

Atty. Arvanites A regular meeting of the Planning Board was called to order on August 2, 2018 at 7:00 P.M. by Chairman Thomas Bettencourt. The meeting was held in the lower level conference room, City Hall, 24 Lowell Street., Peabody, MA.

A. Approval of Minutes:

Motion: To approve the minutes of the regular meeting of July 12, 2018. Motion Carried: unanimous

B. ANR/Land Court: None.

C. Site/Building Permit Plan Reviews: None.

D. Appointments: None.

E. Subdivision Board Action:

1. Proposed Stonegate Subdivision Application:

Planning Board: Mr. Levin: distributed a letter dated 8/2/18 from Atty. John Keilty giving a brief update as to the status of this project: they have received first drafts of the Excavation Impact Report and their traffic analysis and are reviewing them. They have also been advised of the scope of services of Tighe & Bond and Weston & Sampson with regard to peer review costs. Those amounts have been submitted to the City. They don't know when they will be available but will keep the Board updated.

2. Boulderwood – Developer update: Mr. Michael Solimine handed out a drawing showing streets in blue (100% complete – landscaping, curbing, sidewalks, street, utilities) and streets in green (have binder coat). 100% of the utilities are underground, 100% retention is in. The lots outlined in red are to be released. He also distributed the Form H for signatures, the Cost Estimate from Granese, and an updated Construction Sequencing memo.

Planning Board: Ms. Mizioch: Do we have confirmation that all terms have been met and signed off on by DPS? (Mr. Levin: No.). Ms. Mizioch: what about the water tower? Has it been turned over to the city? (Mr. M. Solimine: the tower has been completed and in full operation for four years. It has not been turned over. Mr. D. Solimine: one of the conditions was that the tower be completed, inspected and operational before the first occupancy permit was issued. DPS hasn't taken it over yet, we've maintained and operated it since. DPS had to have seen the water tower before that permit was issued.). Ms. Mizioch: I thought Mike Smerczynski had a conversation with the Board that the water tower had to be completed before the last lot was released. Does DPS have the as-builts? I recommend that the city solicitor review the remaining conditions. This is an issue that needs to be closed out. (Mr. M. Solimine: We are operating under DEP's standard procedures. Mr. D. Solimine: we have done what is required, we don't want to own or maintain a water tower. We are willing to meet anytime. There is sufficient funds in the bond. We're putting foundations down in the last two lots already released). Mr. Simoes: Carve two lots so not all are totally released. Ms. Mizioch: That is acceptable. (Mr. D. Solimine: Two lots at the end would be best.).

Motion: MOVE to release lots 95B, 94B, 93B, 92B, 91B, 90, 89, 88, 119, 121, 122, 123, 113, 114, 115, 116, 118, 76A, 77, 78, 79, 80, 81, 82, 83, 84 and 85. Holding off on releasing lots 86 and 87 until the water tower issue has been resolved and city solicitor Smerczynski and DPS weigh in. Motion carried: unanimous.

Motion: MOVE to receive updated Boulderwood Construction Sequencing Schedule originally dated May 17, 2012 and updated August 1, 2018. Motion carried: unanimous.

3. Birch Hill – Developer update: Mr. Carl Crupi and Atty. Athan Vontzalides: Mr. Crupi distributed the EPA permit which has one condition. They emailed Will Paulitz, DPS, in February but haven't heard back from anyone in DPS regarding the bond amount for off-site damage. Mr. Levin passed around the updated construction schedule. Mr. Crupi: we had to cut all of the trees because my land clearer wouldn't have been able to do it again until November. I've gotten several phone calls from abutters and have met with Councilor O'Neill. I'm in business and can't stop working to wait two years for a project to be approved. I have other projects that I have to finish. There are two sheds encroaching on my land. I've told both property owners that they can have their land surveyed and move the sheds if they are encroaching. One is a big tool shed which I've offered to help move. Due to National Grid's strike, I won't be able to get gas until November but probably not until the spring. They lay their own pipes. I held off doing earth

moving this summer but will start again in September. The truck route signs have been put up and the silt fence will be up soon. Once I'm in there, things will move forward. The Preliminary Light Plan is done.

**Planning Board: Mr. Ford (to Mr. Levin):** Can we reach out to DPS for bond estimate? **Mr. Levin:** Yes. **Mr. Simoes:** I would like a more detailed construction schedule, something that shows when you're installing water mains and where. The dominoes are not lining up, delays with National Grid. It makes sense you're not making noise and dust this summer. Dust will have to be managed. (**Mr. Crupi:** When I'm in there I'll have a better idea of the schedule. The binder coat will be down next spring. The site has great drainage). **Mr. Gagnon:** will there be any legal delays due to the shed encroachments? (**Mr. Crupi:** met with them. One is going to hire my engineer to stake out his own property. I told both that there is no emergency, that we can move them when we get to those lots. There is a problem with one guy with drainage. I told him I only have a utility easement, that I don't own the land but Bostik does. They just moved in and installed the shed. The former owner was mowing the area so they thought they owned it). **Councilor O'Neill:** Both residents are aware of the problem. One knows it's not his property, the second is looking to see what can be done. This won't cause a delay. **Mr. Levin:** Is it possible for monthly updates? A memo would be sufficient. **Mr. Simoes:** Starting with the 1<sup>st</sup> or 2<sup>nd</sup> meeting in September then monthly thereafter? (**Mr. Crupi:** yes.).

F. Correspondence:

1. DPS Memo regarding 128 Newbury Street: **Mr. Levin:** DPS has the plans and is in the process of reviewing them.
2. Zoning Board of Appeals Decisions: **Mr. Levin:** Dearborn Road residential has been approved. They have to go before the CDA for site plan review. **Mr. Gagnon:** Will there be affordable housing? There is no oversight. 15% of Birch Hill should be affordable, even though the houses are \$1MM homes. **Mr. Levin:** 15% of 180 units has to be affordable. **Atty. Cooper:** Solimine could opt out of affordable housing by building the water tower. We addressed Mr. Crupi's affordable housing awhile ago.
3. Regional Notices: no action.
4. Other:210 Andover Street: **Mr. Levin:** we've received the cost estimate for the scope of work for peer review - \$39,000.

G. City Council: None.

H. Other Matters Properly Before the Board: None

**Mr. Ford:** Invite Mr. Smerczinski to the next meeting regarding the Boulderwood water tower. **Ms. Mizioch:** DPS doesn't have the as-built plans.

I. Adjournment: Motion: Meeting adjourned at 7:45 P.M. Motion carried: unanimous.