

**Planning Board Minutes
February 20, 2020**

Time: 7:00 pm – 7:53 pm

Location: Lower Level Conference Room, Peabody City Hall, 24 Lowell Street

Members Present: Chairman Thomas Bettencourt, Mr. Dennis Feld, Mr. John Ford, Mr. John Franciose, Mr. Joseph Gagnon, Mr. Matt Genzale, Dr. Judith Otto, and Mr. Roy Simoes.

Members Absent: Atty. Peter Arvanites and Atty. Diane Cooper.

Others Present: Mr. Andrew Levin (City Planner), Mr. Curt Bellavance (Director of Community Development and Planning), Mr. Philip Pattison (Hancock Engineering), Donna M. Sexton (Applicant), Atty. John Keilty, Mr. Chris Mello (Eastern Land Survey).

Chairman of the Board Thomas Bettencourt called the meeting to order at 7:00 pm

A. Public Hearing:

That the Zoning Ordinance of the City of Peabody titled Zoning Ordinance – 2011, as amended, is hereby further amended as follows:

i. Section One - By adding to Section 2: Definitions to the Zoning Ordinance:

Commissary Kitchen. A room or group of rooms used primarily for preparing, cooking, and producing food for off-premise consumption, such as catering, not associated with a restaurant or fast-food establishment, and where cooking or food preparation activities use commercial food processing equipment, such as convection ovens, grease filters, kitchen hoods, and similar types of equipment.

ii. Section Two – To amend Section 4: Table 4.2 Schedule of Use Regulations to allow Commercial Kitchen Use under 1,000 square feet by-right in the following districts: GB, GBD, BR, BR1, IL, IP, DDD, and by Special Permit in BC, BN and BN-2. Larger than 1,000 square feet by Special Permit in GB, GBD, BR, BC, IL, IP, and DDD.

iii. Section Three – This Ordinance shall take effect as provided by law.

Discussion and questions posed to Mr. Bellavance regarding specifics of amendment.

R. Simoes asked if this amendment pertained to take-out restaurants, to which Mr. Bellavance said that it did not and clarified that it pertained to commissary kitchens for off-premise consumption. For example, food trucks and catering services looking for space to prepare food. J. Gagnon asked if there were any such businesses on the horizon the City knew of that would be able to start-up with this amendment and Mr. Bellavance said that he didn't know of any, except that Haven for Hunger may be interested in opening a commissary kitchen. Mr. Bellavance added that the North Shore in general is lacking in communities where commissary kitchens is permitted. R. Simoes asked if the Board of Health would oversee commissary kitchens and Mr. Bellavance replied that the BOH would.

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Planning Board: Motion: J. Ford. MOVE TO recommend that the City Council adopt the Zoning Change before us pertaining to Commissary Kitchens. **Seconded by:** J. Otto. **Motion Carried:** Unanimous.

B. Approval of Minutes:

Planning Board: Motion: J. Ford. MOVE TO accept the minutes of the regular meeting of January 9, 2020. **Seconded by:** J. Otto. **Motion carried:** Unanimous.

C. ANR/Land Court:

6 Walsh Avenue (Map 076, Lot 166) and 48 Driscoll Street (Map 076, Lot 164A):

Mr. Philip Pattison of Hancock Associates for the applicant, Donna M. Sexton i.e. The Mello Family Trust: There currently exists three (3) non-conforming parcels and the applicant is seeking to take a portion of the parcel in between and add it to each of the other parcels to create two (2) non-conforming parcels, since there is not enough area to create two (2) conforming lots given that there are structures on all of the lots.

Mr. Levin informed the Board that he had consulted with Mr. Al Talarico, Building Commissioner, who believes that the applicant needs to seek variances from the Zoning Board of Appeals.

Mr. Bellavance said that, given his experience in Plymouth MA with such situations, he did not see a need for the applicant to seek variances from the ZBA.

Planning Board members discussed the matter.

Planning Board: Motion: J. Ford. MOVE TO approve an ANR plan of land in Peabody, Massachusetts prepared for Donna M. Sexton prepared by Hancock Associates, which will subdivide Parcel C into two (2) unbuildable lots, C1 and C2. Further, Lot C1 shall now be combined with what is Parcel B, but to be known as Lot 1 to form one (1) contiguous lot. Lot C2 shall be combined with Parcel A, now to be known as Lot 2, to form one (1) contiguous lot. Both lots are still non-conforming. **Seconded by:** J. Otto. **Motion carried:** (7-1).

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D. Site/Building Permit Plan Reviews:

a. **22 Johnson Street (Map 034, Lot 012):**

Atty. John Keilty for the applicant, Alliance Health of Massachusetts, Inc.: Seeking final approval from the Planning Board to seek a building permit for the expansion of the parking lot.

The project was triggered when a lease agreement between the applicant and Christian Covenant Academy located at 83 Pine Street recently ended which had allowed the applicant to use the school property for parking overflow.

Atty. Keilty said that the applicant had already been through Construction Review and had previously received Conservation Commission approval.

Planning Board: J. Ford. **Motion:** MOVE TO recommend a permit to be issued for the proposed Site Plan for additional parking at 22 Johnson Street. **Seconded by:** J. Otto. **Motion carried:** Unanimous.

b. **157 Newbury Street (Map 047, Lot 041):**

Planning Board: J. Ford. **Motion:** MOVE TO receive an email correspondence from Atty. Vontzalides in regards to 157 Newbury Street (Map 047, Lot 041) requesting a continuance for the Board to act to April 16, 2020. **Seconded by:** J. Otto. **Motion carried:** Unanimous.

E. Appointments: None.

F. Subdivision Board Action:

Proposed Stonegate Subdivision:

Planning Board: J. Ford. **Motion:** MOVE TO receive a written communication from Atty. Keilty regarding Stonegate Subdivision requesting a continuance to act until April 9, 2020. **Seconded by:** J. Otto. **Motion carried:** Unanimous.

G. Correspondence:

1. **Regional Notices:** No action.

2. **Special Permits:** None.

H. City Council: None.

I. Other Matters Properly Before the Board: None.

J. Adjournment: **Planning Board:** J. Otto **Motion:** Meeting adjourned at 7:53 P.M.: **Seconded by:** J. Gagnon. Unanimous.

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Respectfully submitted by Bella Travaglini, Clerk, Peabody Planning Board.