

A regular meeting of the Planning Board was called to order on January 17, 2019 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.

The regular meeting is suspended at 7:05 p.m. for the public hearing for the Scenic Road – Forest Street project to repair the existing stone wall, re-stack and replace stones within the wall owned by Salem Country Club as shown on Assessor's map 59 as parcel 81X. Chairman Bettencourt read the legal notice as printed in the Weekly News January 3, 2019 and January 10, 2019.

A. Public Hearing – Scenic Road – Forest Street: Atty. John Keilty, 40 Lowell St., and Atty. Bob White: Atty. Keilty: we are here on behalf of the Salem Country Club under provisions of state and local by-laws for a scenic way. Forest Street is a scenic way until it crosses route 95. Most of it is owned by the club except for two residential streets. We are here because work to the stone wall was observed and Bob put together a packet of pictures showing the wall in 1925, when the club purchased 700 acres from Sanders Farm. Since then, parts have been sold off leaving the club with 300 acres. The packet shows historic and current photos as well as maps of the areas to be rebuilt or renovated. The rocks being used to rebuild it are indigenous to the property but are not the same rocks as originally used. Our intention is to reconstruct walls on club property, not on city property. They want to rebuild or repair 725' parallel to the 10th fairway and another 1,025' further west, from the pond to the 9th green. No city trees will be removed unless the city requires them to be. In that event, the club would like to assist in the removal.

Planning Board: Mr. Simoes stated he thinks the new wall looks too perfect and even. **Chairman Bettencourt** stated it looks just like the 1925 wall which was also straight and even on top. There was a discussion about the pictures – before & after.

Chairman Bettencourt: Anyone in favor? Anyone opposed? Hearing none, I'll take a motion.

Motion: MOVE TO grant permission to the Salem Country Club, map 59, parcel 81X, to continue the repair/renovation of the existing, dilapidated, stone wall, including the re-stacking and replacement of stones within the wall, adjacent to Forest Street, a designated scenic road, with one section being 725' and the second section being 1,025': Mr. John Ford/Mr. John Franciose. Motion carried: unanimous.

Chairman Bettencourt closed the Public Hearing and returned to the regular meeting at 7:25 p.m.

B. Approval of Minutes: Motion: To approve the revised minutes of the regular meeting of December 6, 2018: Mr. John Ford/Mr. Roy Simoes. Motion carried: unanimous.

Motion: To approve the minutes of the regular meeting of January 3, 2019: Mr. John Ford/Mr. John Franciose. Motion carried: unanimous.

C. ANR/Land Court: None.

D. Site/Building Permit Plan Reviews:

- A. 210 Andover Street: Atty. David Ankeles, 246 Andover St.:** I am here to keep the board up to date and cover three items: 1.) there is a minor modification to the overall site plan. The original plan, where Legal Seafood is, shows the mall extended out a little. We would like to modify that by pushing the mall back which would create an additional 25 spaces. There were some tenants that withdrew prompting this modification. We feel it is an improvement, that we're moving the curb back and adding parking. 2.) Originally, the pad for the bank was 7,500 s.f. This has been downsized to 3,470 s.f. There will be an ATM on the easterly side and a drive through, which will need a special permit from the council. The bank is a by-right use and the pad has already been approved. This submittal shows access, egress layout and the ATM as well as the floor plan, elevations and signage. 3.) Another tenant, similar to King's in Lynnfield, also withdrew. That area, which was to have high ceilings, is now going to be mixed retail. We've been approached by Lahey to put a 5,000 s.f. urgent care facility there (Mr. Ford: they'll probably require dedicated parking). We would like your input as to that particular use. There may be a second floor now, similar to Sears'.

Those are the three items. We'll need construction review soon. Things are fluid at the mall.

Planning Board: Mr. Simoes: I don't see any negatives, less square feet of stores, more for parking; the bank is about ½ the size originally planned which means less building and more parking. (Atty. Ankeles: snow storage is eliminated unless it becomes necessary, there will be more open space). **Chairman Bettencourt:** we'll get a report from Construction Review. I have no objections. **Mr. Ford:** I have no issues with these modifications, see no negatives. **Mr. Levin:** We're set up for March 4th meeting to give everyone at the Feb. 13th Construction Review meeting enough time to review and write up their reports and comments.

- B. 45, 47, 49 Tremont Street: Mr. Levin:** I received a letter from Atty. Keilty. The application originally was approved as Tremont Properties but the back property was not included. A new plan was filed then withdrawn. **Atty. Keilty:** It became apparent during construction review of the applicant's business, who he is, the size of his equipment. Issues were raised about traffic, if the equipment could make it around corners, if culverts could withstand the weight. The commissioner is familiar with them. I sat with him and he elected to withdraw. I'm here to ask that you reconsider an older application. I met with Will Paulitz (DPS) about a new user – an indoor recreation space. It's a benign use, no special permit, enough parking. We would have to reshape the building and square it off. I would like to bring the plan from 5/22/18, add to it, give it a revision stamp. Every engineer stamp will be dated so there is no confusion. I hope to task the best of all of the plans to DPS and get a memo. DPS will review existing conditions and we'll resubmit to the board a pre-reviewed plan. It'll be one collective set of plans so we can move forward. Community Development views it as a good plan.

Planning Board: Mr. Levin: this is not a new plan but the back building will be changing. They'll be at construction review on Feb. 13th with a final plan and memo then brought here. **Mr. Simoes:** there won't be a building on top of the culvert? **Atty. Keilty:** correct.

E. **Appointments:** None.

F. **Subdivision Board Action:**

1. **Proposed Stonegate Subdivision Application: Atty. Keilty:** I sent a letter on Jan. 10, 2019 that I want to explain. The 1st issue presented after meetings with Will and Chris (Melo) is that there is to be no water allowed into the city's existing storm drain service. State regulations allow you to reduce or equalize. We tried to reduce with storm retention ponds etc. but we've been led to believe that not one drop could leave the site. We've taken the position that this is unlawful and I'm here for the board to create a directive in concert with DPS and the city solicitor. There is no policy in writing. I'm asking the board to overrule DPS for this one item. The rest of the issues will be addressed satisfactorily. Our subdivision has been designed in accordance with the rules and regulations as they are today. We may ask for waivers and are ready to move forward when we receive that directive.

Planning Board: Mr. Simoes: to Will: is it true this was requested? Currently it's been raining for thousands of years, where does the water go now? **Mr. Paulitz:** the mandate states we will not allow them to tie-in to a municipal drainage system. The plan we saw gave us concerns about the storm water management systems. The basins are not traditional, they aren't infiltrating, close to ledge. They'd like dry wells on properties but the city would have no control over what homeowners do with those and if they maintain them. The city or HOA will take over retention basins. They'll create impervious materials, reduce soils for the water to go into. We want more test pits and we'll receive additional flow over what we have now. We're looking at the speed and amount of water coming off the property. We have grave concerns over the dry wells – they're the only infiltration we see. **Atty. Keilty:** we have no quarrel with Will's issues, this is solely about not allowing any water. Storm water management has to be accessible, support maintenance equipment. It's a difficult site and needs much work. **Mr. Simoes:** when will we see water & sewer reports? **Mr. Paulitz:** I've provided the Tighe & Bond report, waiting on Weston & Sampson. They have to take a look at different scenarios in order to provide proper water pressure. DPS is still trying to determine which is best for the city. **Mr. Ford:** is the Boulderwood water tank on-line? **Mr. Paulitz:** Yes and it is only used by Boulderwood. Weston & Sampson is looking at that as one scenario, they're also tasked with looking at the Juniper Ridge pump or having the developer build his own water pump and connect it to the Boulderwood tank. It's expensive to put a main to a tank. There was a brief discussion from Mr. Genzale about the relevance of the case Atty. Keilty cited in his letter. Atty. Keilty stated just the first sentence is relevant – not the prior violation as there is none in this case.

Motion: MOVE TO request comments from city solicitor Michael Smerczynski in regards to the letter from Attorney John Keilty, 40 Lowell Street, Peabody, dated January 10, 2019 regarding the Stonegate Subdivision: Mr. Matthew Genzale/Mr. John Ford. Motion carried: unanimous.

MOVE TO continue the time for the Planning Board to act relative to the Stonegate Subdivision to February 28, 2019 as per Atty. John Keilty's oral request at this evening's meeting: Mr. John Ford/Mr. Matthew Genzale. Motion carried: unanimous.

G. **Correspondence:**

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

2. **Peabody Historical Commission 12/18/18:** No action.
3. **45, 47, 49 Tremont Street – Atty. John Keilty (dated 1/8/19):** See action above.
4. **Stonegate Subdivision – Atty. Keilty (dated 1/10/19):** See action above
5. **Other:** No action.

H. **City Council:**

1. **None.**

I. **Other Matters Properly Before the Board:**

1. **None.**

J. **Adjournment: Motion:** Meeting adjourned at 8:25 P.M.: Mr. Roy Simoes/Mr. John Ford. Motion carried: unanimous.