

February 22, 2021





CITY OF PEABODY
2021 FEB -8 P 1:01
CITY CLERK

**City of Peabody
Zoning Board of Appeals**

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5900

FEBRUARY 22, 2021 ZBA AGENDA
LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT THERE WILL BE A REMOTE PARTICIPATION MEETING
OF THE ZONING BOARD OF APPEALS ON
MONDAY, FEBRUARY 22, 2021, AT 7:00 PM

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A § 18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Peabody Zoning Board will be conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public adequately access the proceedings in real time, via technological means. Individuals may participate remotely in the meeting via a participation platform called Zoom.

Members of the public and/or parties with a right and/or requirement to attend this meeting may access the remote participation through any one of the following ways:

- Enter this link into your web browser to join the meeting: [https://us02web.zoom.us/j/894 0607 2235](https://us02web.zoom.us/j/89406072235)
- Enter this link into your web browser to open the Zoom website: <https://zoom.us/join>. Enter the meeting/webinar ID# **894 0607 2235** as directed on the webpage and click "Join". Follow the on-screen instructions to join the meeting.
- Participants can dial a toll-free number +1 312 626 6799 to join the meeting. When prompted, enter meeting/webinar ID# **894 0607 2235** and follow the instructions to join the meeting.

THE AGENDA FOR THIS MEETING IS POSTED ON THE CITY PEABODY WEBSITE AND LISTED BELOW.

PEABODY ACCESS TELEVISION WILL BE AIRING THIS MEETING LIVE ON COMCAST 9 - RCN 15/614/1161

IF YOU WISH TO REVIEW ANY PLANS OR DOCUMENTS RELATED TO ITEMS ON THIS AGENDA PLEASE CONTACT CARLA MCGRATH

ZONING BOARD OF APPEALS
CARLA MCGRATH, CLERK
24 LOWELL STREET
PEABODY, MA 01960
carla.mcgrath@peabody-ma.gov
978-538-5792

REGULAR MEETING

1. Continued application of **Northeast Arms, LLC c/o Attorney John Keilty** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **108H Newbury St., Peabody, MA, Map 068, Lots 12 and 13**. Petitioner seeks a variance for a mobile range facility and requires relief to **Left Side Yard** where 100' is required and 70' is proposed; **Rear Yard** where 50' is required and 28' is proposed. The property is located in an **BR Zoning District**.
2. Continued application of **The Residence at Farm Avenue LLC, c/o Attorney Jason Panos**, for a **Chapter 40B Comprehensive Permit Application** as it applies to the premise known as **0 FOREST ST, Peabody, MA, Map 069, Lot 012 AND 27(R) FARM AVE, Peabody, MA, Map 069, Lot 005A**. Petitioner seeks to construct 116 units. The property is located in a **DDD Zoning District**.
3. Application of **Julie Solovicos** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **11 Batchelder Ave., Peabody, MA, Map 120, Lot 150**. Petitioner seeks a variance to construct an addition and requires relief to **Rear Yard** where 35' is required and 26.9' is proposed. The property is located in an **R1A Zoning District**.
4. Application of **Robert Zeuli** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **1 Celia Road, Peabody, MA, Map 016, Lot 068**. Petitioner seeks a variance to construct a garage and requires relief to **Rear Yard** where 35' is required and 14' is proposed; **Left Side Yard** where 20' is required and 4' proposed. The property is located in an **R1 Zoning District**.
5. Application of **Lifetime Fitness c/o Attorney Dave Ankeles** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 11.5.2**, as it applies to the premise known as **210 Andover St., Peabody, MA, Map 051, Lot 008**. Petitioner seeks a variance to erect 6 Wall Signs where 2 are allowed; Relief is also required for 75 sf allowed where 168 sf is proposed. The property is located in an **BR Zoning District**.
6. Application of **Kenneth Briana and Shirley Gerardi c/o Attorney John Keilty**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2** as it applies to the premise known as **1 Forbes Way, Peabody, MA, Map 026, Lot 055D**. Petitioner seeks a variance to subdivide the lot and requires relief on proposed **Lot A**; **Rear Yard** where 35' is required and 26' is proposed; **Lot Area** where 20,000 sf is required and 15,797 sf is proposed; **Minimum Buildable Lot Depth** where 40' is required and 20' proposed; **Lot B**; **Side Yard** where 20' is required and 8' is proposed; **Lot Area** where 20,000 sf is required and 12,645 sf is proposed; **Minimum Buildable Lot Depth** where 40' is required and 0' proposed. The property is located in an **R1 Zoning District**.

BUSINESS MEETING

Acceptance of Meeting Minutes

APPOINTMENTS/CORRESPONDENCE

REPORTS



CITY OF PEABODY
2021 APR -8 AM 9:00

FEBRUARY 22, 2021 SPECIAL ZBA MEETING MINUTES CITY CLERK

A meeting of the Peabody Zoning Board of Appeals was virtually held on Monday, February 22, 2021 at 7:00 p.m. remotely via Zoom platform.

MEMBERS PRESENT	MEMBERS ABSENT
Frances Bisazza-Gallugi, Chairperson	
Stephen Zolotas, Vice-Chairperson	
Julie Picardi	
Dan Sencabaugh	
Barry Osborne	
Keith Slattery	
Ed Colbert	

Also in attendance were the following...

- Attorney John Keilty
- Attorney Jason Panos
- Attorney David Ankeles
- Tony Capachietti -
- Curt Bellavance – Community Development Director
- Will Paulitz – City Engineer
- Janet Bernardo
- Michael Weiss

(Ms. Gallugi read the opening statement made part of these minutes)

MEETING:

2. Continued application of **Northeast Arms, LLC c/o Attorney John Keilty** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **108H Newbury St., Peabody, MA, Map 068, Lots 12 and 13**. Petitioner seeks a variance for a mobile range facility and requires relief to **Left Side Yard** where 100' is required and 70' is proposed; **Rear Yard** where 50' is required and 28' is proposed. The property is located in an **BR Zoning District**.

Fran Gallugi: The attorney for Northeast Arms LLC, has requested a continuance.

Secretary read the request into the record

(Letter requesting continuance was made part of these minutes)

Barry Osborne: Motion to accept the continuation request and reschedule to March 15, 2021

Dan Sencabaugh: Second

Fran Gallugi: All in favor – Any opposed (5,0)

Motion to continue the Northeast Arms, LLC application to March 15 has been approved

Fran Gallugi: We will go onto #3 now and hear 27R Farm Ave last.

3. Application of **Julie Solovikos** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **11 Batchelder Ave., Peabody, MA, Map 120, Lot 150**. Petitioner seeks a variance to construct an addition and requires relief to **Rear Yard** where 35' is required and 26.9' is proposed. The property is located in an **R1A Zoning District**.
(Secretary Read Legal Notice)

Julie Solovikos: Homeowner 11 Batchelder Ave. Looking to enclose an existing deck to make an addition and adding additional space. The total proposed size of the addition is 8x8 which doesn't meet the rear setback requirement

Fran Gallugi: So, the deck is already there, and you want to enclose it correct? The existing deck is eight by six and the proposed size is eight by eight so it's going out two feet into the rear of the yard.

Barry Osborne: So, you're proposing to build a deck and an 8x8 edition?

Julie Solovikos: Correct. There's an existing deck and that existing deck is going to be enclosed.

Fran Gallugi: Any other questions by the Board? Anyone to speak in favor? Opposition?

(There was technical interference during the meeting which caused a delay. Once the technical difficulties were remedied the meeting continued.)

Fran Gallugi: Any other questions by the Board? Anyone to speak in favor? Opposition?

Hearing none the matter is before the Board.

Dan Sencabaugh: Motion to Close the Public Hearing

Barry Osborne: Second

Dan Sencabaugh: Motion to approve

Julie Picardi: Second

Fran Gallugi: Roll Call Vote

Variance Approved (5,0) in favor

4. Application of **Robert Zeuli** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **1 Celia Road, Peabody, MA, Map 016, Lot 068**. Petitioner seeks a variance to construct a garage and requires relief to **Rear Yard** where 35' is required and 14' is proposed; **Left Side Yard** where 20' is required and 4' proposed. The property is located in an **R1 Zoning District**.

(Secretary read Legal Notice)

Robert Zeuli: Homeowner 1 Celia Rd. Proposing a garage to the left of the lot. Lot is oddly shaped.

Stephen Zolotas: Through the Chair. Is the garage going to be the same height and have the same roof line with the existing house?

Robert Zeuli: No. It's going to be 1 level.

Fran Gallugi: Any other questions by the Board? Anyone to speak in favor? Opposition?
Hearing none the matter is before the Board.

Stephen Zolotas: Motion to Close the Public Hearing

Julie Picardi: Second

Stephen Zolotas: Motion to approve

Julie Picardi: Second

Fran Gallugi: Roll Call Vote

Variance Approved (5,0) in favor

5. Application of **Lifetime Fitness c/o Attorney Dave Ankeles** for a Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 11.5.2, as it applies to the premise known as **210 Andover St., Peabody, MA, Map 051, Lot 008**. Petitioner seeks a variance to erect **6 Wall Signs** where 2 are allowed; Relief is also required for 75 sf allowed where 168 sf is proposed. The property is located in an **BR Zoning District**.

(Secretary read Legal Notice)

(Stephen Zolotas recused himself from the agenda item. Ed Colbert has voting rights.)

Attorney Ankeles: Attorney for the applicant. Lifetime Fitness would like to erect 3 wall signs and 3 directional signs. Attorney Ankeles gave a brief overview of the sign sizes and locations.

Fran Gallugi: Any other questions by the Board? Anyone to speak in favor? Opposition? Hearing none the matter is before the Board.

Barry Osborne: Motion to Close the Public Hearing

Dan Sencabaugh: Second

Barry Osborne: Motion to approve

Dan Sencabaugh: Second

Fran Gallugi: Roll Call Vote

Variance Approved (5,0) in favor

6. Application of **Kenneth Briana and Shirley Gerardi c/o Attorney John Keilty**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2** as it applies to the premise known as **1 Forbes Way, Peabody, MA, Map 026, Lot 055D**. Petitioner seeks a variance to subdivide the lot and requires relief on proposed **Lot A; Rear Yard** where 35' is required and 26' is proposed; **Lot Area** where 20,000 sf is required and 15,797 sf is proposed; **Minimum Buildable Lot Depth** where 40' is required and 20' proposed; **Lot B; Side Yard** where 20' is required and 8' is proposed; **Lot Area** where 20,000 sf is required and 12,645 sf is proposed; **Minimum Buildable Lot Depth** where 40' is required and 0' proposed. The property is located in an **R1 Zoning District**.

(Secretary read Legal Notice)

Attorney Keilty: Representing the homeowners at 1 Forbes. They have lived there 2 years and would like to subdivide the lot and would require relief for both lots. The homeowner feels the lot is too big to keep up with the landscaping and the house has too many stairs. He would like to build a new house on the subdivided lot.

Fran Gallugi: Read a letter in opposition into the record.

(The letter was made part of these minutes)

Fran Gallugi: This would create 2 undersized lots. It's a long side yard but it is a side yard not a different lot. I'm concerned allowing this would set a precedent. I also do not see any hardship.

Barry Osborne: I respect the letter was read in. But I wish people would sign it to give it some validity. I don't put a lot of credibility to a letter that is not signed. I will say this being greatly involved in that zoning ordinance - the letter was right on and that's why the zoning ordinance was changed. When the council decided to change the zoning ordinance that's everything they took into consideration. The land that was available to build up off of Goodale Street, the amount of land that was available. So, they decided to increase the lot size and rightfully so. I'm not being a wise guy, but you know the fact that he has a lot of grass to cut, that doesn't have a lot of credibility to me. I think the chairman hit it right on the head. It's a side yard. We can't be subdividing everything. You know the purpose of the zoning was to prevent this type of stuff. So, I can't approve of it. There might be a lot of land there but there's just not enough.

Fran Gallugi: Any other questions by the Board? Anyone to speak in favor? Opposition?

The following abutters spoke in opposition citing reasons including lot size too small, they shouldn't have bought the house if it didn't meet their needs, they have only lived there 2 years, agreed with letter in opposition and board member concerns, wouldn't sit with the character of the neighborhood, would detract from the neighborhood.

Brent Wilkinson 6 Forbes Way

Christine Carroll 22 Goodale St.

Scott Mark Coulier 27 Goodale St.

Gary and Kim Qintal 3 Forbes Way

Scot Tsoukalas speaking for his parents at 2 Forbes Way

Fran Gallugi: Attorney Keilty do you have anything to add?

Attorney Keilty: No.

Fran Gallugi: Any other questions by the Board? Anyone to speak in favor? Opposition? Hearing none the matter is before the Board.

Stephen Zolotas: Motion to Close the Public Hearing

Ed Colbert: Second

Stephen Zolotas: Motion to approve

arry Osborne: Second

Fran Gallugi: Roll Call Vote

Variance Denied (0,5)

2. Continued application of The Residence at Farm Avenue LLC, c/o Attorney Jason Panos, for a Chapter 40B Comprehensive Permit Application as it applies to the premise known as 0 FOREST ST, Peabody, MA, Map 069, Lot 012 AND 27(R) FARM AVE, Peabody, MA, Map 069, Lot 005A. Petitioner seeks to construct 116 units. The property is located in a DDD Zoning District.

Fran Gallugi: Gave a brief overview of the 40B process and the role the Zoning Board plays in that process.

Attorney Panos: Representing the applicant. Gave a PowerPoint presentation overview of the project.

(Presentation was made part of these minutes)

Anthony Capachietti: Hayes Engineering. Gave a technical presentation.

(Presentation was made part of these minutes)

Attorney Panos: In conclusion and more procedural, under 40b the hearing is deemed terminated when all public testimony has been received and all information requested by the board that it is entitled to receive has been submitted sufficient as to completeness in its judgment to render a decision. All City Boards Commissions, departments and Public testimony has been received by the Board. The public had an opportunity to participate. We worked through all of the concerns. In making its decision the board shall

take into consideration the recommendation of local boards including commissions departments the city council and other city offices. But, as I indicated, not required under law to adopt them to the letter. The board after closing the public hearing portion of the proceedings may schedule a subsequent hearing to discuss with the participation of the applicant, the application, make its findings and subject the decision on conditions consistent with local needs which do not render the project uneconomic and render its decision at which subsequent hearing the public may observe. I went into extensive detail as to what that means in a previous correspondence to this board from Hayes Engineering and myself dated December 11th. The correspondence has been accepted into your record. Upon closing the public hearing, the board as you indicated madam chair has 40 days based on a simple majority vote to render its decision on the application. This requires three out of five based on the adopted findings and conditions supported by the record with an additional 14 days to tender its decision to the City Clerk. The 116 units proposed if they are accepted and receive a positive decision from this board will be eligible to be counted toward the City's at which point the city will have satisfied its 10% affordable housing mandate. We hope this board will concur in preparation for concluding the matter the applicant respectfully requests consideration of the following findings subject to final modification as the record is compiled in which the board considers within the requirements of applicable law these are findings that under any circumstances and for the most part the supporting 40b regulations DHCD guidelines which guide the process of these applications must be made and in this order that you're reaffirming the project eligibility requirements stated in that DHCD January 14,2020 letter.

Barry Osborne: The \$25 000 to be used towards the city's sidewalk use....How do we preserve that money coming from a 40b negotiation so that it's used strictly for the sidewalk money?

Curt Bellavance: Community Development Director. Typically, we'll take that money and we'll earmark it. It'll go into this there's different accounts that it can go into, that can be carried over from fiscal year if it's not spent on something specific like sidewalks but certainly that I have no issues and I did discuss this with the Finance Director, Mike Gingras, specifically about earmarking funding for something like this and he didn't have any issues either so it shouldn't be a problem.

Fran Gallugi: Is there anyone in the audience who would like to speak?

Mr. Manuel Papanickolas: 25 Farm Ave. reiterated his past opposition to this project.

Rod Emery: Worldtech that did the traffic peer review. I thank Hayes for responding to our peer review comments. I think they've done a good job answering our questions.

Will Paulitz: City Engineer. One suggestion I would have...that the ZBA may want to consider maybe the applicant would be amenable too, would we put some no parking signage along the access way to discourage overflow parking.

Fran Gallugi and Barry Osborne both agreed.

Attorney Panos: We are 100% on board with no parking on the access road as a condition.

Janet Bernardo: Horsley Witten Group. Conducted peer review from stormwater point of view. I am available if you have any questions.

Fran Gallugi: Great. Thank you. We now have some housekeeping items.

Stephen Zolotas: Motion to accept following correspondence....

2/17/21 Will Paulitz memo

2/18/21 Hayes Engineering memo

2/01/20 Hayes Engineering memo

Letter of concern from Councilor John Turco

(These are made part of these minutes)

Ed Colbert: Second

Fran Gallugi: All in favor? Any opposed?

Motion to Accept Correspondence Approved (5,0) in favor

Dan Sencabaugh: Motion to close the public hearing on 27R Farm Ave.

Stephen Zolotas: Second

Fran Gallugi: All in favor? Any opposed?

Motion to Close Approved (5,0) in favor

Fran Gallugi: We now have 40 days to render a decision and file with the City Clerk. We need a motion to meet on March 22, 2021 for a working session and go over the draft decision.

Stephen Zolotas: Motion to meet March 22, 2021

Ed Colbert: Second

Fran Gallugi: All in favor? Any opposed?

Motion was approved (5,0) in favor

Stephen Zolotas: Motion to Accept meeting minutes from December 14, 2020

Barry Osborne: Second

Fran Gallugi: All in favor? Any opposed?

Motion to accept minutes is approved (5,0) in favor

Next meeting is March 15, 2021

Meeting Adjourned

Carla McGrath

From: Jack Keilty <Office@keiltylaw.com>
Sent: Wednesday, February 17, 2021 10:58 AM
To: Carla McGrath
Subject: [External] RE: remand ad 128 Newbury invoice

WARNING

This email originated from outside the City of Peabody. Do not click on links or open attachments unless you trust the sender.

Please accept this email as a request on behalf of Northeast Arms to continue their hearing to the March 15th meeting . Please forward this request to interested parties. Thank you in advance

From: Carla McGrath [mailto:carla.mcgrath@peabody-ma.gov]
Sent: Wednesday, February 17, 2021 10:42 AM
To: Jack Keilty <Office@keiltylaw.com>
Subject: remand ad 128 Newbury invoice

Please see attached.

Carla D. McGrath
Clerk
Zoning Board of Appeals
24 Lowell Street
Peabody, MA 01960
978-538-5792

February 21, 2021

Board of Appeal Chairperson

Frances Bisazza-Gallugi

City of Peabody

City Hall

24 Lowell Street

Peabody, MA 01960

CITY OF PEABODY
2021 FEB 22 P 1: 22
CITY CLERK

Dear Chairperson

I would like to provide a comment on a proposed subdivision at 1 Forbes Way Peabody.

According to the legal notice this area calls for 20,000 Sq. Ft. lot sizes. This request seeks to create two undersize lots which would equate to 79% and 63% respectively of the required lot size, and at the same time seeking variances for setbacks.

The City Council spent much time a few years back rewriting/updating the City Zoning Code. If they had wanted this area to have lot sizes less than 20,000 Sq. Ft., they could have written that into the code. They did not.

This appears to be a way to create a financial opportunity if the Board of Appeals agrees with the request. If the City accepts this proposal anyone could request the ability to create non-conforming lots and use this example as precedent. Once precedent is set it cannot be undone.

I am opposed to this request.

A Peabody Resident



The Residences at Farm Avenue

A PROPOSED 116-UNIT MULTI-FAMILY,
RESIDENTIAL APARTMENT RENTAL COMMUNITY

PEABODY ZONING BOARD OF APPEALS

FEBRUARY 22, 2021

Development Team

Applicant:

The Residences at Farm Avenue
LLC

Property Owner:

Farm Avenue Two Lots, LLC

Developer Consultant/Contractor:



Attorney:



Architect:



Civil Engineer:



Housing Consultant:

Dean Harrison

Local Initiative Partner:



“...the proposed project will be transformative to the neighborhood which currently has a mix, of primarily industrial and commercial uses and provides safe and efficient access to the street network in the area.”

MAYOR EDWARD A. BETTENCOURT, JR.

LETTER TO DHCD IN SUPPORT OF THE LOCAL INITIATIVE PROJECT DATED OCTOBER 31, 2019

Chapter 40B Purpose

²⁴ M.G.L. Chapter 40B §§20-23 authorizes the issuance of a single, or comprehensive, local permit issued by the Zoning Board of Appeals, with exemptions from generally applicable local bylaws and regulations.

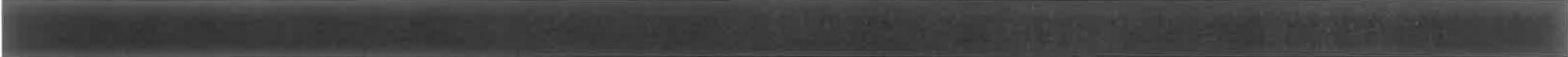
²⁵ The statute was enacted to:

- Facilitate the construction of low- and moderate-income housing;
 - Avoid perceived long delays in developers' proposals to construct affordable housing;
 - Allow waiver of local by-laws that are not "consistent with local needs."
- 

General Standards

⌘ “Consistency with Local Needs” is the central issue

⌘ Means either:

- (a) one or more of the grounds set forth in 760 CMR 56.03(1) have been met, or
 - (b) Local Requirements are reasonable in view of the regional need for Low and Moderate Income Housing, considered with the number of Low Income Persons in the affected municipality and with Local Concerns, and if such Local Requirements and Regulations are applied as equally as possible to both subsidized and unsubsidized housing.
 - The primary consideration before the ZBA under the Act is whether the need for affordable housing in the City is consistent with local needs and, as it contemplates any conditions, whether those conditions make the operation or construction of the proposed housing “Uneconomic” and not “Consistent with Local Needs” as defined in 760 CMR 56.00.
 - Presumption weighs in favor of a proposed affordable housing development over local needs considerations when the municipality is below 10% of its Subsidized Housing Inventory (“SHI”) as is the case in the City of Peabody.
- 

Consistency with City of Peabody Housing Production Plan

- ☞ The City of Peabody needs to increase the supply of housing at a variety of levels of affordability, including both rental and homeownership options.
 - ☞ The Residences at Farm Avenue will revitalize and spur future high-quality development in the surrounding area.
 - ☞ The City of Peabody has met approximately 9.3% of the required subsidized housing inventory mandate. The Residences at Farm Avenue will achieve the City's 10% requirement consistent with the City's Housing Production Plan with 6 units to spare.
 - ☞ The City's Inclusionary Zoning Ordinance would only require 17 affordable units as opposed to the 29 units proposed pursuant to this Application. All 116 units, however, will count toward the subsidized housing inventory under the LIP.
- 

Application Under the Local Initiative Program

- The Residences at Farm Avenue has received the support of the City of Peabody and has been endorsed by the Mayor.
 - The Local Initiative Program is a state program that encourages the creation of affordable housing by providing technical assistance to communities and developers who are working together to create affordable rental opportunities.
 - 25-percent of units must be subject to use restrictions to ensure that they remain in a community's affordable housing stock and must be sold or rented on a fair and open basis.
 - All units in the development (116 units) count toward the City's Affordable Housing Inventory.
 - The Residences at Farm Avenue is not subsidized housing; it is a mix of market rate and affordable housing designed to assist City residents earning below 80% of the area median income.
 - **The Residences at Farm Avenue will designate 70% of these affordable units for local preference.**
- 

Development Summary

- Project location is 0 Forest Street and 27R Farm Avenue located in the Designated Development District (DDD).
 - 116 Units of Rental Housing (All 116 Units count toward Subsidized Housing Inventory)
 - 57 One-Bedroom
 - 45 Two-Bedroom
 - 14 Three-Bedroom
 - Proposed 29,750-sf., six story (5 story above parking deck) building.
 - ⌘ There are 152 parking spaces proposed: 80 garage spaces and 72 exterior spaces with a total of 6 accessible parking spaces for the facility in compliance with ADA and Mass AAB guidelines.
 - ⌘ Parking based on approximately 1 space per 1-bedroom unit, 1.5 spaces per 2-bedroom unit and 2 spaces per 3-bedroom unit.
 - Served by municipal water and wastewater.
- 

Status Update

- ⌘ The City current Subsidized Housing Inventory requires an additional 110 units of "Affordable Housing" to reach its mandate of 10%.
 - ⌘ The City, through its Department of Public Services, the Department of Planning and Community Development and the Mayor's office have worked constructively and collaboratively with the Applicant's development team over the past several month to conclude peer review.
 - ⌘ Peer review, conducted through the city's Peer Review contractors and paid for by the Applicant, reviewed the technical aspects of the Application including stormwater and environmental status of the property, traffic, stormwater and water connections.
 - ⌘ The Applicant has addressed each outstanding peer review item **and it is ready to conclude its presentation before the Board.**
- 

Municipal Services and the Act

- The Residences at Farm Avenue will revitalize and spur future high-quality development in the surrounding area.
 - Difficulties in providing municipal services should not stand in the way of affordable housing in the context of the Act, particularly under 760 CMR 56.07(2)(a)4. Denial or approval with conditions of a Comprehensive Permit are only upheld when the ZBA proves that installation of adequate services is not technically feasible or is not financially feasible due to unusual geographical or environmental circumstances.
 - The Applicant is not required to address existing infrastructure inadequacies particularly when the entire neighborhood, in this case, and the municipality would benefit from the proposed improvements.
- 

Peer Review Standards

Ⓜ “Consultant Review”, governed by the provisions of 760 CMR 56.05 (5). Its purpose is to assist the ZBA in reviewing such matters as civil engineering, transportation, environmental resources, design review of buildings and the site among other things presented by the Applicant and solely confined to the Application.

Ⓜ Peer review :

- Consists of review of studies prepared on behalf of the Applicant, and not of independent studies on behalf of the ZBA
- Relates to the Applicant’s specific Project

Ⓜ All written results and reports are made part of the record before the ZBA in connection with rendering its decision on the Application.

ZBA Action based on Peer Review

- While the ZBA may use peer review to assist it in reviewing the Application, it is not confined to it in rendering its decision on the Application.
 - The ZBA should not consider, let alone condition its Comprehensive Permit decision based on any statements made by peer review consultants lacking any evidence or technical support rendering them conclusory.
- 

Technical Reviews

HAYES ENGINEERING, INC.



Summary

- Exhaustive Peer Review confirmed much of the design
 - Modifications to the plans through a collaborative process with DPS and the consultants has resulted in the final plan set that appears before you
 - Those comments that did not result in changes are typical of pre-construction conditions (i.e., inspection and submittal requirements) that the Applicant is amenable to inclusion in the decision
- 

Water – Weston & Sampson

- Weston & Sampson concurs that the 1,800-gpm available under current water system configuration is sufficient to supply project needs.
 - The Applicant is amenable to providing a second on-site hydrant if required by the Peabody Fire Department, siting to be approved by DPS.
- 

Stormwater – Horsley Whitten

- Horsley Whitten Group requesting updates to Operation and Maintenance Plans, Responsible Parties, NPDES General Permit prior to construction
 - The Applicant is amenable to providing this information prior to construction or prior to occupancy as recommended
- 

Traffic – WorldTech Engineering

- Concern with assumptions on direction of travel exiting the site
 - Revised calculations to assume 100% of traffic exited to Dearborn Road, no change to LOS
 - Revised calculations to assume 100% of traffic exited to Forest Street, no change to LOS
- The Peer Review Consultant and DPS remaining comments focus on:
 - Lack of sidewalks on the site driveway
 - Parking Ratio and Configuration

Traffic and Pedestrian Access

- The Applicant believes in the importance of pedestrian open space and has proposed them within the site as depicted on the plans.
 - Because of the lack of a sidewalk network infrastructure outside of the Development site on Farm Avenue, the Applicant proposes a \$25,000 contribution to be earmarked for development of sidewalks in any location the City deems a priority.
 - The Applicant initially suggested a more conservative amount which we agreed to increase on the Mayor's request.
 - This is in lieu of encouraging pedestrian access from the site to Farm Avenue where there are none within 1/4-mile radius of the site.
 - The Applicant is also willing to agree to a condition which restricts the access driveway to private ownership for which the City will never be responsible to maintain or install sidewalks.
 - The Applicant also proposes to join the North Shore Transportation Management Association.
- 



North Shore Transportation Management Association

- The North Shore Transportation Management Association (TMA) is a non-profit transportation and environmental organization that is working to address transportation issues in Beverly, Danvers, Lynn, Peabody, and Salem.
- The NSTMA earns its revenue through membership dues, a \$3,000 annual commitment paid by the Applicant, received from our members and through a grant provided by [MassDOT](#). It reinvests that money to provide solutions and incentive programs to commuters on Massachusetts' North Shore who are committed to sharing their commute (via ridesharing, biking, walking or taking public transportation to/from work).
- The North Shore TMA's mission is to reduce traffic congestion and vehicle emissions, improve air quality, and enhance access by promoting and advocating for transportation options that support environmental / sustainability goals and promote business and municipal economic development objectives.
- The North Shore TMA is the 11th TMA in Massachusetts. It is a part of a larger organization called MassCommute, which represents more than 200 companies and nearly 200,000 Massachusetts employees.



North Shore Transportation Management Association Benefits

The North Shore Transportation Management Association (NSTMA) has established personalized transportation programs for its member companies and their employees including: carpool/vanpool matching; promotional events; guaranteed ride home program; personalized commute planning; park and ride information; general transportation information; and links to public transportation ([MBTA](#), [Salem Ferry](#)).

Your company's tax deductible membership to the North Shore TMA provides your company with a number of benefits available to member tenants and employees free of charge:

- ✓ Carpool and vanpool formation assistance
- ✓ Commute planning assistance
- ✓ Biking programs
- ✓ Guaranteed Ride Home program
- ✓ Incentive programs
- ✓ Regional ride matching

Sidewalks

Due to the lack of sidewalks proximate the site the Applicant would prefer to provide the City with the estimated construction cost for the addition of 600 linear feet of on-site sidewalks to the City for use improving pedestrian access throughout the City



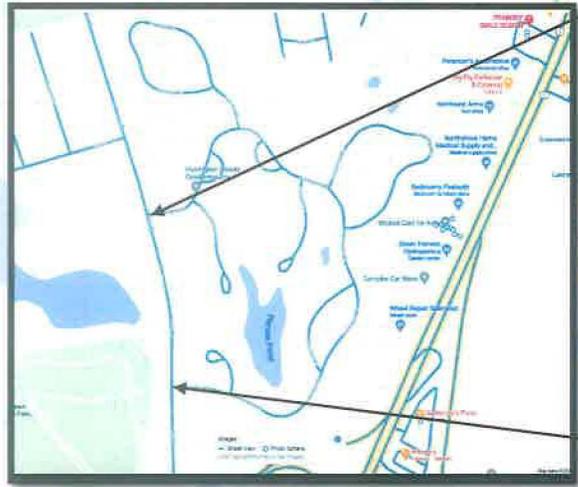
Consistent with Similar Developments

▪ The Applicant has identified a number of similar housing developments in the City of Peabody that:

- Provide no on-site sidewalks (The Residences provides walkways within the project),
- Provide no connection to City sidewalks in the project vicinity, or
- Both

HUNTINGTON WOOD

Peabody, Ma.



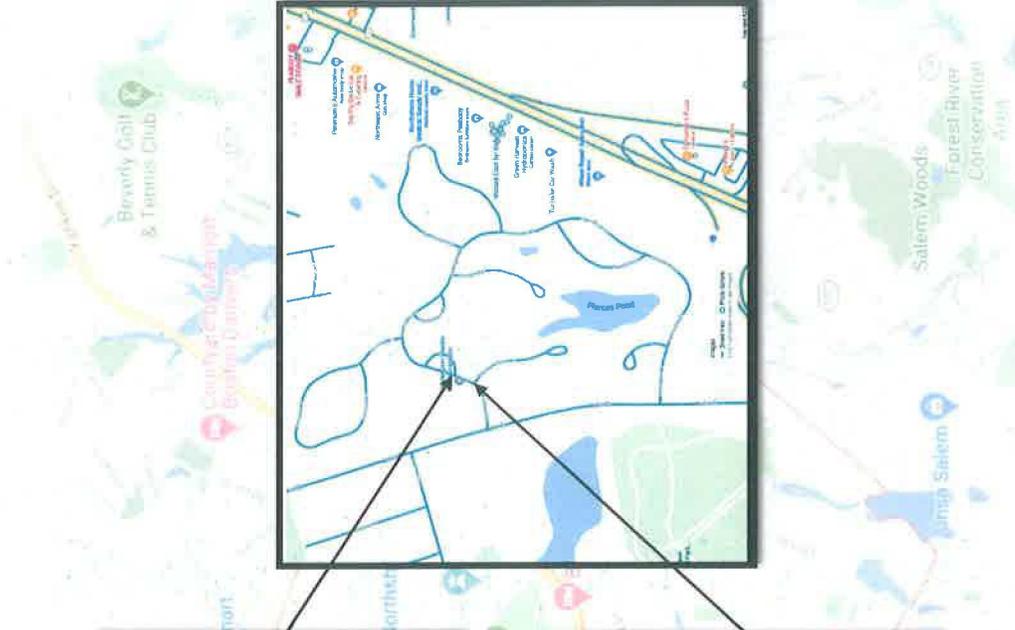
233 Total Units



Huntington Drive Entrance #1



Huntington Drive Entrance #2



Widow's Pond
Hollow Tree Court
Salem Country Club



Pheasant Creek Lane
Salem Municipal Golf Course





Foxwood Circle



Huckleberry Court

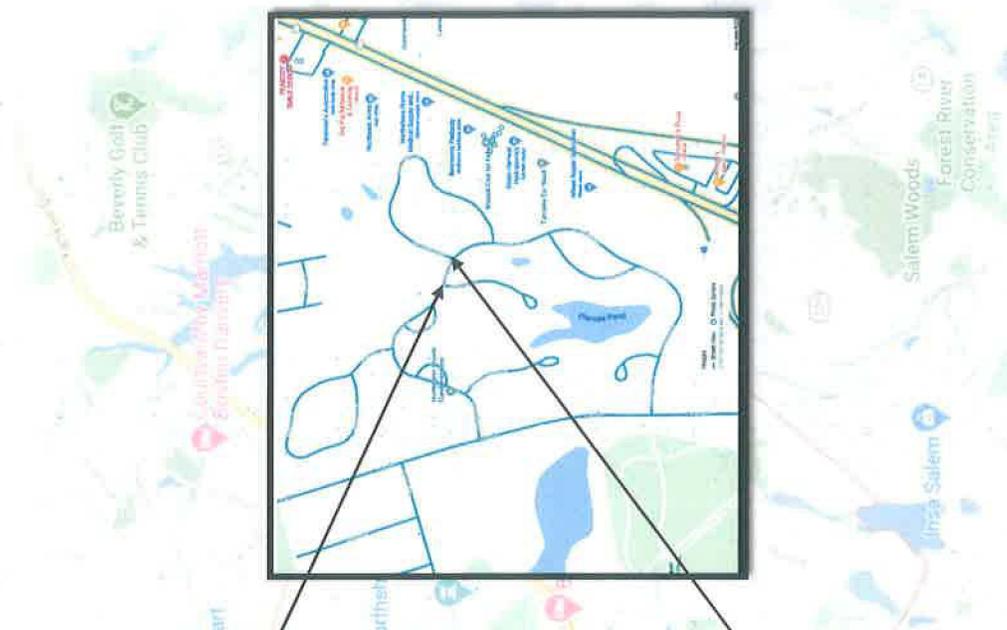
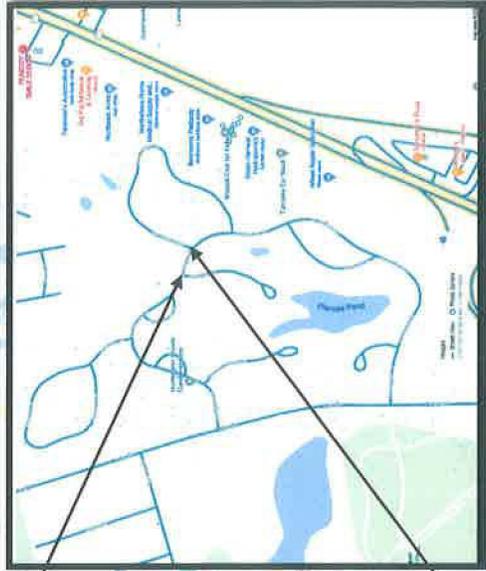




Wilmington
Postgate Lane Salem Country Club



Woodbridge Road Municipal Golf Course

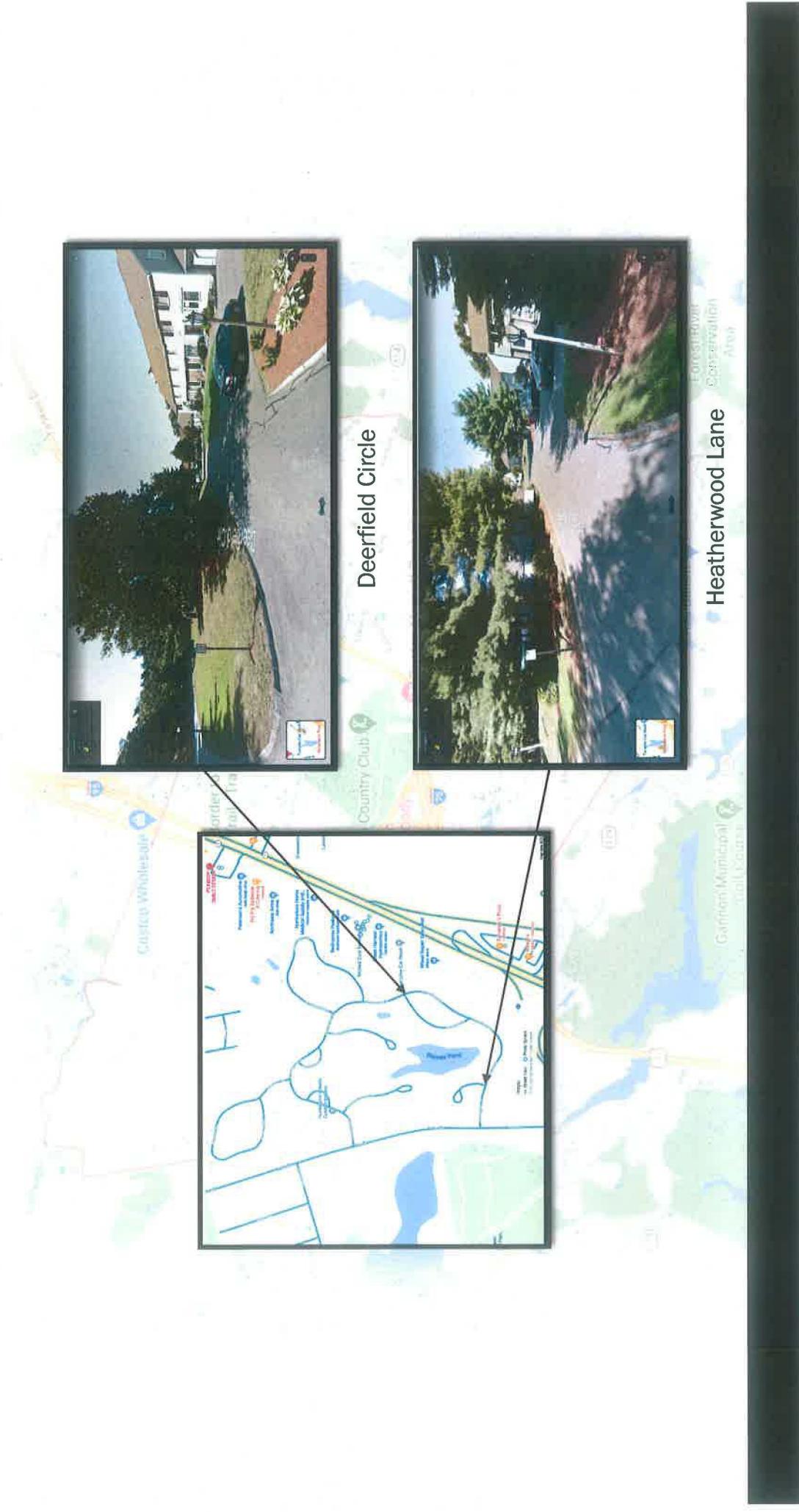
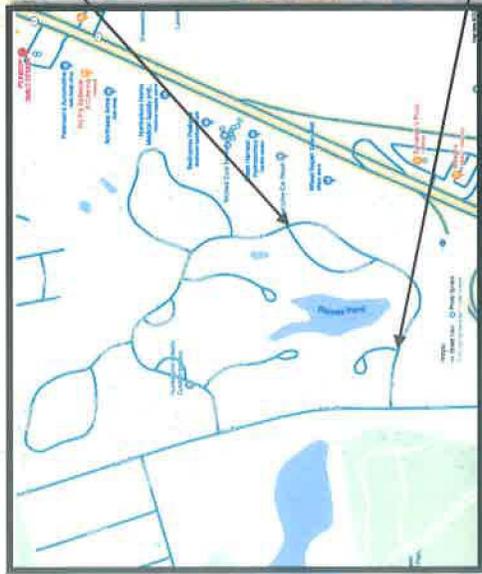




Deerfield Circle



Heatherwood Lane



LEDGEWOOD

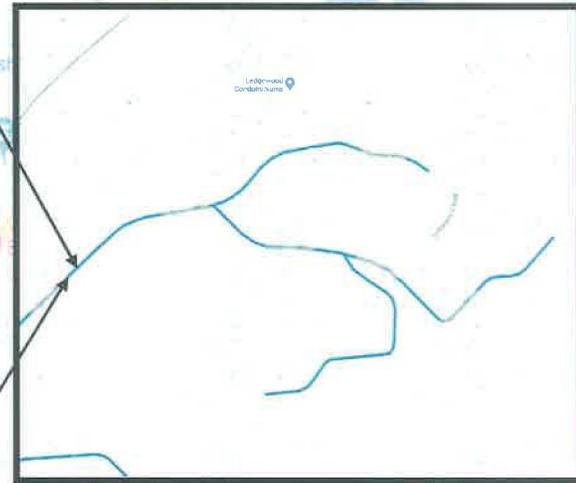
Peabody, Ma.



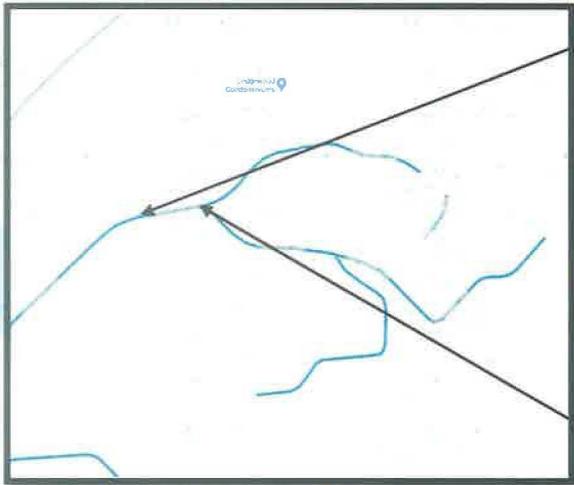
LedgeWood Way Entrance #1



LedgeWood Way Entrance #2



327 Total Units



Buildings #2-4



Buildings #9-12

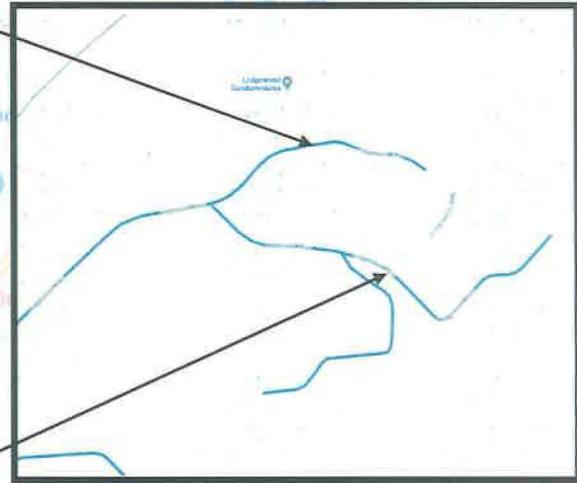


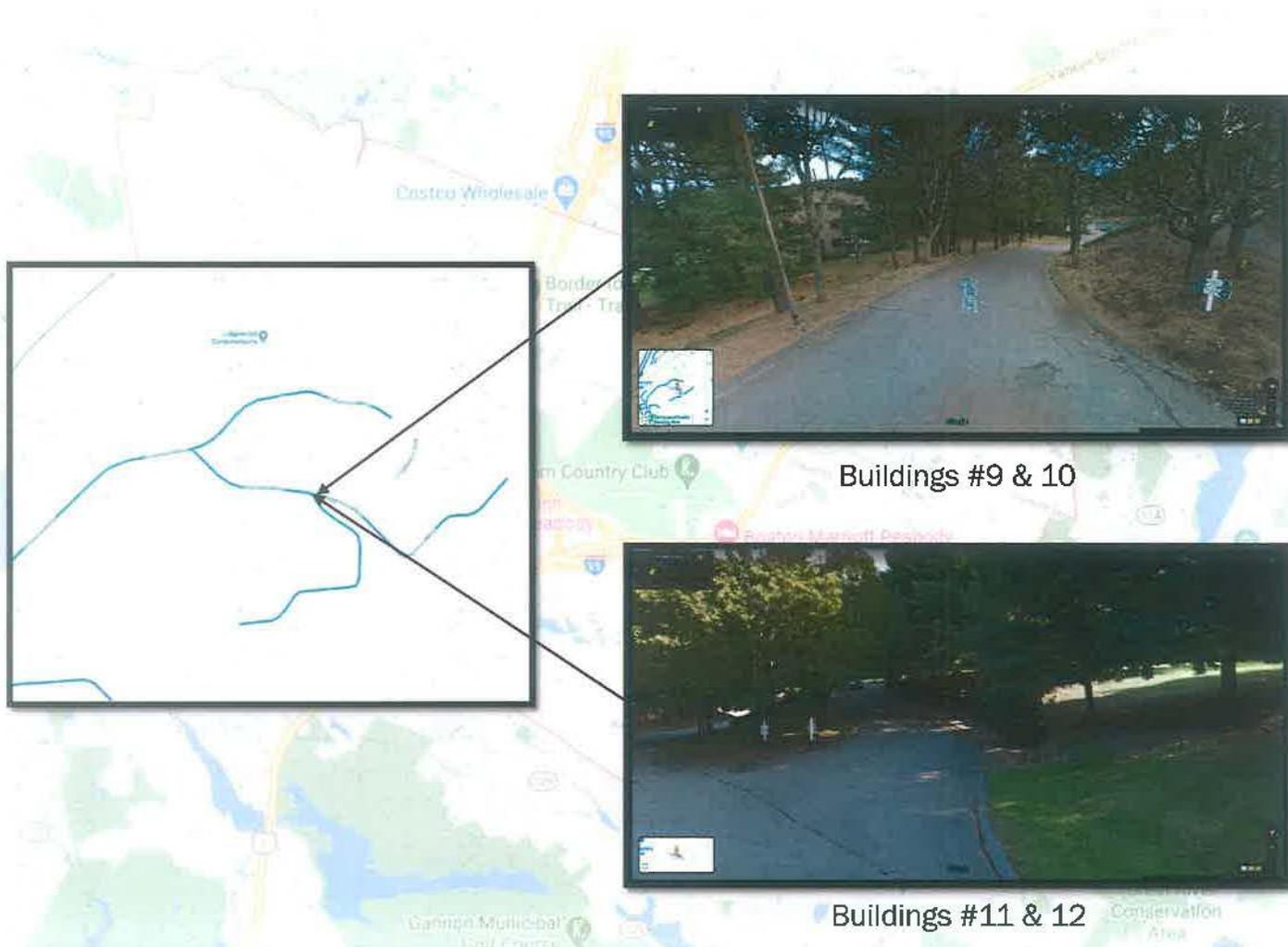


Building #5



Buildings #9 & 10





Buildings #9 & 10

Buildings #11 & 12



CEDAR POND VILLAGE

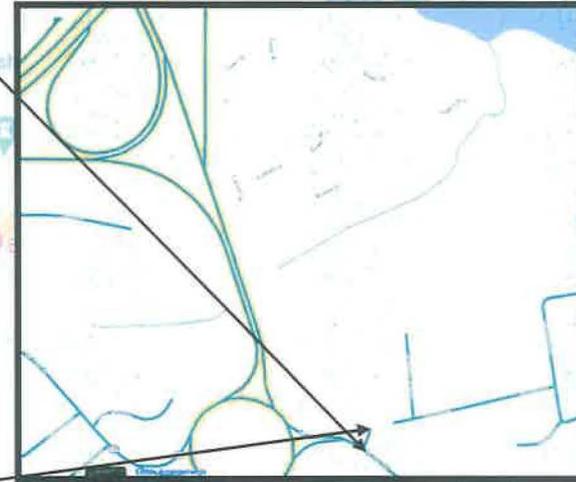
Peabody, Ma.



Cedar Pond Village Entrance



Lantern Street

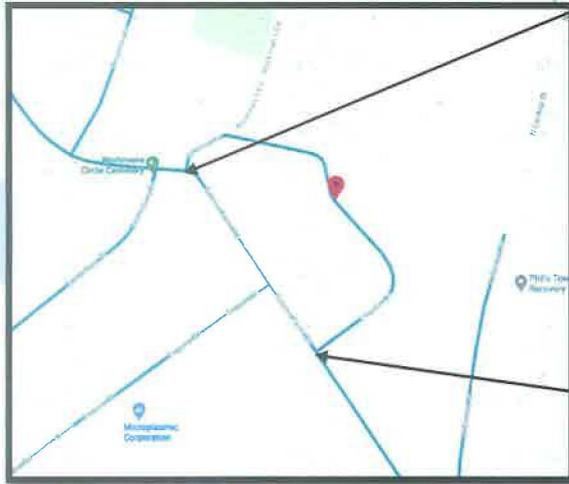


194 Total Units



ESQUIRE CIRCLE

Peabody, Ma.



102 Total Units



Esquire Circle Entrance #1



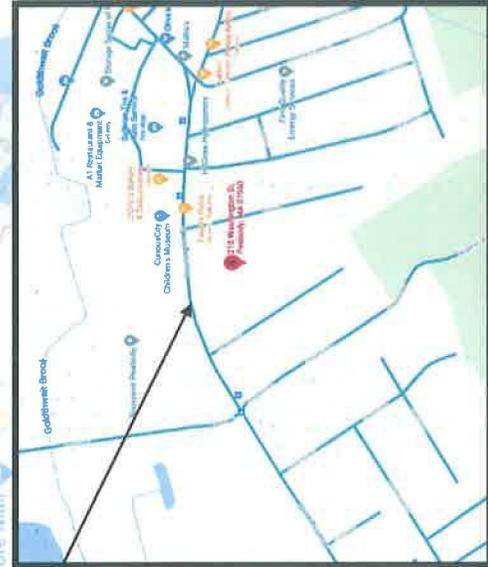
Esquire Circle Entrance #2

KEEFE HALL

Peabody, Ma.



210 Washington Street

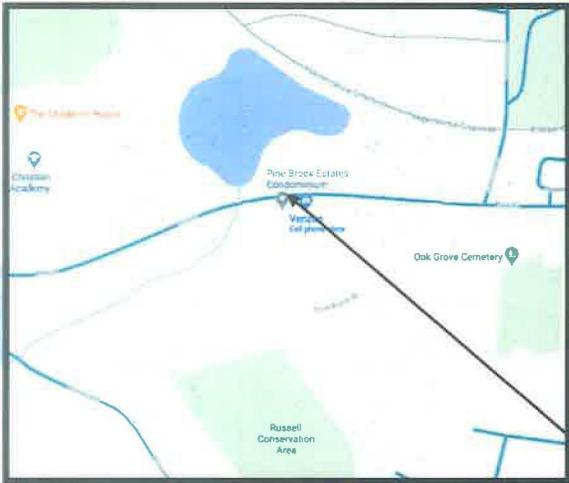


36 Total Units



PINE BROOK ESTATES

Peabody, Ma.



37 Total Units



Pine Street Entrance



TERRACE ESTATES

Peabody, Ma.



Shore Drive Entrance #1



Shore Drive Entrance #2



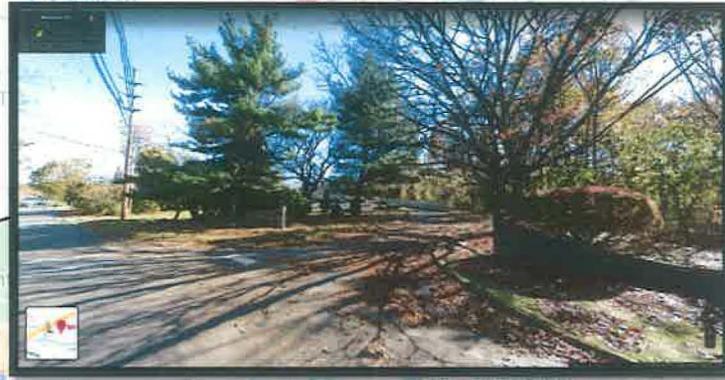
553 Total Units

CHATEAU ROYALE

Peabody, Ma.



40 Total Units



Esquire Circle Entrance #1

14 NORTH

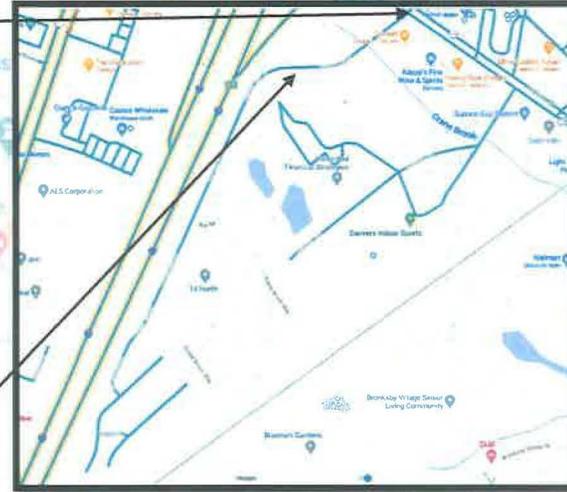
Peabody, Ma.



Rt. 114 / Avalon Bay Drive Entrance



Avalon Bay Drive



309 Total Units

14 NORTH

Peabody, Ma.



309 Total Units



14 North / Bay Drive Entrance



14 North / Crane Brook Way Entrance

BOURBON STREET

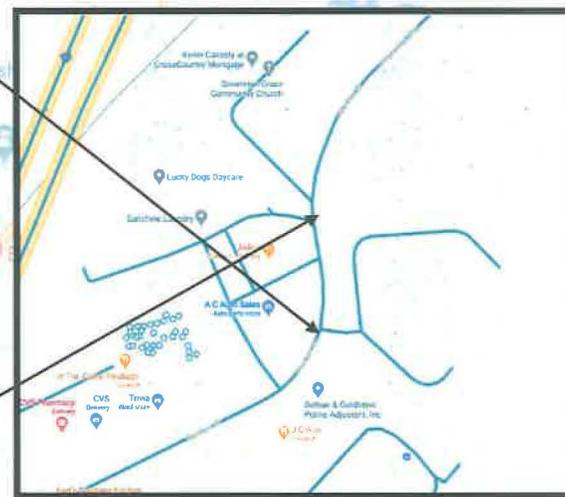
Peabody, Ma.



Bourbon Street Entrance #1



Bourbon Street Entrance #2



100 Total Units

8 & 10 Crowninshield Street

Peabody, Ma.



96 Total Units



Crowninshield Entrance #1



Crowninshield Entrance #2