



**Peabody Planning Board Minutes
FOR JULY 17, 2025, MEETING
APPROVED AUGUST 21ST, 2025**

Planning Board Minutes

July 17th, 2025

Time: 7:00—9:04p.m.

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

Members Present: Mr. John Ford, Mr. Roy Simoes, Mr. Joseph Gagnon, Dr. Judith Otto, Mr. Matthew Genzale, Mr. Sean Walsh, Mr. Tom French

Others Present: Andrew Levin, Attorney John Keilty, Jonathan Wojcik, Chris Sparages, Rick Salvo, Alison LeFlore

► Acting Chairman of the Board John Ford called the meeting to order at 7:00 p.m.

A. Approval of Minutes: 6/5/2025

● A motion to approve the 6/5/25 meeting minutes was unable to take place for lack of a quorum with the present Board members.

B. ANR/Land Court:

- i. **11 Bristol Road, Peabody, MA 01960** {Map 15, Parcel 207A}—Applicant Jonathan Wojcik of 11 Bristol Road, Peabody, MA. The property is located in the {R1} Zoning District. Applicant is proposing to add [$\pm 2,460$ s.f.] from 1 America Drive [Lot 9B noted on plan] with his adjacent land to form a contiguous lot. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

● Mr. Jonathan Wojcik {11 Bristol Road, Peabody, MA} explained to the Board that he was buying some land from his neighbor to have room for a pool.

● Mr. Roy Simoes then asked if there was a way to get a copy of the plan in their packets. Mr. Andrew Levin explained that they are available to the Board digitally for review. Mr. Simoes then asked that the applicant briefly explain what he's planning on doing with the land that he's acquiring. Mr. Jonathan Wojcik reiterated to the Board that he was just acquiring the extra piece of land to make his lot able to turn a pool lengthwise because the lot is very narrow. By adding this extra 20 ft., the applicant can turn the pool and not take up the entire yard. Mr. Simoes thanked Mr. Wojcik for his explanation.

→**Motion:** Mr. Joseph Gagnon—The Planning Board makes a motion to form one contiguous lot for 11 Bristol Road with an adjoining lot, which is identified as Lot 9B. It's approximately $\pm 2,460$ s.f., and it's an adjacent piece of land abutting 11 Bristol Road to form one contiguous lot.

→**Seconded:** Mr. Sean Walsh

Roll call: 7 to 0

- ii. **33 Pulaski Street, Peabody, MA 01960** {Map 64, Parcel 72}—Applicant Alisson Pires-DeMatos, Mgr. of 11 Railroad Ave., Peabody, MA. The property is located in the {R1A} Zoning District and is shown in the Peabody Assessors records as a single parcel of land being [$\pm 27,797$ s.f.]. Applicants are seeking endorsement of a plan creating two lots [A & B] each of which has an existing dwelling. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

●Acting Chairman John Ford read the addendum to the Board's agenda: 33 Pulaski Street, Peabody, MA 01960 {Map 64, Parcel 72}—Applicant Alisson Pires-DeMatos, Mgr. of 11 Railroad Ave., Peabody, MA. The property is located in the {R1A} Zoning District and is shown in the Peabody Assessors records as a single parcel of land being [±27,797 s.f.]. Applicants are seeking endorsement of a plan creating two lots [A & B] each of which has an existing dwelling. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

●Attorney John Keilty {40 Lowell Street, Peabody, MA} representing the applicant explained that he had supplemented the plan that's before the Board with a little bit of information in a letter, in which it declares that the parcel is ±27,797 s.f., and the land is also shown on a plan recorded in 1964 as three lots; in 1948, there were three lots on a plan recorded as 506 and 48. Attorney Keilty also noted that he had submitted the current owner deed for the Board's review. The deed to the current owner describes it two ways: meets and bounds and then they further describe it by using lots A, B and C on the 1964 plan. This plan is being presented under the provisions of Chapter 81, which is the Subdivision Control Law. Attorney Keilty also commented that a note should be added that says the signature of the Planning Board is being given under the provisions of two structures, one lot. Attorney Keilty proceeded to elaborate at length on the subject.

●Mr. Andrew Levin requested that Attorney John Keilty explain, and Attorney Keilty responded that he has provided the Board with a copy of the Assessor's map and record. The Assessor's map shows it as an oddly shaped lot with 50 feet of frontage and ±27,000 s.f. Attorney Keilty also commented that several plans that have been recorded over a period of time were provided to the Board for review. Attorney Keilty reiterated that one of the plans that has made the record is the actual plan that is used to convey along with a meets and bounds description of a single lot. Attorney Keilty then outlined some options of how to address this ANR request.

●Mr. Roy Simoes commented that Attorney John Keilty is indeed correct that this item is very confusing and inquired with Attorney Keilty what property line on that plan he's intending to add. Attorney Keilty responded with the one down the middle that divides A and B. A lengthy discussion ensued between both parties on the subject. Mr. Simoes then commented that he thinks this matter should be continued to the Board's next meeting and get Mr. Mello to appear with a properly edited drawing. Mr. Andrew Levin then interjected and asked Attorney Keilty to explain the reasoning behind this, because there's no writing in the plans about what lot lines exist and don't exist, which makes it a little difficult to understand what's happening. Mr. Matthew Genzale joined the discussion. Attorney Keilty concluded that the addition of notes to the plan and a continuance request to the Board's August 7th meeting would be the best option to address these concerns.

●Attorney John Keilty requested a continuance of this matter to the Board's next meeting.

→**Motion:** Mr. Joseph Gagnon—Move to accept a request for continuance to the August 7th meeting and grant.

→**Seconded:** Mr. Sean Walsh

Unanimously approved.

●Mr. Roy Simoes then inquired why Hardy Street was skipped over. Mr. Andrew Levin explained that nothing has been skipped over and explained that the agenda went out on Thursday. This ANR had come in incomplete on that Thursday deadline. The next morning, they filed a completed application. Massachusetts General Law allows you 48 hours to amend the agenda. Mr. John Ford clarified that this was another ANR application, and the Board was following the outline of the agenda. Mr. Simoes thanked Mr. Ford for the clarification.

C. Site Building Permit Plan Reviews:

1. 0 HARDY STREET (*Map 85, Lot 001*)

- i. This is an application by Michael Becker—seeking a site plan review to redevelop a vacant ±8,983 s.f. commercially zoned parcel bounded by Hardy St., Munroe St., Munroe Court, and Central St. The project consists of redeveloping the existing paved site to accommodate construction of an 8-unit commercial condominium building with associated walkways, paved parking area, utilities, landscaping, and other site amenities. Hardy St. drainage improvements are also planned as part of the development. Construction activities will include demolition and removal of structures and pavement; excavation; foundation installation; building construction; backfilling; installing and reconfiguring utility and drainage connections as needed; grading; paving; gas trap installation; and loaming and seeding and other site landscaping. The property is located in the {BC} Zoning District. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.
 - ▶ CONTINUED FROM 6/5/2025
 - ▶ ACTION CONTINUED TO 7/17/2025

→**Motion:** Mr. Joseph Gagnon—Motion to accept a “late communication” for 0 Hardy Street from Mr. William Paulitz dated July 15th, 2025.

→**Seconded:** Mr. Roy Simoes

Unanimously approved.

● Attorney John Keilty {40 Lowell Street, Peabody, MA} representing 0 Hardy Street, LLC—explained that he is appearing before the Board as part of the “Site Plan Review.” Attorney Keilty mentioned that the property in question is an extremely small lot, and the applicant is proposing to develop contractor’s bays in that space. Attorney Keilty also noted that he has been through the Conservation Commission, has gained approval from them, and is currently before the Planning Board under the provisions of “Site Plan Review.” Attorney Keilty proceeded to provide the Board with a synopsis of the current standing of the project. The plan has been reviewed by the Department of Public Services, and there has been an ongoing discussion as to the need for a sidewalk. The communication from the Planning Department today suggests that they are opposed to the curb cut as currently shown, and Attorney Keilty proceeded to elaborate at length on the subject. Attorney Keilty also remarked that the applicant is opposed to adding a sidewalk on the applicant’s property. However, the applicant would consider adding a sidewalk to the right-hand side but felt that greenery would be better in general for the purposes of aesthetics in that neighborhood. However, if the Planning Board were to deem that they would like a sidewalk there, a sidewalk could be added from the curb cut on Munroe down to Hardy. Attorney Keilty also pointed out that the engineer informed him that the size of the proposed water service is shown on the plan as 2-inch copper, and they believe there is no sprinkler system required we believe. Nonetheless, if informed by the Building Department that sprinklers will be necessary, then they will be built, and a separate water line for the sprinkler system, as is required under the code, provided. With respect to the flood waters, the applicant shall address how flood water will be prevented from entering the City’s sewer system through the applicant’s proposed floor drain system. Attorney Keilty elaborated on the subject matter at length. Attorney Keilty reiterated that this project is at an impasse, and the Board would have to determine whether to approve with condition or deny on the basis of not providing our private land for a public sidewalk [the applicant just does not have the space].

● Mr. Roy Simoes commented that he didn’t believe that these are going to be automotive or truck repair garages, but rather contractors’ bays. Attorney John Keilty confirmed. Mr. Simoes then inquired as to why a floor drain is needed, and if there is some code that says you need a floor drain in a contractor’s bay. Attorney Keilty’s response was yes.

● Mr. Joseph Gagnon then interjected and mentioned he disagreed with the proposal to have 20-foot openings for six bays for trucks to pull in and out. Mr. Gagnon explained that is why he previously suggested

3 curb cuts, that way there would be an entryway on each curb cut that would gain access for two bays on each curb, which he felt would be more practical. Mr. Gagnon also acknowledged that the City would not approve of the development without the addition of the sidewalk. Mr. Gagnon noted that the sidewalk addition would be the same level as the driveway inside the land going into each bay. Mr. Gagnon concluded by reiterating that his main concern with the proposal was the 20-foot curb cut.

- Attorney John Keilty responded to Mr. Joseph Gagnon's concerns, noting they could adopt Mr. Gagnon's proposal, and that instead of two 20-ft. cuts, he could make several 10-ft. breaches in the curb because the curb would be located in the public layout. However, Attorney Keilty noted that they would not be willing to concede an extra four or five feet of the parking lot for a public sidewalk.

- Mr. Joseph Gagnon asked Attorney Keilty for the length or distance between the curb cut/the sidewalk and the bay door to the building itself. Mr. Roy Simoes directed Mr. Gagnon's attention to a printout of the plans, noting that one distance at the corner of the property was 18 ft. on the left side. Attorney Keilty added that, on the right side of the property, the distance was slightly longer, and where the bay bumps out, it was also 18 ft. Mr. Gagnon then questioned how a truck might swing into the bay with an 18-ft. distance, considering the requirement is a 20 ft. minimum for the length of a parking space, let alone a bay. Mr. Gagnon questioned the practicality of maneuvering a truck into a bay with that amount of space.

- Mr. Roy Simoes noted that he believed the plans being presented were different than the previous plans presented to the Board. He recalled that the previous plans had two proposed curb cuts, and a sidewalk drawn in. Mr. Simoes observed that the current plans had no sidewalk. He asked to clarify if the entire frontage on Hardy is going to be an apron from the street. Attorney Keilty confirmed. Mr. Simoes said that he believed what Mr. Joseph Gagnon was speaking previously about was referring to the previous plan. Mr. Simoes then went on to say that the three curb cuts for six garages on Hardy would only ever work if the pairs were reversed so that the pedestrian doors to the units weren't mating, but the garage doors were mating. Mr. Simoes explained ways that there might be some sort of compromise between the applicant and the city.

- Attorney John Keilty remarked that if there were three curb cuts, accommodating the two doors each, he could return to the Board on August 7th with revised plans, but noted he still would not have a sidewalk. Attorney Keilty added that, if there was no approval without the addition of a sidewalk, the project would be at an impasse.

- Mr. Matthew Genzale was then invited to speak. He noted that he was also not in favor of adding a sidewalk to a street without pre-existing sidewalks [inaudible—the Board took a brief recess due to technical difficulties with Mr. Genzale's microphone].

- Mr. Matt Genzale summarized his previous remarks. Mr. Genzale suggested to Attorney John Keilty that the 120-foot curb be shortened by reducing the number of bays to better align with Department of Public Service's proposal for a 20-ft. curb cut. Mr. Genzale also suggested shallower bays and added that two 23-ft. bays could be added to the left side of the property, with four 32-ft.-deep bays on the rest of the property. Mr. Genzale added that the property could have a full curb on the end of Munroe Street, then have a 20-ft. curb on Hardy Street, still allotting for the depth needed for trucks to pull into the property. Mr. Genzale concluded by noting that the plans showed a four-inch waterline, not a two-inch waterline.

- Mr. Andrew Levin interjected, noting that the application for this project was filed back in December 2024. Mr. Levin added that, during the first construction meeting had with the applicant, the plans in front of the Board during this meeting [with the 120-ft. driveway access] were shown. Mr. Levin continued, noting that at the January 14th meeting, the Police Department, Department of Public Works, and the Community Development Department told the applicant to please come back with a plan that showed a sidewalk not only

from a pedestrian safety standpoint or from a roadway access standpoint, but also in accordance with a City ordinance 27-36, which states that “the Building Inspector shall require the applicant for a building permit for the construction of a building or structure upon a lot where there is no acceptable sidewalk and/or curbing along its frontage to construct a sidewalk and/or install curbing along said frontage.” Mr. Levin continued, noting that beneath this passage in the ordinance, it continued, saying, “the sidewalk and/or curbing shall be constructed in conformance with the nearest existing sidewalks and/or curbing in the immediate area as determined by the Director of Public Services. Mr. Levin then noted that Director of Public Services, William Paulitz, who the applicant received this memo from, is calling for there for a sidewalk to be made. Mr. Levin noted that, while there may not be a lot of motivation for the sidewalk to be made, he expressed concern that after the construction on the property was completed, the applicant may return to the Board because the Building Department may not issue a building permit without the addition of the sidewalk. Mr. Levin noted that the applicant was asked, and at times was demanded to, by several parties, include the addition of a sidewalk to the plans. Mr. Levin added that no one at previous meetings for the application was in favor of a 120-ft. wide open curb cut. Mr. Levin explained that, since the January 14th meeting, reviewers of the application were calling for a plan that shows curbing and a sidewalk along the frontage of the property. Mr. Levin expressed agreement with Attorney John Keilty and the rest of the Board that three curb cuts could work, barring that they were incorporated into a plan subsequently reviewed by the Planning Board and the Department of Public Works. Mr. Levin added that the Community Development Department would not support the project without the addition of the sidewalk shown on the plan.

- Mr. Matthew Genzale then asked what delineates a sidewalk, specifically if it was just the addition of striping, or a six-inch curb against the street, and then a striped sidewalk on the property. Mr. Andrew Levin clarified that it would be in conformance with the Director of Public Services, as stated in section 27-36, “the sidewalk and/or curbing shall be in conformance with the nearest existing sidewalk and/or curbing in the immediate area as determined by the Director of Public Services.” Mr. Levin also noted that a project currently being built [24 units] adjacent to the proposed project constructed a sidewalk.

- Attorney John Keilty requested that the current matter be continued until August 7th, prior to which different plans would be presented that would reflect the change in curb cuts. Attorney Keilty also noted the applicant may add a sidewalk to the plans, and at which point could there be a discussion with the Board regarding the width of the sidewalk.

- Mr. Joseph Gagnon interjected to clarify that he was in favor of adding a sidewalk to the plans. Mr. Gagnon noted, however, that there were differing proposals for the amount of the curb cuts from the Board [proposed three curb cuts] and with Department of Public Service [proposed one curb cut]. Mr. Gagnon reiterated that he was in favor of adding three curb cuts. Mr. Gagnon also noted the sidewalk could be delineated with a hot top parking area inside the property with a concrete sidewalk with granite curving.

- Dr. Judith Otto agreed with Mr. Joseph Gagnon, noting that she felt a single curb cut would not be workable for the site in the layout of the plans. Dr. Otto reiterated that she agreed with other members of the Board in regard to adding multiple curb cuts to the plans. Dr. Otto added that she also was in favor of having a sidewalk in front of the property. However, Dr. Otto commented that she was unsure how the City of Peabody could require private entities to build public sidewalks on private property. Dr. Otto also remarked that, if three curb cuts were added along the frontage, that would reduce the amount of sidewalk along the frontage.

- Mr. Roy Simoes noted that he observed in the plans that the species zoning requires a 10-ft. rear, and there was an asterisk next to that information that noted variance may be required. Mr. Simoes added that he also saw approximately 3 ft. across the rear. Mr. Simoes asked Attorney John Keilty if a variance had been obtained. Attorney Keilty responded that he could not recall, and that he didn't bring the entire file to the meeting. Mr. Simoes requested that Attorney Keilty bring the entire file to the next meeting. Attorney Keilty

interjected, noting that the property is in a GBD district and on a corner lot, and has no rear yard. Mr. Simoes asked if there was a cut out or carve out for that. Attorney Keilty confirmed and added that he would address Mr. Simoes's concern at the next meeting. Mr. Simoes directed his next question to Mr. Andrew Levin, asking if there was language in the previously read ordinance that the sidewalk can or can't, or has to be built, on private property. Mr. Levin confirmed for Mr. Simoes that the ordinance did not say anything of that nature. Mr. Simoes then noted that, if a sidewalk were to be added to the property, the sidewalk would dead end at a building. Mr. Simoes expressed his disagreement for the proposal to add a sidewalk to the property.

→**Motion:** Mr. Joseph Gagnon—Move to accept a request for continuance to the August 7th meeting.

→**Seconded:** Sean Walsh

Unanimously approved.

2. 60 PULASKI STREET (*Map 53, Lot 85*)

- i. This is an application by Raymond Falite—seeking a site plan review to redevelop the property at 60 Pulaski Street by removing the remaining remnants of the previous development and constructing two proposed commercial buildings and associated parking fields and loading dock area. The project also proposes a public access walking trail and canoe launch along the Waters River. The property is ±6.7 acres and is bounded by commercial properties along Pulaski Street, Waters River and by residential properties on the easterly side of Pulaski Street. The property is located within the Light Industry {IL} and Mill Overlay {MOD} Zoning Districts. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

▶ CONTINUED FROM 6/5/2025

▶ ACTION CONTINUED TO 7/17/2025

● Attorney John Keilty {40 Lowell Street, Peabody, MA} representing Ray Falite, the applicant, explained he is appearing before the Board as part of the “Site Plan Review.” Attorney Keilty noted that this application had previously been before the Board, and that plans had previously been brought before the Conservation Commission and were approved. However, Attorney Keilty added that plans had to be revised and brought back to the Conservation Commission for approval after realizing the property was in a different protective zone that was related to tidal influence. Attorney Keilty then summarized the various meetings and plan revisions undergone, and the current status of the project. Attorney Keilty noted that the current plan has been reviewed by the Department of Public Works, and the department requested the addition of a sidewalk to the plans. Attorney Keilty remarked that 460 ft. of sidewalk is already being installed on the property, but that the Department of Public Works requested an additional sidewalk that runs along the frontage of the development all the way to a portion of O'Brien Garden Center, which is adjacent to the development. Mr. Keilty referred to a map of the street and visually described where the extension of the sidewalk was requested to be added in relation to the development. Attorney Keilty noted areas that were steep, wet, and lead to possible stormwater outfall. Attorney Keilty described that, in order to build the sidewalk, they would need to bring in fill to create a retaining wall that would be able to support the sidewalk that is not there now. Attorney Keilty remarked the applicant's willingness to build the sidewalk as shown in the latest plan, ending at the edge of the development. Attorney Keilty noted that the plans would have to be reviewed again by the Conservation Commission with a separate filing to build the retaining wall to hold up the sidewalk. Attorney Keilty then referred to a map of plans with the new cuts and angles with respect to the south side of the property that needed to be amended. Attorney Keilty concluded by remarking that the only outstanding question was that of the additional sidewalk.

● Mr. Ford paused comments for a late addition to the matter.

→**Motion:** Mr. Joseph Gagnon—Motion to accept a “late addition” of a traffic peer review from Tighe & Bond to the Department of Public Services dated July 9th, 2025.

→**Seconded:** Sean Walsh

Unanimously approved.

●Mr. John Ford asked Attorney John Keilty if the applicant was open to adding a sidewalk to the development, or if cost was a concern. Attorney Keilty remarked the addition of the sidewalk was a concern. Attorney Keilty acknowledged the previously read ordinance speaks to the addition of a sidewalk along the frontage but noted that there was no sidewalk to the left of the development in discussion. Attorney Keilty said that the current plans included an addition of the sidewalk to the development, but that the additional sidewalk requested by the Department of Public Works would require the aforementioned retaining wall.

●Mr. John Ford then asked Attorney John Keilty to provide an update to address the Board's previous concerns about truck traffic entering and exiting the property. Attorney Keilty remarked that truck traffic and curb cuts had been reviewed months ago by Tighe & Bond, and the plans were subsequently updated so that the tractor trailers are going to enter at one end of the property. Mr. Ford asked if the tractor trailers would exit the same way, and Attorney Keilty responded yes. Mr. Ford then asked if there would be signage, and Attorney Keilty responded that there would be. Attorney Keilty added that the radius and etc. were specifically reviewed by with Department of Public Service and Tighe & Bond and were met with their approval.

●Mr. Joseph Gagnon asked for an estimated cost to add all sidewalk [including that requested by the Department of Public Works] and the retaining walls for the sidewalks to hold them back. Attorney Keilty responded that he would be unable to guess. Mr. Chris Sparges calculated a rough estimate. Mr. Gagnon remarked he felt the cost of the requested additional sidewalk was immense. Attorney Keilty interjected, noting that the plans include the building of a trail to access the river down at the end of the property, per request from the Conservation Commission. Attorney Keilty added that some of the property's curvatures were impacted by the presence of the trail, and that the applicant would be making an INI contribution to the City, which is standard for all developers, and that the project would also be required to contribute to the rebuilding of the pump station that would be shared by this project and the neighborhood. In response, Mr. Gagnon expressed that the addition of sidewalk requested by DPW might cost upwards of \$50,000 in his estimation and repeated his concern that the developer would be held responsible to build additional sidewalk, per the Department of Public Works's request.

●Mr. Andrew Levin noted that Tighe & Bond's memo is clear that they are recommending a sidewalk, as is Community Development and the Department of Public Services. Mr. Levin also brought up the previously read ordinance that all new buildings are required to provide sidewalk and/or curbing, as determined by the Building Department. Mr. Levin remarked that the Community Development Department cannot support a project that does not show the completion of the sidewalk along that 250 ft. section. Mr. Gagnon remarked that he had no problem with a sidewalk being built in front of the development, because that would be a requirement. Mr. Joseph Gagnon reiterated that he felt the applicant was going "above and beyond" to meet the requests of the city, and that he disagreed with the Department of Public Works's request for the additional sidewalk.

●Mr. Roy Simoes noted that, on the westerly side of Pulaski Street, a school is going to be built. Mr. Simoes remarked that he believed a sidewalk would likely be built as part of the school. Mr. Simoes agreed with Mr. Joseph Gagnon, adding he disagreed with the addition of sidewalk that would run underneath a high voltage transmission line. Mr. Simoes asked if there was a way to figure out if the sidewalk for the incoming school development could be used with a crosswalk joining the sidewalk, making the sidewalk contiguous to get from this developer will do a sidewalk to the end of the northerly side driveway entrance, and then get a crosswalk across Pulaski to join with that. Attorney John Keilty noted that the plans show a sidewalk on the northerly curb out, which was recommended. Attorney Keilty also pointed out other areas where the developer was adding sidewalk. Mr. Simoes asked if there was any way to satisfy Will Paulitz's enforcement of the sidewalk ordinance.

●Mr. Sean Walsh then asked, given the sidewalk on the opposite side of the street to this development and the sidewalk the applicant is already committed to building, if there is the ability to install a crosswalk near Dobb's Road that would satisfy the Department of Public Works's requirement. Mr. Walsh acknowledge that, while a crosswalk wouldn't completely satisfy the Department of Public Works's requirement, it might provide a solution for pedestrians coming out of the development or the adjacent development to have easy access to a sidewalk with signage.

●Dr. Judith Otto asked Mr. Andrew Levin if the Board is empowered to grant waivers or variances from ordinances. Mr. Levin responded, noting that, in review of the city ordinance, Mr. Levin didn't believe there was any Board in the City that would waive an ordinance. Mr. Levin acknowledged the concerns of the Board, but noted the city ordinance, section 27-36, states that the Building Inspector and the Director of Public Services are the ones responsible for sidewalks and how they are built. Mr. Levin added that the project, if approved by the Board, would run the risk of not receiving a building permit or not receiving a certificate of occupancy as the ordinance is written. Attorney John Keilty interjected, noting that he didn't believe there was anything that might hinder the Board from giving an approval of "Site Plan Review" with the addition of a note of the fact that it doesn't comply, adding that the project would then be under the purview of the Department of Public Services and the Building Commissioner.

●Mr. Joseph Gagnon acknowledged the ordinance noted by Mr. Andrew Levin and agreed that sidewalks should be built. Mr. Gagnon added that he felt the other additional requests made by the City in addition to the construction of sidewalks in accordance with the ordinance might need to be limited. Mr. Gagnon expressed the idea of putting a percentage up to what percent a developer is required to expense their own money to do improvements for the city. Mr. Gagnon added that, if a developer is required to add sidewalks, that would be separate than the percentage because it's an ordinance due to the frontage. Mr. Gagnon clarified that he did not disagree with the ordinance and agreed with Attorney Keilty that the matter of the sidewalks would not affect the approval or disapproval of the plans by the Board.

●Mr. John Ford asked Attorney John Keilty if Attorney Keilty was looking for action on the matter this evening. Attorney Keilty said yes, expressing that he was hopeful to obtain an approval since all other concerns, with exception to the sidewalks, are closed out, and that the approval would contain a note of the fact that there is non-compliance with section 27-36 of the Peabody Municipal Code. Mr. Ford outlined three options for the Board: approval as is; approval with the extended sidewalk; or denial.

●Mr. Andrew Levin added that, because no additional sidewalk has been shown in the plans, there has been no closeout memo yet from the Department of Public Services. Mr. Levin noted that, besides the approval from the Conservation Commission and the traffic memo, which states the need for the sidewalk, there is also nothing in regard to storm water sewers from the Department of Public Services because they have not closed out their review of the project. Attorney John Keilty remarked that the plans had been with the Department of Public Services for eight months. Attorney Keilty also noted that, on June 5th, the applicant supplied changes to the plan that were required by the Department of Public Services. Attorney Keilty questioned what was left to be done. Attorney Keilty expressed that noting that non-compliance with the ordinance doesn't change the fact that the rest of the plan is approvable, and then it would become an issue for the Commissioner and the Department of Public Services as to whether they would issue a building permit. Mr. Levin remarked that, if the Planning Board moved forward with approval, the applicant would encounter another impasse with the project. Mr. Levin said that the plan could be null if it was approved, but that the applicant would still have gone through the Department of Public Services and the Building Department to check off what is required and would have to be reviewed again. Mr. Levin concluded his remarks by noting that, without a closed memo from the Department of Public Services, Community Development does not recommend an approval of the plan at this time. Mr. Joseph Gagnon asked Mr. Levin for the recommendation of the Planning Department for the plans before the Board. Mr. Levin responded that the recommendation from the Planning Department is that the application and the proposal meet what is

required in section 27-36 of the ordinance, and that the Planning Board receive a memo from the Department of Public Services that the plans meet what is needed and they satisfy all conditions of the Department of Public Services. Attorney Keilty noted that all of the storm water had been reviewed by the Conservation Commission. Mr. Chris Sparages interjected, adding that the storm water was peer-reviewed by a third party as well.

- Mr. Matthew Genzale asked Attorney Keilty if he possessed a Department of Public Services memo dated June 5th, noting Mr. Genzale did not see that anywhere on the server. Mr. Genzale asked if the memo had been distributed to the Planning Board. Mr. Genzale also asked if Mr. Sparages had revised the drawing based upon the recommendations in the letter from June 5th.

- Mr. Chris Sparages {Engineering and Survey Office of Williams and Sparages in Middleton, MA} introduced himself. Mr. Sparages clarified that their response letter to the Tighe & Bond traffic report, dated June 5th, addressed some of the questions that had come up through the Department of Public Services. Mr. Sparages then read several memos detailing the recommendations from the Building Department and the Department of Public Services that were then incorporated into subsequent plans for the project. Mr. Sparages then noted that comments from the Department of Public Services during the April 14th, 2025, meeting were addressed, and new plans were submitted with a revised storm water plan [shifted one driveway over] on June 5th. Attorney John Keilty added that the Planning Board received memorandums on January 28th, February 11th, and February 26th, all of which addressed comments and concerns. Attorney Keilty reiterated that storm water plans had been peer-reviewed outside of this meeting.

- Mr. Sean Walsh asked Mr. Andrew Levin when and if the Board could expect a close-out memo from the Department of Public Services. Mr. Levin responded that he couldn't estimate a timeline.

- Mr. Joseph Gagnon noted he was sympathetic toward the developer because of the duration of the approval process for the plans. Mr. Gagnon asked Attorney John Keilty if they were prepared to face any challenges that might come with an approval of the plans with a note of non-compliance with the ordinance. Attorney Keilty responded that they are looking for an approval from the Planning Board and would then take the matter to the next level, determining what would need to be done to satisfy the Commissioner in order to obtain a building permit. Attorney Keilty noted that, if there were factors that were required to obtain a building permit that could not be waived, then they would attempt to comply with the City's requests. Attorney Keilty then asked if he did agree to add the sidewalk to the plans, could the applicant still obtain approval without a closeout memo from the Department of Public Services. Mr. Andrew Levin repeated the recommendation that the Community Development Department does not support the Planning Board voting for approval of this project without the additional sidewalk in the plans, or the closeout memo from the Department of Public Services.

- Mr. Joseph Gagnon then proposed a motion to approve with the condition that the closeout memo would need to be obtained from the Department of Public Services, which would advance the applicant from the Planning Board. Mr. John Ford remarked that he also wanted to obtain the closeout memo. Mr. Ford asked Attorney Keilty if he would like to seek a motion to approve or request an extension. Attorney John Keilty replied, saying that he had received communication from the applicant during the meeting, and proposed that, if the additional sidewalk were to be built, the Board would approve without the closeout memo, but with the condition that the sidewalk be built out per the condition laid out as required by the Department of Public Services. Mr. Roy Simoes remarked that he would be in favor of approval with the closeout memo as a necessary condition. Mr. Simoes then asked Mr. Chris Sparages if the sidewalk is intended to be built on City property. Mr. Sparages replied that it was correct, specifying that it would be 460 ft of 5 ft-wide sidewalk along Pulaski Street within the right of way, along with a couple of stubs that come out, including a crosswalk that would take a pedestrian across Dobbs. Mr. Simoes then asked about the northeasterly section of the sidewalk, and if that was northeast of the layout line of Pulaski Street. Mr. Sparages confirmed that the

sidewalk in that area would bring a pedestrian out and around the back of the building to access the nature trail. Mr. Simoes clarified that the sidewalk would be 5 ft., and Mr. Sparages confirmed, adding that it would cost \$20 per foot of concrete, plus an additional expense to add a retaining wall to the portion of the sidewalk being requested by the city. Mr. Simoes then asked if, even at the distance off the city layout line, the developer would still encounter steep drop-off. Mr. Sparages pointed Mr. Simoes's attention to a guardrail in the plans, citing this as evidence that the drop-off to the wetland was steep. Mr. Simoes asked if the aforementioned area was a wetland buffer zone. Mr. Sparages clarified that no sidewalk would be built on wetlands, but that the sidewalk would be within 20 ft of the wetland. Mr. Simoes remarked that he did not believe that would be approved by the Conservation Commission. Mr. Simoes asked if that was the only piece of sidewalk being built as part of the pedestrian access for the property, and that the rest of it would be stone dust. Mr. Sparages replied yes. Mr. Simoes then asked why the sidewalk running from the northeasterly to the northwesterly direction couldn't be counted as equivalent sidewalk.

●Mr. Andrew Levin commented that he had been in communication with Department of Public Services Director William Politz, who did respond that all of the other recommendations besides the additional sidewalk are all set.

●Mr. Joseph Gagnon remarked that, if the applicant agreed to build the sidewalk as previously mentioned, that there seemed to be no further concerns. Mr. Andrew Levin added that any motion would have to include a revised plan showing said sidewalk, and that the sidewalk would still have to meet the ordinance, which states that it has to be agreeable. Mr. Roy Simoes interjected, questioning that, if the Conservation Commission denied the building of the additional sidewalk, the developer would not have to abide by the ordinance. Mr. Levin responded that the Planning Board cannot waive an ordinance.

●Mr. Joseph Gagnon signaled he would like to make a motion. Mr. Andrew Levin proposed that the motion be discussed prior to making it to aid in delivery of said motion. Mr. Levin continued, saying that the Planning Board discussed that they would, if they choose, vote for an approval of this plan with the conditions [based on the recommendations by the Community Development Department] that a sidewalk be constructed along the frontage of the property, as well as meeting all of the conditions outlined by Department of Public Services in previous correspondence.

→**Motion:** Mr. Joseph Gagnon—Motion to approve the 60 Pulaski Street site plan dated June 2nd, 2025, with the condition that a sidewalk be built on the entire frontage of the property, as well as following the City ordinance, and also that the applicant will submit a revised plan as such.

→**Seconded:** Sean Walsh

Roll call: 7 to 0

3. 15 SYLVAN STREET (*Map 30, Lot 49*)

- i. This is an application by Raising Cane's Restaurant LLC—seeking a site plan review to redevelop an existing office/bank and parking lot to a proposed "Raising Cane's Restaurant" at 200 Endicott Street in the Town of Danvers, MA and 15 Sylvan Street in the City of Peabody, MA. The site, which currently consists of approximately ±1.75 acres of land, contains an existing paved parking area, on-site utilities, and landscaping. The site is split by the Town/City boundary, in which ±0.85 acres of the site is in Danvers and approximately ±0.90 acres is in Peabody. The proposed project includes the construction of a new ±3,378 s.f. "Raising Cane's Restaurant" with drive-thru along with new paved parking areas, landscaping, storm water management, and associated utilities. The project will also provide erosion and sedimentation controls during the demolition and construction periods, as well as long term stabilization of the site. The property is located within the Business Regional {BR} Zoning District. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

▶ CONTINUED FROM 6/5/2025

▶ ACTION CONTINUED TO 7/17/2025

●Attorney John Keilty {40 Lowell Street, Peabody, MA} explained that he had just been in discussion with the Department of Public Services as of July 16th, 2025. Attorney Keilty provided a continuance letter requesting that the matter be continued until the August 7th meeting. He also added that the developer is awaiting peer review of the traffic intersection and storm water, which will be necessary for the Conservation Commission at the end of the month.

→**Motion:** Mr. Joseph Gagnon—Move to accept a request for continuance to the August 7th meeting and grant.

→**Seconded:** Mr. Sean Walsh

Unanimously approved.

●After the motion, Mr. Roy Simoes questioned if Attorney John Keilty would be able to provide all reports, including traffic, by the next meeting. Attorney Keilty responded that Danvers would be handling the traffic review, while Peabody would complete the storm water review. Mr. Andrew Levin interjected, apologizing for the confusion and clarifying that Danvers would be reviewing traffic, sewer, and water, and the City of Peabody was strictly looking at the storm water on the site. Mr. Levin added that he did not believe this review would be a big lift on the peer reviewer. Mr. Simoes commented that the developer hadn't engaged the services peer review yet, and that he felt there would be an extension next meeting as well. Mr. Levin noted that if the information was delivered in a timely manner, the Planning Board could act next meeting.

4. 252 ANDOVER STREET (*Map 39, Lot 25C*)

- i. This is an application by Group 1 Automotive Inc.—seeking a site plan review to construct a single-story addition [26'x90'] to the rear of the existing building located at 252 Andover Street in Peabody, MA. The proposed addition will contain six [6] bays and will be used for vehicle preparation. The proposed addition will be constructed over an existing bituminous concrete parking lot, so there will be no change to impervious surfaces. The bays will be equipped with floor drains that will discharge to the municipal sewer through a proposed gas trap in accordance with the Massachusetts State Plumbing Code. Any effluent generated by the garage floor will not be discharged to the existing storm drainage system. The property is located within the Business Regional {BR} Zoning District. To review plans and corresponding documents for this agenda item, please contact Andrew Levin, andrew.levin@peabody-ma.gov, 978-538-5783.

→**Motion:** Mr. Joseph Gagnon—Motion to accept “late additions” from the Department of Public Services City Engineer James Nicholas, dated July 16th, 2025, and July 17th, 2025, about the proposed addition at the Audi Dealership at 252 Andover Street.

→**Seconded:** Mr. Sean Walsh

Unanimously approved.

●Mr. Andrew Levin introduced the engineer for the project, Mr. Rick Salvo, to the Board.

●Attorney John Keilty {40 Lowell Street, Peabody, MA} representing Group 1 Automotive, the applicant, explained he is appearing before the Board as part of the “Site Plan Review” for the addition to the rear of the premises. Attorney Keilty explained that the project would require paving over and building an addition and closing an area that was previously paved. Attorney Keilty noted that plans would be going before the Conservation Commission at its meeting on July 30th. Attorney Keilty remarked that they received a July 16th memo from the Department of Public Services, in which the department first indicated they had no concerns or recommendations, but that there were now two concerns to address. Attorney Keilty noted the first concern was that there was no damage done to a private pipe under the property currently under grass, and a portion of which will be covered by the addition. Attorney Keilty explained that was a liability issue that lays entirely upon Audi and the operators and is not any impact to the City unless it were to fail, at which time they would not follow the original “Orders of Condition.” Attorney Keilty remarked the memo received by the Board was tantamount to a closeout memo and asked that the Board approve. Attorney Keilty concluded

by saying that Mr. Salvo from Engineering Alliance was present and happy to answer any questions the Board might have for him that fall within his purview.

●Mr. John Ford asked Attorney John Keilty if Mr. Rick Salvo has the memo. Attorney Keilty replied that Mr. Salvo did have the memo. Mr. Ford asked Mr. Salvo to address each of the points described in the memo. Mr. Genzale asked if Mr. Andrew Levin could bring up the site plan for his review, to which Mr. Levin did. Mr. Salvo began his remarks by noting that, from left to right on the plans, there is a 42 ft. reinforced concrete pipe that is in excellent shape that comes to a manhole, then expands out to a 60-inch pipe, the crown of which is about 3 ft. down. Mr. Salvo added that the bottom footing of the construction would be about 4 ft. down, describing that on the right-hand side of the pipe, the footing was a 3 ft distance from the pipe, while on the left-hand side of the pipe, the footing was about 5 or 6 ft away from the pipe. Mr. Salvo noted that the work would not be undermining the pipe at all and would be going down less than a third of the way down the pipe. Mr. Salvo added that, despite the close proximity on the right-hand side of the pipe, the area would be dug out by hand, exposed, and flagged so there won't be any issues with the pipe. Mr. Salvo noted there was a request for another row of compost sock to be placed at the limit of work and the limit of construction fence. Mr. Salvo commented that he would be happy to add to the plan, and that this is an addition that's being built entirely over pavement. Mr. Salvo also stated that, while the waddles don't work very well on pavement, that they would still be put down as an extra means of defense. Mr. Salvo noted there would be compost socks off site to the rear in the grass area prior to the resource areas, and that each one of the catch basins will be equipped with a silt sack to make sure that no finds from any of the construction excavations make their way into those catch basins. Mr. Salvo explained there is already a contractor on board, and that CMNB will be building the addition and are actively working on the contingency plan that the Department of Public Services required. Mr. Salvo informed the Board that they did not receive the plan with a lot of advanced notice to be able to present them. Mr. Salvo reiterated that it was unlikely there would be any damage to the pipe because of the nature of the construction, but that there would still be a contingency plan. Mr. Salvo asked if there were any other concerns that needed to be addressed. Attorney Keilty interjected, adding that changes would be made and a new plan supplied for approval by the Conservation Commission at their July 30th meeting.

●Mr. Andrew Levin then asked Mr. Salvo if there were any concerns about the soil and settling when the addition is built that will affect the pipes at all. Mr. Salvo responded that traditional spread footings would be used, and that the soil on the property was good, so there were no anticipated issues. Mr. Salvo added that the pipe would be relayed in place because it's going under the building and has to be changed from a PVC pipe to a cast iron pipe to follow the state plumbing code. Mr. Salvo concluded, saying that the pipe would then be put right back where it was. Mr. Levin also asked Mr. Salvo about the condition regarding ensuring the pipe remains in good condition, and whether the process Mr. Salvo referred to previously was standard issue for the industry. Mr. Salvo replied yes.

●Mr. Roy Simoes asked if the line previously referred to is an existing sewer line. Mr. Salvo replied that it was correct. Mr. Simoes followed up his question by asking if the line is exclusively for the use of this building. Mr. Salvo confirmed, adding that the pipe was to service.

●Mr. John Ford then invited members of the public to make a brief comment or ask a question. Mr. Andrew Levin invited members of the public to virtually raise their hand to be invited to speak. No members of the public expressed interest in commenting or asking a question.

●Mr. Simoes then inquired as to the purpose of the addition, whether it was garage doors, repair bays, or automotive displays. Mr. Salvo clarified that the addition would be six bays for vehicle prep prior to sale.
→**Motion:** Mr. Joseph Gagnon—Move to approve the petition with the condition that the petitioner address and resolve the four items mentioned in the late add memo that was dated July 17th, 2025.

→**Seconded:** Mr. Sean Walsh

Roll call: 7 to 0

●Mr. Andrew Levin noted that a member of the public had their hand virtually raised during voting. Mr. Levin noted that Planning Board meetings are public meetings but not public hearings, and it was up to the chair's discretion to open the meeting up to public commentary. Mr. Levin added that this petition would be up in front of the Conservation Commission at their upcoming meeting, and that Conservation Commission meetings are public hearings with a public comment section of the meeting.

D. Appointments:

1. "Vote—Peabody Master Plan."

i. URL: <https://tinyurl.com/2y23kaeh> [to view the "Peabody Master Plan"].

●Mr. Levin introduced the City of Peabody Master Plan Vision for 2035, as well as Project Manager Alison LeFlore. Mr. Levin remarked that the city would be looking for the Board to make a motion to adopt the plan.

●Ms. LeFlore displayed slides containing information about edits to the original plan. Ms. LeFlore noted that there were two major edits to the plan since presenting a draft to the Planning Board in May of 2025. Ms. LeFlore describes the first edit, a plan about working to secure funding to support a Municipal Sustainability Director, based on feedback from an open house held in June 2025. Ms. LeFlore also described the second edit [based on feedback from the open house in June and feedback delivered directly to the Community Development Department], the addition of an action strategy to integrate mental health services into municipal facilities such as the public schools, libraries, and the senior center, with the identification that this may include the creation of a mental health task force comprised of public health experts, service providers, law enforcement, educators, and lived-experience representatives. Ms. LeFlore noted that the table displayed on the slides are each role's part of the implementation action strategy, discussed previously in May. Ms. LeFlore then displayed the vision to the Board and noted there had been no changes to the goals since the Planning Board last saw the vision. Ms. LeFlore then advanced the slides to the plan goals: land use, housing, economic development, services and facilities, historic cultural resources, transportation, open space, and natural resources. Ms. LeFlore then reviewed the various goals of the plan, reiterating that there were no other changes to the goals besides the previously aforementioned edits. Ms. LeFlore then asked if anyone had any questions.

●Mr. John Ford then asked Ms. Alison LeFlore to go into more detail regarding the additions to the mental health advocacy portion of the plan. Ms. LeFlore reflected that, based upon input from the community, the mental health crisis is a shared problem. Ms. LeFlore remarked that bringing in more mental health services and making mental health services more widely available will help the community.

●Mr. Andrew Levin reiterated his and the committee's excitement about the plan. Ms. Alison LeFlore interjected, adding that the committee had engaged with almost 300 members of the community.

→**Motion:** Mr. Joseph Gagnon—Motion to adopt the Vision 2035, consistent of Peabody for All Master Plan completed under Mass General Law C41S81D as presented and with any necessary minor changes.

→**Seconded:** Mr. Sean Walsh

Roll call: 7 to 0

E. Subdivision Board Action: None.

F. Correspondence:

1. Letter dated June 5th, 2025, from Mr. Chris Sparages, P.E.—Re: Response to “Site Plan Review” Comments [60 Pulaski Street, Peabody, MA].
 - i. Revised “Site Plan” for 60 Pulaski Street, Peabody, MA.
2. Revised “Site Plan” for 0 Hardy Street, Peabody, MA.
3. “Public Notice of Chapter 91 Waterways License Application—Pedestrian Bridge at 520 Lowell Street (A), Waters of Proctor Brook, Peabody, Essex County.”
4. Regional Notices.

G. City Council: None.

H. Other Matters before the Board: None.

●Mr. Sean Walsh informed the Board that he was resigning from his post on the Board and thanked everyone for their support during his tenure.

I. Adjournment: 9:04p.m.

→**MOVE to adjourn:** Mr. Sean Walsh

→**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=hyaxc3ellDk> .