



**Peabody Planning Board Minutes  
FOR MAY 16, 2024, MEETING  
APPROVED JUNE 6, 2024**

## Planning Board Minutes

May 16<sup>th</sup>, 2024

**Time:** 7:00—8:12p.m.

**Location:** The Wiggin Auditorium and simulcast on Peabody Access TV.

**Members Present:** Mr. Thomas Bettencourt, Mr. John Ford, Attorney Peter Arvanites, Mr. Roy Simoes, Mr. Joseph Gagnon, Dr. Judith Otto, Mr. Dennis Feld, Mr. Matthew Genzale, Mr. Sean Walsh, Mr. Tom French

**Others Present:** Andrew Levin, Attorney John Keilty, Attorney David Ankeles, Chris Mello, Jim Waterman, Chris York, Heather Monticup

► Chairman of the Board Thomas Bettencourt called the meeting to order at 7:00 p.m.

### **A. Approval of Minutes: 4/18/2024 and 5/2/2024**

→**Motion:** Attorney Peter Arvanites—Move to approve the minutes of the Planning Board meeting of April 18<sup>th</sup>, 2024.

→**Seconded:** Mr. Roy Simoes

**Unanimously approved and 1 Present.**

→**Motion:** Attorney Peter Arvanites—Move to approve the minutes of the May 2<sup>nd</sup>, 2024, meeting.

→**Seconded:** Mr. John Ford

**Unanimously approved and 5 Present.**

### **B. ANR/Land Court:**

- i. 8 Elm Street and 8 Elm (R) C/D, Peabody, MA 01960 {Parcel ID: 075-193 & 075-193A}—Applicant and Owner: Mr. George M. Zolotas of 4 Post Gate Road, Danvers, MA 01923. Plan to create a new Lot out of the 3 existing Lots to have enough s.f. to build a home. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, [andrew.levin@peabody-ma.gov](mailto:andrew.levin@peabody-ma.gov), 978-538-5783.

● Mr. Andrew Levin informed the Board that he had a lengthy conversation with the City Solicitor, per the Board's request however, the City Solicitor was unable to provide comments on the issue before the Board's meeting tonight. Mr. Levin then proceeded to express at length his thoughts on the ANR request—the bottom line is the Board needs to decide if this application constitutes a subdivision due to the lack of frontage. Mr. Roy Simoes then asked if there was anything in writing from the City Solicitor stating as such...Mr. Levin answered no. Mr. Simoes couldn't comprehend why it takes over a month to get a response from the City Solicitor...Mr. Simoes feels that it's a simple decision. Mr. Levin explained that some intricacies are at play with this application request—Mr. Levin proceeded to elaborate at length. A discussion ensued amongst Mr. Simoes and Mr. Levin on this matter. Mr. John Ford then jumped into the conversation to express his view. Mr. Ford feels that once you change the lot lines, you're creating a new lot—the applicant then needs a variance at least for the back lot.

● Attorney John Keilty {40 Lowell Street, Peabody, MA} explained to the Board that he had provided a memo which stood for the notion that this Board should sign, and must sign, and the 1984 variance still serves as creating zero frontage for two of the lots shown on the Plan—Attorney Keilty elaborated at length on the subject. Mr. Andrew Levin then interjected, and took that opportunity to ask questions of Attorney Keilty on the subject—other Board members joined in on the conversation and a lengthy discussion was had

by all concerning this application. Mr. Chris Mello was then asked questions on the matter by the Board. Mr. John Ford then asked Attorney Keilty if he sees any future financing issues or change of ownership issues without an up-to-date variance being in place with these new lots...Attorney Keilty's response was no. Mr. Levin then addressed the mislabeling {lot identifiers} of the Plan and requested that Mr. Mello amended, initial, and date the change on the Plan—the Chairman of the Board would then approve by signing-off on the Plan.

→**Motion:** Mr. John Ford—Move to approve an ANR Plan of Land in Peabody, MA prepared for George M. Zolotas & PS Elm Street LLC, dated March 1, 2024, prepared by Eastern Land Survey Associates, Inc., so moved.

→**Seconded:** Mr. Matthew Genzale

**Roll call 9 to 1**

### C. Site Building Permit Plan Reviews:

#### **0 NEWBURY STREET** (*Map 57, Lot 74T*)

This is an application by Circle Storage, LLC of Revere—seeking a site plan review to construct an approximately 39,000 s.f. of new construction in two buildings, one being 15,000 s.f. and then (10) bays (Bldg. #2), and a second building (Bldg. #1) being 24,000 s.f. yielding (16) bays. Access to the 191,021 s.f. parcel is via a previously approved “driveway” shared with the residential project approved in the rear of this proposal. The only access/egress will be directly to U.S. Rte. 1. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, [andrew.levin@peabody-ma.gov](mailto:andrew.levin@peabody-ma.gov), 978-538-5783.

▶ CONTINUED FROM 5/2/2024

▶ ACTION CONTINUED TO 5/16/2024

●Mr. Andrew Levin explained to the Board that a letter which was include in the Board’s packets was submitted by Attorney John Keilty requesting a continuance to the Board’s next meeting of June 6<sup>th</sup>, 2024.

→**Motion:** Mr. John Ford—In the matter of 0 Newbury Street, move to receive a communication from Attorney John Keilty dated May 9<sup>th</sup>, 2024, requesting a continuance of the matter to June 6<sup>th</sup>, 2024, move to receive and grant said extension.

→**Seconded:** Mr. Dennis Feld & Mr. Joseph Gagnon {raised their hand}

**Unanimously approved.**

#### **64 ANDOVER STREET** (*Map 029, Lot 001*)

This is an application by McGovern Automotive Group—seeking a site plan review to construct an automobile dealership to be located at 64 Andover Street, Danvers, MA with a portion of the site located to the rear, off Andover Street, in Peabody. The portion of the proposed project located in Peabody is to be used for inventory parking of new vehicles. No other use is to be made of the land located in Peabody. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, [andrew.levin@peabody-ma.gov](mailto:andrew.levin@peabody-ma.gov), 978-538-5783.

▶ CONTINUED FROM 5/2/2024

▶ ACTION CONTINUED TO 5/16/2024

●Chairman of the Board Thomas Bettencourt recused himself since his son’s firm drew up the Plans for the application. Mr. John Ford assumed the role of Chairman.

●Attorney David Ankeles {246 Andover Street, Peabody, MA} explained that he didn’t have anything else to offer on the matter other than this matter was approved by both the Board of Selectmen and the Planning Board over in Danvers, MA {unanimously by both Boards}. Attorney Ankeles informed the Board that a closeout letter from Mr. Robert Langley, Director of Engineering was received—Attorney Ankeles proceeded to give an overview of the project and then opened the floor to any questions the Board might have. Attorney Ankeles also took time to thank Mr. John Ford for attending the Danvers, MA meeting and witnessing the

approval at 11:59 p.m. Attorney Ankeles reiterated to the Board that this matter has been thoroughly vetted by both Boards and there are ongoing conditions making their approval subject to continuing talks with DOT relative to drainage and other engineering issues.

●Mr. Roy Simoes commented on how everyone on the North Shore is going to miss Kane's, but he understands that the land is clearly underutilized...value wise...and it's everybody's right to develop their property within Zoning—Good Luck.

●Mr. Sean Walsh then asked Attorney Ankeles if there were any changes proposed or required by the Danvers Boards. Attorney Ankeles replied that the only change was the access egress that he just discussed—he doesn't believe there was any other change to the Plans as submitted and approved by the Town of Danvers—their Engineer confirmed it. Mr. John Ford then addressed the curb cuts falling under MassDOT's purview—and would entertain a motion. Attorney Ankeles interjected and requested that before a motion be made that the approval mention a waiver regarding the landscaping due to the existence of the 34-foot-wide gas easement which prevents the applicant from providing landscaping on the rear and easterly side of the lot. Attorney Ankeles continued to explain that during "Construction Review" the applicant agreed to provide fencing and or whatever necessary to prevent dust and demolition debris from reaching the abutting neighbor to the rear {Brooksby}.

→**Motion:** Attorney Peter Arvanites—Move to approve the "Site Plan" for 64 Andover Street for "Permit to Issue" regarding the Peabody portion with the condition that the waiver requested with respect to landscaping be a part of the building permit and approval—fencing be constructed as proposed by the applicant and proper buffering be administered between the site and the Brooksby property.

→**Seconded:** Mr. Sean Walsh

**Roll call 9 to 0**

#### **15 NEWBURY STREET (Map 88, Lot 6)**

This is an application by GR Development, LLC—seeking a site plan review to construct a car wash to be located at 15 Newbury Street, Peabody, MA. The proposed development involves a single 69,360 s.f. Parcel. The property is located in the {BR1} Zoning District, where a car wash use is permitted by Special Permit from the City Council. The development will include a 4,765 s.f. car wash building with a 135' long single tunnel wash, an equipment room, restroom, office area, and customer service area. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, [andrew.levin@peabody-ma.gov](mailto:andrew.levin@peabody-ma.gov), 978-538-5783.

●Mr. Jim Waterman {Executive Vice-President of Washville Car Wash} gave an overview of the business to the Board at length—established in 2019 with operations in over twenty locations in the Northeast with a concentration on the Boston Metro area. Mr. Waterman also explained they work hard to create a good traffic flow on their sites—they're a convenient fast Express Car Wash {membership-based business} with a modern and clean aesthetic—we offer free vacuums, and we have a lot of stacking and queuing on the property with ease of access and egress. Mr. John Ford noted for the record that the applicant had passed out a handout to the Board, which was a colorized version of page 5 of the Plans.

●Mr. Chris York {Greenman-Pedersen, Inc.} provided the Board with a synopsis of the project {4,765 s.f. single-tunnel car wash}—its proposed location is the old Bertucci's site. Mr. York explained there's currently three access roads into the site which we're currently proposing to reuse. So, the southerly entrance would probably be the most used entrance into the site—Mr. York elaborated at length on the customer's choices once on site. Mr. York also mentioned that the applicant has to file with MassDOT. The Board then asked questions of Mr. York concerning the project. Ms. Heather Monticup {Greenman-Pedersen, Inc.} then joined in on the conversation to provide input on traffic. Ms. Monticup explained that the driveways are being used as they are today—at the current point we are not proposing any changes to them except for how they will be used. So, it will be an entrance only on the southern driveway, the middle will be full access—so you can access just the vacuums, and the northern driveway is an exit only driveway. Ms. Monticup stressed

they are not proposing two full access driveways right next to each other. Ms. Monticup continued to elaborate at length on the project. The Board then expressed their opinions—from recycled water usage, the aqueduct, traffic safety, amount of cars washed per hour {estimate 100 per hour}, hours of service {M-S, 7:30 a.m.-7:00 p.m. and Sunday 8:00 a.m. to 5:00 p.m.}, etc.

●Mr. Andrew Levin interjected and voiced Community Development’s concerns on the site’s accessibility. Mr. Levin then informed the Board that the Ward 5 Councillor Dave Gamache would like an opportunity to speak on the matter tonight. Mr. John Ford suggested that at this time the applicant request an extension of time—just a suggestion...the applicant is free to do what they please. Mr. Chris York requested a continuance to the Board’s second meeting in June.

●Ward 5 Councillor-Dave Gamache {252 Newbury Street, Peabody, MA} thanked the Board for allowing him to speak. Councillor Gamache addressed at length his concerns with the project—the aqueduct, traffic safety, etc. Councillor Gamache also provided some background on the site. He explained that the location has housed a restaurant for over sixty years. Councillor Gamache does not feel that this is a safe location for this type of establishment—he also does not care for the two exists on the northbound side. Councillor Gamache believes that the Department of Transportation or Mass Highway are going to have some serious concerns about the traffic on the southbound entrance. Councillor Gamache’s contention is the percentage of recycled water—it’s only 60%...he doesn’t know if the percentage could be better...he is unfamiliar with the operation of car washes, but he does know that this site was formerly restaurants. However, as the Ward Councillor of that Ward the entrance in the southbound lane really scares him based on the traffic the applicant anticipates will be generate {100 trips per hour}. Councillor Gamache is happy to see that the Board is primarily relying on the Highway Department to come up with a solution and he feels that they are going to be surprised when they do their own study to see how dangerous that access point is—it’s to close to that off-ramp on to Route 128. Councillor Gamache then thanked the Board for allowing him to speak.

→**Motion:** Mr. John Ford—In the matter of 15 Newbury Street, the petitioner has requested an extension of time until June 20<sup>th</sup>, 2024, move to grant said extension of time.

→**Seconded:** Mr. Roy Simoes

**Unanimously approved.**



**D. Appointments:** None.

**E. Subdivision Board Action:** None.

**F. Correspondence:**

1. Memo from Mr. Robert J. Langley, P.E., Director of Engineering—Re: 64 & 70 Andover Street Automotive Campus—Engineering Closeout Memo dated May 6<sup>th</sup>, 2024.
2. Packet from GPI dated May 9<sup>th</sup>, 2024—Re: Site Plan Application GR Development, LLC—Proposed Car Wash on 15 Newbury Street.
  - i. Site Redevelopment Plans—Proposed Car Wash on 15 Newbury Street.
3. Regional Notices.

→**Motion:** Mr. John Ford—Move to receive a communication from the City Council dated May 15<sup>th</sup>, 2024, regarding a proposed “Zoning” change for the 143 Lynnfield Street property, move to receive.

→**Seconded:** Mr. Sean Walsh and Mr. Roy Simoes

**Unanimously approved.**

**G. City Council:** None.

**H. Other Matters before the Board:** None.

**I. Adjournment: 8:12p.m.**

→**MOVE to adjourn:** Mr. Matthew Genzale

→**Seconded by:** Mr. Sean Walsh

**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=LdN9b5Utt\\_I](https://www.youtube.com/watch?v=LdN9b5Utt_I).