



**Peabody Planning Board
Minutes**

**FOR JANUARY 19, 2023, MEETING
APPROVED ON FEBRUARY 2, 2023**



Planning Board Minutes

January 19th, 2023

Time: 7:00—7:37 p.m.

Location: Wiggin Auditorium and simulcast on Peabody Access TV.

Members Present: Mr. Tom Bettencourt, Atty. Peter Arvanites, Dr. Judith Otto, Mr. Roy Simoes, Atty. Diane Cooper, Mr. Joseph Gagnon, Mr. Matthew Genzale, Atty. Marc Perlman

Others Present: Mr. Andrew Levin (Senior Planner), Mr. Curt Bellavance (Director of Community Development and Planning), Atty. John Keilty, Mr. Chris Mello

- ▶ Chairman of the Board Thomas Bettencourt called the meeting to order at 7:00 p.m.
- ▶ Chairman Bettencourt suspended the regular meeting for the public hearing.

1. PUBLIC HEARING

Proposed Zoning Amendment

BE IT ORDAINED by the City Council of the City of Peabody as follows:
That the Zoning Ordinance of the City of Peabody entitled Zoning Ordinance - 2011, as amended, is hereby further amended as follows:

SECTION ONE: By amending Section 6 Entitled Special Regulations as follows:

By deleting in its entirety Section 6.15 Mill Overlay District (MOD) as adopted on March 14, 2019, and inserting in place thereof a new Section 6.15 entitled Mill Overlay District (MOD) as follows:

- 6.15 Purpose
- 6.15.1 Establishment and Boundaries
- 6.15.2 Applicability and Relationship to Underlying Zoning
- 6.15.3 Permitted Uses
- 6.15.3.1 The following uses shall be permitted by right in the Mill Overlay District (MOD)
- 6.15.3.2 The following uses shall be permitted by Special Permit in the Mill Overlay District (MOD)
- 6.15.4 Parking, Landscaping, Façade, Signs and Pedestrian Accommodation
- 6.15.5 Noise
- 6.15.6 Light
- 6.15.7 Waivers

SECTION TWO: That the Zoning Map of the City of Peabody entitled, City of Peabody Zoning Map Adopted April 28, 2011, as amended, is hereby further amended as follows:

The following parcels are included within the Mill Overlay District:

- Assessors Map 053, Parcel 046A and numbered 56 Pulaski Street
- Assessors Map 053, Parcel 046C and numbered 58 Pulaski Street (R)
- Assessors Map 053, Parcel 047 and numbered 58 Pulaski Street
- Assessors Map 053, Parcel 085 and numbered 60 Pulaski Street
- Assessors Map 053, Parcel 087 and numbered 58 Pulaski Street
- Assessors Map 053, Parcel 500 and numbered 56 Pulaski Street A
- Assessors Map 053, Parcel 501 and numbered 56 Pulaski Street B
- Assessors Map 053, Parcel 502 and numbered 56 Pulaski Street C
- Assessors Map 053, Parcel 503 and numbered 56 Pulaski Street D
- Assessors Map 053, Parcel 504 and numbered 56 Pulaski Street E
- Assessors Map 053, Parcel 505 and numbered 56 Pulaski Street F & G



Assessors Map 053, Parcel 506 and numbered 56 Pulaski Street H
Assessors Map 053, Parcel 507 and numbered 56 Pulaski Street I
Assessors Map 053, Parcel 508 and numbered 56 Pulaski Street J
Or any new subdivision of the lots thereof

SECTION THREE: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION FOUR: This ordinance shall take effect as provided by law.

- Mr. Curt Bellavance (Director of Community Development and Planning) explained that a few weeks ago he was before the Board to discuss the Mill Overlay—there were some changes...some discrepancies regarding language and they wanted to make sure everything was cleared-up before they proceeded regarding the meeting held the other night. Mr. Bellavance identified the changes that were in the zoning and wanted to resubmit the actual correct language that they're looking to modify or amend, so that is what's before the Planning Board this evening. Mr. Bellavance then went on to explain the vision for the area to the Board. Mr. Bellavance then went over in detail the changes in the ordinance (Sections: 6.15.3.1, 6.15.3.2).
- Chairman Bettencourt asked if the Board members had any questions.
- Dr. Judith Otto had some questions about the role of the Building Commissioner in reviewing and approving site plans which is in Section 6.15.4. Dr. Otto wanted to know is there a possible conflict there with the Planning Board's jurisdiction under Section 12.1 of the zoning ordinance.
- Mr. Bellavance didn't know the exact criteria for the site plan coming before the Planning Board. Mr. Bellavance then explained that they had identified this as specifically to the Mill Overlay and anybody applying for any of those uses in the Mill Overlay.
- Dr. Otto then asked if the triggers of 12.1 would still exist or does (MOD) supersede.
- Mr. Bellavance explained (MOD) would supersede that if they were looking for a use that was within the underlying zoning—then the site plan process would still apply. It's just for the uses through the Mill Overlay.
- Dr. Otto then recommended they add something in Section 12.1 that makes it clear that the Building Inspector has jurisdiction for those kinds of things and the Planning Board jurisdiction would not apply here, otherwise Dr. Otto explained, you have a situation where the ordinance is internally inconsistent.
- Mr. Bellavance explained that there is a Section 6.15.2 that talks about the applicability in relationship to the underlying zoning...it doesn't necessarily refer to that but that's something that we could certainly try to make clearer.
- Dr. Otto expressed how uncomfortable she remained with the provision of Section 6.15.7, where the ZBA could waive dimensional requirements in (MOD) in consideration for the applicants support of public projects. Dr. Otto explained that she didn't think that's what the Mass legislative intended as the criteria for granting variances or waivers from dimensional standards.
- Atty. John Keilty (40 Lowell Street, Peabody, MA) appearing on the behalf of Pulaski Acquisition LLC. Atty. Keilty explained that a few months ago he appeared before the Board at which time Atty Keilty asked that the Zoning Ordinance of the City of Peabody be amended to provide for "Theater" in "Public Space" be allowed in the IL Zoning District—Atty. Keilty also asked the Board recommend that "Theater" and "Public Halls" be defined. There seemed to be reservations on the definitions of "Public Halls"—so that it be tightened up so as not to include allowance of any kind of adult entertainment. Atty. Keilty then explained



that the City Council was of the mind of rather than change the entire IL zone they would instead prefer to see us add his client's property, which is Map 53, Lot 82 and ask that we allow "Theater" and "Public Space" as part of the Mill Overlay District by special permit. Atty. Keilty explained that they simply want to add his client's parcel and those uses to what the Board is considering this evening.

- Chairman Bettencourt addressed a question to Mr. Bellavance on whether they would be willing to accept Atty. Keilty's request to add that provision for that one building in the Overlay District.

- Mr. Bellavance explained that not at this time. Mr. Bellavance then explained that the Mill Overlay is sort of a transitional zone between industrial use and residential neighborhood so what we're looking to do is when we expand it will be along Pulaski Street—these buildings are further back regarding the industrial area.

- Mr. Genzale and Mr. Bellavance then had a lengthy discussion on what types of projects would come before the Board for review.

- Chairman Bettencourt then explained that at this time he would accept a recommendation to the City Council—and adding any concerns of the Planning Board.

→**Motion:** Atty. Peter Arvanites move to recommend that the Board recommend to the City Council that it adopts the amendment to Section 6.1.5 (Mill Overlay District) by replacing the existing Section 6.1.5 with the 6.1.5 which has been advertised and is the subject of this public hearing, as written.

→**Seconded:** Mr. Roy Simoes

Roll call was taken and approved (7 to 1).

▶ Chairman Bettencourt closed the Public Hearing for Proposed Zoning Amendment.

▶ Chairman Bettencourt stated the Board would go back to the agenda of the regular meeting.

A. **Approval of Minutes:** 1/5/2023

- The Chairman then addressed the Board on the approval of the minutes for 1/5/23—and requested a motion on the approval.

→**Motion:** Atty. Peter Arvanites made the motion to accept the minutes of the January 5th, 2023, meeting.

→**Seconded:** Atty. Diane Cooper & Dr. Judith Otto

Unanimously approved.

B. **ANR/Land Court:** None.

C. **Site Building Permit Plan Reviews:**

190R Newbury Street—Map 35, Lot 38a

i. This is an application by Robert Denisco seeking a site plan review for the proposed construction of a 60-unit multi-family residential building over a parking deck, surface parking and access driveways. Continued from the Boards January 5th, 2023, meeting.

▶ ACTION CONTINUED TO 1/26/2023



● Atty. Keilty (40 Lowell Street, Peabody, MA) for the applicant, I'm respectfully requesting that this matter be continued to February 23rd, 2023.

● The Chairman then asked that at this time he'd accept a motion to allow.

→ **Motion:** Mr. Roy Simoes made the motion to allow the extension of time to February 23rd, 2023.

→ **Seconded:** Dr. Judith Otto

Unanimously approved.

● Mr. Simoes then inquired if this issue was going to open peer reviews again to start from scratch.

● Atty. Keilty explained that no, but instead would allow the Department of Public Services to say we're happy with that.

55 Pulaski Street—Map 53, Lot 029

i. This is an application by Dennis & Georgia Giannis, Trustees seeking a site plan review for the proposed redevelopment of the site for multi-family housing. The application includes the construction of eight (8) new duplex buildings, as well as the renovation of the existing building into 5 units of housing. There is a proposed 44 parking spaces, with four (4) spaces located within two (2) buildings, with the remainder throughout the site in an open-air parking lot. Continued from the Boards January 5th, 2023, meeting.

▶ ACTION CONTINUED TO 1/26/2023

● Atty. Keilty (40 Lowell Street, Peabody, MA) appearing on behalf of the owners of 55 Pulaski (Dennis Giannis trustee). Atty. Keilty explained that they're almost at the end of their peer process—and the plan that we have been examining, and the plan that has been under the consideration of the Planning Board is to utilize the existing Roadhouse Café...convert it to 4 units of condominium.

● Atty. Keilty in a lengthy explanation outlined the logistics of the project. Atty. Keilty then requested that this matter be continued to February 16th, 2023.

● The Chairman then asked that at this time he'd accept a motion to allow.

→ **Motion:** Mr. Roy Simoes made a motion to allow the applicant to extend this permit to February 23rd, 2023.

→ **Seconded:** Atty. Diane Cooper & Dr. Judith Otto

Unanimously approved.

● Mr. Levin asked that Atty. Keilty and Mr. Chris Mello provide a digital copy with the full set of plans—and full-sized plans for the Planning Board. Mr. Levin then explained that these new plans are going to be submitted to the Department of Public Services and they're going to have to be reviewed.

● Mr. Simoes and Mr. Mello had discussions about the easements running through the property.

D. Appointments: None.

E. Subdivision Board Action: None.



F. Correspondence:

1. Handout on—Ordinance Amending the Zoning Ordinance of the City of Peabody (MOD)
 - i. Illustration of the Mill Overlay District
2. Memo from Robert J. Langley, P.E.—Re: Millview 55 Pulaski Street-Water Service System Evaluation-Revised Plans (December 27, 2022)
 - i. Water System Evaluation Peer Review from Weston and Sampson—Re: Millview Development, Peabody, MA (January 5, 2023)
3. Regional Notices

G. City Council: None.

H. Other Matters before the Board:

1. Review of current fees.

● Mr. Levin explained to the Board that in their packets tonight they had received a special permit approval from the City Council from a recent application for the car wash facility that is located downtown—they were approved for 10 new car vacuums.

● Mr. Levin then explained to the Board that he is currently in the process of drafting up documents that will address fees and procedures with regards to site plan review as well as subdivision review. Mr. Levin hopes to bring that before the Board in the February meetings.

I. Adjournment: 7:37 p.m.

► Chairman Bettencourt expressed that at this time he would accept the motion to adjourn.

Planning Board:

→**MOVE to adjourn:** Atty. Diane Cooper

→**Seconded by:** Dr. Judith Otto

Unanimously approved.

An audio and visual recording of the meeting is available by following the link below or copying this link into an internet browser: <https://www.youtube.com/watch?v=eB2RCk2-AIU&t=1268s> .