

Planning Board Minutes  
May 2, 2019

**Present:**

Atty. Peter Arvanites  
Chairman Thomas Bettencourt  
Mr. John Ford  
Mr. John Franciose  
Mr. Joseph Gagnon  
Mr. Matthew Genzale  
Mr. Roy Simoes

**Absent:**

Atty. Diane Cooper  
Mr. Dennis Feld  
Dr. Judith Otto

A regular meeting of the Planning Board was called to order on May 2, 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. Roy Simoes: Move to approve the Minutes of the regular meeting of April 18, 2019. Seconded by: Mr. Matthew Genzale Motion carried: Unanimous
- B. ANR/Land Court: None
- C. Site/Building Permit Plan Reviews:

1. 535 Lowell Street - Request for Site/Utility Plan Modification

This is a request from the applicants for a site plan modification, for the modification of the site utility plan, adding two exterior grease traps, a sewer manhole and 150+/- linear feet of six-inch pvc sewermain to accommodate 2 food service tenants planned for the small stored tenants to be located adjacent to CVS.

Brian Dundon, PE, of RJ O'Connell Engineering representing the applicant. The Planning Board in July 2016 granted Site Plan Approval for 535 Lowell Street, commonly known as the Bonkers Plaza, and came back before the Board in April 2017 for a modification request, which involved a minor modification to the footprint of the Bonker's building. The new building is complete and the new business, In the Game, is now in operation. The applicants are in Phase II of the project, which involves demolition of the former Bonker's building and renovations to the adjacent strip plaza anchored by CVS. They have two (2) potential tenants interested in leasing space who would be food service tenants, which requires the owner to install two (2) exterior grease traps and additional piping. The grease traps would be 1,500 gallons in size and piped to a common manhole and connected to the current sewer system that traverses the site. The modification has been reviewed by the city engineer, Mr. William Paulitz, and the applicant is working with DPS on items detailed in an April 30, 2019 Memorandum that requires the new sewer services and grease traps be pressure/vacuum and tested in the presence of the DPS. DPS will assign the applicant an infiltration/inflow removal project once they obtain a final occupancy permit. Mr. Genzale asked whether the second item on the DPS Memorandum regarding the infiltration/inflow removal project has been satisfied and Mr. Dundron said that he is working with city engineer, James Nicholas, to satisfy that requirement.

Planning Board: Motion: Mr. John Ford. MOVE to approve to Modify Site Utility Plan (Dwg No C-4) for 535 Lowell Street to add two (2) exterior grease traps, a sewer manhole (SMH-6) and 150 +/- lf of six (6") inch pvc sewer main to accommodate two (2) food service tenants planned for the small store tenants to be located adjacent to CVS with the condition that the applicant work with the city engineer, Mr. William Paulitz on the two items detailed in the April 30, 2019 Memorandum.

Seconded by: Mr. Matthew Genzale. Motion carried: Unanimous

## 2. 210 Andover Street - Applicant Update

The applicants of 210 Andover Street previously received a site plan approval for their project in October 2018.

Atty. David Ankeles for the applicant distributed a set of recent photos of the area at the North Shore Mall under construction and the new Peabody Police Substation. There have been no changes to the Site Plan since the Board approved a modification to the curb cuts and extensions to the Mall in the area between the former Sears building and Macy's. The construction crew is currently removing wet material, cleaning up refuse and bringing in materials for new construction. Crews are re-grading the former Sears footprint. Excavation has occurred along the retaining wall where Sears was formerly located and asbestos abatement continues in the interior of the main mall level beginning from the area of Orvis to Macy's. The power supply for new lighting has been reworked and the construction area has been made safer with the installation of fencing. Mr. Ankeles had previously updated the Board about a change in tenants which required some site revisions. The change affected the original schedule for construction completion. It is now planned for the promenade work be completed in the spring of 2020. The new entrance will be completed by this year's holiday season. A fence will be completed around the pad and the Lifetime Fitness construction should commence in August or September 2019. The entrance at Andover Street and the road between Lifetime Fitness and the other buildings will be closed until June and Peabody Police will be given two (2) weeks notice prior to closure. Atty. Ankeles hopes to coordinate all the moving parts to ensure staying on schedule. The previous delay was due to unsuitable fill having to be taken off site and the clearance of wet materials. Access to new fire hydrants will be worked on with curb cuts and the construction of a new wall. The new Peabody Police Substation is complete and operating. Atty. Ankeles said that he is very pleased with how the project turned out and that he thinks it will be an asset to the Mall and surrounding area.

Planning Board: No comments or questions.

D. Appointments: None.

## E. Subdivision Board Action:

### 1. Proposed Stonegate Subdivision Application – Applicant Update

Andrew Levin, city planner, distributed copies of a letter dated May 2, 2019 from abutter Maria Torrence of 12 Pearl Street detailing her concerns regarding the new construction. Mr. Levin also delivered copies of a Memorandum dated April 29, 2019 from Mr. William Paulitz, PE, city Engineer in response to a project update at last meeting given by the applicant's representatives, Mr. Christopher Mello of Eastern Land Survey and Atty. Jack Keilty detailing items on which he disagrees.

Planning Board: Motion: Mr. John Ford. Move to receive a correspondence dated April 29, 2019 from Mr. Paulitz, city engineer. Secondly MOVE to receive a correspondence date May 2, 2019 from Maria Torrence of 12 Pearl Street detailing some items of concern. Seconded by: Mr. Matthew Genzale. Motion carried: Unanimous.

Atty. Jack Keilty for the applicant began by stating that he received the Memorandum from Mr. Paulitz and has advised his client to pay for the third-party peer review to be conducted by Meridian Associates, Inc. as recommended by Mr. Paulitz. Atty. Keilty added that he is satisfied with the report and finds Meridian Associates' cost estimate for the review to be fair. Mr. Paulitz, who was present, said that he would inform Meridian Associates on Friday, May 3<sup>rd</sup> that the applicant agreed to go forward with the proposal and would draft an agreement and forward to Mr. Keilty and the Planning Board pending a review by the City's Legal Department. Mr. Paulitz would also inquire as to the timetable for the peer review at the Board's request. The applicant would be responsible for covering the costs for the review, said Mr. Paulitz. Once the City is in receipt of payment from the applicant, Mr. Paulitz would inform Meridian to schedule the commencement of the peer review. Mr. Levin said that action on this matter would be continued to the May 23<sup>rd</sup>.

Planning Board: Motion: Mr. Ford. MOVE that a peer review for the Stonegate Subdivision conducted by Meridian Associates, Inc. be provided to the City working with the City, with Mr. Paulitz acting as agent for the Planning Board with the cost for the peer review to be borne by the developer of the Stonegate Subdivision. Seconded by: Mr. Roy Simoes. Motion carried: Unanimous.

Atty. Keilty asked the Board if he could address in writing the concerns outlined in the letter from Maria Torrence regarding the Stonegate Subdivision. The Board agreed and asked that a copy of the letter be forwarded to Mr. Levin and Mr. Paulitz.

Further discussion regarding the timeline and why the City is asking for a peer review so late in the process. Mr. Paulitz explained that he did not anticipate a peer review but said that a request for one was recently triggered following the receiving of new plans from the applicant. Mr. Paulitz does not agree with Mr. Mello's assessment that his designs meet the standards. Mr. Paulitz detailed twenty-two (22) items of concern in the May 2<sup>nd</sup> Memorandum, at which time he recommended the peer review. The majority of the items of concern have to do with layouts and stormwater management and elevations, said Mr. Paulitz.

F. Correspondence:

1. Regional Notices - No Comments.
2. Special Permits - None.
3. 535 Lowell Street – Request for Modification 2019\_0405

G. City Council: None

H. Other Matters Properly Before the Board:

1. Laurel Heights Subdivision:

Atty. Jack Keilty had submitted a letter to the Board as a late add.

Planning Board: Motion: Mr. John Ford. MOVE TO receive the April 30, 2019 letter from Attorney Jack Keilty regarding the Laurel Heights subdivision. Seconded by: Mr. Matthew Genzale. Motion carried: Unanimous.

The Board asked that Mr. Keilty come back at the next meeting to discuss.

Atty. Keilty provided a brief summary of the matter saying that applicant, Mr. DiBiase, had purchased numbers 19 and 20 Pearl Street, which are both lots of land with no buildings, and that the lots had never been released. Atty. Keilty said that he would bring in more detailed plans and another letter for the Board to review at its next meeting. Atty. Keilty said that the two (2) lots would not be a part of the proposed Stonegate Subdivision.

- i. Adjournment: Motion to Adjourn at 7:55 P.M. by Mr. John Ford seconded by: Mr. Joseph Gagnon.