

Planning Board Minutes

May 5th, 2022

Time: 7:00 pm – 8:30.m.

Location: Wiggin Auditorium and via Zoom Remote Participation simulcast on Peabody Access TV

Members Present: Atty. Peter Arvanites, Mr. Roy Simoes, Mr. John Ford, Mr. Dennis Feld, Mr. Joseph Gagnon, Mr. Matt Genzale

Members Absent: Dr. Judith Otto, Atty. Diane Cooper, Mr. Thomas Bettencourt

Others Present: Mr. Andrew Levin (City Planner), Chris Sparages, Atty. John Keilty, Atty. Athan Vontzalides, Rick Salvo

A. Approval of Minutes:

MOTION: J. Gagnon move to accept the minutes of the previous meeting. Seconded: R. Simoes, unanimously approved

B. ANR/Land Court:

C. Site Building Permit Plan Reviews:

190R NEWBURY STREET (MAP 35, LOT 038A)

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.

Atty. John Keilty stood before the Board to present on behalf of his clients, the applicant for the proposed development at 190 Rear Newbury Street. Atty. Keilty began by giving a brief background to the project, and explaining that at the previous construction review meeting for the project the applicants needed to provide turning radius to the Fire Department. Atty. Keilty stated they since have. Atty. Keilty continued, stating that they must also provide further level of detail of their site access. Atty. Keilty stated they have provided this detail, and handed the presentation off to project engineer, Tony Capachietti

Mr. Capachietti' provided background information on the fire department radius and site access. Mr. Capachietti' explained that the plans (sheet c-12) shows that the fire apparatus will be able to enter the site from Rte. 1 South and access and exit the site. Mr. Capachietti continued that the access through the fitness center parking lot was designed to limit interaction of vehicles traveling to 190R Newbury

and vehicles parking in the fitness Center lot. Atty. Keilty and Mr. Capachietti explained that State Highway only granted the two curb cuts located on the site.

Mr. Genzale inquired about seeing the new plans, Mr. Capachietti was unable to provide the Board with the updated the plans.

J. Ford mentioned a memorandum from Community Development recommending that the Board continue action on this agenda item.

R. Simoes asked about the roadway and the elevation and grading. Mr. Capachietti explained the roadway elevation and grading. Discussion was further had regarding access for PMLP.

MOTION: R. Simoes, move to continue to the next meeting, Second, Atty. Arvanites, unanimously approved.

29 NEWBURY STREET (Map 88, Lot 004)

This is an application by LA HOLDINGS, LLC seeking a site plan review for the construction of a one-story, 1,200 s.f. addition to the existing two-story building for the proposed use of an automotive facility for the sale of used vehicles as well as providing automotive services. There is also a one-story building currently existing on-site. Applicant proposes interior and exterior renovations and improvements to the parking area.

Project engineer Chris Sparages was present on behalf of the applicant. Mr. Sparages began by orienting the Board with the project location. Mr. Sparages explained there is an existing Right-of-way, titled "Strip Way" which is 60-feet wide and that the applicant has access and frontage on this Right-of-Way. Mr. Sparages explained there will be a addition built on the building, as well as site improvements for the repairing of vehicles and selling of vehicles. Mr. Sparages went through the project.

Mr. Sparages stated they are proposing a slight reduction in the paved surface, and that the existing pavement will be re-surfaced and striped. Mr. Sparages explained the repair area will be gravel. Mr. Sparages stated that the plan meets the zoning requirement for parking.

Mr. Sparages explained that there is not a formal landscape plan, but that the existing landscape strip in front of the building will be maintained and improved. Mr. Sparages continued that he is in receipt of a memo from Robert Langley, Engineering (City of Peabody), outlining items that need to be addressed. Mr. Sparages explained the items include additional stormwater improvements. Mr. Sparages stated that he is currently trying to schedule a meeting between himself, Mr. Langley and Mass DEP to discuss these improvements. Mr. Sparages continued that the memo asked for new water and sewer services be installed, Mr. Sparages stated his clients have agreed to this. Mr. Sparages continued that Mr. Langley requested the stormwater report include the 25-year storm and to investigate a catch basin in the Strip Way, Mr. Sparages stated they had done both (continuing the catch basin is a dry well).

J. Ford inquired about the project and their needs, if any from MASS DOT. Mr. Sparages stated they have not filed a State Highway Access Permit with DOT. Mr. Sparages continued that DOT wishes for applicants to file after receiving local permits. Mr. Sparages stated that he will contact April Antonelli the Department Engineer for District 4 to inquire if a filing is needed, as the curb-cut is not being changed. Mr. Sparages stated that if a filing is determined to be needed, they will file.

J. Ford inquired about the need for a special permit. Atty. Athan Vontzalides, representing the applicant, stated that the applicant must receive all other approvals needed before going in front of the City Council. Atty. Vontzalides explained that they received previously relief in the form of a variance (landscaping, right yard setback) from the Board of Appeals.

J. Ford and Mr. Sparages discussed the project briefly.

R. Simoes and Mr. Sparages discussed site access and the curb-cuts. R. Simoes inquired about the encroachment on Strip Way. R. Simoes and Atty. Vontzalides discussed briefly. Atty. Keilty explained that he could speak to the "Strip Way" explaining it is a land court, and that title shows Atty. Keilty's client (25R Newbury Street) has more rights than others, but that they are not disturbed by the encroachment.

R. Simoes inquired if the tenant had secured a "used car" license, Atty. Vontzalides explained there is one left, but can't be applied for until they receive their other approvals.

R. Simoes asked if infiltration basins might be needed, Mr. Sparages explained there is an existing catch basin structure in front of the main building, which will be cleaned out and investigated. Mr. Sparages stated that City Engineering had asked for additional stormwater infrastructure, but Mr. Sparages stated that due to the Surface Water Protection District the parcel lies in, there are rules to what can and can't be done. Mr. Sparages stated he is awaiting a phone call to take place between himself, the city, and a representative of Mass DEP to discuss the ability for more stormwater management, and if allowed, will provide additional management, such as underground infiltration.

MOTION: Atty. Arvanites move the Board continue the hearing on the site plan approval on 29 Newbury Street to the next meeting June 2nd, (2022), seconded by R. SIMOES, unanimously approved.

55 PULASKI STREET (Map 53, Lot 029)

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

Atty. Keilty was present on behalf of the applicant. Atty. Keilty began by stating he has received the memorandum from Community Development recommending the Board continue this item. Atty. Keilty explained that the renovation of the existing building into housing and the construction of the additional units meet the "powers test", to allow the change of use in which the project is proposing (changing use from a non-conforming use to an also non-conforming use). Atty. Keilty stated that the Building Commissioner has reservations to this item be heard by the City Council. Atty. Keilty stated that he is comfortable with continuing the meeting, while this item is discussed between himself, Building Commissioner and City Solicitor.

M. Genzale inquired if Department of Public Services is currently reviewing and if the project should be continued further than to the next meeting. Atty. Keilty responded he believes DPS has not began review, Atty. Keilty suggested that he would ask for continuance at the next meeting as well if needed.

R. Simoes asked for Atty. Keilty to further explain the use issue. Atty. Keilty stated that he has a pre-existing non-conforming use (tavern/restaurant, currently), and the question is can the new degree of use be allowed. Atty. Keilty explained precedent cases, and potential further steps.

R. Simoes stated that he believes City Council should hear this application prior to other Boards hearing it. R. Simoes also stated that he believes that the abutters would like to not see the current use there. R. Simoes stated he believes it's a much less intrusive use than currently there. Atty. Keilty stated they wish to get there design vetted first before going City Council. Atty. Keilty stated that the question is if it is possible to even receive approval from the City Council. R. Simoes and Atty. Keilty continue to discuss.

Atty. Arvanites inquired how the Building Inspector is making a ruling, as he believes M.G.L. Section 1.5.1. puts the approval authority with the City Council. Atty. Keilty and Atty. Arvanites briefly discussed who is able to make the determination on use and how that use is approved. Atty. Arvanites stated again he believes it lies with the City Council.

MOTION: M. Genzale to continue to the June 2nd (2022), meeting, SECONDED: R. Simoes. Unanimously approved.

25R NEWBURY STREET (Map 88, Lot 007)

This is an application by A CHARA DEVELOPMENT, LLC for the proposed construction of a multi-story self-storage facility. Parcel is currently undeveloped, plan proposes site improvements including paving, modular block retaining wall, stormwater management facilities, utility connections and site grading.

Atty. John Keilty was present on behalf of the applicant. Atty. Keilty began by explaining this parcel originally received a site plan approval (among other approvals) for the construction of a medical marijuana facility. Atty. Keilty stated the applicant has since changed the project, and is seeking approval for a proposed storage facility. Atty. Keilty stated the project has received relief from the Zoning Board of Appeals and approval from the Conservation Commission.

Atty. Keilty stated that in the memorandum from Community Development they recommended continuance until landscape plan (which was approved by ConCom), which they are providing this evening.

J. Ford stated there was a slight discrepancy with the agenda, and read aloud the correct description.

Rick Salvo, project engineer then began his presentation.

Mr. Salvo began by giving background on the project location. Mr. Salvo stated site will be accessed via Strip Way, and there will be vehicle access around the building. Mr. Salvo stated the radius of the turns work for larger vehicles, and works for the fire department. Mr. Salvo state stormwater is managed on site from a large sub-surface detention facility at the bottom of a slope in a fill section. The catch basins on site drain to this are as well, and promotes groundwater recharge. Mr. Salvo stated this was designed with the DEP stormwater regulations and approved by the Conservation Commission.

Mr. Salvo explained during the construction of the state highway many years ago this area was mined, which is why there is a steep slope along the back where a retaining wall will be constructed. Mr. Salvo explained the relief granted by the Zoning Board of Appeals.

Atty. Keilty provided brief further background on this site.

M. Genzale inquired if DPS had reviewed, Mr. Bellavance stated that he was unsure if they had received comments, but that at Construction Review there was no comments. Mr. Salvo and Atty. Keilty explained that they had received a letter from DPS with comments that had previously been provided and answered from the Conservation Commission review. Mr. Salvo presented the Board the responses to the DPS memo.

The Board and Atty. Keilty discussed the memo.

R. Simoes stated that he is comfortable with voting to approve based on receiving the letter from DPS.

Atty. Arvanites asked for clarification on the applicant response. Mr. Salvo stated that most of the comments were addressed and that since the ConCom response, DPS asked for more site plan oriented comments, which the applicant has complied with. Mr. Salvo stated they have filed a "indirect access" permit with MassHighway but can not receive approval till they receive their final local approvals. Mr. Salvo and Board briefly discussed.

M. Genzale inquired if the encroachment of 29 Newbury is an issue, Atty. Keilty stated no. Atty. Keilty stated that his client will do some striping on Strip Way.

R. Simoes and Mr. Salvo discussed the stormwater management. R. Simoes inquired about parking, Mr. Salvo stated six spaces are required, and there are 16 proposed. R. Simoes asked if the facility will be climate controlled, Mr. Salvo stated it will. R. Simoes and Mr. Salvo discussed electric hook-up, Mr. Salvo stated there is greenspace available for a pad, so a parking space will not be lost.

J. Ford discussed the site grade with the applicant.

MOTION: Atty. Arvanites, MOVE that the Board approve the site plan for 25R Newbury Street, permit to issue subject to compliance with all the comments, conditions and requirements, set forth in the DPS memo of April 27th, 2022, **SECOND:** M. Genzale, unanimously approved.

Appointments:

None

Correspondence:

58 PULASKI STREET COMPREHEHSIVE PERMIT

The Board briefly discussed. M. Genzale stated that he is happy with this. The Board briefly discussed. R. Simoes explained his concern with the parking lot circulation at the site. The Board briefly discussed.

Board members present stated they were not opposed.

City Council:

Other Matters Properly Before the Board:

J. Gagnon inquired about additional Board members. Mr. Bellavance and Board briefly discussed. J. Gagnon inquired about hiring a clerk for the Board. Board briefly discussed.

Adjournment:

Planning Board: M. Genazle MOVE TO adjourn **Seconded by:** R. Simoes **unanimously approved**

Andrew Levin

Senior Planner

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=9SIk-CNwjQI&t=1s>