OCTOBER 26, 2020
SPECIAL
ZBA

City of Peabody
Zoning Board of Appeals

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

OCTOBER 26, 2020 ZBA AGENDA
LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT THERE WILL BE A REMOTE PARTICIPATION MEETING OF THE ZONING BOARD OF APPEALS ON MONDAY, OCTOBER 26, 2020, 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/876 0265 2947**
- Enter this link into your web browser to open the Zoom website: https://zoom.us/join. Enter the meeting/webinar ID# **876 0265 2947** as directed on the webpage and click "Join". Follow the on-screen instructions to join the meeting.
- Participants can dial a toll-free number **+1 301 715 8592** to join the meeting. When prompted, enter meeting/webinar ID# **876 0265 2947** and follow the instructions to join the meeting.

THE AGENDA FOR THIS MEETING IS POSTED ON THE CITY OF PEABODY WEBSITE.

PEABODY ACCESS TELEVISION WILL BE AIRING THIS MEETING LIVE ON CHANNEL 9, AS WELL AS STREAMING ON THEIR FACEBOOK AND YOUTUBE PLATFORMS.

IF YOU WISH TO COMMENT ON OR REVIEW ANY PLANS OR DOCUMENTS RELATED TO ITEMS ON THIS AGENDA PLEASE CONTACT CARLA MCGRATH VIA PHONE, E-MAIL OR WRITTEN LETTER. ANY E-MAIL OR WRITTEN COMMENTS MUST BE RECEIVED BEFORE OCTOBER 16, 2020.

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

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OCTOBER 26, 2020 AGENDA

SPECIAL MEETING

1. 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**.

2. Continued application of **40 Oak Street Development, LLC,** for a **Chapter 40B Comprehensive Permit Application** as it applies to the premise known as **40 Oak Street, Peabody, MA, Map 095, Lot 089X.** Petitioner seeks to construct 80 rental units. The property is located in an **R4 Zoning District**.

CORRESPONDENCE

BUSINESS

Any other matters before the Board

Acceptance of Meeting Minutes

Next Meeting Date

Adjourn

October 26, 2020 ZBA MEETING MINUTES

A special meeting of the Peabody Zoning Board of Appeals was held virtually on Monday October 26, 2020 at 7:00 via Zoom

MEMBERS PRESENT	MEMBERS ABSENT
Frances Bisazza-Gallugi, Chairperson	Keith Slattery (A)
Barry Osborne	
Daniel Sencabaugh, Secretary	
Ed Colbert	
Julie Picardi	
Stephen Zolotas	

SPECIAL MEETING

Ms. Gallugi addressed the attorneys, applicants and audience in regard to the meeting process.

1. 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**.

(Letter to request continuance was read into the record and made part of these minutes)

Stephen Zolotas: Motion to accept continuance and continue to October 26, 2020 7pm

Barry Osborne: Second

Motion to approve and continue to Nov. 16th was made accepted and approved by roll call vote (5-0) in favor

2. Continued application of **40 Oak Street Development, LLC,** for a **Chapter 40B Comprehensive Permit Application** as it applies to the premise known as **40 Oak Street, Peabody, MA, Map 095, Lot 089X.** Petitioner seeks to construct 80 rental units. The property is located in an **R4 Zoning District**.

(Letter to request continuance was read into the record and made part of these minutes)

Stephen Zolotas: Motion to accept continuance and continue to October 26, 2020 at 7pm.

Julie Picardi: Second

Motion to approve and continue to December 14, 2020 was made accepted and approved by roll call vote (5-0) in favor

Stephen Zolotas: Motion to approve meeting minutes

Julie Picardi: Second

Motion to approve was made accepted and approved by roll call vote (5-0) in favor

Motion to close Public Hearing was made, seconded and approved.

Next Regular Meeting November 9, 2020 7pm

Meeting adjourned

#2

City of Peabody
DEPARTMENT OF PUBLIC SERVICES
50 FARM AVENUE
PEABODY, MASSACHUSETTS 01960-3902
TELEPHONE (978) 536-0600 • FAX (978) 535-3754

CITY ENGINEER
MUNICIPAL GARAGE
SOLID WASTE

WATER SUPPLY
SANITARY SEWERS
STREETS & DRAINAGE

MEMO TO: Peabody Zoning Board of Appeals

FROM: William Paulitz, P.E., City Engineer William Paulitz 9/8/2020

SUBJECT: 40 Oak Street

DATE: September 8, 2020

cc: Robert LaBossiere, Director (via email)
Curt Bellavance, Community Development Director (via email)
Captain Scott Richards, Peabody Police Department (via email)
Councilor Peter McGinn, Ward Councilor (via email)
Peabody Conservation Commission
Alan Cloutier, P.E., PTOE, Director of Transportation, WorldTECH Engineering (via email)
Erik Swanson, P.E., Senior Project Manager, Hancock Associates (via email)
Scott Thornton, P.E., Senior Associate, Vanasse & Associates, Inc. (via email)
Michael Larkin (via email)

****

The Department of Public Services is in receipt of the following documents for the 40 Oak Street development:

1) Eastern Land Survey Associates, Inc. Site Development Permit Plan dated June 13, 2016
2) The MZO Group Architectural Plans dated August 10, 2016
3) Appendix for the Vanasse & Associates, Inc. Transportation Impact Assessment dated July 2018
4) Chapter 40B Comprehensive Permit Application for 40 Oak Street dated May 22, 2019
5) WorldTECH Engineering Traffic Impact Peer Review dated February 21, 2020
6) Weston & Sampson Water Service Peer Review dated February 27, 2020
7) Hancock Associates, Inc. Permit Site Plan dated March 3, 2020
8) Hancock Associates, Inc. Stormwater Report dated March 2020
9) Tighe & Bond Wastewater Peer Review dated March 10, 2020
10) Vanasse & Associates, Inc. Traffic Impact Response Letter (WorldTECH) dated August 19, 2020
11) Vanasse & Associates, Inc. Traffic Impact Response Letter (Peabody) dated August 19, 2020
12) WorldTECH Engineering Traffic Impact Response Letter dated August 27, 2020
13) Horsley Whitten Group Stormwater/Environmental Peer Review dated August 31, 2020

We offer the following comments:

Traffic/Pedestrian Access

The project is expected to increase traffic in the following manner:

a. A 6% increase in traffic volume on Oak Street west of the development in the morning peak hour.
b. A 12% increase in traffic volume on Oak Street east of the development in the evening peak hour.
c. A daily 8% increase in traffic volume on Oak Street both east and west of the development.
d. Pedestrian and bicycle traffic on Oak Street and Littles Lane

The applicant has failed to address the following comments:

1. The applicant shall determine the existing site distances at the following intersections:
    e. Oak Street at Winter Street
    f. Oak Street at Sanborn Street
    g. Oak Street at Foster Street
    h. Washington Street at Oak Street
    i. Washington Street at Aborn Street

2. Due to the increase in vehicle traffic, the applicant shall address improvements at the Oak Street/Winter Street intersection.

3. Due to the increase in pedestrian, bicycle and vehicle volumes created by this project, the applicant shall provide mitigation along the entire Oak Street corridor (to include the intersections of Washington Street, Sanborn Street, Winter Street and Foster Street) in respect to:
    a. Sidewalks
    b. Pavement Condition
    c. Pavement Markings
    d. Signage

4. The applicant shall provide mitigation for the increase in pedestrian traffic by installing new ADA compliant ramps and curb extensions (listed as priority #6 in the City's 2017 Complete Street Prioritization Plan) at the following intersections:
    a. Washington Street and Aborn Street
    b. Washington Street and Oak Street

5. Due to the increase in pedestrian and bicycle volumes created by this project, the applicant shall address the lack of pedestrian and bicycle accommodations along Elliott Place, Spring Street and Little's Lane.

6. There does not appear to be a way for the residents to access the sidewalk on Oak Street from the main building without having to walk through the parking lot. The applicant shall address this lack of onsite pedestrian access.

7. The applicant states they are providing a parking ratio of 1.58 parking spots per unit, but this is utilizing 20 tandem spots. Without the use of these tandem parking spots their parking ratio is down to 1.32 just above the average parking demand of 1.31 spots per unit. It should be pointed out the 1.31 spots per unit is an average ratio based upon 73 case studies that the parking demands ranged from 0.75- 2.03 spots per unit. The applicant should justify the 20 tandem parking spots being proposed as part of their proposal. The reduction of onsite parking may force overflow parking into the neighboring streets.

   In addition, the applicant should state what the average parking ratio is for the 8 townhouse units per the Institute of Transportation Engineers Parking Generation Manual 5th edition. This ratio may be higher than that of 1.31 for a multifamily mid-rise building.

8. The applicant shall address the lack of snow storage on the site by identifying the designated snow storage areas on the property. Snow cannot be stored in designated parking areas as this will force people to park on the local streets during the winter months.

9. The applicant shall address the lack of dumpsters on the property.

10. Curb cut and sidewalk details need to be submitted for the project.

Wastewater

1. The applicant's project is expected to increase their sewer loading from 300 GPD (current use) to 15,400 GPD (140-bedrooms), an increase of 15,100 GPD. The applicant will be subject to removing 200% (30,200 GPD) of these additional flows through either an inflow/infiltration (I/I) project assigned by the City or through a monetary payment into the City' I/I removal fund.

2. The applicant will be responsible for having a certified Manhole Assessment Certification Program (MACP) contractor perform inspections on the 9 sewer manholes associated with the Oak Street sewer main. These inspections shall comply with NASSCO's Manhole Assessment (MACP) level 2 protocols. These sewer manhole inspections shall be coordinated with the Public Services Department.

Water/Fire Protection

In discussions with the City's water consultant Weston & Sampson and the Peabody Fire Prevention Office, it was determined that the following needs to be done for the building to receive adequate water pressure and fire flows:

1. The project's proponent will be required to install a new 12-inch water main to replace the existing 6-inch water main on Oak Street from the intersection of Washington Street to a new hydrant at their driveway entrance way.

2. The applicant will need to loop an 8-inch water main through their property as previously shown on the Eastern Land Survey Associates plan. This water main is to connect to the new 12-inch watermain on Oak Street and loop through to the existing water main on Little's Lane.

3. The applicant will need to install a total of 3 fire hydrants for the project.
    a. The first hydrant will be at the project's entrance off the 12-inch watermain on Oak Street. This hydrant is to be positioned so that the Fire Department can connect to the hydrant as they pull into the site.

    b. The second hydrant will need to be installed within a set distance established by the Peabody Fire Prevention Office to the building's sprinkler room. This hydrant will need to be off of the 8-inch watermain.

    c. The third hydrant will be in the rear of the property by the Little's Lane access way. This hydrant will also be off of the 8-inch watermain that the proponent is proposing to loop through their property.

    d. The Peabody Fire Department may require additional fire hydrants to be installed as part of this project. All future hydrant locations need to be approved by this Department.

Stormwater/Environmental

In addition to the items listed in the attached Horsley Whitten Group Stormwater/Environmental Peer Review dated August 31, 2020 we offer the following comments:

1. Partner Engineering and Science, Inc.'s 2016 Phase I Environmental Site Assessment Report Elk's Lodge #1409 dated June 21, 2016 recommends *a limited subsurface investigation should be conducted in order to determine the presence or absence of former USTs, subsurface collection systems, and soil and/or groundwater contamination due to the former use of the subject property as an auto garage and auto repair facility (from about 1914 to at least 1949).*

2. The wetland flags with their associated numbers shall be shown on the site plans.

3. The site is located within the FEMA 1% Annual Chance Flood Plain (100-year Flood Plain), which is designated at elevation 27. The lowest part of the applicant's property is at elevation 19.9.

4. The site plans call for the main building's parking area to be between elevations 20.6 – 23.0. With a flood plain elevation of 27, every year there is a 1% chance the main building could be surrounded with up to 6.4-feet of flood water.

5. The applicant will need to submit calculations showing that there is no loss to the 1% Annual Chance Flood Plain as a result of this project.

6. All proposed retaining walls shall be designed to prevent ponding on the applicant's and/or abutter's property.

7. This project shall minimize the amount of impervious area to the greatest extent possible and maximize the amount of stormwater infiltration on the site.

8. No additional stormwater will be allowed to enter the municipal drainage system on Oak Street.

9. The applicant's stormwater calculations shall include all contributing areas to the existing and proposed sub-catchment areas (i.e. abutting properties).

10. The applicant shall provide stormwater calculations for pre and post runoff rates for the 100-year storm event.

11. The applicant shall provide stormwater calculations that show pre and post runoff volumes in ac-feet for the 2-year, 10-year, 25-year and 100-year storm events.

12. Total suspended solids shall be mitigated onsite and not allowed to enter the municipal drainage system. The applicant shall provide documentation that the pretreatment structure being proposed will provide the required TTS removal. Per DEP guidelines the Stormceptor 450i will not achieve the 80% TSS removal requirements.

13. The applicant needs to provide details on their proposed blue roof.

14. A separate reinforced concrete (or ductile iron) drain line and associated 30-foot wide easement shall be provided from Elliot Place/Little's Lane to Oak Street as part of this development. The proposed drain easement shall be clear of privately-owned utilities, including drainage structures not owned by the City.

15. The applicant will be responsible for conducting and documenting an inspection of the municipal drain line and associated downstream piping system that they are planning to tie into. The inspection report shall include a copy of the closed television inspection video (in DVD format) conducted on the associated piping.

16. All stormwater piping (private or public) located in the City's right-of-way shall be reinforced concrete pipe.

17. The reinforced concrete pipe shown on the site plan that runs from a catch basin on the applicant's property and terminates within the Peabody Historical Society property shall be field located and its invert determined.

18. Both stormwater infiltration system 1 and 2 appear to be within groundwater. Soil testing needs to be conducted at both infiltration systems by a Massachusetts licensed soil evaluator and witnessed by this Department.

19. The applicant will need to provide groundwater mounding analysis for both infiltration systems.

20. The applicant needs to address how stormwater is being handled under the proposed apartment building.

21. The applicant shall provide a construction plan that shows the proposed erosion control, stockpiling, construction entrance and how the proposed infiltration areas will be protected during construction.

22. The Operation and Maintenance Plan shall be revised to provide a telephone number and mailing address for 40 Oak Street Development LLC. In addition the O&M shall direct the property owner/responsible party to mail proof of inspections and cleaning of the stormwater system to the Public Services Department c/o Environmental Engineer, 50 Farm Avenue, Peabody, MA 01960 by October 31st of every year and to retain a copy for themselves.

Should you have any questions and/or comments please feel free to contact me at 978-536-7126.

WORLDTECH ENGINEERING

WWW.WORLDTECHENGINEERING.COM

August 27, 2020

Mr. William G. Paulitz, P.E.
City Engineer
City of Peabody
Department of Public Services
50 Farm Avenue
Peabody, MA 01960

Reference: Proposed Residential Development – (40 Oak Street) - Peer Review of Traffic Impact Assessment – WorldTech Response

Dear Mr. Paulitz:

On behalf of the City of Peabody, we have reviewed the Response to Comments from Vanasse and Associates Inc (VAI), issued on August 19, 2020. The responses were based on the February 21, 2020 WorldTech Peer Review of the Traffic Impact Assessment and Site Plans for the proposed residential development at 40 Oak Street.

We have repeated our comments that needed response, followed by the VAI response. Our latest response is provided in Bold. For brevity, we have condensed some of the original comments.

Traffic Volumes and Data Collection

Traffic volume data was collected at the study area intersections by means of manual turning movement counts and automatic traffic recorder counts in March and early June of 2017. Travel speeds were also collected. Pedestrian and bicycle data was NOT collected.

VAI Response: Pedestrian and bicycle counts were conducted at the same time as the vehicular TMCs which were performed 7:00 to 9:00 AM and from 4:00 to 6:00 PM on an average weekday in June 2017. The pedestrian and bicycle counts are included in the appendix.

WorldTech Response: WorldTech reviewed the Pedestrian and Bicycle data collected in March 2017 and June 2017. The data shows that pedestrian and bicycle traffic was relatively light during the count collection.

No further response needed.

Crash Data

WorldTech Response: VAI provided supplemental material.

We have reviewed the supplemental analysis. Based on the data review at Foster Street/ Oak Street, our concern about the one-year crash spike is lessened.

Based on the updated information, the only intersection with a higher than average crash rate is Washington Street/ Aborn Street.

No further response needed.

Existing Deficiencies

There are a number of existing deficiencies within the study area that were not discussed. These deficiencies have the potential to be exacerbated by additional traffic generated by the proposed development. A brief summary of existing deficiencies include;

Oak Street pavement is in poor condition.

The sidewalks along Oak Street are in poor condition, with very little reveal, allowing the sidewalk to operate as an extension of the roadway. This reduces pedestrian safety and pedestrian comfort level. In addition, it contributes to the wide-open feel of the roadway, allowing for faster travel speeds.

There are many old, faded signs on Oak Street that may no longer be applicable. These include "Children" and "Handicapped" warning signs. The Stop sign on Winter Street southbound is faded. The signs should be removed or replaced.

There are no pavement markings at the intersection of Oak Street with Winter Street. This is an all way stop, however there are no stop lines. In addition, the signs are missing the "all-way" plaque. All stop signs should be replaced, 'all-way" plaques and stop lines should be added.

The stop sign for Oak Street is located on the left side of the road. There is no "Do Not Enter" sign facing Foster Street. There are no stop line markings at the intersection of Foster Street and Oak Street. There are also no lane markings to differentiate the Oak Street left turns from the right turns. Lane marking and signs should be added.

VAI Response: It is not the responsibility of the Applicant to address existing deficiencies in the study area.

WorldTech Response: We disagree. The proposed project will increase traffic volumes on area roadway, especially Oak Street. Off-site mitigation is appropriate.

Sight Distance

Sight Distance was measured at the proposed site driveway. As shown in Table 5, adequate intersection sight distance at the driveway will be provided.

Existing sight distance should also be reviewed at the study intersections. The intersection of Oak Street/ Winter Street has significant vegetation on the southeast corner that restricts sight distance. Since the proposed project increases the volumes on the Oak Street approach, improvements should be evaluated.

VAI Response: The intersection of Oak Street at Winter Street is an all-way stop controlled intersection. All vehicles are required to stop before proceeding through the intersection allowing for drivers to see and avoid any potential conflicts. In addition, the vegetation on the southern corner of the intersection is on private property and beyond the Applicant's ability to address. It should be noted that this intersection has a crash rate of 0.29 crashes per million entering vehicles (mev), where the state average is 0.57 crashes per mev. In addition, it is not the Applicant's responsibility to provide adequate sight distance at City intersections.

WorldTech Response: If vegetation cannot be cleared and sight distance improved, then it is important to properly sign and mark this intersection as an all-way stop control. This should be considered for off-site mitigation.

Traffic Operations Analysis

Foster Street at Oak Street

The analysis was conducted assuming that Oak Street operates as a two-lane approach, with separate left and right turn lanes. However, as identified in Table 1 of the study, Oak Street is currently marked as a one lane approach. Please rerun the capacity analysis as a one lane approach.

VAI Response: The analysis of the Foster Street at Oak Street intersection was revised such that the Oak Street approach was analyzed as a one lane approach. The results of the revised analysis are shown in Table 12R. As can be seen in Table 12R, the critical movement at this intersection operates at LOS F under all conditions during the weekday morning peak hour. Under 2018 Existing and 2025 No-Build conditions during the weekday evening peak hour this intersection operates at LOS D. Under 2025 Build conditions during the weekday evening peak hour this intersection operates at LOS E. The Synchro reports can be found in the appendix. It should be noted that while all the site traffic was expected to exit and enter the site via Oak Street, the Project does have access onto Elliot Place/Littles Lane from the back of the parking lot. Some of the Project traffic could utilize this access point, which would decrease the effect of the Project at the intersection of Foster Street with Oak Street.

WorldTech Response: Based on the capacity analysis, the delay on the Oak Street approach to Foster Street will increase from 132 to 165 seconds in the morning and from 33 seconds to 40 seconds in the evening.in the morning. Due to the impact of the project, mitigation should be considered. If mitigation is not feasible at this location, improvements can be considered at other locations to offset impacts of the project.

Washington Street at Aborn Street

The Aborn Street approach currently experiences excessive delay and queuing during the peak hours under existing conditions. The analysis tables did not show the full calculated delay and instead showed the delay as >50 seconds. There is validity to this approach, since calculating the delay is inaccurate in over capacity conditions. However, this can be misleading just how poorly this intersection operates. The analysis reports the existing delay to be over 300 seconds in the morning and 500 seconds in the evening. The volume to capacity ration is 1.96 during the morning peak hour and 2.67 during the evening peak hour under the build conditions. The study did not propose any mitigation. Mitigation should be explored at this intersection.

VAI Response: As stated, above a certain limiting value, the calculations lose their ability to predict delays. However, it should be noted that incremental effects due to the Project still show only minor changes to vehicle operations. For instance, in the weekday morning time period, the increase due to the Project is 3 trips which results in a vehicle queue increase of 7 feet over the course of the hour. Similarly, during the weekday evening peak hour, the increase due to the Project is 22 trips which results in a vehicle queue increase of 34 feet or one additional vehicle over the course of the hour. The Project is not responsible to mitigate existing deficiencies and the incremental impact of the project is minor.

WorldTech Response: This intersection is well over capacity, with excessive delay. If mitigation is not feasible at this location, improvements can be considered at other locations to offset impacts of the project.

Winter Street at Oak Street

This intersection was analyzed as a two-way stop-controlled intersection; however, the intersection currently operates as an all-way stop controlled intersection.

Please rerun the intersection as an all-way stop control. The volumes indicate that the intersection will operate more efficiently as a two-way stop, however, there are sight-distance constraints.

VAI Response: The analysis of Winter Street at Oak Street intersection was revised to operate as an all-way stop controlled intersection. The results of the revised analysis are shown in Table 12R. As can be seen in Table 12R, the critical movements at this intersection operate at LOS C or better under all conditions during the weekday morning peak hour and at LOS B or better during the weekday evening peak hour. The Synchro reports can be found in the appendix.

WorldTech Response: The updated analysis was reviewed and found to be thorough. As shown in the results, during the morning peak hour the westbound approach delay will increase from 17 seconds without the project, to 19 seconds with the project. Since capacity based mitigation may not be appropriate at this location, signage and pavement marking upgrades should be considered.

Site Access and Circulation

Unaddressed Site Plan Comments

- **The proposed buildings at the rear of the property are within the 100-foot wetland buffer.**
- **The driveway detail is not shown. How will residents get to the sidewalks? Will the sidewalk in front of the building be rebuilt?**
- **There doesn't appear to be any space for snow storage. What will happen following snowstorms.**
- **How will trucks access the dumpsters?**

Parking

There are 126 spaces proposed. However, as designed, 20 parking spaces are blocked. Therefore, the site effectively has 106 useable spaces. Using 106 spaces will result in a ratio of only 1.325 spaces per unit. Please provide justification for the number of provided parking spaces. If enough parking is not provided on-site, residents will park on Oak Street. Please note that ITE Parking Generation 4th edition shows an average peak parking demand of 1.23 vehicles per unit for Low/Mid-Rise apartment, however the average bedroom count was 1.7 rooms per unit. For this project, 1.75 rooms per unit is proposed.

VAI Response: The referenced 20 spaces are tandem parking spaces. Typically, tandem parking spaces are assigned to one unit that has two vehicles to park onsite. Therefore, the parking ratio is still based on 126 on-site spaces or 1.58 spaces per unit which is higher than the average peak parking demand of 1.23 vehicles per unit referenced above.

WorldTech Response: We understand that the 20 tandem spaces would be assigned to units with multiple vehicles. However, it is likely that residents might find it more convenient to park on Oak Street then to have a roommate blocking their vehicle.

Transportation Demand Management

There were no Transportation Demand Management (TDM) measures identified. Elements of TDM should be proposed. These can consist of secure bike parking, rideshare and rideshare matching, and areawide pedestrian and bicycle improvements.

VAI Response: The following TDM measures will be implemented:

- *In order to encourage the use of public transportation, the property management team will make available public transportation schedules which will be posted in a centralized location for the residents*
- *In order to encourage car/vanpooling, the property management team will identify car/vanpool resources that may be available to residents of the proposed project. This information will be posted in a centralized location for the residents.*
- *Bicycle racks will be provided on-site.*

WorldTech Response: The TDM measures are sufficient provided that safe and adequate sidewalk is provided to allow residents to access transit and alternative transportation.

Deficiencies

The following deficiencies should be addressed by this project.

- Oak Street sidewalks should be improved.
- Pavement markings and signage and the intersection of Oak Street/ Winter Street should be improved. Sight distance improvements should be evaluated.
- Pavement markings should be installed at Oak Street/Foster Street.
- Improvements along Oak Street should be evaluated, including signage, markings and pavement condition.
- A curb cut/construction plan should be provided showing the modifications to the roadway and sidewalk at the proposed site driveways.

VAI Response: The existing deficiencies noted above are not the responsibility of the Applicant to address. The Project will reconstruct the sidewalks along the site frontage and prepare a curb cut plan depicting the proposed changes to Oak Street along the site frontage and the driveways.

WorldTech Response: The curb cut plan and modification to the sidewalk along the frontage are part of the site development. However, offsite mitigation should still be considered to mitigate development related impacts.

Summary

The consultant has provided the requested data and analysis. At this stage the only issues remaining are potential off-site mitigation as well as unresolved site plan comments. The recommended improvements consist of the following.

- Oak Street sidewalks should be improved.
- Pavement markings and signage and the intersection of Oak Street/ Winter Street should be improved.
- Pavement markings should be installed at Oak Street/Foster Street.
- Improvements along Oak Street should be evaluated, including signage, markings and pavement condition.
- A curb cut/construction plan should be provided showing the modifications to the roadway and sidewalk at the proposed site driveways.
- Unresolved site plan comments.
    - The proposed buildings at the rear of the property are within the 100-foot wetland buffer.
    - The driveway detail is not shown. How will residents get to the sidewalks? Will the sidewalk in front of the building be rebuilt?
    - There doesn't appear to be any space for snow storage. What will happen following snowstorms.
    - How will trucks access the dumpsters?

If you have any questions or require additional information, please feel free to contact me directly at any time.

Sincerely,

WORLDTECH ENGINEERING, LLC

Alan T. Cloutier, P.E., PTOE

Horsley Witten Group
Sustainable Environmental Solutions
112 Water Street • 6th Floor • Boston, MA 02109
857-263-8193 • horsleywitten.com

August 31, 2020

Mr. William G. Paulitz
City of Peabody
Department of Public Services
50 Farm Avenue
Peabody, MA 01960

Re: Engineering Peer Review
Residences at O'Shea Field: 40 Oak Street, Peabody, MA

Dear Mr. Paulitz:

The Horsley Witten Group, Inc. (HW) is pleased to provide the Peabody Zoning Board of Appeals with this letter report summarizing our initial peer review for the residential development proposed at 40 Oak Street, Peabody, MA. The plans were prepared for 40 Oak Street Development, LLC (Applicant) by Hancock Associates. The Project Site is on a 1.6±-acre parcel accessed from Oak Street with a secondary access to Littles Lane. Currently, the site is greater than 80% impervious, consisting of an existing building and large paved parking lot. The site is generally flat. The proposed project includes construction of a 74-unit apartment building, 8-units of townhouses, paved vehicular and pedestrian access, parking areas, landscaping, utilities, and improved stormwater management.

The site is within the 100-year flood plain (Zone AE, elevation 27) according to the FEMA flood mapping. There are wetlands just to the east of the site on the Peabody Historical Society property. Approximately 19,500 square feet (SF) of the site is located within the 100-foot buffer zone of the wetlands. The proposed redevelopment project is within the jurisdiction of the Peabody Conservation Commission.

HW received the following documents and plans related to the proposed development:

- Comprehensive Permit Application, Residences at O'Shea Field at 40 Oak Street, Peabody, MA 01960, dated July 11, 2019.
- Stormwater Report in Support of Comprehensive Permit Filing, for 40 Oak Street Development, LLC, prepared by Hancock Associates, dated March 2020.
- Soil Logs conducted in March 2014 and in January 2020.
- Memorandum to Peabody Zoning Board of Appeals, from Peabody Department of Public Services, regarding 40 Oak Street, dated March 10, 2020.
- Permit Site Plan, The Residences at O'Shea Field, 40 Oak Street, Peabody, Massachusetts, prepared by Hancock Associates, dated March 3, 2020, which includes:
  - Title Sheet 1 of 6
  - Existing Conditions Plan (Eastern Land Survey Assoc., Inc.) 2 of 7
  - Layout & Materials Plan 3 of 6
  - Grading and Utility Plan 4 of 6

o Landscaping & Lighting Plan	5 of 6
o Site Details	6 of 6

Site Visit

HW staff conducting a site visit of the property at 40 Oak Street on Friday August 28, 2020 to confirm the existing site conditions and verify field assumptions reported in the Applicant's submission package.

Environmental Due Diligence Review: ASTM Phase I Report

HW conducted a peer review of the report titled *Phase I-Environmental Site Assessment, Elk's Lodge #1409,* prepared by Partner Engineering and Science, Inc. and dated June 21, 2016 (the "2016 Phase I Report"). This peer review focused on determining the completeness of the 2016 Phase I Report regarding Recognized Environmental Conditions (RECs), Historical Recognized Conditions (HRECs) and Controlled Recognized Conditions (CRECs). ASTM E 1527-13 defines these as follows:

- REC: "the presence, or likely presence of any hazardous substances or petroleum products in, on or at a property: (1) due to release to the environment, (2) under conditions indicative of a release to the environment, or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions."
- HREC: "a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)."
- CREC: "a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)."

The 2016 Phase I Report identified the following:

- At the time of reconnaissance (June 16, 2016), the 1.61-acre property was occupied by an Elk's Lodge (the "Subject Property") which consisted of a lounge/bar, a function hall and a small kitchen. The property has been occupied by the Elk's Lodge since approximately 1966. Prior to 1966, the property was utilized for auto repair between 1914 and 1949.
- A 330-gallon above ground storage tank (AST) containing fuel oil is located in the basement. The tank was installed in 2001 and did not have secondary containment. According to the 2016 Phase I Report "No staining, leaks or spills were noted in the vicinity AST."

- A release of approximately 125-gallons of fuel oil occurred at an abutting residence to the southeast (42 Oak Street). Groundwater was determined to flow to the northwest and is located approximately four to eight feet below grade. Testing of soil and groundwater between the property and release site did not identify total petroleum hydrocarbons (TPH) above the laboratory reporting limit.
- The 2016 Phase I Report concluded that the historic use of the Subject Property for auto repair was considered a REC and that a limited subsurface investigation should be conducted to determine the "presence or absence of former USTs, subsurface collection systems, and soil and/or groundwater contamination due to the former use of the subject property as an auto garage and auto repair facility." No HRECS or CRECs were identified.

HW concurs with the conclusion of the 2016 Phase I Report indicating that a limited subsurface investigation should be completed to determine if a release of oil and/or hazardous material (OHM) has occurred at the Subject Property. HW was not provided with a copy of the limited subsurface investigation report.

Stormwater Review

HW has reviewed the proposed stormwater management design as per the standards of the Massachusetts Stormwater Handbook (MSH) dated February 2008 and the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40).

This site is considered "redevelopment" under the Massachusetts Department of Environmental Protection (MassDEP) standards and therefore is subject to the MassDEP Stormwater Standards 2 through 7 to the maximum extent practicable. Below are comments relating to the standards as presented in the MSH.

1. *Standard 1 states that no new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.*

   a. The Applicant has reduced impervious area, reduced the rate of discharge to the municipal system and does not appear to be discharging stormwater via a conveyance into the adjacent wetland.

      The Applicant complies with Standard 1.

2. *Standard 2 requires that post-development runoff does not exceed pre-development runoff off-site.*

   a. The Applicant included an Existing Drainage Area Figure and a Proposed Drainage Area Figure which indicate that the catchment areas are contained within the property boundaries. During HW's site visit on August 28, 2020 it was observed that the parking lot is lower than several of the abutting properties. HW recommends that the Applicant revisit the subcatchment areas and verify that the proposed stormwater management design includes the runoff from the abutting parcels.

   b. HW recommends that the Applicant clarify the design for the blue roof. The HydroCAD model indicates that the blue roof will provide 6 inches of storage over the entirety of the large apartment building. It is not clear from the plan set how this storage will be constructed. HW recommends that the Applicant include additional details or notes on

the plan set.

c. The Applicant has indicated that there is less than 2 feet of separation between the proposed infiltration chambers and the estimated seasonal high groundwater (ESHGW). The estimated ground water elevation of the test pits conducted in January 2020 is not clear. HW recommends that the Applicant add the elevation at the surface and the elevation of the seasonal high ground water to the test pit logs provided on Sheet 4 of 6.

d. The Applicant is required to comply with Standard 2 to the maximum extent practicable. It appears that the proposed design is an improvement over existing conditions however if the ESHGW elevation is above the bottom of the infiltration systems they will not function as designed. HW recommends that the Applicant confirm that the infiltration systems are not located within groundwater.

e. The Applicant has included a blue roof on the largest building, HW recommends that the Applicant consider creating blue roofs on the two smaller buildings as well. Furthermore, HW recommends that the Applicant confirm that the cost of constructing the building with a blue roof is not overly excessive and therefore may be eliminated when construction drawings are developed. The Applicant may choose to investigate whether stormwater can be detained in pipes located under the parking lot.

3. *Standard 3 requires that the annual recharge from post-development shall approximate annual recharge from pre-development conditions.*

   a. The Applicant has noted that the proposed site contains hydrologic soil group (HSG) A with an associated infiltration rate of 2.41 in/hr. HW finds this classification and value to be acceptable.

   b. As noted above the Applicant is required to comply with Standard 3 to the maximum extent practicable. It appears that the proposed design is an improvement over existing conditions however if the ESHGW elevation is above the bottom of the infiltration systems they will not function as designed and will not provide the recharge as calculated by the Applicant. HW recommends that the Applicant confirm that the infiltration systems are not located within groundwater.

4. *Standard 4 requires that the stormwater system be designed to remove 80% Total Suspended Solids (TSS) and to treat 1.0-inch of volume from the impervious area for water quality.*

   a. The Applicant has included three Stormceptors for pretreatment and has assigned them a TSS removal rate of 80%. HW recommends that the Applicant include the vendor's documentation illustrating that the chosen size of the structures will provide the suggested TSS removal.

   b. HW further notes that MassDEP has stated that it is its practice to assign the Stormceptor 450i with a TSS removal rate of 25% as it acts similarly to a catch basin. HW recommends that the Applicant relocate the Stormceptor 450i proposed at CB B2 to DMH B3.

5. *Standard 5 is related to projects with a Land Use of Higher Potential Pollutant Loads (LUHPPL).*

   a. The site is not considered a LUHPPL, therefore Standard 5 is not applicable.

6. *Standard 6 is related to projects with stormwater discharging into a critical area, a Zone II or an Interim Wellhead Protection Area of a public water supply.*
    a. The site is not within a critical area, therefore Standard 6 is not applicable.
7. *Standard 7 is related to projects considered Redevelopment. A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.*
    a. The proposed project as designed will reduce impervious area and therefore is considered redevelopment, the Applicant is required to meet the Stormwater Management Standards only to the maximum extent practicable.
    b. It is HW's opinion that the Applicant has improved the existing conditions of the site by decreasing impervious area, proposing water quality treatment and on-site attenuation to site runoff before discharging into the municipal drain line.
8. *Standard 8 requires a plan to control construction related impacts including erosion, sedimentation or other pollutant sources.*
    a. HW recommends that the locations and details of the erosion and sedimentation control measures proposed in the Erosion and Sediment Control Plan be indicated on the design plans, including construction entrance, soil stockpiles, staked straw wattles, siltation fence, inlet protection, and dewatering.
    b. HW recommends that any stockpiling areas be located outside the 100-foot buffer zone of the neighboring wetlands.
    c. HW recommends adding a provision that inlet protection be installed in all new catch basins immediately after they have been constructed.
    d. HW recommends that the Applicant note if any trees will be removed or specific trees protected during construction. A tree protection detail should be provided if applicable.
9. *Standard 9 requires a Long-Term Operation and Maintenance (O & M) Plan be provided.*
    a. The Applicant has provided a Long-Term O&M Plan. HW recommends that the Applicant provide a simple plan, separate from the design plans that is drawn to scale and labels the location of all stormwater practices associated with the site.
10. *Standard 10 requires an Illicit Discharge Compliance Statement to be provided.*
    a. The Applicant has stated that there are no known illicit discharges from the site currently or proposed and will provide a signed Illicit Discharge Compliance Statement prior to the discharge of any stormwater to post-construction best management practices (BMPs). HW recommends that this be included as a condition for any permits issued for this project.
11. *Additional Comments:*
    a. HW recommends that the Applicant provide closed drainage pipe calculations utilizing

the rational method for the catch basin network within the proposed site as well as the replacement pipe. HW recommends that the watershed area of Elliot Place be considered in the drainage calculations for the replacement pipe.

b. The Applicant has indicated that the entire site is located within the 100-year flood plain. HW recommends that the Applicant provide compensatory storage calculations to ensure that the proposed development does not negatively impact the existing flood plain. The calculations should clearly indicate the storage of flood water beneath the buildings. HW further recommends that elevations of the buildings be provided to verify that flood waters can flow under the buildings without any restrictions.

Conclusions

HW recommends that the Zoning Board of Appeals require that the Applicant provide a written response to address these comments as part of the Comprehensive Permit review process. The Applicant is advised that provision of these comments does not relieve him/her of the responsibility to comply with all Commonwealth of Massachusetts laws, and federal regulations as applicable to this project. Please contact Janet Bernardo at 857-263-8193 or at jbernardo@horsleywitten.com if you have any questions regarding these comments.

Sincerely,

HORSLEY WITTEN GROUP, INC.

Janet Carter Bernardo, P.E.
Senior Project Manager

Janelle Veary
Designer

SMOLAK & VAUGHAN LLP

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CITY OF PEABODY
2020 OCT 26 P 12:25
CITY CLERK

October 25, 2020

VIA EMAIL
Frances Gallugi, Chair
Zoning Board of Appeals
City of Peabody
City Hall
24 Lowell Street
Peabody, Massachusetts 01960

RE: Applicant: 40 Oak Street Development, LLC
Property: 40 Oak Street (Map 095, Lot 089x)
Chapter 40B Comprehensive Permit Application
Request for Continuance

Dear Chairperson Gallugi and Other Board Members:

On behalf of the Applicant, 40 Oak Street Development, LLC, we are requesting the Board to vote to continue the hearing for the matter above from the scheduled hearing date of Monday, October 26, 2020 to the Zoning Board's next scheduled meeting for this matter to a time, place and date certain. On Friday, October 23, 2020, Mr. Bellavance, Mr. Paulitz and the Board's peer review consultants had a meeting with the Applicant's consultants to more clearly understand both City and peer review comments last received from the City. As a result of that meeting, the Applicant is requesting additional time to respond to the City and peer review comments.

Thank you for your assistance.

Sincerely,

John T. Smolak

JTS/
cc: Michael & Patrick Larkin
Distribution List

THE PANOS LAW GROUP

COUNSELORS AT LAW

JASON A. PANOS
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CITY OF PEABODY
2020 OCT 26 A 8:55
CITY CLERK

October 23, 2020

DELIVERY BY EMAIL TO:
carla.mcgrath@peabody-ma.gov

Carla D. McGrath,
Zoning Board of Appeals Clerk
Peabody City Hall
24 Lowell Street
Peabody, MA 01960

Re: 27R Farm Avenue/0 Forest Street (Parcel 069-005A; Parcel 069-012)
Comprehensive Permit Application Request for Continuance

Dear Madam Clerk-

The above referenced matter is scheduled for continued special hearing scheduled for October 26, 2020. The Applicant, The Residences at Farm Avenue LLC kindly requests further continuance to any time it is convenient for the Zoning Board of Appeals to conduct its special hearing on or after any day of the week beginning November 16, 2020. Please advise us of a suitable date when one becomes available.

The project team continues to work diligently through peer review in response to that DPS Memorandum of August 15, 2020. This week, DPS provided and we have reviewed a water flow report prepared by the City's consultant, Weston & Sampson. Significant discrepancies remain and we are seeking clarification. It makes sense to fully review the basis of their report and conduct a conference call with them, which we have requested for next week. We can then complete our responses to the DPS Memorandum on all peer review items which will be shown on a comprehensive site plan addressing those DPS items.

We appreciate, in advance, the Board's accommodation on this request and we look forward to working with it to complete this process in a manner which leaves no outstanding issues in contemplation of closing the Board's hearing on this matter. Please do not hesitate to contact me with any questions or comments.

Very truly yours,

Thank You!

Jason A. Panos

CC: Zoning Board of Appeals
Client
Hayes Engineering, Inc.

Carla McGrath

From: Jason Panos <JPanos@panos-law.com>
Sent: Friday, October 23, 2020 1:44 PM
To: Carla McGrath
Cc: Anthony Capachietti; mweiss@weiss-cps.com; Curt Bellavance; Frances Bisazza-Gallugi (rustworth@aol.com); William Paulitz
Subject: [External] Farm Avenue Comprehensive Permit 10.26.2020 Hearing
Attachments: ZBA Continuance Request 10.23.2020.pdf; Panos Law.vcf

Hello Carla- In light of Tony's email with Weston & Sampson to which you were copied we believe that significant discrepancies remain in the Water Flow analysis provided to us by Weston & Sampson. We are trying to better understand their analysis and think it makes sense to continue the hearing scheduled for October 26, 2020 until such time as we complete our comprehensive analysis of that DPS Memo of August 15 with additional materials provided. Please advise of a suitable date from the week of November 16 which we hope will leave enough time, to complete our responses to peer review.

Thanks, Jason

Jason A. Panos, Esq.
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Carla McGrath

From: John Smolak <JSmolak@smolakvaughan.com>
Sent: Monday, October 26, 2020 12:20 PM
To: Carla McGrath
Cc: Curt Bellavance
Subject: [External] RE: October 26, 2020 Special ZBA Meeting -- 40 Oak Street
Attachments: Ltr. Continuance 10.25.20 (00174959xBC4F6).pdf

Hi Carla:

Attached for filing with the Board is a continuance letter requesting that this evening's scheduled hearing be continued to a time, place and date certain.

Last week, Mr. Bellavance arranged for a meeting among the City's peer review consultants, the City Engineer, and the Project Team consultants which we thought was a very productive meeting.

However, additional time is needed in order to enable the Applicant to fully respond to comments received to date.

We assume there is no need for an Applicant's representative to participate unless we hear from you otherwise.

Thank you.

Regards,

John

John T. Smolak, Esq.
Smolak & Vaughan LLP
Tel. 978.327.5215 (Direct)

From: Carla McGrath [mailto:carla.mcgrath@peabody-ma.gov]
Sent: Tuesday, October 20, 2020 3:16 PM
To: John Smolak; Jason Panos
Subject: October 26, 2020 Special ZBA Meeting

Good afternoon. Please see attached for information on joining the Special ZBA Zoom Meeting scheduled for Monday October 26, 2020 at 7pm. Please let me know if you have any questions. Feel free to forward this information to your clients.

Carla D. McGrath
Clerk
Zoning Board of Appeals
24 Lowell Street
Peabody, MA 01960
78-538-5792