

A regular meeting of the Planning Board was called to order on March 21, 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.

A. Approval of Minutes: Motion: Mr. John Ford: To approve the Minutes of the regular meeting of March 7, 2019 Seconded By: Mr. Matt Genzale. Motion carried: unanimous.

B. ANR/Land Court:

1. On or about 234 Bartholomew Street

Mr. Andrew Levin, City Planner, explained that there are two separate ANR's for the Board to consider at the same location on Bartholomew Street - one for registered land at 234 Bartholomew Street, where there is currently a house, and the other for an unregistered parcel adjacent to it.. Mr. Chris Mello of Eastern Land Survey representing the owner, discussed the two ANR's together for a better understanding of the proposals. Parcel B1, unregistered land, and the other is at 234 Bartholomew Street (Lots 76 and 72). Mr. Mello proposed that after a vote to divide 234 Bartholomew Street into two parcels, that parcel B1 be combined with Lot 77 to form a conforming lot on Bartholomew Street. This would allow for the house on 234 Bartholomew Street, which would be divided into two parcels, Lot 76 and 77 with frontage on Bartholomew Street, a public way, to be sold. Mr. Mello also proposed dividing Parcel B into two parcels, B1 and B2. B1 is to be combined with Lot 76 and B2 with Lot 77. Access for both properties would come from Pearl Street. Mr. Ford asked for clarification on which lots would be combined and the Board engaged in a brief discussion.

Planning Board: Mr. John Ford: Motion: MOVE TO approve an ANR plan of land in Peabody, MA prepared by Eastern Land Survey prepared for Peabody Living, LLC, plan dated March 6, 2019 Parcel B1, 8,199 +/- sf to be combined with Lot 76 to form a conforming lot on Bartholomew Street; Lot B2 4,741 sf will be combined with Lot 77 to form a conforming lot also on Bartholomew Street. Seconded By: Mr. Dennis Feld. Motion carried: Unanimous

2. 234 Bartholomew Street

Mr. Mello provided plans for the adjacent proposed Stonegate subdivision at the request of Mr. Simoes so that the Board could review the proximity of the proposed parcel division to the proposed subdivision. This proposed division of Parcels will be going to Land Court, Mr. Mello explained to the Board. Mr. Genzale asked for clarification on what Land Court's role was and Mr. Mello replied that the court's role was to confirm that the land was good and that it had a certain surveying standard which would allow for the division of the two lots. The Land Court process is separate from the Planning Board process, explained Mr. Mello.

Mr. John Ford: Motion: MOVE TO approve an ANR plan of land in Peabody, MA prepared by Eastern Land Survey prepared for Paul DiBiase, plan dated March 5, 2019, to create two lots, Lot 76, 11,813 sf and Lot 72, which is 15,276 sf on Bartholomew Street, Peabody, and I Move to endorse the plan. Seconded by: Mr. John Gagnon Motion carried: Unanimous

3. 0 Newbury Street – Lot 4 – C and D – Withdrawn without prejudice.

Mr. Mello represented the applicant and the plan was prepared by Jarosz Land Surveying of Manchester, Massachusetts, proposing that Lot 4, be divided into Lot 4C and Lot 4D and then adding Lot 4D to another vacant parcel, Lot 3, to form one lot being 174,044 sf and having frontage on Newbury Street. Lot 4C had previously been approved for a storage facility, said Mr. Mello. Mr. Levin pointed out a Scrivener’s Error on the Agenda and clarified that Lot 4D is 33,741 sf. Mr. Simoes discussed that the Board had previously approved a large storage facility and expressed concern that the applicant is now proposing divide it. Further discussion amongst Board members also expressing concern as to how this proposal would affect work and previous DPS approvals. Mr. Mello asked Chairman Bettencourt to allow him to withdraw the application on behalf of the applicant without prejudice so that the applicant could review the issues and come back to the Board at a later date.

Mr. John Ford: Motion: MOVE TO be inclined to support and allow the applicant to withdraw without prejudice at this time. Seconded by: Atty. Peter Arvanites. Motion carried: Unanimous

4. 0 Newbury Street – Lot 4 - A and B

Mr. Mello represented the applicant and the plan was prepared by Jarosz Land Surveying of Manchester, Massachusetts. The applicant proposed dividing Lot 4 into two parcels, Lot A and Lot B. Lot 4 being the subject of a permit for a storage building that had been before the Board for Site Plan Approval, said Mr. Mello, and Lot 4B, which was never part of that permit since it has been used by the abutter, Mr. Frederick Peterson, owner of the adjacent 114 Newbury Street property, since the 1970s. Mr. Peterson approached the applicant and asked that the parcel be conveyed to him. It is proposed that the parcel, Lot 4B, which is 3,745 sf, be added to Mr. Peterson’s lot to the East located at 114 Newbury Street. Mr. Simoes asked to see the site plan for the Board to review. Further discussion regarding the parcel, which is all paved and where Mr. Peterson has stored vehicles. The parcel is being created and identified so that the Registry of Deeds will have a record of the parcel, which will be conveyed to Mr. Peterson.

Mr. John Ford: Motion: MOVE TO approve an ANR a plan of land in Peabody, Massachusetts prepared by Jarosz Land Survey, Manchester, Massachusetts prepared for Circle Storage LLC is Lot 4B, 3,745 sf will be combined with the land of Peterson to form one contiguous lot. Seconded by: Mr. John Francoise. Motion carried: Unanimous

C. Site/Building Permit Plan Reviews

1. None

D. Appointments: None.

E. Subdivision Board Action:

1. Proposed Stonegate Subdivision Application – Update

Planning Board: Mr. John Ford: Mr. Chairman, at this time I MOVE TO receive a communication from Atty. John R Keilty, Counselor at Law, in regard to Stonegate Subdivision and Atty. Keilty is requesting an extension of time until April 8, 2019. I would move to receive and grant said extension of time. Seconded by: Mr. Genzale. Motion carried. Unanimous.

F. Correspondence:

1. Regional Notes
2. Stonegate Definitive Subdivision – Request for Continuance 2019_0307 - Continued to April 8, 2019.
3. Special Permit – 210 Andover Street
 - i. Application by JP Morgan Chase Bank for a proposed two-lane drive thru ATM for bank branch. Map 51, Parcel(s) 0087

Chairman Bettencourt asked for any comment on the proposed drive thru. Mr. Levin directed the Board to information within their packets regarding the proposal. Chairman Bettencourt explained that the Board had two options regarding the special permit – to raise objections or to take not action. The Board had no comment and took no action.

4. Special Permit – 210 Andover Street
 - i. Application by Dorjan Tozaj for a proposed hand carwash. Map 51, Parcel(s) 008.

Atty. Arvanites mentioned that the Board approved the Site Plan for this project, but said that the applicant did not tell the Board at the time that they did not have a special permit. Mr. Genzale asked for clarification on the process. Board discussed the proper process for such matters going further. Mr. Simoes mentioned that the Mall will be coming before them regarding an overlay proposal. The Board had no comment on the status of this application.

5. Other: Mr. Levin asked the Board to inform him as soon as possible if anyone was unable to make the next scheduled meeting on April 4, 2018.

G. City Council:

1. None

H. Other Matters Properly Before the Board: None

- I. Adjournment: Motion to Adjourn at 7:52 p.m. Motion carried. Unanimous.