

Sept 20, 2021



City of Peabody  
Zoning Board of Appeals

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

SEPTEMBER 20, 2021, ZBA AGENDA  
LEGAL NOTICE

(2) CONTINUE 8 BOURBON  
JASON  
(1) 68 PROSPECT  
(4)  
(5)  
(3)

NOTICE IS HEREBY GIVEN THAT THERE WILL BE A REGULAR AND SPECIAL MEETING OF  
THE  
ZONING BOARD OF APPEALS ON  
MONDAY, SEPTEMBER 20, 2021, AT 7:00 PM  
AT THE WIGGIN AUDITORIUM, CITY HALL, 24 LOWELL STREET, PEABODY, MA

REGULAR MEETING

1. Continued application of 68 Prospect St., LLC c/o Attorney John Keilty for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2, as it applies to the premise known as 68 Prospect St., Peabody, MA, Map 039, Lot 005. Petitioner seeks a variance to construct decks and requires relief is to Left, Right and Rear Yard Setbacks where 20' is required and 12' is proposed. The property is located in a BR Zoning District.
2. Continued application of Spero J. Demakes c/o Attorney John Keilty for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2 and Section 9, as it applies to the premise known as 8 Bourbon St., Peabody, MA, Map 027, Lot 006A. Petitioner seeks a variance to construct a 2-story addition and requires relief is to Front where 50' is required and 26' is proposed; Rear where 50' is required and 28' is proposed; Side where 40' is required and 26' is proposed; Parking where 73 spaces are required, and 65 spaces are proposed. The property is located in a BR Zoning District.
3. Continued application of JDT Group, LLC c/o Attorney John Keilty for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 and 10, as it applies to the premise known as 0 Newbury St., Peabody, MA, Map 088, Lot 007. Petitioner seeks a variance to construct a 6-story, self-storage facility and requires relief to Front where 50' is required and 35' is proposed; Side where 40' is required and 34.2' is proposed; Height where 40' is allowed and 69.11' is proposed; F.A.R. where 1.0 is allowed, and 2.02 proposed. The property is located in a BR1 Zoning District.
4. Application of David Anastasi for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 11.5.1C and 11.5.5A5 (Signs in a BN District), as it applies to the premise known as 83 Pine St., Peabody, MA, Map 045, Lot 500T. Petitioner seeks a variance to erect 3 signs equaling 154 sf where 1 is allowed a maximum of 60 sf. The property is located in a R4 Zoning District.
5. Application of Justin and Adrienne Lazure for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2, as it applies to the premise known as 61 Catherine Dr.,

Peabody, MA, Map 003, Lot 012. Petitioner seeks a variance to build an addition and porch which requires relief to **Front Yard Setbacks** where 25' is required and 17.4' is proposed. The property is located in a **R1 Zoning District**.

6. Application of Pea Motor Sports Prop LP, c/o Keri Martin for a **Sign Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 11.5.4**, as it applies to the premise known as **7 Centennial Dr., Peabody, MA, Map 091, Lot 005**. Petitioner seeks a variance to erect 2 Wall Sign equaling 104.2 sf where 2 are allowed at a maximum of 60 sf. The property is located in an **IP Zoning District**.
7. Application of **Donna O'Brien c/o George Piperidis** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **188 Winona St., Peabody, MA, Map 055, Lot 038**. Petitioner seeks a variance to build an addition and requires relief to **Side Yard Setbacks** where 20' is required and 10.3' is proposed. The property is located in a **R1 Zoning District**.
8. Application of **Joseph and Erica Stearns**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **37 Downing Rd., Peabody, MA, Map 060, Lot 039**. Petitioner seeks a variance to build a deck and requires relief to **Left Side Yard Setbacks** where 20' is required and 15.5' is proposed. The property is located in a **R1B Zoning District**.
9. Application of **FRH Realty, LLC, c/o Attorney John Keilty**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 6.6**, as it applies to the premise known as **7 Dearborn Rd., Peabody, MA, Map 078, Lot 019**. Petitioner seeks a variance and requests relief from setback and impervious site coverage requirements. The property is located in a **DDD Zoning District**.
10. Application of **Tannery Limited Partnership c/o Expose Signs and Graphics, Inc. Denise Perron** for a **Sign Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 11.5 (Signs)** as it applies to the premise known as **18 Crowninshield St., Peabody, MA, Map 074, Lot 065A**. Petitioner seeks a variance to erect **4 Hanging Signs and 1 Wall Sign** and requires relief to **number of signs, sign size and sign height**. The property is located in a **R4 Zoning District**.

#### SPECIAL MEETING

1. Continued application of **Residence at Endicott, LLC c/o Attorney Jason Panos**, for a **Chapter 40B Comprehensive Permit** as it applies to the premise known as **40-42 Endicott St., Peabody, MA, Map 075, Lots 004 and 005**. Petitioner seeks to construct 68 units. The property is located in an **R1A Zoning District**.

#### CORRESPONDENCE

8.9.21 Stacey Bernson Memo RE: 40-42 Endicott St.

#### BUSINESS MEETING

#### REPORTS

#### NEXT REGULAR MEETING OCTOBER 18, 2021,

320 Andover

Carla D. McGrath, Clerk

Posted:



CITY OF PEABODY  
2021 OCT 20 AM 9:14

CITY CLERK  
MEETING MINUTES

**SEPTEMBER 20, 2021 SPECIAL AND REGULAR ZBA MEETING MINUTES**

A meeting of the Peabody Zoning Board of Appeals was held on Monday, September 20, 2021 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	
Julie Picardi	
Dan Sencabaugh	
Barry Osborne	
	Keith Slattery

**Also in attendance...**

**Will Paulitz - City Engineer**

**Tony Cappachietti – Hayes Engineering**

**Attorney Panos**

**Wayne Keefner – DCI**

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

**(Ms. Gallugi explained the Board would be taking applicants out of order this evening)**

2. Continued application of **Spero J. Demakes c/o Attorney John Keilty** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2 and Section 9**, as it applies to the premise known as **8 Bourbon St., Peabody, MA, Map 027, Lot 006A**. Petitioner seeks a variance to construct a 2-story addition and requires relief is to **Front** where 50' is required and 26' is proposed; **Rear** where 50' is required and 28' is proposed; **Side** where 40' is required and 26' is proposed; **Parking** where 73 spaces are required, and 65 spaces are proposed. The property is located in a **BR Zoning District**.

**Stephen Zolotas:** Motion to accept Attorney Keilty request to continue

**Barry Osborne:** Second

**Fran Gallugi:** All in favor. Any opposed (5,0) in favor

Ms. Gallugi made a statement regarding late correspondence and stated: Correspondence is considered late if not submitted by 4pm, 12 days before the meeting date. It is at the discretion of the Board if the late correspondence will be accepted. Late correspondence may result in a continuation of the hearing. This deadline allows the board members, clerk and interested parties, sufficient time for review.

### SPECIAL MEETING

1. Continued application of **Residence at Endicott, LLC c/o Attorney Jason Panos**, for a **Chapter 40B Comprehensive Permit** as it applies to the premise known as **40-42 Endicott St., Peabody, MA, Map 075, Lots 004 and 005**. Petitioner seeks to construct 68 units. The property is located in an **R1A Zoning District**.

### CORRESPONDENCE ENDICOTT ST

**Stephen Zolotas:** Motion to accept following correspondence:

8.9.21 Stacey Bernson Memo

7.6.21 Will Paulitz Memo with WorldTECH Engineering and Horsley Witten Group's letters

9.15.21 Will Paulitz Water and Wastewater responses.

**(Memos have been made part of these minutes)**

**Julie Picardi:** Second

**Fran Gallugi:** All in favor. Any opposed. (5,0) in favor

**Attorney Jason Panos:** Jason Panos here on behalf of the applicant the Residences at Endicott, LLC and I'm joined with our project manager and engineer Tony Cappachietti from Hayes Engineering and also the project principal Pat Todisco. We have been working through our peer review responses but have not we're not able to timely submit those responses within your 12-day period. We'd like to give oral testimony to keep things going and to be in a position that in the next 10 days give you our comprehensive set of written responses with any plan changes and also work with Mr. Paulitz and the peer reviewers to the extent necessary prior to your continued hearing on October 18<sup>th</sup> so that we could uh take that time in between to reconcile any outstanding issues and present a comprehensive joint memo between the department of public services and the project team. I would like to talk a little bit about the correspondence you received from Assistant Director, Stacey Berson with Community Development and Planning. Her memo talks about two issues...She recommends that the affordability restriction be extended from 30 years as we propose, that is the length of time by which the

affordability restriction on the proposed affordable units stay affordable, from 30 years to in perpetuity. We have no problem with that and we will agree to that as a condition. The other thing that she talks about is of the affordable units, and there are 17 being, 25 of the 68 units proposed, five of those 17 units be set aside to those earning at 50 percent of the HUD area median income and that's all pretty clearly broken out in in her memo. We agree with the general tenor of what she's trying to accomplish. It's just the timing is wrong. The time to have raised that very similar to the municipal comments that were tendered in conjunction with the Wallace Street project which is not yet before you but is going through the project eligibility phase the city in the municipal comment period raised that as something the developer ought to consider back in project eligibility. That is the appropriate time to raise it. When the matter clears project eligibility and is before the board, that makes it much more difficult because we now have to retool our pro forma. We would then have to go back to Mass Housing, adjust our project eligibility letter, probably add more units to compensate and pay for the reduced income eligibility for those five units and then present basically a newer application. It wouldn't change the timelines. It wouldn't change the fact that we do have a valid project eligibility letter. It just changes the project a little bit and it would require us to backtrack so we would suggest that that is not going to be an acceptable condition for us and I can reduce that to a writing because ultimately, we believe that would render the project that is currently presented to the board on economic in other words the project numbers could not facilitate what she's asking for and it doesn't render the project any less viable as an affordable housing development project because all of our units are affordable to those earning at 80 percent HUD area median income which is what is required by the statute and the supporting regulations. So, with that and through the chair we'd like to respond to Mr. Paulitz's comments in peer review and you accepted into the record two memos from Department of Public Services.

**Will Paulitz:** City Engineer, Department of Public Services. So, if it please Chairwoman Gallugi, I would just go through some of the highlights or just some of the items that we're looking to have the applicant address part of the revisions from the July 6<sup>th</sup> memo which deals with traffic and storm water and environmental issues. We'll start with traffic.

**(Mr. Paulitz gave an overview of the memos have been made part of these minutes.)**

**Fran Gallugi:** In regard to parking...from where the building starts to where the building ends, would it be possible to cut in and take part of that sidewalk to the bridge and cut against just to make the street a little wider so cars don't park half on the sidewalk? It just seems something to consider.

**Will Paulitz:** From our department we could take a look where the frontage is, but I think their property line I think is close to probably the back of sidewalk. I'd have to verify. That's just an assumption on my part and if that's true then if that's the direction the Board would like, then let the applicant know that because they could put something like that in their plans. I mean there would be a domino effect with their plans they'd have to modify things because I think their building is rather close to the property line. So, it's something they would have to take a look at.

**Fran Gallugi:** So, what do you think? Do you know what I'm trying to say?

**Will Pulitz:** Yeah. So, at the end of the day to get what you want accomplished, we'd have to take a look at it and maybe the sidewalk infrastructure may have to go on their property which could be done but I think that would have to be...you know the applicant would obviously have to be involved in that. They would have to accommodate the sidewalk and then we could take an easement back over the sidewalk to maintain it in perpetuity.

**Fran Gallugi:** If that should happen, is that something that the state comes in to do? Is that all city work?

**Will Paulitz:** If it's on the applicant's property and the applicant proposes part of the project and that's how it gets approved then the applicant could just do it as part of their whole project. If it's solely within the public right-of-way and if it were to move forward, then that would just be city work not state. But I think the first thing we need to do is take a look at how much frontage how wide is the right-of-way can we push a sidewalk further back and not encroach on private property. Private property being the applicant's property and if we can then...that's possibly a solution depending on which way the city goes. I can't speak for the whole department but if we can't physically fit it in there due to the width constraints...I mean you have the applicant in front of you at this point. So, you know it's something they could certainly take a look at to see that's going to entail for their project, but could it be done? Yes. It certainly could be done. There's no question it can't be done. We can take a look at as part of our peer review once they submit their plans to us. The applicant obviously heard what you're looking for. I'm sure they'll take a look at it. I can't speak for them but we can certainly as part of the peer review see if it's something that the right-of-way can accommodate or if it's something that we would have to like I said go on private property to get it physically put in. We can get you an answer on that.

**Fran Gallugi:** Thank you.

**Tony Cappachietti:** Hayes Engineering, project engineer. We're more than happy to look into...I just looked at the plan. We have about 11 feet from face of curb to the building. We had a grass strip that was four and a half feet wide so we could drop to a five foot or a four-foot sidewalk with an integral curb and take that grass strip away and because the way the building is set up if you recall the first floor is kind of get a mezzanine where it's stepped back and then the second story is over that and we have some green space in that mezzanine. So, it wouldn't look too peculiar there and we could mark those spaces as public spaces maybe restrict the time limit on the parking there, so you don't have residences parking overnight. But it would work for pick-up drop-off visitors and people in the neighborhood using the park as well. So, we can definitely look at that. We'll have a very good overview. The comments we're working through them one of the things that's kind of delayed the traffic counts. We wanted to wait until after school got started so we could get a worst case scenario so those have been completed early September. The other requests were all very reasonable. We're working through them and we hope to have everything or we will have everything over to Will on the 29th and then that'll give some time to get a response back in time for the meeting.

**Fran Gallugi:** I hate to beat this up this widening of the street but it it just strikes me as important so how do we move forward with just seeing if what it looks like and if you can do it?

**Tony Cappachietti:** I could sketch something out tomorrow and forward it to DPS to take a look at and then if that's something that you know DPS feels is appropriate moving forward we can advance that design as part of this revision, and you might want to let me know so I can see and can copy the ZBA on the email.

**Fran Gallugi:** Yes.

**Stephen Zolotas:** In reviewing Will's memo from June 2, 2021 the site access and parking part of it which talks about the parking spaces and it looks like it was the city's recommendation that 11 parking spaces be added to bring it up to one spot per bedroom and what I would just kind of like to hear on this is since we're dealing with a more limited footprint in this area than others you don't even know it looks larger because you have the Peabody public transportation for the buses behind it, but it's kind of more of a post stamp type thing. I'm curious why we would be increasing the parking to meet that need as opposed to scaling back the number of one bedroom maybe or take out a two-bedroom in order to accommodate a more reasonable number of parking spots. I don't see how we're going to squeeze 11 more spots in if it's already used up.

**Attorney Panos:** I'm glad you brought that up. So, we did reconfigure the plan and one thing you'll see in the

September 29th correspondence and amendments is we actually by moving things around a little bit and Tony can speak to this, we add five spaces, so we split the difference. So, we're now from 88 parking spaces to 93. We can't get you to 99 but we think that 1.3 parking spaces a unit is in line with other developments that we've proposed before this Board and one thing that's worth pointing out as well as that we do not rely on any compact spaces for this project, and I know that was a bit of a source of contention on both Farm Avenue and King Street. All of the spaces proposed are full size and we're at 1.4 spaces per unit, so we've bumped up that ratio without reliance of an increase in compact spaces. So, we hope that answers your question and also, we're where we're evaluating as we have in the other projects the other developments joining the North Shore Transportation Management Association so that should alleviate the need for parking because it will provide ride share and transportation alternatives to and from the site and now, we will have that up the street on King Street and will provide more of a network as the Central Street reconfiguration project unfolds and begins construction where I know that is a very important element transportation management and flow down Central Street and we connect directly to that corridor as well. Tony, do you want to add to that with regard to the parking and how you got to the 80 to 93 spaces?

**Tony Cappachietti:** No. I mean I'm going to be out of a job if Jason keeps this up. But uh yeah so looking at the maneuvering space for the dumpster area we swung at 90 degrees and that opened up some space. Now one of the things to be cognizant of is anytime you add parking you obviously lose landscaping. So, but given the previous use of the site I think we're still going to have a visual improvement over what's there and there'll still be more landscaping than what's there currently. I think you'll have a big improvement on visually.

**Fran Gallugi:** Any other questions by the Board?

**Barry Osborne:** Just a comment if I could. I'd really like to go back to the income eligibility as stated in Stacy's memo and as you stated it would be very difficult. Well, this is very difficult. This is not an easy thing to do, to go through these and I know our access to the to the financials of the project are limited although they're not completely restricted. I think Stacy did a very good job of just giving us simple facts okay of how she feels and how the city feels. That it's regretfully the rents are not truly affordable and if and if the purpose of this is to provide affordable housing, then I think really you should give it more thought than to say we won't be agreeable to that because it should have been done at a different stage of the project. Well, this is our first bite of the apple. This is our stage of the project and I think Stacey came out with a very good point. So, I appreciate the fact that you weren't concerned you wouldn't agree to that condition, and I understand it might be difficult. Nothing's easy. I think you owe us a little bit more than to say it'll make it uneconomic. We have no idea without seeing the financials of what's going to make it uneconomic. So, say that to us at this stage I mean we could press you and say I will make you we'll make you tell us why it's uneconomic that's allowable under the 40B laws. So, you prove to me we want this condition you prove to me that it's uneconomic. Well, I think it should be easier than that. I think you could sit down to automatically say you might have to add on some more units. Well, that seems to be the answer for everything. We'll just add on a few more units. Well that's not the purpose of this. I think you know 68 is quite a few units to put in that location but that's neither here nor there but I just think the developer owes us a little bit more than to say it's going to make it uneconomic. Tell me how and to say it's going to be difficult. Well, this is difficult for us too. Nothing says it's going to be easy you know. You just don't have to. So, it's a little bit more inconvenient for you people, well that's fine. I think it's an important point and I'm just not going to say that even though you don't agree with this as a condition that as a Board I think it's an important condition and I would like to see it there until you can tell me why it can't be there. Not just that it's going to be difficult. I think we all we work a little bit closer than that to just come up with those blanket statements and saying it's difficult it's going to make it uneconomic I think it's important because this if we're gonna provide affordable housing then let's make it affordable and I think Stacey did a great job very easily with one paragraph saying why she thinks it's not and it makes a lot of sense to me.

**Attorney Panos:** This is the city's second bite at the apple on this. There was a first bite at the apple during a rather exhaustive and extensive municipal comment period during site eligibility where this could have been determined that the site is eligible looked at or actually the state could have imposed upon us a restriction that said you need to provide more affordable units however I do dispute that we're not providing affordable units according to Stacey's analysis and I agree with you I indicated in my opening remarks I thought she did a good job laying it out. But the fact of the matter is at the time of the municipal comment period the housing production plan which is basically what this is, based from was totally before the city under consideration about to be approved by DHCD. So, these numbers weren't new and one thing I would point to just to assist the Board is the MHP Chapter 40B handbook for Zoning Board of Appeals which I have handy all the time and I think you've probably memorized it right? I think it's a good source but if you look at page 24 there's a section matters reserved for subsidizing agencies that would be Mass Housing in this case, who issued the project eligibility letter and the third bullet point and the fourth bullet point kind of pretty much encapsulate what I indicated very clearly that the subsidizing agency controls matters the following examples of which and I'm paraphrasing the regulatory agreement or use restriction that controls affordability and program requirements and the fourth bullet point financial feasibility cost examination and profit limitation all of that is all in the ambit of what Stacey is talking about so we are providing to the extent the law requires of us affordable housing. Twenty-five percent of our units are affordable at eighty percent HUD area median income and we did it that way because going back to comments we've made with relation to other projects other developments that we've presented that I've presented before this board we're talking about by the way with a 70 percent local set-aside for people who have a connection to this community. Seventy percent of those units are going to be available to people learning at eighty percent HUD area median income. Who are those people? Those are front line workers they're police officers, firefighters and teachers. So, we are producing affordable housing. It's not meant to be affordable to everyone. It's meant to be affordable within the income qualifications that are prescribed to us by a formula, and we do that we accomplish that. So, we're happy to look at the consideration and we have looked at it. It just 49 five units out of the 17 we provide at 50 percent at 50 percent AMI a full 30 percent less than the 80 obviously is a lot and it has to come from somewhere and the project pro forma doesn't support that the finances do not support that and so it has to come from somewhere So I'm happy to continue to have the conversation perhaps at the October 18th meeting to kind of prepare you a little more but the time to raise that would have been when the municipal comment period came about in the first instance that's all I'm suggesting not suggesting that Stacey didn't do a very thorough job. She did but that is our position on the matter. Thank you.

**Fran Gallugi:** Anyone one the audience that would like to speak?

**Ann Manning Martin:** I reside at 37 Dexter Street in Peabody. I'm here this is this evening as I've been following very closely all the 40B applications affecting the City of Peabody for the last few years. Mass Chapter 40B is meant to be a tool for collaborative decisions between a city and a developer in order to achieve a meaningful goal to provide needed affordable housing. The spirit and intent of 40B is to provide sensible building with respect to its ultimate size and density, while still allowing for a reasonable profit for the Developer. I am again advocating for sensible development with respect to this development's size and density Zoning Boards of Appeals and town officials can and should work with developers to modify massive projects such as this one proposed in an R1A residential tight-knit neighborhood. The ZBA may include conditions and requirements on any aspect of the project such as height density site plan utility improvements long-term affordability lack of open space and parking among other modifications and conditions. With respect to the process by which this matter of 40-42 Endicott comes before the ZBA, I want to be very clear here not one neighbor or resident has ever said they want nothing to be built there. They agree that something needs to go there. They want and deserve to have open discussion with the developer where they could air their concerns about their quality of life, their safety and their property values. They wanted to be heard and throughout this

process they have been denied that opportunity and they are rightfully very angry. They do want something built there but they want something that they can live with near and around. Everyone expects the developer will and should make a profit. No one I've talked to is disillusioned to think that isn't his right but just how much is too much he is to make on his investment at the expense of the neighbors again their quality of life and their number one financial investment, their homes. We know the law and confines within the ZBA must operate is that they cannot put restrictions or conditions that make the developers project economically unfeasible but with this project we have the bonus of insight and documents identifying where in the ballpark that number of economic feasibilities lies and that is in the original approved special permit for 32 units not 66. His current plan is more than double that approved size and density so this project before you are leaps and bounds from being economically unfeasible and can and should be reduced in size scale density. The starting point of those negotiations should be the 32 units. I think it's important to point out for the record that this ZBA opted not to file for Safe Harbor under CMR DHCD regarding low- or moderate-income housing on this project. It's 760 CMR 56.03 b and a. The city cleared several hurdles in order to be eligible for Safe Harbor status. At the time of this application for Endicott Street as we were over 10 subsidized housing inventories as 116 units approved by this board on Farm Ave who are effective the date the approval was filed notwithstanding any appeal as explained to the City Council by the Director of Community Development as to why the ZBA did not apply for Safe Harbor on after reaching our 10 subsidized housing inventory. We were told that the appeal period needed to be cleared. If this was the case, it was a in violation of the affordable housing statute. In addition to meeting our subsidized housing inventory 10 percent goal we also had an approved and active housing production plan on file with the state, another criteria to be eligible for Safe Harbor. But this too was not utilized for simple eligibility purposes by the ZBA for Safe Harbor from this development. So, a reasonable person would conclude that this Board wants to hear this project and wants to be the approving authority for what the project's scope and size and density will be for this development. I just hope this board acts reasonably and negotiates a sensible housing development for this residential neighborhood. One that we can one that they can live with. The original proposed plan for this site had 36 units with an attractive gambrel roof that added an aesthetically pleasing facade that the neighbors appreciated. When the developer claimed he had removed an entire floor from the original plan he actually just removed the beautiful gambrels removing not an entire floor but rather only four units bringing the number to the 32 units. If you look at the height of the abutting 43 and 47 Endicott Street, you will see they are 30 feet high which is the maximum height allowed in an R1A. By keeping in line with the height of these two of the taller houses in that neighborhood the ZBA will take a huge step towards maintaining the character of that neighborhood. The developer may need another five feet or so and to be fair I think that is fair given the need to offer him an economically feasible business venture. It's one thing to convert old factories into housing but it's another thing entirely to create new housing that looks like a factory in the middle of a residential single family home neighborhood without the gambrels this project looks like an old warehouse. If you do not reduce the size scope and density of this project you block out the Mr. McIntyre's and other abutters sunlight you change their entire quality of life. You put them in harm's way. You'll have new residents looming over missed over the Mr. McIntyre's and other abutters who have lived in their homes for generations these new new residents will be peering down on them much like what happened to the residents at Longview Way and Veterans Memorial Drive when the four-story building was constructed behind the old Brown School housing development it was a shock to residents going from living next to open space to four-story apartments filled with people looking down into their yards and windows. I'm sure Councilor Osborne remembers those valid complaints that we didn't envision at the time, but it was a real problem and one we shouldn't repeat and that is what you will be supporting here tonight if you do not take into consideration those that have to live next to this thing. I strongly support removing one floor and putting the four gambrels back on. This will reduce the density and therefore the traffic, the parking issues and the lack of open space that are presented with a development of this size in that tight footprint. This will also present a much more aesthetically pleasing structure for that neighborhood and doing so will leave the developer with somewhere between 26 to 28 units

which I argue is economically feasible albeit a much larger development than he has ever taken on and has admittedly he has experience only with the construction of single and two family homes. He is inexperienced developing massive project that he's proposing. I think that needs to be taken into consideration and when I spoke to Mass Housing and asked that question specifically and she said yes, the ZBA should take that into consideration. Again, my name is Anne Manning Martin thank you for your time and I hope you do the right thing for the actual residents of Endicott Street.

**Stephen Zolotas:** Councilor Manning, I do have a couple of questions just to follow so I get some clarity for myself, so for the future meetings, so you threw a few numbers out here. I want to make sure I'm looking at what you have for what you believe to be sensible. We use numbers of 32 units 36 units 26 or 28. So I just want to be clear you know where you stand, you should show 32, do you think should be 26?

**Anne Manning Martin:** A good question I'm happy to clarify it if I can. The original proposal that Mr. Todisco put forward was 36 units. After some discussion that the height of the building was way too high for that neighborhood and the character for that neighborhood and the density, he uh characterized it as removing a floor. He did not remove a floor. That would probably be eight to ten units. He removed the four really beautiful gambrels on top just four that evidently allowed for four units. So, that is why the number went from 36 to 32 the four gambrels were removed but the... it was still um three four stories three stories I think but it was well above the height restrictions in an R1A which is 30 feet. So, that's where the 32 comes in so if we go back to what's economically feasible for this developer if he would have put back the four beautiful gambrels on top and remove an actual floor I think his numbers would come down to the 26-28. I'm not a developer I can't build even a single-family home but just common sense and simple math I'm using those numbers would be 26 to 28. And again it was economically feasible for him at 32 I'm sure he was making a great profit at 32. So, I think Councilor Osborne's points are well-made and well taken that what is economically feasible and how much profit is too much profit at the expense of the neighborhood and their financial investments of their homes which is most people's number one financial investment they make in their entire lives. Did I answer your question?

Through the Chair. Councilor Manning Martin I just want clarification on something you said about the public being denied an opportunity to make comment. I think we just opened up this public comment period about 10 minutes ago so i just wanted to see when what you meant by that as far as them being denied the opportunity to be involved and participate in this process.

**Anne Manning Martin:** Sure. I'm happy you asked that. These folks were the guinea pigs for the zoom process by which government started to operate.

**Fran Gallugi:** I don't think anybody was a guinea pig.

**Anne Manning Martin:** Okay I'm answering his question.

**Fran Gallugi:** Choose your words more wisely.

**Anne Manning Martin:** These individuals this neighborhood was the first special permit hearing heard by zoom. It was a disaster. Phone calls dropped off. People were cut off. Many people in that neighborhood didn't have and don't have internet. They don't have computers. A lot of people like Mr. McIntyre I think he might be 95 by now uh I'm not sure he may have better computer savvy than I do. Mine's terrible. You have older folks down there that weren't able to access Zoom and they were shut out completely they had no public input. I think we were remarking over there with respect so this was not an insult to you. I'm sensing that it was taken personally to this Board and it was not meant for that. It's this group of neighbors

have not gotten a fair shot. They have not gotten a fair shake to be heard and it all began back in March when the pandemic hit. But just this evening this is the first time I think I'm the first person who's been able to speak publicly and it's been uh I think was it recessed and postponed or continued and things of that nature. So, they have been waiting patiently for several months to speak on this subject and tonight's the first night. So, and we were just commenting earlier that Mr. Panos is already addressing parking issues and other questions from the board when this is a public hearing where the public is to be heard and the public still hasn't been heard yet this Board is fielding direct questions and issues that they have about things on the plan or what's been presented to them when the public has not been heard and this is a public hearing. So, I think it's best to hear from the public before you start negotiating with the attorney for the developer on specifics when the public has not been heard at a public hearing which they're entitled to.

**The following abutters spoke in opposition citing concerns with the size, density, traffic, lack of parking, architecture not in character with the existing neighborhood, how the right right-of-way will be fenced in who will maintain the right-of-way snow removal and upkeep, there are also questions regarding insurance and how to protect the overall integrity of all the city-owned property, the right-of-way also travels via a Peabody public school parking lot that the school department has requested safety for vehicles accessing their property along with vehicles and pedestrians using the right of way through the area deemed by the deed of one of the properties on Endicott Street, rear egress is a safety issue being only 15 feet wide where the Fire Department requires 24 feet, access across public property should be verified by the City Solicitor, the access easement will interfere with future development of the city on Berry Street property, the easement only allows for conveyance over the city-owned property so it's to allow normal daily business, public safety, 40B was used to threaten neighbors, height too tall, noise, lack of sunlight, overflow parking will occur on street that is already too narrow, no designated parking for deliveries and visitors, questionable business ethics by the developer and general quality of life.**

**Janna Kline 35 Warren St.  
Steve Kline 35 Warren St  
John Herlihy 52 Warren St.  
Patricia Rennick 49 Endicott St.  
Kim Seaberg 4 Parkview Ln.**

**Fran Gallugi:** Is there any others in the audience that would like to speak? Hearing none Attorney Panos would you like to speak?

**Attorney Panos:** Just some broad comments. We heard a lot of testimony referring to traffic studies that were done...Department of Community Development memos which were drafted well before this application was ever submitted to this Board. I just want to make the point that the one thing that's before this Board right now is not was submitted in 2019 has nothing to do with the special permit application that was before the City Council under a totally different context applying totally different zoning ordinance and set of legal structure. What's before this board is the application, which was submitted on March 26, 2021 with a traffic study that was provided a 21E and all of the other reports and studies required of the Zoning Board of Appeals and its rules and regulations governing comprehensive permit applications that data those materials were completely exhaustively and thoroughly reviewed by peer through the City and ZBA's peer review consultants which were presented tonight. We will within 10 days by the 29<sup>th</sup> respond in writing, but I can sit here and tell you or stand here and tell you that nothing in that peer review indicates a reduction in density. Nothing. There is not one thing that came out of any memo from Tighe and Bond, Weston and Sampson, Horsley Whitten  
World Tech that would indicate that a condition cannot remedy anything that would require a density  
reduction and we will drive that point home through our written response and that is what we are legally

obligated here today to show you. I have always maintained in and I'll maintain again in this application currently before the Board that we talk about density when peer review and your technical reviews indicate we should exhaustively talk about density. We're not there. We won't be there. We will make concessions. We will make accommodations. We will make this plan better. We already started to do so but right now there's nothing in the technical data in review indicating a technical I'm sorry a density reduction is appropriate and we will maintain that position and hopefully convince you that that is the appropriate position. That's all I really have to say at the time.

**Steve Zolotas:** Respectfully Attorney Panos is that I agree nothing we've received so far has expressly said density as an issue, but I do, I seem to be the one always comes back to the parking for some reason on these things. I do believe that the parking space issue with the request for a 99 minimum plus visitor spots...I do believe that dovetails into it. So, I just want to make sure that we as a board are on the record saying that we do believe there's at least I believe based upon that we can dovetail into it even though there's nothing expressly that says we as a city, whether it's Mr. Paulitz or Community Development or whoever it is says something different I do think at least dovetails in and that's with all due respect of course.

**Attorney Panos:** I have no issue with constructive comments that help make development proposal better. I stand here with confidence to suggest that a project that we have proposed and a project that ultimately gets approved is a better project. Parking is totally part of that. We have already made parking accommodation to the plan. You have not seen the full plan yet...the full plan revisions pursuant to that review and you will within the next week and a half but again I have every confidence that the peer reviews the technical review that Mr. Paulitz had led will result in a better project and will result in concessions that will cost the developer money we already suggested right out of the gate in our application in the application for site approval improvements to Farnham Park we would like to see the neighborhood and the green space and open space become an area around this development and around the neighborhood be utilized for people who are going to live there. I would make another point, something that really markedly distinguishes this from the special permit development that was proposed. The guidelines require us to have 10 set aside for three bedrooms. If I could wave a magic wand and set that aside and say we're not doing three bedrooms because we think that is not appropriate for the community I would, and I've had that conversation with DHCD. I've had it with Mass Housing. We can't. We're subject to 25 affordability resp restriction as opposed to 15 under inclusionary zoning which by the way to Stacey Bernson's memo it's 80 percent Mr. Osborne 80 percent that had area median income in the city's own zoning ordinance section 6.11. We conformed to not only the housing production plan that was proposed. We conformed to the zoning ordinance, and we exceed that with 25 percent affordable set aside rather than the 15 percent that would be required because we're required to that's what 40B requires of us. I have nothing more to add to that except the broad context of what's before the board and I'm happy to entertain any further questions or comments.

**Barry Osborne:** Through the Chair. I understand what you're saying Jason, but the density issue is an issue whether it's in the issue of us just because you have peer review and technically there's nothing in there that doesn't mean that's the only thing we take into consideration when we're determining whether this is a good project or not. Maybe that's your opinion. Maybe members of the board I know I do have a different opinion. When is it...if we can't work it out there's always a way to work it out? Let's face it you know no one wants to go that route but to say that you're not even going to consider because there's nothing technically that says that we have to well that bothers me a little bit. This is supposed to be an effort. This is a mediation between you and us. Let's work together. I've got my little handbook too and I'm glad when I bring it I'm going to dispute some of the things I just wish I had it tonight but I don't because you're going to find out that there's things in that handbook that you haven't read, that you've probably read but you choose not to paraphrase and I'm going to paraphrase those parts that you choose not to so I don't want to do it adversarial. That's not the intention of

40b. The intention of 40B is to work together but when you sit up there in stonewall and cross your arms and say no there's nothing technically that says we have to do that we're not going to. If that's the position you want take, then so be it.

**Jason Panos:** I would take issue with that characterization. I stand behind what I said that through the peer reviewing through the discussions with this board and this is the third 40B we've been through together, there is a lot of back and forth and I stand by what I said that the application that we present at the beginning and the resulting decision approving those applications is oftentimes markedly different in my opinion and I think in the opinion of the board results in a markedly different project development that's all I'm suggesting and it results in that back and forth but if you don't have the peer review and the technical review that support the basis for your ultimate decision then you have speculation and conjecture and I'm not in the speculation in conjecture that maybe you can handle this by density maybe you can handle this by flood mitigation etc. etc... you can go down the list. What I'm suggesting is we rely on the peer review as you do because it is a technical review and analysis and either we have enough parking within the context of what the law says is appropriate what the context of project eligibility indicates is appropriate and of course what the neighborhood characteristics indicate are appropriate given the hard data that we look at that we vet. I don't want a peer review process that doesn't look at this application top to front bottom sideways shake the box figure out what comes out I want peer review because we pay for it. We cut a check to the city for well over 20 grand to pay for peer review. I want to get the bang for the buck and make sure that another set of eyes looks at this carefully as they have and tells us well we think you might have missed this or we think that you should address this more carefully. So, we go back to the drawing board which is why it takes us... when did we open this hearing in May which is why it takes us several months to look at this carefully and consider it. That's why we ask for the continuances. We don't sit on our hands and ignore Will Paulitz and DPS and what the board suggests. We consider them carefully and we make accommodations where we can make accommodations and we bend over backwards oftentimes doing it. So, I believe that this development will be no different than the others that the resulting development will be much better than what we what we proposed initially in the application as a result of that peer review.

**Ann Manning Martin:** Attorney Panos mentions private companies that he commissioned. Private companies don't have a say in density. This board does. This board represents the neighborhood represents the city. They say when they want to talk about density. They say when they want to talk about certain issues. He's really in my opinion acting like a dictator up here telling the board what they should do when they should do it what they should hear and how they should hear it. I'd want to hear from a private company that I commissioned to support my project too. But there's a couple things missing here tonight that I want to point out. There's nobody here to speak in support of this project. Not one person meetings that I go to that usually sways public opinion when public is in support of something or against something. There's not one person here supporting this project. Just the attorney dictating to this board how things should run. Density is an issue. Council Osborne is right. This board should talk about density and anything else they want any time they want and negotiate a fair project for this neighborhood. There's also no public documents here tonight. Mr. Panos brought a handbook that he's...I'd take that as an insult again I'm speaking for myself you're waving a handbook at a board "did you bring your handbook" but there's no public documents here

**Fran Gallugi:** Let's keep this pertinent. We are really not here for your opinions of other people.

**Ann Manning Martin:** There's no public documents here. I've been told that I need to choose my words wisely. I'll take that as a second time tonight. Yet the attorney for this developer is really running roughshod in my opinion over this process that is my opinion and it's a first amendment right this is a public hearing and I've

shared my thoughts and as I was saying too I'll close it there is no public access to the plan that's before the public tonight to review. It's not here for anyone to review.

altercation between developer attorney and Councilor ensued off mic)

**Fran Gallugi:** We're going to suspend the rest of this meeting until October 18th when we will resume all public can come. Let everybody know if they don't read the papers, if they don't get notices, please let everybody know October 18<sup>th</sup>. But at this point I need a motion to continue.

**Barry Osborne:** Through the Chair if I could go ahead just a request to Carla. I don't see many responses from Department heads. Are they coming in slow? Are they coming in at all or have we requested? I haven't seen do we have anything from police fire and things like that?

**Carla McGrath:** I have requested comments.

**Stephen Zolotas:** Motion to continue to October 18, 2021

**Julie Picardi:** Second

**Fran Gallugi:** All in favor. Any opposed? (5,0) motion to continue approved. We are now going to continue to our regularly scheduled meeting.

1. Continued application of **68 Prospect St., LLC c/o Attorney John Keilty** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **68 Prospect St., Peabody, MA, Map 039, Lot 005**. Petitioner seeks a variance to construct decks and requires relief to **Left, Right and Rear Yard Setbacks** where 20' is required and 12' is proposed. The property is located in a **BR Zoning District**.

**Stephen Zolotas:** Motion to accept Planning Board and Conservation Correspondence

**Dan Sencabaugh:** Second

**Fran Gallugi:** All in favor. Any opposed. (5,0)

**(Correspondence accepted and made part of these minutes)**

Attorney Keilty presented the proposed project. Applicant is initially requested relief to Left, Right, and Rear Setbacks where 20' is required and 12' are proposed. This project must comply with inclusionary zoning and gain approval from Planning Board, City Council and Conservation. Developer is proposing 32 townhomes in 5 buildings. Developer filed for site plan review and received a negative determination of applicability from Conservation. Developer met with neighbors, addressed their concerns and came up with a set of conditions and revised plan showing relief required to side and rear proposed. Conditions include installing a 7-foot fence along the northerly boundary of the property at the property line of Emery Street abutters. The fence shall be vinyl and of a gray coloring and then we also offered to install shrubs trees and landscaping in accordance with the general note plan prepared by Joseph Bettencourt. The fence will be 5-6 feet off of the property line and landscaping will be provided on the abutter side of the fence. The fence will serve to provide a screening and some relief from sound. Any unhealthy trees will be removed. Strips of trees and shrubs would be planted to break up the visual impact of the fence.

**Fran Gallugi:** Questions by the Board?

**Dan Sencabaugh:** What kind of plantings will be provided because we would like to condition the height of those planting.?

**torney Keilty:** Arborvitaes 5-7 feet from the existing stonewall.

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

**Janice McDonough:** 8 Emery St. Experience with 68 Prospect team has been positive and respectful. Specifically, developer Kevin Hoyle and architect Joe Bettencourt and Attorney Jack Keilty. We have also received guidance and support from our Counselor Ed Charest. To all of them we say thank you and are very grateful and it's how city government should work. We've hammered out many issues over the past months. Jack mentioned some of them fencing landscaping decks etc. Now the key issue here is drainage. We live in a very wet area and the team has what appears to be a very comprehensive plan to address this drainage issue and we hope it works. There are two parts of the plan. Water collection tanks in the middle of the project which will capture most of the water in a swale that runs along Emory Street border that will drain into a retention pond. It sounds good. We hope it works. We look to the City of Peabody for its peer review and expertise in this issue.

**Solange Laitinen:** 6 Emery Street. Agreed with Mrs. McDonough that the project team and Councilor Charest has been generous in providing information of the proposed townhouse project and also shares the drainage concerns.

**Fran Gallugi:** Anyone else in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

**Stephen Zolotas:** Motion to close public hearing

**erry Osborne:** Second

**Dan Sencabaugh:** Motion to approve with condition applicant gain approval from Planning Board, City Council and Conservation and applicant to erect 7' grey vinyl fence along the Northerly boundary of the property, 5'-7' from the existing stone wall and applicant to plant 5' arborvitaes on the neighbor's side of the fence to help with privacy.

**Stephen Zolotas:** Second

**Fran Gallugi:** Roll call vote (5,0) approved with condition

**4. Application of David Anastasi for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 11.5.1C and 11.5.5A5 (Signs in a BN District), as it applies to the premise known as 83 Pine St., Peabody, MA, Map 045, Lot 500T. Petitioner seeks a variance to erect 3 signs equaling 154 sf where 1 is allowed a maximum of 60 sf. The property is located in a R4 Zoning District.**

**(Secretary read legal notice)**

**David Anastasi:** Chief Financial Officer Covenant Christian Academy gave a brief overview of the proposed 3 freestanding signs. The purpose of the 1 forward facing sign and 2 at an angle is for visibility. We just need it big enough so that people can see the tenants that are in our space to promote their business. It is not illuminated.

**Fran Gallugi:** Are the signs going on the grassy area where the existing sign is?

**David Anastasi:** It doesn't need to be as close as a sign as the road now so we'd probably pull it a little bit back too.

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

**Stephen Zolotas:** Motion to close public hearing

**Dan Sencabaugh:** Second

**Stephen Zolotas:** Motion to approve

**Dan Sencabaugh:** Second

**Fran Gallugi:** Roll call vote (5,0) in favor

5. Application of **Justin and Adrienne Lazure** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **61 Catherine Dr., Peabody, MA, Map 003, Lot 012**. Petitioner seeks a variance to build an addition and porch which requires relief to **Front Yard Setbacks** where 25' is required and 17.4' is proposed. The property is located in a **R1 Zoning District**.

**(Secretary read legal notice)**

**Justin Lazure:** Homeowner gave a brief overview of proposed addition and porch. We would be extending } deck, have the same roofline.

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

**Stephen Zolotas:** Motion to close public hearing

**Dan Sencabaugh:** Second

**Stephen Zolotas:** Motion to approve

**Dan Sencabaugh:** Second

**Fran Gallugi:** All in favor. Any opposed. (5,0) in favor

6. Application of **Pea Motor Sports Prop LP, c/o Keri Martin** for a **Sign Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 11.5.4**, as it applies to the premise known as **7 Centennial Dr., Peabody, MA, Map 091, Lot 005**. Petitioner seeks a variance to erect 2 Wall Sign equaling 104.2 sf where 2 are allowed at a maximum of 60 sf. The property is located in an **IP Zoning District**.

**(Secretary read legal notice)**

**Keri Martin:** System project manager North Point Construction located at 22 Hampshire Drive, Hudson, New Hampshire. Bill Fursella, Project Manager. North Point is the general contractor performing the interior renovation work at 7 Centennial Drive which is the BMW service center. Applicant gave a brief overview of } proposed wall signs that would be replacing the existing signs. Sign number one shows the BMW of Peabody logo with two medallions to go on the main building and sign number two shows service. So; it's

where the service over the service drive with the logo. The approximate distance from the street to the building is about 200 feet. It's a wooded area. The sign package that is proposed is the smallest by dimension that's allowed by BMW of North America.

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

**Stephen Zolotas:** Motion to close public hearing

**Julie Picardi:** Second

**Stephen Zolotas:** Motion to approve

**Julie Picardi:** Second

**Fran Gallugi:** Roll call vote (5,0) All in favor.

**3. Continued application of JDT Group, LLC c/o Attorney John Keilty for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Sections 7.2 and 10, as it applies to the premise known as 0 Newbury St., Peabody, MA, Map 088, Lot 007.** Petitioner seeks a variance to construct a 6-story, self-storage facility and requires relief to **Front** where **50'** is required and **35'** is proposed; **Side** where **40'** is required and **34.2'** is proposed; **Height** where **40'** is allowed and **69.11'** is proposed; **F.A.R.** where **1.0** is allowed, and **2.02** proposed. The property is located in a **BR1 Zoning District.**

**(Secretary read legal notice)**

**Stephen Zolotas:** Motion to accept Williams and Sparages and Attorney Panos memos, and revised memos in Conservation and Planning Board.

**Dan Sencabaugh:** Second

**Fran Gallugi:** All in favor Any opposed (correspondences accepted)  
**(Correspondences made part of these minutes)**

**Attorney Keilty:** Gave a brief overview of the applicant proposal to construct a 6-story storage facility. one of the communications that you have received and just accepted was a title memorandum on the strip which lays out our rights in the strip and those of others. We have also provided you with a memorandum written by Williams and Sparages and we are appearing before the Conservation Commission at their next meeting to discuss whether anything needs to be filed with the Conservation Commission. Our memorandum says that the depression rises to the level of requiring a further filing of a notice of intent with the Conservation Commission. It's our opinion that it's non-jurisdictional. This is a parcel of land that was previously approved special permit that was granted to my clients for use of this premises as a marijuana facility for medical marijuana only and have decided that we would not pursue the development of the land for that use. as a uh We're now seeking to adopted by right use which is a storage facility with no outdoor storage. Given that depression on the land we have had to situate our building in a fashion that we seek relief. We are forced to bring our building up front because we are restricted to the footprint of the building. We do not want to fill or otherwise deal with that depression by in in any manner then we are forced to we are seeking to go up. That's what the height variance is all about rather than sprawling the facility in such a fashion that we would leave it within the 40-foot height requirement. We have had a meeting with the Community Development department and have tried to talk over the items that are in a memo that was presented to this board for the

July 19th meeting. We have since met with Community Development Department, told them the direction that we are moving in and have actually been able to express to the Community Development Department that we will be back at such time as we are aware that this building can be built in the fashion that we're showing. We'll finish all of our construction design and submit for site plan review where we did submit renderings of what the building is intended to look like. I have Rick Salvo here this evening from the Engineering Alliance and Rick Bennett is here this evening on behalf of the principals.

**Fran Gallugi:** Questions or comments by the Board?

**Dan Sencabaugh:** Please explain the hardship and need for a 6 story 69-foot height on this building and why it cant be closer to the 40 feet allowed. If you took a story or two off maybe you wouldn't need height relief.

**Attorney Keilty:** The hardship is the irregular shape of the lot lying between the two highway ramps and the depression. In order to deal with the narrow nests of the two highways coming together and to stay away from the depression then we have sought to go up rather than laterally vertically where we want to go up so we're asking for the height variance in order to make up for the loss of use of the property and it's in that corner where the depression is and where the two highways come together.

**Dan Sencabaugh:** But just for further clarification you are still are going further in one direction or the other than would be allowed which is the reason for one of the variances you're requesting. Is that correct?

**Attorney Keilty:** That's correct.

**Stephen Zolotas:** Would the applicant be willing to drop off a story or to bring it down to 40 feet?

**arry Osborne and Fran Gallugi:** Both board members expressed their concerns with the height of the building and it setting a dangerous precedent.

**(Discussion ensued)**

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

**Stephen Zolotas:** Motion to close public hearing

**Julie Picardi:** Second

**Stephen Zolotas:** Motion to approve with condition applicant seeks Planning Board and Conservation approval, the building only be used for storage and the height will be reduced to 50 feet with an F.A.R. of 1.73

**Dan Sencabaugh:** Second

**Fran Gallugi:** Roll call vote (5,0) All in favor. Miss Picardi will need to leave at this point. We have our four I just need to let everybody know that from this point on you do need a unanimous vote.

7. Application of **Donna O'Brien c/o George Piperidis** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **188 Winona St., Peabody, MA, Map 055, Lot 038**. Petitioner seeks a variance to build an addition and requires relief to **Side Yard Setbacks** where 20' is required and 10.3' is proposed. The property is located in a **R1 Zoning District**.

**(Secretary read Legal Notice)**

**Michael Bazin:** Contractor for homeowner gave a brief overview of the project proposed to help with flooding give some more space and help with her wheelchair bound mother.

**Fran Gallugi:** Questions by the Board? Anyone in the audience to speak in favor? In opposition? For the record we have 6 abutters raising their hands to support the applicant. Hearing no opposition, the matter is now before the board.

**(Letter in favor with signatures is made part of these minutes)**

**Stephen Zolotas:** Motion to close public hearing

**Dan Sencabaugh:** Second

**Stephen Zolotas:** Motion to approve

**Dan Sencabaugh:** Second

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

**8. Application of Joseph and Erica Stearns, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2, as it applies to the premise known as 37 Downing Rd., Peabody, MA, Map 060, Lot 039.** Petitioner seeks a variance to build a deck and requires relief to **Left Side Yard Setbacks** where 20' is required and 15.5' is proposed. The property is located in a **R1B Zoning District.**

**Joseph Stearns:** Homeowner, gave a brief overview of the proposed deck. The existing deck is old and boards are popping up. We would like to tear down the old deck and rebuild using new footings and extend it down } house.

**Fran Gallugi:** Questions by the Board? Anyone in the audience to speak in favor? In opposition? Hearing none, the matter is now before the board.

**Stephen Zolotas:** Motion to close public hearing

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve

**Barry Osborne:** Second

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

**9. Application of FRH Realty, LLC, c/o Attorney John Keilty, for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 6.6, as it applies to the premise known as 7 Dearborn Rd., Peabody, MA, Map 078, Lot 019.** Petitioner seeks a variance and requests relief from setback and impervious site coverage requirements. The property is located in a **DDD Zoning District.**

**Attorney Keilty:** Attorney for FRH Realty, LLC. This is the third time we are before you. The first time the variance lapsed, the second we asked for the same variance again and it was granted. The third time is happening because the buyers architects began to look they decided buyers decided they would work with the same architectural firm that had been engaged by the sellers Dearborn Limited Partnership and when Hayes Engineering saw the last iteration of architectural renderings there were now decks appointed easterly facing the } residential property. I had gotten a variance where we would be our building corner would be 68 feet from them. Now I'm asking that we'd be 60 feet from them and that is because the decks are an additional eight

feet into the airspace. The second variance which is the first time we've asked for this variance we're seeking impervious lot coverage of 63.5 percent where 60 is allowed. The reason for the increase in impervious lot coverage is the buyer decided to put additional sidewalks which were beneficial to the neighborhood. h

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

**Stephen Zolotas:** Motion to close public hearing

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve with condition applicant gains approval from Planning Board

**Barry Osborne:** Second

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

**10. Application of Tannery Limited Partnership c/o Expose Signs and Graphics, Inc. Denise Perron for a Sign Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 11.5 (Signs) as it applies to the premise known as 18 Crowninshield St., Peabody, MA, Map 074, Lot 065A. Petitioner seeks a variance to erect 4 Hanging Signs and 1 Wall Sign and requires relief to number of signs, sign size and sign height. The property is located in a R4 Zoning District.**

**(Secretary read Legal Notice)**

**Andrew Clark:** From Expose Signs for the applicant. We are proposing 4 hanging signs and 1 wall sign. This property if you're well familiar with it is a long-standing renovation. Wynn has just spent millions of dollars newly renovating it. Wynn is long time supporter of restoration and repurposing industrial old industrial buildings towards to residential areas. It's a very large complex not a small residential area and the specifics of the building itself it is a unique structural. There's no option for ground sign because it is in a flood plain and we were told that we can't create any more impervious coverings. The building signs on the Warren Street side have four of them there they have to project from the building because there's very little it's right on Warren Street there's just a sidewalk so people driving down Warren Street a flat sign would not be seen plus architecturally the way the building is built there's not a lot of space on the flat of the building to put a sign there and again a 10 square foot sign is pretty tiny for buildings the size of this. On the Crowninshield side they want to put a flat wall sign there again it is has to be seen from coming around the corner so that both the height and the size because of the nature of the structure looking up into it needs to be up high enough so that people can see it over the building that is placed in front of it which is now the leasing office.

**Barry Osborne:** Through the Chair. You're going to lease all your properties in there so when that happens you have no intention of using that as selling advertising or billboard space or what are your intentions?

**Andrew Clark:** Absolutely not. In other properties when they lease up they put decorative banners in there so they add pizzazz to the thing and they might be a mention of the property name.

**Fran Gallugi:** Questions by the Board? Anyone in the audience to speak in favor? In opposition? Hearing none the mater is before the Board.

**Stephen Zolotas:** Motion to close public hearing

**Barry Osborne:** Second

**Stephen Zolotas:** Motion to approve with condition applicant gains approval from Planning Board

**Barry Osborne:** Second

**Alan Gallugi:** All in favor. Any opposed. (4,0) in favor variance granted

**BUSINESS MEETING**

Next Meeting October 18, 2021

**Meeting Adjourned**

188 Winona Street Variance

The petitioners are an older couple with a daughter attending college who have lived in the house since 1993, approximately 28 years. The petitioners are approaching retirement and are in process of renovating their home and have decided this is where they would like to stay. The addition is one of the improvements. The petitioners existing dwelling is a one-story slab Campanelli built in 1967 located on a non-conforming corner 15,455 sq. ft lot surrounded by one and two-story dwellings.

The petitioners are requesting a variance to add an additional 336 sq. ft addition to provide an office/study to be used by the family. The addition would be on the right side of the house and extend towards the Winona Street but would remain inline with the left side of the house.

Due to the size and configuration of the non-conforming lot, and the location of the existing dwelling, it is impossible to construct any addition without variance relief resulting in a substantial hardship to the applicants.

With the proposed new addition, the side clearance would be reduced to 10' 3" at the narrowest point. The proposed addition will result in a 15-inch difference to the right-side yard that would have no adverse effect to the abutting property.

Your signature below, indicates that the petitioners have informed you of their Variance appeal with the City of Peabody and that you do not have an issue with their proposed addition.

Property ID	Owner Address	Signature
044-032	4 Barr Rd	
055-039	190 Winona St (North Shore Heritage Associates Inc)	<i>Neil Graham</i>
044-033	6 Barr Rd	
044-034	8 Barr Rd	
055-002	191 Winona St <i>come in PM</i>	<i>Robert Licciardi</i>
055-003	189 Winona St	<i>Dennis Ceruso</i>
055-004	185 Winona St	<i>Gregory Cooper</i>
055-030	5 Nichols Ln	<i>Gregory Cooper</i>
055-031	3 Nichols Ln	
055-032	184 Winona St <i>Lives in Luxemburg</i>	
055-033	2 Jayne Circle	<i>Patricia A. Kelly</i>
055-034	4 Jayne Circle	
055-035	6 Jayne Circle	
055-036	5 Jayne Circle	<i>Andrea Santos</i>
055-037	3 Jayne Circle <i>in Fla - talked on phone</i>	
055-040	192 Winona St <i>Call in Pm 15m, Bet</i>	
055-004	183 Winona St	<i>Michele Bormann</i>

# Department of Community Development and Planning

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5771

CITY OF PEABODY  
2021 AUG -9 AM 11:26

## MEMORANDUM

CITY CLERK

TO: Honorable Members of the Zoning Board of Appeals (ZBA)

FROM: Stacey Bernson, Assistant Community Development Director  
Community Development and Planning Department

SUBJECT: 40-42 Endicott Street Comprehensive Permit (40B) Application

DATE: August 9, 2021

Our office would like the Board to consider two specific areas when deliberating on the merits of this project. The first is income eligibility and the other is the period of affordability.

The proposed project at 40-42 Endicott Street is comprised of sixty-eight (68) rental units. As this is a Comprehensive Permit proposal, seventeen (17) units must be affordable. The City of Peabody’s Housing Production Plan (HPP), approved in February of 2021, states that “Peabody’s renters are in fact spending too much for their housing. Based on 2015 estimates, there were 7,925 renter households and of these 3,880 or 49% were experiencing cost burdens in that they were spending more than 30% of their income on housing costs and of these, 1,945 or almost one-quarter had severe cost burdens as they were spending more than half of their income on housing.” (HPP, 2021, p. 58)

### 1. Income Eligibility:

Chapter 40B requires that developers provide 25% of the units in a housing development as affordable to households at or below 80% of the median income, as determined by the Department of Housing and Urban Development (HUD) income guidelines. Current rents considered affordable to households at 80% of the median income are as follows:

Studio	1 Bedroom	2 Bedroom	3 Bedroom
\$1,768	\$1,895	\$2,273	\$2,627

Income levels for 80% of the median income are as follows:

1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons
\$70,750	\$80,850	\$90,950	\$101,050	\$109,150	\$117,250

Regrettably, the allowed rents are not truly affordable. According to the *U.S. Census Bureau, American Community Survey median renter Income 2018 5 Year Estimate*, the Median income of Peabody renters is estimated to be at \$41,588 as compared to the homeowner median income of \$88,573. Should this project be approved, in order to provide rental opportunities to a wider range of households and reduce the rental cost burden to Peabody households, the ZBA should consider requiring the developer to provide at least five (5) of the seventeen (17) affordable units as affordable to households with incomes

at 50% of the median income. The units available at the 50% level should represent a cross section of the units available (for example: one studio, two 1 bedrooms, one 2 bedroom and one 3 bedroom).

Current rents affordable to 50% of the median income are as follows:

<b>Studio</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>
\$1,175	\$1,258	\$1,510	\$1,745

Income levels for 50% of the median income are as follows:

<b>1 Person</b>	<b>2 Persons</b>	<b>3 Persons</b>	<b>4 Persons</b>	<b>5 Persons</b>	<b>6 Persons</b>
\$47,000	\$53,700	\$60,400	\$67,100	\$72,500	\$77,850

Regionally, projects that have affordable units available to households at 50% of the median income have had a far greater application response than those units available to households at 80% of the median income. These units have been filled first and have tenant waiting lists, whereas units at 80% of the median income have had a lower response rate and have had difficulty filling units.

**2. Period of Affordability:**

In order to provide long term affordability and to assist the City of Peabody in maintaining the Subsidized Housing Inventory (SHI) above 10% the ZBA has the ability to request the longest period of affordability permitted by law, perpetuity. The Local Initiative Program (LIP), often referred to as a “friendly 40B,” provides model documents including a “LIP Regulatory Agreement and Deed Rider, which constitutes “affordable housing restrictions” as defined in G.L. c.184 §§ 31 and 32, provide for affordability in perpetuity.” (Guidelines-G.L/ C40B Comprehensive Permit Projects, VI-11). The Comprehensive Permit project approved by the ZBA in 2019, Ezio Place, 55 Newbury Street was in fact a LIP project with an affordability restriction in perpetuity. Should this project be approved, the ZBA should consider restricting the affordability for the 17 affordable units for perpetuity.

c: Curt Bellavance, Director



City of Peabody  
**DEPARTMENT OF PUBLIC SERVICES**

50 FARM AVENUE  
PEABODY, MASSACHUSETTS 01960-3902

CITY ENGINEER  
MUNICIPAL GARAGE  
SOLID WASTE

TELEPHONE (978) 536-0600 • FAX (978) 535-3754

WATER SUPPLY  
SANITARY SEWERS  
STREETS & DRAINAGE

**MEMO TO:** Peabody Zoning Board of Appeals  
**FROM:** William Paulitz, P.E., City Engineer *William Paulitz* 9/15/21  
**SUBJECT:** 40-42 Endicott Street  
**DATE:** September 15, 2021  
**CC:** Robert LaBossiere, Director (via email)  
Curt Bellavance, Community Development Director (via email)  
Jason Panos, Esquire (via email)  
Bruce Adams, P.E., Weston & Sampson (via email)  
Tiffany Labrie, P.E., Tighe & Bond (via email)

\*\*\*\*\*

The Department of Public Services is in receipt of the following documents for 40-42 Endicott Street:

- 1) The Residences at Endicott Chapter 40B Comprehensive Permit Application
- 2) BKA Architectural Plans for The Residences at Endicott dated 12/3/2020
- 3) Hayes Engineering, Inc.'s Preliminary Site Development for Multi-Family Residential Development dated 12/3/2020
- 4) Hayes Engineering, Inc.'s Stormwater Management Plan dated 3/19/2021
- 5) Hayes Engineering, Inc.'s Form 11 Soil Suitability Assessment dated 6/3/2021
- 6) WorldTECH Engineering Traffic Peer Review Letter dated 6/2/2021
- 7) Horsley Witten Group Stormwater Peer Review Letter dated 6/14/2021
- 8) Horsley Witten Group Environmental Peer Review Letter dated 6/30/2021
- 9) Weston & Sampson Peer Review Letter dated 8/30/2021
- 10) Tighe & Bond Peer Review Letter dated 9/3/2021

We offer the following comments;

**Water & Fire Protection**

Be advised the applicant shall address the Weston & Sampson recommendations within their peer review letter dated August 30, 2021, attached to this memorandum. Provided to Hayes Engineering via email on 8/31/2021.

Peabody Zoning Board of Appeals  
40-42 Endicott Street  
September 15, 2021  
Page 2

## **Wastewater**

The applicant shall follow the recommendations outlined in the Tighe & Bond letter dated September 3, 2021 in respect to cured-in-placed polyethylene (CIPP) lining of Dahila Avenue segments S052-027 .1 to S052-027.2 and S063-014 to S063-015 including the upstream and downstream manholes of these segments (estimated cost \$100,000<sup>1</sup>). The project expense shall be capped at \$108,900.00 (the applicant's Inflow/Infiltration removal fee). At the end of this project, any remaining Inflow/Infiltration removal fee funds shall be paid directly to the City of Peabody. Be advised that the applicant, not the City of Peabody is to perform this work.

We look forward to presenting our recommendations at the September 20, 2021, Board meeting. Should you have any questions and/or comments in the meantime, please contact me at 978-536-7126.

Be advised, the Weston & Sampson peer review memo dated August 30, 2021, and the Tighe & Bond peer review memo dated September 3, 2021, are attached to this memorandum.

<sup>1</sup> Cost estimates taken from Tighe & Bond Peer Review Letter dated 9/3/2021

August 30, 2021

William G. Paulitz, PE  
City Engineer  
City of Peabody  
Department of Public Services  
50 Farm Avenue  
Peabody, MA 01960

**Re: The Residences at Endicott Development, Peabody MA  
Water Service System Evaluation**

Dear Mr. Paulitz:

Weston & Sampson has completed the water system evaluation of the proposed The Residences at Endicott development, located at 40-42 Endicott Street in Peabody, MA. The purpose of this evaluation was to determine if the proposed development will receive adequate water pressure and fire flows from the existing Peabody water system, as well as any impact the development may have on existing Peabody water customers in the area.

This development includes 68 apartment units, encompassing 99 bedrooms, in a five-story building. The plans provided by Hayes Engineering, Inc. include a proposed 8-inch cement lined ductile iron water main within the development. The proposed development's water service will be obtained by connecting to the existing 10-inch cast iron water main in Endicott Street at the front of the property, and to the existing 6-inch cast iron water main that approaches from Berry Street at the rear of the property. The building will be fed by separate domestic and fire water service lines, the size of which are not shown on the plans. There is one proposed hydrant installed off the proposed 8-inch water main at the southwestern corner of the property.

## REGULATIONS AND EVALUATION CRITERIA

Massachusetts Department of Environmental Protection (MassDEP) regulations were used as the basis for our determination. MassDEP Guidelines and Policies for Public Water Systems and Massachusetts General Law (310 CMR 22.04) require that any public water system must provide 35 pounds per square inch (psi) pressure to all homes and businesses under all normal conditions of flow. Normal conditions include peak hour demands, usually the most severe demand condition that occurs during the hottest summer days.

MassDEP Guidelines and Policies for Public Water Systems and Massachusetts General Law (310 CMR 22.19) require that any public water system shall provide 20 psi pressure under fire flow situations. System adequacy is evaluated under a fire flow situation occurring during a maximum day domestic demand condition. MassDEP sets regulation with guidance from the Insurance Services Office's (ISO) needed fire flow requirements.

The ISO is an independent organization that services insurance companies and fire departments. The ISO estimates needed fire flow requirements at representative locations throughout communities and publishes the methodology for calculating needed fire flow for individual buildings. The ISO publishes the Guide for Determination of Needed Fire Flow. Given the plan for the development and these guidelines, the minimum required fire flow for this development can be estimated at 2,000 gallons per minute (gpm) at 20 psi.

## SERVICE AREA AND MODEL DEVELOPMENT

Innovyze InfoWater hydraulic modeling software was used to model the impact of the proposed development on the water distribution system. We currently maintain a hydraulic model of the city's water distribution system in this software package, making it possible to add the development and model its effects on the water system.

The maximum daily water demand for the proposed development was calculated using the design flow for wastewater discharge as provided by The Residences at Endicott LLC within their Comprehensive Permit Application. The calculated design flow for wastewater discharge is 10,890 gallons per day (gpd) and is based on

Title V (310 CMR 15.000). The maximum daily water demand was assumed to be 10% higher than this value, as water usage is typically higher than wastewater flow generation.

An average day demand for the development was obtained by dividing the maximum day demand by a peaking factor of 2. A peak hour demand for the development was obtained by multiplying the maximum day demand by a peaking factor of 1.5. Table 1 shows the estimated water demands for the proposed development.

TABLE 1  
Estimated Water Demands – The Residences at Endicott

Demand Condition	Daily Demand (gpd)
Average Day	5,990
Maximum Day	11,979
Peak Hour	17,969

The demands shown in Table 1 are to be used for planning purposes. The demand does not represent the true peak demand based on fixture count that will be used for sizing the water services and meters within the proposed development.

The plans provided by BKA Architects indicate that the highest finished floor elevation in the proposed development is the fifth floor of the building at 42.0 feet. The domestic pressure to the proposed development was modeled at this proposed highpoint, as it represents a worst-case scenario.

## MODELING RESULTS

Average day, maximum day, and peak hour demands were imposed on the calibrated model to identify flow and/or pressure deficiencies within the proposed development and in the surrounding system.

### Peak Hour

Under the worst-case peak hour demand condition, the water system is required to maintain a minimum working pressure of 35 psi.

One hydrant flow test was conducted by Weston & Sampson on July 28, 2021 and revealed a static pressure of 84 psi at the hydrant on Endicott Street nearest the proposed development. This static pressure was confirmed in the hydraulic model. At this static pressure, the top floors of the proposed development would receive a pressure of 65.8 psi. This data is representative of a maximum day demand condition as it is from July. In addition, the existing 12-inch cast iron water main in Endicott Street broke in early 2021, approximately 500 feet north from the proposed development and has yet to be repaired. The static pressure observed during the flow test is therefore assumed to be a worst-case condition. During all scenarios, the pressure is expected to be in excess of the required 35 psi.

### Fire Flow

It is anticipated that the fire flow requirement for the proposed development will be approximately 2,000 gpm for at least 2 hours at a residual pressure of 20 psi. The flow requirement includes two components – fire sprinklers and fire hydrant hose stream. The actual fire flow requirement will depend on building use, construction materials, number of stories, fire sprinkler system type, etc. and is typically calculated by the developer's fire protection engineer following decisions on the above.

The flow test conducted by Weston & Sampson on July 28, 2021 revealed an available fire flow of approximately 1,860 gpm at 20 psi on Endicott Street across the street from the proposed development. This flow test is representative of a maximum day demand condition, and due to the water main break in Endicott Street, is also representative of a worst-case scenario.

The hydraulic model indicates that once the 12-inch water main in Endicott Street north of the proposed development is repaired, the proposed development will receive in excess of 2,000 gpm of available fire flow at 20 psi.

## PLAN REVIEW

Weston & Sampson has reviewed the plans prepared by Hayes Engineering for the proposed The Residences at Endicott development. We recommend the following revisions:

- The water services in Endicott Street that serve the existing buildings should be abandoned at the existing water main by excavating, closing, and capping the corporation stops. If existing tees are found, they should be removed and replaced with 10" ductile iron water main and solid sleeve couplings.
- The proposed new 8-inch ductile iron water main service connection at the southwestern end of the property should be located at the abandoned service location just to the northeast. The new service connection should be made with a tee, three gate valves, and solid sleeve couplings instead of the proposed tapping sleeve and gate valve.
- The plans should show the existing 10-inch gate valve and 6" cast iron water main connection to Parkview Lane that are in Endicott Street. This gate valve and water main connection are near the center of the 40-42 Endicott Street parcel.
- The existing 6-inch cast iron water main connection in Endicott Street, near the center of the 40-42 Endicott Street parcel, should be abandoned by excavating and removing the tee and replacing with 10" ductile iron water main and solid sleeve couplings.
- The proposed hydrant shown at the southwestern corner of the property is located within 10 feet of the building corner and provides challenging access for fire trucks. The fire hydrant should be shifted to provide adequate spacing between it and the proposed building.
- We recommend an additional fire hydrant be installed near the rear of the property, within the traffic island to the northeast of the trash area. This fire hydrant should be installed off the proposed 8-inch ductile iron water main.
- The size of the proposed domestic and fire water services should be indicated on the plans.
- The plan does not show how the existing water main at the rear of the property connects to the surrounding area. This water main's connections should be identified and shown on the plan. The developer should work with the City of Peabody to confirm the size and location of the existing main. The existing 6-inch water main should be removed to the property line so that no existing 6-inch water main is left within the proposed development's property.
- The proposed connection to the existing water main at the rear of the property should be made with a tee and gate valve. The connection should be located on the water main outside the property line, within the right-of-way.
- The existing water main connections to the existing hydrant and valve shown on the northwest corner of the utility plan should be identified and shown on the plan. The developer should work with the City of Peabody to confirm the size and location of the existing main, hydrant, and valve.
- The hydrant and valve box detail indicates that stones may be used beneath the gate valve and 90-degree bend. Stones and/or rocks are not allowed for this purpose and should be removed from the detail.

We appreciate the opportunity to assist the Department of Public Services in this matter. Please contact me at 978-532-1900 or [adamsb@wseinc.com](mailto:adamsb@wseinc.com) should you have any questions or require further support.

Sincerely,

WESTON & SAMPSON ENGINEERS, INC.



Bruce W. Adams, PE  
Vice President

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## 40-42 Endicott Street– Downstream Sewer Capacity Peer Review

**TO:** William Paulitz, PE, City Engineer  
**FROM:** Tiffany Labrie, PE, Heidi Baird, Tighe & Bond  
**THROUGH:** David Murphy, PE, Tighe & Bond  
**DATE:** July 2, 2021 – **Revised September 3, 2021**

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### Introduction

Tighe & Bond was hired by the City of Peabody to perform an evaluation of:

1. The proposed wastewater generation estimates for The Residences at Endicott development, to be located at 40-42 Endicott Street ("Proposed Development"); and
2. Whether there is adequate available capacity in the City's sewer system to accommodate anticipated flows from the Proposed Development and other development/redevelopment projects recently evaluated by Tighe & Bond that contribute to the City's sewer system "downstream" of the Proposed Development.

Figure 1 in Attachment A shows the location of the Proposed Development, flow meter locations, and the downstream pipe segments of the collection system evaluated in this memorandum.

This technical memorandum summarizes the results of this evaluation.

### Information Gathering and Data Review

To complete the evaluation, Tighe & Bond reviewed the following information:

- The 40-42 Endicott Street City of Peabody Comprehensive Permit Application prepared by The Panos Law Group, and dated March 26, 2021;
- The Preliminary Site Development Plan in Peabody, Mass. Proposed 68 Unit Multi-Family Residential Development 40-42 Endicott Street drawings, prepared by Hayes Engineering, Inc., March 25, 2021, Sheets 1 through 7.
- The City's Sewer System Map as of 10/29/1996 and the City's GIS mapping;
- As-built drawings of the collection system:
  - *Endicott St. Sewer - Central St. to Sta. 12+50, Endicott Street Sewer - Lowell St. to Sta 13+50, Warren St. Sewer - Endicott St. to Crowningshield St, and Crowningshield St. Sewer - Warren ST. to* prepared by F.A. Barbour Engineer, dated Aug 1906
  - *Lowell Branch Interceptor - Sta. 10+50 to Sta. 22+00* prepared by Green Engineering Affiliates Inc., dated September 14, 1972.
- Flow Meter Data from Meters 16 and 17 from the *East/South Peabody Infiltration/Inflow Analysis* prepared by Tighe & Bond and dated November 30, 2018

In addition, pump runtime data from January 1, 2013 through December 31, 2018 collected at the Northfield Road Pump Station, collected by Weston and Sampson were used during this assessment.

## Understanding of Project

Based on our review of the documents provided for the Proposed Development, we understand the following:

- The Residence at Endicott LLC is planning to construct a pedestal-style building with four floors of residences above a ground-level and sub-structure parking garages. The proposed redevelopment consists of 68 rental apartment units including 4 studio apartments, 40 one-bedroom, 17 two-bedroom, and 7 three-bedroom units with 88 interior and exterior parking spaces.
- The total estimated average daily wastewater flow to be generated from the proposed project and discharged to the City's collection system is 10,890 gallons per day (GPD).
- Sanitary discharge from the Project will flow by gravity and connect to the existing 8-inch sanitary line in Endicott Street. No on-site pump station is proposed and therefore our analysis does not include evaluation of such a structure.

An evaluation is required to assess the proposed project's wastewater generation and to determine if there is sufficient capacity within the downstream collection system to accommodate the wastewater flows from the proposed project. Based on the information provided by the Applicant and subsequent discussions with City staff, Tighe & Bond identified the downstream sanitary sewers that would convey sewage from the Proposed Development. The map in Attachment A shows the downstream sewer route evaluated (highlighted in yellow).

## Estimated Wastewater Flows from the Proposed Development

In the documentation and correspondence provided, The Residences at Endicott LLC stated the Title 5 [310 CMR 15.00] wastewater flow for the proposed occupancy is approximately 10,890 gpd. The Proposed Development will consist of 68 rental housing apartments with 4 studio, 40 one-bedroom, 17 two-bedroom, and 7 three-bedroom apartments, as noted earlier in this memorandum. The flows were calculated based on the residential unit flow rate recommended by Title 5 of 110 gpd per bedroom.

$$110 \text{ gpd/bedroom} \times 99 \text{ bedrooms} = 10,890 \text{ gpd}$$

Note that, as stated in Title 5, the value of 110 gpd per bedroom is "equivalent to estimated generated flow for the proposed use plus a factor representing flow variations."

As another way to review the project proponent's estimated average daily wastewater flow, we also calculated an average daily flow based on the number of occupants and a typical average daily flow per occupant of 70 gpd. This unit flow rate is suggested as a minimum value if actual flow data cannot be obtained in the guidance manual titled *TR-16 Guides for the Design of Wastewater Treatment Works* (TR-16 Guidelines), published by the New England Interstate Water Pollution Control Commission (NEIWPCC), 2011 edition, as revised in 2016. A total number of 167 occupants was estimated assuming 2 individuals in one bedroom of each apartment and 1 individual added for each additional room of each apartment.

$$167 \text{ occupants} \times 70 \text{ gpd/occupant} = 11,690 \text{ gpd}$$

The estimated flow using the number of occupants is within 7% of the average daily flow estimated using Title 5. Based on this comparison, we conclude that the average daily flow estimate presented by the Applicant is reasonably conservative.

An additional 500 gpd was added to the proposed flow for the Proposed Development to account for infiltration and inflow (I/I). As a result, the total average daily flow used in our analysis is 11,390 gpd. Note that an infiltration allowance between 250 and 500 gallons per day per inch of sewer diameter per mile of sewer length is typically used in hydraulic calculations, and therefore, based on the short length of sewer piping anticipated within the Proposed Development, this value is sufficiently conservative for this site.

### **Evaluation of City's Downstream Collection System**

Tighe & Bond utilized the above information to evaluate the Proposed Development's wastewater discharge impact on capacity of the City's downstream wastewater collection system (from the Proposed Development to the City's connection on Endicott Street to the interceptor along Railroad Avenue, that ultimately travels to South Essex Sewerage District's treatment works). Manhole numbering used in this evaluation is consistent with the 1996 Sewer Maps and the City's GIS. Pipe segments are identified based on manhole numbering.

A pipe-by-pipe approach was used to evaluate the capacity of the downstream sewer system to accommodate existing and proposed flows from the Proposed Development to Flow Meter 16. We utilized the as-built drawings cited previously in this memorandum to prepare the pipe-by-pipe evaluation included in Attachment B. Assumptions made regarding sewer attributes are also cited in Attachment B (e.g., pipe slope assumptions where data was not available). Manning's equation was used to calculate the full-pipe capacity of the sewers evaluated downstream of the Proposed Development. Because the existing gravity sewers downstream of the Proposed Development are Concrete, reinforced concrete (RCP) and vitrified clay pipe (VCP), we used roughness coefficients of 0.014, 0.014, and 0.017 respectively.<sup>1</sup>

The following data were used to estimate impacts to the downstream portion of the City's Sewer System:

- The estimated peak wastewater flows from the proposed development were estimated using TR-16 using the average wastewater flow estimates. Per Figure 2-1 in TR-16, we applied a peaking factor to the estimated average daily wastewater flows in order to calculate the estimated peak wastewater flows.
- The estimated peak existing wastewater flows were based on the observed peaking factor (maximum daily flow divided by average daily flow) calculated using data collected as part of the Spring 2018 East Peabody I/I Study from meters 16 and 17 in lieu of calculated peak hour flows using peaking factors from TR-16 Guidelines. The peaking factor for Meter 17 was calculated to be 3.18. As the full flow from Meter 17 does not go through the Endicott Street Sewer, the peaking factor of 3.18 was use for the existing flow calculated to be within the Endicott Street Sewer. The peaking factor of for Meter 16 was calculated to be 1.92. The peaking factor was utilized only for the existing flows utilizing the meter 16 data.

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<sup>1</sup> <https://www.ejprescott.com/media/reference/ManningEqua&TableofNR-15.pdf>

- Wastewater flow data from meters 16 and 17, installed as part of the Spring 2018 East Peabody I/I Study, were used to estimate the existing average daily flow of the sewers along the downstream route. Data from meter 17 was used for flow along Endicott Street, Warren Street, and Crowninshield Streets. Data from meter 16 was used for flow along the cross country piping and along Railroad Avenue. Data from these meters were also used to estimate peak hourly flows, in lieu of theoretical peak hour flows using peaking factors from TR-16 Guidelines.
- Average and maximum daily flow data from the meters include infiltration and inflow. Therefore infiltration and inflow was only added to the proposed development flows.

In our evaluation of the downstream sewer system, Tighe & Bond considered the combined impacts on the City's sewer system capacity from the Proposed Development, the Northshore Mall Redevelopment, 50-54 Prospect Street Redevelopment, 68 Prospect Street Redevelopment, 190R Newbury Street Development, 27R Farm Avenue Development, 55 Newbury Street Development, and 7 Dearborn Road Development.

- Estimated average daily wastewater flow from the 50-54 Prospect Street Redevelopment was 3,960 gpd. Supporting Calculations are documented in the 50-54 Prospect Street City of Peabody Application for Site Plan Review prepared by Marchionda & Associates, L.P., dated November 10, 2020.
- Estimated average daily wastewater flow from the Northshore Mall Redevelopment was 45,338 gpd. Supporting Calculations are documented in the memorandum prepared by Tighe & Bond titled *Northshore Mall Proposed Redevelopment – Sewer System Design and Downstream Capacity Peer Review*, dated August 2, 2018.
- Estimated average daily wastewater flow from the 68 Prospect Street Redevelopment was 6,600 gpd. Redevelopment details are documented in the 68 Prospect Street City of Peabody Site Plan Application prepared by K Hoyle Construction, Inc., and dated April 26, 2021
- Estimated average daily wastewater flow from the 190R Newbury Street Development was 12,320 gpd. Development details are documented in the July 30, 2019, Site Plan Review Application prepared by CY Tenney Residences LLC/Arthur.
- Estimated average daily wastewater flow from the 27R Farm Avenue Development was 20,570 gpd. Supporting Calculations are documented in the memorandum prepared by Tighe & Bond titled *The Residences at Farm Avenue, 27R Farm Avenue – Downstream Sewer Capacity Peer Review*, dated August 12, 2020.
- Estimated average daily wastewater flow from the 55 Newbury Street Development was 10,000 gpd. Development details are documented in the July 2, 2019 Chapter 40B Comprehensive Permit Application by Jam 3, LLC.
- Estimated average daily wastewater flow from the 7 Dearborn Development was 30,700 gpd. Supporting calculations are documented in the memorandum prepared by Tighe & Bond titled *Seven Dearborn Proposed Development – Downstream Sewer Capacity Peer Review*, dated July 26, 2019.

Note that we concluded our pipe-by-pipe evaluation of the available sewer system capacity downstream of the Proposed Development at the 36 inch diameter interceptor at the end of

Railroad Avenue at flow meter 16, since the proposed wastewater flows are less than 1% of the interceptor capacity. Sewer segments downstream are the same or larger diameter.

Our spreadsheet model indicates that two segments of the existing sewers downstream (S075-100 to S074-025 and S074-028 to S075-049) will exceed their hydraulic capacity under peak flows. The results for the sewer segments reviewed are detailed in Attachment B. One of the existing sewer segments had a calculated full-pipe velocity exceeding 10 feet per second (fps), which is a design criterion for new pipes recommended by TR-16. However, because this pipe has sufficient remaining capacity, we do not anticipate actual velocities to reach the estimated full-pipe velocities under peak flow conditions. A summary of the results for the sewer segments reviewed is presented below in Table 1 and is detailed in Attachment B. The applicable rows are highlighted in Attachment B.

**TABLE 1**  
Hydraulic Analysis Summary

Segment	Hydraulic Capacity (mgd) <sup>1</sup>	Avg Daily Flow (mgd) <sup>2</sup>	Peak Hourly Flow (mgd)	Surplus Capacity Available (Y/N)	% Capacity Remaining
Endicott Street	0.646	0.211	0.697	N	-6%
Warren Street	2.811	0.281	0.922	Y	67%
Crowninshield Street	4.176	0.290	0.950	Y	77%
Cross Country	10.37	3.223	6.229	Y	40%
Railroad Avenue <sup>3</sup>	30.626	3.223	6.229	Y	80%

<sup>1</sup> Based on the sewer with the lowest hydraulic capacity along the segment, correlates to "Full-Pipe Flow Capacity" in Attachment B.

<sup>2</sup> Correlates to Attachment B, including the existing, proposed, and infiltration flows, for the lowest capacity sewer along the segment.

<sup>3</sup> Includes additional flow from Northshore Mall Redevelopment, 50-54 Prospect Street Redevelopment, 68 Prospect Street Redevelopment, 190R Newbury Street Development, 27R Farm Avenue Development, 55 Newbury Street Development, and 7 Dearborn Road Development.

**Considerations**

Information the City should take into consideration prior to allowing the additional flow to connect to the City’s wastewater system, include:

1. Peak hour flows are not typically a sustained condition, but a SSO including a basement backup caused by the City’s system may occur with only a brief period of surcharge. However, there have been no recorded SSO events along Endicott, Warren, or Crowninshield Streets in the last 20 years.
2. The upstream segments show available capacity and may allow the sewer to backup up stream. However, a hydraulic model of this area has not been prepared and was not part of this scope of work.
3. Title 5 flows from the proposed development are conservative values with respect to residential wastewater flows. In addition, water conservation required in new buildings often reduces discharge of wastewater even further than planning or historical values observed.

4. The segment with the lowest available capacity remaining on Warren Street (S074-028 to S075-049), shown on table 1 above, was identified as having infiltration flows of 4,000 to 10,000 gpd per inch-diameter mile (idm) during the 2020 I/I flow isolation and manhole inspection program.
5. Based on recent flow meter data, the maximum daily flow for meter 16 was 4,344,278 gpd (20 percent of capacity) and maximum daily flow for meter 17 was 859,000 gpd (29 percent of capacity).

## Conclusions

Based on the evaluation completed as described above, our analysis suggests that the additional sewer flows that would be generated by the Proposed Development will result in sewer capacities being exceeded downstream. Cured-in-place polyethylene (CIPP) lining sewer segments upstream of the proposed development can reduce infiltration from the upstream sewers and thus reduce the potential for the proposed flows to exceed the capacity of the sewer and cause an SSO or sewer backup.

In review of the upstream sewer segments contributing flow to the Warren Street sewer, approximately 2,315 LF of sewer along Dahlia Avenue and Violet Road, referred to as cluster 17-1 in the City's recent flow isolation program (see Attachment C), was estimated to be contributing about 67,124 gpd of infiltration to the sewer system. As such, we recommend CIPP lining the two highest infiltration sewer segments within Cluster 17-1: S052-027.1 to S052-027.2 and S063-014 to S063-015. The City's objective was to identify a CIPP lining project that targets a reduction in flows commensurate with the projected new flows from the development, within the fee the City expects to receive from the applicant. The proposed project includes 300 LF of CIPP lining at \$200/LF, lining of approximately 100 vertical feet of manholes (assumes four manholes), and contractor mobilization costs for a total project cost of approximately \$100,000, based on costs from recent similar CIPP projects in the Massachusetts. As the reduction in infiltration as a result of CIPP lining is generally estimated at 50% of observed infiltration, CIPP lining of the two identified segments should provide a reduction of approximately 19,655 gpd. Reduction in sewer flows by 19,655 gpd will provide capacity for the average flows from the proposed development, 10,890 gpd, but not the peak flows from the proposed development, 60,984 gpd (peaking factor of 5.6 per TR-16 guidelines). It should also be noted that infiltration is seasonal and variable on an annual basis due to groundwater elevation fluctuations.

Therefore, based on the City's objectives of identifying a CIPP lining project that targets a reduction in flows at least commensurate with the projected new flows from the development and within the fee the City expects to receive from the applicant, we recommend CIPP lining the following two sewer segments within Cluster 17-1: S052-027.1 to S052-027.2 and S063-014 to S063-015, as well as the upstream and downstream manholes of these segments.

## Attachments

- A – 40-42 Endicott Street Development Downstream Piping
- B – Sewer Capacity Analysis Review – Existing Conditions & Available Capacity
- C – Flow Isolation Map (Cluster 17-1) and Cluster Table

Attachment A  
40-42 Endicott Street Development Downstream Piping

