

**DRAFT**  
**Planning Board Minutes**  
**September 2<sup>nd</sup>, 2021**

**Time:** 7:00 pm – 8:23p.m.

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

**Members Present:** Dr. Judith Otto, Mr. Joseph Gagnon, Mr. Roy Simoes, Mr. John Ford, Mr. Thomas Bettencourt, Mr. Matthew Genzale, Mr. Dennis Feld

**Members Absent:** Atty. Dianne Cooper, Atty. Peter Arvanites,

**Others Present:** Mr. Andrew Levin (City Planner), Joseph Bettencourt, Kevin Hoyle, Chris Mello,

Chairman of the Board Thomas Bettencourt called the meeting to order at 7:02 p.m.

**A. Approval of Minutes:**

Mr. Levin explained that he would have the minutes available at the next meeting.

**B. ANR/Land Court:**

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

**49 Tremont Street**

This is an application seeking to build a garage with office and shop for contractor.

Atty. John Keilty was present on behalf of the client.

Atty. Keilty provided brief feedback on the site location. Atty. Keilty explained that the utilities and drainage infrastructure had originally been approved for a building of this size and shape on this lot in a previous plan review. Atty. Keilty explained that the landscaping is in compliance with a order of conditions received from the Conservation Commission. Atty. Keilty continued to describe and explain the proposed project and project location. Atty. Keilty explained that as required by the Order of Conditions they are providing replication and enhancement of the area surrounding the open portion of the brook. The Building that is being proposed is pre-fab and metal. There will be three bay doors on the building on the East side of the building, with one door on the opposite side. Atty. Keilty explained the lighting will be affixed to the building with a shade pushing the light down. Atty. Keilty explained there will be office type space. Atty. Keilty explained that the applicant and owner will be maintaining the property.

M. Genzale inquired about Department of Public Service review, Mr. Levin stated that DPS had previously reviewed the plan and did not provide any. M. Genzale and Atty. Keilty discussed the proposed use of the building, Atty. Keilty stated that due to vehicles entering the building there will be whatever is requested of building department will be installed.

Dr. Otto inquired about the building materials, Atty Keilty explained it will be metal with a color treatment that will make the building look brick. Dr. Otto stated that the landscape plan shows “Bradford Pears” and explained that those are highly reproductive and are outcompeting native species. Dr. Otto requested a different tree be substituted. Atty. Keilty agreed to change the tree type.

R. Simoes inquired about occupancy. Atty. Keilty explained there could be 4 tenants in the building.

J. Ford and Mr. Levin and Atty. Keilty briefly discussed the project area.

Mr. Levin explained that some items in regards to the site plan were brought up at the Construction Review meeting, including a “no parking” sign be placed near the entrance to the lot.

**MOTION:** DR. OTTO move that the Planning Board recommend issuance of a Building Permit for a contractors shop and offices overhead at 49 Tremont Street with the condition that a more appropriate tree than “pyrus calleryana” “Bradford Pear”, replace the Bradford Pears that are proposed, and also that a no parking sign be placed along the drive to prevent contractor vehicles from parking there in the right of way. **SECOND:** R. Simoes, unanimously approved

### **68 Prospect Street**

Atty. Keilty provided a brief update, stating that the matter is before the Zoning Board of Appeals to have decks on some of the buildings. Atty. Keilty stated that his clients had a neighborhood meeting and have decreased the size of the balconies.

Atty. Keilty also spoke on the memo from the Department of Public Services, recently submitted, and mentioned there would be no pushback on the items listed. Atty. Keilty stated that they will circulate a plan with these changes. Atty. Keilty stated that once complete with Planning Board and Zoning Board of Appeals will need to apply for a special permit with the City Council.

Dr. Otto mentioned concerns regarding DPS statement that Weston and Sampson’s review is ongoing. Atty. Keilty stated that he believes the report is completed, but that DPS wish to review the report and going to respond with what was city’s responsibility and what is the applicants.

### **D. Appointments**

#### **Boulderwood Subdivision – Request for Acceptance**

Mr. Levin stated that he received communication from the applicant requesting to be at the this Planning Board meeting. Mr. Levin also stated and handed out to the Board a memo submitted that evening to the Planning Board from the Department of Public Services outlining items of concern from the Department.

Chairman Bettencourt inquired if Mr. Solimine would be willing to meet with DPS to discuss the seven items. Mr. Solimine stated that he would but wished to discuss the items as well with the Board at the meeting.

Mr. Solimine went through the seven items.

Mr. Solimine had no issue with item number one. Mr. Solimine explained their issue with item number two and that the plans never had intentions of these being mowed areas. J. Ford stated that the basins should be cleared. J. Ford also explained that some of the lots are missing trees. Mr. Solimine and J. Ford briefly discussed. R. Simoes stated that he believes there is a maintenance plan for the retention areas. Mr. Solimine explained that many of the retention basins would be built underground. Mr. Solimine then explained his understanding of the basins. R. Simoes and Mr. Solimine briefly discussed, Mr. Solimine stated he doesn't believe there is a plan requiring mowing. R. Simoes and Mr. Solimine discussed the location of the drainage areas, Mr. Solimine explained the City has drainage easements to access the retention areas.

Mr. Solimine stated that in regards to condition 3, they had built the project according to plans, and explained areas where vehicle access is not possible. Mr. Solimine stated that he needs more clarification on item three.

M. Genzale and Mr. Solimine briefly discussed the item.

Mr. Solimine explained the issues for access at the end of Conaxis and that it was built according to plans.

Mr. Solimine stated that in regards to item 5 he believes that it was heat patched.

Mr. Solimine stated that item #6, providing Board with a plan with bearings and easements, he believed that this already exists and is on record.

Mr. Solimine moved to item 7, regarding geotechnical engineering and Gedney Drive. Mr. Solimine stated this was taken care of when the blasting was previously done.

R. Simoes and Mr. Solimine discussed item #7, Mr. Solimine stated that this was taken care of "8 or 9 years ago". R. Simoes stated that he believes the item #7 is in regards to a specific area. Mr. Simoes stated that if a document was provided, #7 could be satisfied. Mr. Solimine stated that he is seeking acceptance of the subdivision and to vote to authorize the mayor to act on behalf of the City to accept the water tower and pump station once he's satisfied.

Mr. Levin recommended that the Board not take action until a meeting between the applicants and Department of Public Service is had and clarification be had.

J. Ford inquired when a meeting might take place, Mr. Solimine stated that they are responsive to a meeting. Mr. Levin stated that he has proposed meeting dates in the upcoming week. M. Genzale asked if the Board could demand a meeting to happen in a certain time frame. Mr. Levin stated that the plan is to meet prior to the September 16<sup>th</sup> meeting.

M. Genzale stated that he would like to see some more information on some of the items before voting.

R. Simoes mentioned that he believed the subdivision to look exemplary and thanked them for this. R. Simoes then mentioned the situation with the pump station.

Dr. Otto stated that she was under the understanding that the Board was awaiting feedback on the watertower from the legal department. Chairman Bettencourt stated this was his understanding as well.

Mr. Levin stated that he can inquire if this can be achieved.

**PROPOSED STONEGATE SUBDIVISION:**

Atty. Keilty stated that he has a letter dated September 2<sup>nd</sup>, requesting extension of action until October 14<sup>th</sup>.

Atty. Keilty stated that Eastern Land Survey submitted a significantly revised plan showing a new lay out. R. Simoes inquired if there will be another public hearing. Mr. Levin stated that his belief is a new filing with a public hearing, as this is a substantial change to the original plan.

R. Simoes and Board discussed. Dr. Otto stated that she believed that the original plan would be withdrawn and the new plan be filed, and the fees be waived. Mr. Levin briefly stated that this seemed like the best route. M. Genzale inquired if extensions are still needed, Atty. Keilty stated that if the Board would wish it to be withdrawn, then he can submit a letter asking such.

R. Simoes and Atty. Keilty discussed the revised plan, and the inclusionary zoning requirement.

**MOTION:** J. Ford: move to receive a communication from Atty. Keilty in regards of Stonegate Subdivision an extending the time to until September 9<sup>th</sup>, 2021, **SECOND:** Dr. Otto, unanimously approved

**Correspondence:**

The Board discussed items sent to the Board.

**City Council:**

**Other Matters Properly Before the Board:**

Mr. Levin distributed a informational packet in regards to the City's inclusionary zoning.

**Adjournment:**

**Planning Board:** R. Simoes MOVE TO adjourn **Seconded by:** Dr. Otto **unanimously approved**

*Andrew Levin  
City Planner*