview of proposed 28 x 26 detached garage 728 sf

Fran Gallugi: How will you get to the garage?

Steve DiChiara: There is a right of way.

Fran Gallugi: Any questions by the Board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the board.

Barry Osborne: Motion to close the public hearing

Keith Slattery: Second

Barry Osborne: Motion to approve with condition the applicant gains approval from con comm

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed. (4,0)

3. Application of DUNN ROBERT W & CYNTHIA C for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **4 ROYCROFT RD**, Peabody, MA, 065-278. Petitioner seeks a variance for an addition and requires relief to Rear Yard Setback where 35' is required and 33' is proposed. The property is located in a R1A zoning district.

(Keith read Legal Ad)

Robert Dunn: Homeowner gave a brief overview of 8 x 10 addition to rear of home

Fran Gallugi: Any questions by the board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the board.

Keith Slattery: Motion to close the public hearing

Chris Gilbert: Second

Barry Osborne: Motion to approve

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed (4,0)

4. Application of BAILEY WAYNE & RACHEL for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **24 ROCKDALE AVE**, Peabody, MA, 116-137. Petitioner seeks a variance for a proposed farmer's porch and requires relief to Right Side where 15' is required and 9.6' is proposed; Front Yard where 20' is required and 4.4' is proposed; Lot Coverage where 30% is allowed and 30.5% is proposed. The property is located in a R1A zoning district.

(Keith to read legal ad)

Wayne Bailey: Homeowner gave a brief overview of the proposed 32.5 x 7 farmers porch.

Fran Gallugi: Any questions by the board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the board.

Barry Osborne: Motion to close the public hearing

Keith Slattery: Second

Barry Osborne: Motion to approve

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed (4,0)

5. Application of RECUPERO JOSEPH A & KAYLA & for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **36 MURRAY ST**, Peabody, MA, 017-007. Petitioner seeks a variance for a proposed addition and requires relief to Rear Yard where 35' is required and 31' is proposed. The property is located in a R1 zoning district.

(Keith to read legal ad)

Jerry Scoppettuolo: Contractor gave a brief overview of the proposed 24 x 22 addition for new bedrooms. Homeowners reached out to abutters.

Fran Gallugi: Any questions by the board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the board.

Barry Osborne: Motion to close the public hearing

Keith Slattery: Second

Barry Osborne: Motion to approve

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed (4,0)

6. Application of Attorney Jason Panos from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 15.6.2, as it applies to the premise known as **25 FARM AVE**, Peabody, MA, 069-006. Petitioner seeks an administrative appeal from Commissioner Talarico's determination where he declined to issue an enforcement action for J.D. Raymond Transport Inc. The property is located in a DDD zoning district.

(Keith to read legal ad)

Attorney Panos: Attorney representing Farm Ave. Two Lots requesting the Board overturn Commissioner Talarico's determination to NOT issue JD Raymond an enforcement order. Attorney Panos requests continuance.

(Keith to read continuance request into record)

Barry Osborne: Motion to accept correspondence

Keith Slattery: Second

Barry Osborne: Motion to accept Attorney Panos continuance to August 15, 2022

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed.

7. Application of PERISIE RICHARD A & MAUREEN LF EST for a Variance from the Provision of the Zoning Ordinance 2020, as amended, Section(s) 7.2, as it applies to the premise known as **45 DEXTER ST, Peabody**, MA, Map/Lot 108-032. Petitioner seeks a variance to build an open deck and requires relief to Right Side Yard where 15' is required and 7' is proposed. The property is located in a R1A zoning district.

(Keith to read legal ad)

Maureen Perisie: Homeowner gave a brief overview of the proposed 17.5 x 12 deck. We notified our neighbors.

Fran Gallugi: Any questions by the board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the board.

Barry Osborne: Motion to close the public hearing

Keith Slattery: Second

Barry Osborne: Motion to approve

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed. (4,0)

8. Application of DELISLE BRAD J & MARIA T for a Variance from the Provision of the Zoning Ordinance 2020, as amended, **Section(s) 7.2**, as it applies to the premise known as **10 MARGARET RD**, Peabody, MA, **Map/Lot 102-302**. Petitioner seeks a variance to build an addition and requires relief to Right Side Yard where 15' is required and 8' is proposed. The property is located in a **R1A** zoning district.

(Keith to read legal ad)

Brad Delisle: Homeowner gave a brief overview of the proposed 18' x 10' addition for kitchen and office space

Fran Gallugi: Any questions by the board? Anyone in the audience to speak in favor? In opposition? Hearing none the matter is before the board.

Barry Osborne: Motion to close the public hearing

Keith Slattery: Second

Barry Osborne: Motion to approve

Keith Slattery: Second

Fran Gallugi: Roll call vote (4,0)

SPECIAL MEETING

1. Continued application of Maple Multi-Family Land SE, L.P., for a **Chapter 40B Comprehensive Permit** as it applies to the premise known as **128 Newbury Street, Peabody, MA, Map 057, Lot 074 B,C,D,E,F,G,H,I,J,K,L,M,N,O,P and V.** Petitioner seeks to construct 220 rental units. The property is located in **BR1 and R1 Zoning Districts.**

Keith Slattery: Motion to accept the following correspondences

- 6.11.22 Rogers Letter in Opposition
 - 6.11.22 Coughlin Letter in Opposition
 - 6.28.22 Bernson Memo
- (Letters made part of these minutes)**

Barry Osborne: Second

Fran Gallugi: All in favor Any opposed (4,0)

Attorney Keilty: Attorney for applicant. Gave an update. Also reached out to school department/transportation for bus access and to coordinate with them a safe Bus top location not located on Route 1 or on Winona St but on the Trammel Crow property. No child would be picked up on Route 1.

Fran Gallugi: I would like for the residents abutting this development to not have a view of Rt 1. The trees that are being planted should be tall not short bushes.

Mark Beranski: We've relied on our um landscape to pick sort of an optimal mix there's deciduous and coniferous mixed in and the idea is that the conifers will retain some of their greenery throughout the winter which will help in maintaining those view lines and the deciduous including something like a red oak which holds its leaves till late in the winter will also assist in that there will definitely be some growing. One other thing that we have committed to which is frankly a little uncommon in the construction process typically you do your

landscape at the end of the project once all your site works done but also your structure's done. Knowing that this is important issue to the neighbors we've committed that subject to when this project commences the appropriate time of the year, we would front load most of the landscape work and the installation of the fencing and that will give us an opportunity to have the plantings in there see how they're doing their job of creating view buffers and will certainly be able to supplement later in that construction process. The short answer to your question is it is fair we're very comfortable doing that and we could get our landscape I'm sure our landscape architect has frankly already thought about that so yes we would be very comfortable committing to sizes and it's worth noting that the plants that have been submitted to the city do specify planting sizes and types but you know we can go over that and perhaps draw that out so it's a little easier for you to review.

Fran Gallugi: I'd like to leave landscaping for a bit and go into the size of the project

Mark Baranski: The initial conversations with the city back in 2019, we were in the 300-unit range. Based on feedback from the city we lowered that to 240 and then to 220.

Fran Gallugi: My feeling is 220 is too dense and I'd like to see that reduced somehow. I don't know how anybody else feels about it.

Barry Osborne: Through the chair I'm glad you brought that up because there is a little confusion on my part and reading the correspondence that's been coming across our desks, I see the memorandum from Community Development, and it states 220 rental units but yet when we read the correspondence from letters of opposition, they reference 180 units development. Has there been conversation with the Mayor, Community Development? Has there already been negotiations as to the size of this of this project? Because really you know just because you come to an agreement, we still have to make a decision as to what we think is the fair size of this project. So, how far has this conversation gone? Has there been any handshakes or anything like that to say that oh we'll reduce it to a hundred and eighty and think that as a board we're going to be satisfied and say oh well 180 it is. I hope you understand that you know to for us to do our due diligence if we feel that less than 180 then that's the way we have to go. I mean God knows we've been through a lot of these lately and you certainly understand that when a developer initially applies, they shoot for the moon. Then it was always said that oh well it's a 40b there's nothing you can do with it you can't nothing you can do about it you know that's the way it goes. Well, lo and behold you find out as you go through one after another after another that there is something you can do about it and you know and I'm going to use one that we've already did where we had to come to an arrangement on the mediation and they reduced the size drastically. All of a sudden, the developer feels well the state reduced it drastically and he didn't back out so there's still money to be made. So, are you considering less or will you consider less is as this project goes forward we determine that maybe 180 might be torn? I think it's great all right you went from 300 to 220 and now the number seems to be 180 even though I don't know where that number came from, but you know where are we with the size of this....

Attorney Keilty: I'm happy to answer that question. Yes. It is correct that it began at well over 300 and had been reduced to 220. We made our application to 220. Yes. There have been

conversations with both Community Development Department and the Mayor's office and as such here was a request to consider something less than 220. We however are acutely aware that the board is the body that makes that decision and to answer your last question is there a lesser than 220 number that we would consider yes and is that number that has been spoken of is 180? Yes, and would we consider paring down our plans to get to 180, yes.

Barry Osborne: I am fine with that. Thank you.

Fran Gallugi: Are you going to draw up new plans reflecting 180?

Attorney Keilty: Yes

Barry Osborne: Through the Chair. In regard to the Community Development Memo as far as let's make affordable housing affordable, I'm a firm believer in this. When you look at some of the numbers it's staggering. You're going to make a lot of money. I don't see where it can't be lowered. Is that something that as we go forward, that you would seriously take into consideration as to maybe not 50 of the mean income maybe 60 maybe 70... lower that number so they could become more affordable... was that something that you would be amenable to discussing?

Attorney Keilty: I believe that's a memo we don't have.

(Discussion ensued)

Attorney Keilty: So, if that's a memo you would share with us, I think we'll be happy to respond to that in writing before any further meeting. We will proceed with traffic.

Mark Beranski: Made a presentation on traffic and landscaping.

(Traffic Presentation made part of these minutes)

Fran Gallugi: Anybody in the audience to speak?

Anne Manning Martin: Good evening and thank you. My name is Anne Manning Martin, 37 Dexter Street Peabody. I wanted to kind of thank all the neighbors that participated in all the meetings that transpired over the last few years. I think this project was proposed prior to Covid maybe started in 2019. So, there were a lot of meetings, and the neighbors were very engaged as was the developer very responsive. They kind of went over a couple things that they changed. I think the name of this originally was the Residences at Winona or something and when all the residents, including myself kind of educated them about Winona Street, how it couldn't handle any of that either access or egress they immediately changed it. But they also changed the name of the whole project so that so that it wouldn't have Winona on it. So that people wouldn't be searching for Winona Street. That really caught my attention. That gained a lot of respect from me for this developer and was very responsive along the way. They opened up more open space. They moved a building back and they mitigated a lot with the abutters and the project was over 300 and they came down now to 220. I'm here to speak in favor of this project. I've spoken as we all know against some 40b projects I've been silent on others and this one I am in favor of so,

I thought it was important for me to come up and express that so what the conversation tonight about the number of 180 again I mentioned that this to be reduced further to 180 I mentioned that this project was proposed back in 2019 well before covid construction costs now through the roof so the proposal that you had for 300 or 220 was in a different economic time. So, the number of 180 that the Mayor and Community Development has come up with it just to me sounds kind of random I don't know what it's based upon and it concerns me because will it be economically unfeasible for the developer we don't know that. I don't mean to insult the developer because and I've been following this very closely for quite a few years but if we reduce it so much my concern is that they will have to cut corners and costs leaving us with a major development a massive development that may be unsightly and unsafe to be nice about it and that's not the type of development that we want certainly not one after we've been working so long and as the Chair has stated we've been left with a dust bowl and a crater and mudslides and it's just been a terrible situation there and So, I think that we need to continue to look towards a win-win situation with this development to improve it but also and again I don't want to insult the developer but they are here for a profit and if they do need if they are hit with a number that is based on kind of pulling it out of a hat 180 they will cut corners. They are here for a profit, and we don't want them to cut so many corners that we don't have a beautiful structure and building and presentation that was presented when times were better and construction costs were a lot less. So, if we could just keep all of that in mind and also the entire number of units of this project will of course go to our subsidized housing inventory and although you know safe harbor is a is a tool best to be maintained not necessarily to be used you don't have to use it but it is best to be maintained so that we can uh keep a handle and control on development so that will be 220 units if you knock it down to 180 you're going to lose 40 units to the SHI and that's a large number given where we are always teetering lately with the subsidized housing inventory but I think it will 220 will go a long way to help us maintain that number and again I just ask you to look carefully at the number that has really kind of just in my opinion been thrown out there of 180 from the Mayor and Community Development.

Fran Gallugi: Anyone else to speak? Hearing none we need a motion to continue.

Barry Osborne: Motion to continue to August 15, 2022

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed (4,0) in favor

2. Continued application of **The Residences at Mills 58 LLC.**, for a **Chapter 40B Comprehensive Permit** as it applies to the premise known as **58 Pulaski St., Peabody, MA, Map 053, Lot 047.** Petitioner seeks to construct 51 rental units. The property is located in a **IL Zoning Districts.**

Attorney Panos: To give an update on peer review and general project update

Anthony Capachietti: Engineer gave brief overview presentation stormwater and environmental reviews were generally positive, parking overview. Have also was a reduction in units.

(Presentation made part of these minute)

Fran Gallugi: Is it still part of the plan to clean up that area by the water?

Anthony Capachietti: It is still part of it that's still part of the plan. We have a like a crushed stone apron so the storm water will go through there that apron will pick up sand and trash and that's scheduled to be cleaned out on a regular basis and then we have a large lawn area. We're actually taking some of the parking spaces away in that area that's where we've reduced the impervious. So, we thought it was a good place for like a picnic table or just a place to sit.

Jason Panos: Through the Chair the comprehensive parking plan will require a separate variance. We have been preparing for that however now with the traffic report coming out we're going to wait until we have an opportunity to review that in the event that forces any changes we'd rather give you a variance request for what peer review forces as a result. So, hopefully if we get it tomorrow, we anticipate about a week turn around to get you that variance application and hopefully we can wrap it up.

Keith Slattery: Through the Chair what's the variance for parking? It looks like you are over the parking spaces....

Jason Panos: We're moving parking that would be attributable to the commercial uses at Buildings B and C and now A to some extent across the street to a separate parcel.

Fran Gallugi: Anyone in the audience to speak in favor? In opposition?

Attorney Bill Sheehan: Representing VRM LLC and Sideway LLC two owners of property between the two of them they own 13 and a half acres, and we immediately abut the applicant on the west. I also represent Wayside Transportation Company which has its headquarters there and its premises there. You may recall that when I was here at the last meeting, I discussed at least identified a series of issues. Those issues include a concern about all the truck traffic that runs through the site after all it is an industrial site. We're concerned about the parking layout concerned about safety and concerned about our ability to continue to operate our facility as an industrial use recognizing that if there are residents who move into that building so-called Building A, that they'll be overlooking right next to a use that they may not like and unfortunately the law doesn't necessarily protect my client in the event that residents seek to either eliminate or change how we're using our property.

Fran Gallugi: If I may interrupt, i understand your concerns all of them. If this gets passed

and people obviously before they rent out one of these apartments will take a good look at the whole property and they're going to see your clients whatever use the what did you say it was abutting?

Bill Sheehan: It's an industrial use. They move containers rental sale of storage containers things of that sort.

Fran Gallugi: That is something that the person that's going to rent the apartment will have to deal with that's not something we're going to deal with or your client will deal with. He's going to continue his business and if Mr. Greeley doesn't fill his complex because of it oh well but that's sort of like if you if you buy a house next to a Chinese restaurant and you don't like all that traffic going in and out of the restaurant that's your problem not the Chinese restaurants problem. So, the people buying into this apartment building it's their problem. I don't see the relevance of the comment.

Keith Slattery: Through the Chair. I agree. I don't even think that's something under our purview. But I also if I understand correctly, understand correctly everyone's going to be given a disclosure slash waiver upon occupancy. It was brought up at the last meeting. Did you hear that?

Bill Sheehan: What I would suggest respectfully is within your purview is whether or not this use should be allowed residents as this proposed use....

Fran Gallugi: The state come down and did a whole walk through of the entire property and the building and they gave their approval for this site. So, the state has already approved this site. you made reference to safety believe me when I tell you safety has been a priority of mine since the beginning of talks for this. So, you can rest assured that the board and I are very very concerned with safety and as time goes on if we feel that something's not being met, we definitely will we'll deal with that. This is something that can be built.

Bill Sheehan: Zoning actually does not allow this use. There is no multi-family residential district use allowed in this district and it's not allowed by way of the overlay district. The applicant seeks permission for the use under Chapter 40b absent that he would not have the right to come in and use the property for multi-family.

Fran Gallugi: However, he has been approved by the state for a 40b.

Bill Sheehan: It's not my intent to quarrel with the board however, what is within your purview is a determination as to whether or not there should be residential use allowed here and one of the considerations, I would suggest respectfully is all of the other neighbors how that property is used and how their use may potentially be impacted by a decision that allows residential use. In addition, the size of the project is obviously something that you're going to be concerned with.

Fran Gallugi: So, the size of the project can be discussed and can be argued, and I don't mean argumentatively but argued if this was something that was going to be built from the ground up. his building is already established so what Mr. Greeley and company are doing is they are taking an already established brick building and they are working inside of it to make apartments and beautifying the area and making parking more accessible to the residents into the commercial businesses etc. etc. etc.

Bill Sheehan: With respect to parking the parking is proposed to be on Pulaski Street Rear some parking directly heading into the parking area such that all of the vehicles that head in are going to have to back out into the 30 foot wide public way that is contrary to what your zoning seeks in fact you may recall that your zoning ordinance specifically prohibits any kind of parking that would result in having to back into a public way such as this for most of the spaces as they are shown on the existing plan. When he or she backs out of that space is going to be backing out into a public way which is heavily used by trucks and other commercial vehicles and the concern is a safety concern and that's a safety concern that is specifically recognized in your zoning ordinance. Now a few of the spaces are parallel parking but most of them are what I would call head-in parking spaces so that's a that's a concern.

(Discussion ensued)

Fran Gallugi: This will be vetted with third party review.

Jason Panos: There are a couple of points that were raised that really need to be addressed. First of all there was an absolute mischaracterization of the parking plan which has just been peer-reviewed. We haven't even seen that yet which ostensibly will address any safety concerns that should be brought to our attention and if necessary forcing a plan change we will contemplate that and work with the board and the peer reviewers to address those things. However, we haven't even seen it yet so we're putting the card ahead of the horse. The mischaracterization most of the parking actually all of the residential parking servicing the proposed apartment units is tucked away in back of 58 the assigned spaces that is that those spaces that will service the actual residents there are approximately 27 spaces proposed at 58 rear that will be used for visitor pickup drop off that by the way are displacing spaces in and out spaces that are currently being used for automobile vehicles storage and other commercial uses. So, they are as we speak for the most part entering and exiting in the same manner as we currently propose. Yes. We add a few more spaces but not a lot. With regard to the easement for the right of way the current width is 24 feet. We're not changing that. Whether the easement is for 30 feet or not we maintain the existing condition primarily. I just want to impart on the board some information to clarify what was just presented to you. Some of it just isn't true and I just want you to know that we're here to work with the Board and the peer reviewers to make sure that any real issues are addressed to everybody's satisfaction with safety being the most important concern.

Tony Capachietti: Through the Chair. There are existing spaces in front of the commercial uses that back out currently and they're actually in a worse position because they're further towards the building and people traveling on the way cannot see those people especially in front of the building a now the brewery it's very difficult to see them so we've moved them up to the right of ways so they can be seen. We've actually dropped one space that's in front of that building because we didn't think it was safe. We originally had the cars backing in and out and you had asked us to change that and we agreed, so we're funneling the pedestrian traffic out and around in one location through a series of walkways. We're trying to make efforts to meet these safety concerns and we'll continue to do so. This project as its design is definitely no worse than what's out there currently in my opinion a better option sight line wise as well as turning radius and movements and the narrowest point is 24 feet in the paved right-of-way parking is allowed if you read the easement because it's for all uses ...in Peabody and most streets in Peabody do allow parking on the right-of-way so just to round that up.

Barry Osborne: Motion to continue to August 15, 2022

Keith Slattery: Second

Fran Gallugi: All in Favor. Any opposed (4,0) In favor

3. Continued application of **The Tan-Rite Residences LLC c/o Attorney Jason Panos**, for a **Chapter 40B Comprehensive Permit** as it applies to the premises known as, **39 Wallis St., 4 and 8 Upton St., Peabody, MA, Map/Lot 085/ 011, 085/010, 085/009**. Petitioner seeks to construct 140 rental units. The property is located in an **GBD Zoning Districts**.

(Keith to read continuance request into record)

Barry Osborne: Motion to accept correspondence

Keith Slattery: Second

Barry Osborne: Motion to accept Attorney Panos continuance to August 15, 2022

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed.

BUSINESS MEETING

Barry Osborne: Motion to accept May and June meeting minutes

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed. (4,0) In favor

Barry Osborne: Motion to adjourn

Keith Slattery: Second

Fran Gallugi: All in favor. Any opposed. (4,0) In favor

NEXT REGULAR AND SPECIAL MEETING AUGUST 15, 2022