

A regular meeting of the Planning Board was called to order on December 6, 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 November 15, 2018. Motion carried: unanimous.

The regular meeting of the Planning Board is suspended and the Public Hearing is called to order at 7:00 p.m. by Chairman Thomas Bettencourt.

**B. Public Hearing:**

1. **Consider amending the Zoning Map – Rezone parcels 136 and 137 as shown on Assessors Map 86 numbered as 26 Howley Street from General Business (GBD) to Business Central (BC): Atty. John Keilty**, 40 Lowell Street, Peabody, on behalf of Patricia Flompf, owner of 26 Howley St. This is the only building in the neighborhood that hasn't been fully tenanted. There is a church but other tenants have been in and out. We recently met with Community Development and the Ward Councilor to change the zoning to Business Central. Ms. Flompf is looking to potentially change the building to residential or mixed-use. If successful here, we'll go to the Council for a special permit for residential in a BC zone. Community Development has no particular objections. The property across from the canal is already BC so this is not spot zoning. I believe in the future more mill buildings will be converted for residential use. I went through this building and it is structurally sound.

**Planning Board:** There were questions regarding location (abuts the railroad and river) and the size (51,391 s.f.).

**In favor:** None.

**In Opposition:** None.

**Motion:** MOVE TO recommend: **SECTION ONE:** that the City Council adopt the proposed zoning amendment to the Zoning Map under date of April 28, 2011, as amended through October 6, 2016, to rezone parcels 136 and 137 as shown on Assessors map 86 numbered as 26 Howley Street from General Business District (GBD) to Business Central (BC). **SECTION TWO:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed. **SECTION THREE:** This ordinance shall take effect as provided by law: Atty. Diane Cooper/Mr. John Ford. Motion approved: unanimous.

The regular meeting of the Planning Board resumed, 7:20 p.m., by Chairman Thomas Bettencourt.

**C. ANR/Land Court:**

1. **47 Blaney Ave. – Map 103, Lots 81 and 82: Atty. John Keilty**, 40 Lowell St., Peabody, on behalf of applicant Jaclyn Sylvey: These two lots were on the original Blaney Ave. plan, on the 1912 subdivision plan this was three lots. The 1950s Assessors book had it as two lots. They have a variance now to build on Lot B. Lot A has the existing house. We filed an ANR to separate the lots as shown on Plans 55 & 56 (from 1910). This required permission from Peabody House Auth. to flag the wetlands per Con Comm. in January.

**Planning Board:** What are the abutting lot sizes? (**Atty. Keilty:** Minimum of 5,000 s.f., these lots will be larger).

**Motion:** MOVE TO approve the ANR for 47 Blaney Ave. (prepared for applicant Jaclyn Silvey, 47 Blaney Ave., Peabody, MA, by Christopher R. Mello on May 31, 2018 and revised September 10, 2018) as presented to the Planning Board with lots A & B having adequate area and dimensional conformity by means of a variance on a public way, Blaney Avenue, as required in R-1A Zoning District: Mr. John Ford/Mr. Joseph Gagnon. Motion approved: unanimous.

**D. Site/Building Permit Plan Reviews:**

1. **45 Tremont Street: Atty. Keilty:** We went to Construction Review which had a lot of questions specifically the size and type of equipment that will be housed there. Robin LLC is a large excavation firm relocating from Chelsea. Construction Review asked for engineers (structural integrity) and a traffic engineer. I am waiting to see if Robin LLC wants to continue or pull the plug.

**Planning Board: Mr. Gagnon:** Those big machines are very noisy. **Atty. Cooper:** are you withdrawing or asking for a continuance? **Mr. Ford:** come back Jan. 3<sup>rd</sup> for an update.

**Motion:** MOVE TO extend the time for the Planning Board to act relative to 45 Tremont Street to January 3, 2019: Atty. Diane Cooper/Dr. Judith Otto. Motion approved: unanimous.

**E. Appointments:** None.

**F. Subdivision Board Action:**

1. **Proposed Stonegate Subdivision Application: Atty. John Keilty, 40 Lowell Street:** there is no update. I would like to ask for a continuation orally.

**Motion:** MOVE TO continue the time for the Planning Board to act relative to the Stonegate Subdivision to January 24, 2019 with the requirement that Atty. John Keilty will submit a letter to Community Development requesting the extension: Atty. Diane Cooper/Dr. Judith Otto. Motion approved: unanimous.

2. **Birch Hill Subdivision – Developer Update: Mr. Carl Crupi:** Handed out schedule dated 11/5/18. So far, the National Grid lockout isn't holding him back. Materials have been stockpiled and they'll be screening it to make it sand. The street work is done, utilities are off Birch St, water & sewer is about 70% done. Hopefully that'll be done soon unless the ground freezes. There is a high water table, the ground is wet but can't be pumped. We're in great shape as far as the schedule goes. DPW is aware of how we are doing too. Sewer is done all the way up to Villa Lane except for the last 60'. There's a small section where there is water. We had to de-water and raise the slope which took ten days to get through. We should wrap up the sewer on Monday (12/10), tie-in the catch basing, run section of water. The retention pond is under water so we can't build that yet. DPW wants to see the bottom of it. The site is perking at 2 minutes/inch. We had a site meeting with the ward councilor and neighbors, showing them the layout and schedule. We really haven't had any problems. The neighbors call the ward councilor who calls me. I explained to them that we're making our own gravel, saving about 200 truck loads from coming through. We haven't run into any ledge either, just boulders. There is still a shed in the easement that will need to be removed. The neighbor's pool pipes are there. We should be here in the spring for lot releases. Paving will start in April. We're trying to figure out a good place to have the entrance for the model house.

**Planning Board: Mr. Bettencourt:** come back in January with updates. Mr. Crupi: I'll come back January 3. **Mr. Levin** is going to send a letter to Jim Nicholas, DPW, requesting an update.

**G. Correspondence:**

1. **Regional Notices:** No action.
2. **Birch Hill Construction Schedule:** No action.
3. **DDD Site Plan Review – 222-240 Jubilee Dr. Proposal for an addition to existing parking lot. Heard by Community Development Authority:** No action from Planning Board. **Mr. Levin:** The CDA oversees the DDD District (Centennial Park) and hears site plan reviews. In discussions with Curt & Stacey Bernson, they would like to take site plan review from the CDA and submit them to the Planning Board since the PB hears more of these. The CDA will follow the Planning Board's recommendations. **Dr. Otto:** the DDD design guidelines have higher quality building materials and other requirements. **Mr. Bettencourt:** Put the DDD design guidelines in checklist.

**4. Other:**

1. **Mr. Levin:** the Salem Country Club is here about the work their doing on their rock wall. **Mr. Peter Fischl**, Director, Salem Country Club, introduced himself as the new director. They are seeking permission to restore the stone wall along Forest St. north of the main entrance. It has deteriorated over time. They started the work without knowing they needed a permit. There is 9/10s of a mile to be re-done. The plan is to continue improving walls on the near end of the golf course. A slight cut-out starts immediately adjacent to the opening for 4/10ths then another section near the pond, all on the club house side.

**Planning Board: Mr. Gagnon:** Forest St. is a scenic road, good rebuilding it but I'm concerned that you're taking the old wall and putting it in a different location. This has come up before. You'll need permission from the Historical Commission. There was a discussion about the location of the original wall and whether or not it is being replaced in the exact location. **Mr. White:** the wall was built in an embankment. We moved it back 2' for safety but are following the rest of the wall line. The current wall is being restored and replaced. We will bring photos from the 1920s showing the location. There is only one stone post marking the property line. The stones are all from the property too. **Mr. Simoes:** has concerns that the new wall is too perfect. **Mr. Bettencourt:** Discontinue working, we'll set up a public hearing, have it posted at the Club's expense, and find out if a permit is required. You should bring pictures, factual evidence and your plan. **Mr. Ford:** do they need a permit? The fee is based on the cost. I believe they put a bond up to remove a portion of the wall. **Mr. Levin:** I will reach out to the Peabody Historical Commission.

**Motion:** MOVE TO hear from the Salem Country Club regarding work on their stone wall: Mr. John Ford/Atty. Diane Cooper. Motion approved: unanimous.

**H. City Council:** None.

**I. Other Matters Properly Before the Board:** None.

**J. Adjournment: Motion:** Meeting adjourned at 8:00 P.M. Motion carried: unanimous.