

**CITY OF BEVERLY  
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Planning Board  
DATE: January 11, 2022  
LOCATION: Virtual Meeting via Google Meet  
MEMBERS PRESENT: Chairperson Ellen Hutchinson, Vice-Chair Alexander Craft, Sarah Bartley, Derek Beckwith, Ellen Flannery, Wayne Miller, Rodney Sinclair, Andrea Toulouse  
MEMBERS ABSENT:  
OTHERS PRESENT: Assistant Planning Director Emily Hutchings  
RECORDER: Stacia Chamberlain

**Call to Order**

Chairperson Hutchinson calls the meeting to order at 7:02 p.m. and reads a prepared statement introducing the meeting and noting the authority to hold a remote meeting. When taking roll, Wayne Miller is noted as absent.

**Subdivision Approval Not Required Plans**

**a. 10 Peabody Avenue – Joseph and Kerri Grenier**

There being no one present to represent the applicant, Hutchinson seeks input from the Board members as to whether or not to make a determination without hearing from the applicants. Beckwith states he prefers to have the applicant or their representative present to state their request. He suggests they could present at the next meeting. Flannery asks Hutchings whether the applicants declined attendance today; Hutchings clarifies that they knew about the meeting and said that they would attend. Hutchings states she can reach out to them via email with a reminder about the meeting. Hutchinson says they can move on to provide the applicant with some time to enter the meeting, and the Board can come back to this agenda item later.

**Public Hearing: Waiver of Frontage and Definitive Subdivision Plan – 14 Jordan Street – John Iltis and Patricia Coen-Iltis**

**Beckwith:** Moves to open the public hearing. Craft seconds. Hutchinson takes a roll-call vote. The motion carries 7-0.

Hutchings reads the public notice. Attorney Tom Alexander is present representing the applicant. Atty. Alexander discusses the details for the proposal, including the context for the subdivision, and provides a schematic on-screen. He notes that the Zoning Board of Appeals voted unanimously to approve the variances required for the plan, and that the neighbors are in support of the plan. Atty. Alexander states that he has reviewed the comments and recommended conditions by the Board of Health, Engineering Department, and others with regard to the Planning Board's review, and has no concerns. Additionally, Atty. Alexander states that the property is within Conservation Commission jurisdiction, and the applicant fully expects to seek approval from them. In reference to the Staff Report stating that the building is in a flood zone, Atty. Alexander refers to the State building code, and notes that several homes have been built in Beverly in the past few years that have been located within a flood zone. He states that this development would be considered infill housing and would support housing needs. Hutchinson invites Board members to ask questions.

Bartley asks how many neighbors had been spoken with. Atty. Alexander replies that the applicant has spoken with direct abutters and neighbors across the street, but also that, per requirements by the Zoning Board of Appeals, those neighbors within 300 feet have been notified of the proposal. Bartley asks for clarification on where the floodplain lies in reference to the property and the proposed house. Hutchings uses the plan and a map from the Staff Report to identify that parts of the property that lie within the flood zone, and where the proposed house would be located. Atty. Alexander notes that the FEMA maps that show the flood zones are not 100% accurate, and that if the property is within the flood zone, there are regulations with which they would comply. Bartley cites concerns about flooding and contamination, noting that the stream feeds from an area in Beverly where contamination has been an issue, and asks whether these issues have been addressed. Atty. Alexander refers to John Iltis to reply. Mr. Iltis responds that with regard to the floodplain, in recent floods water did not come up to the barn behind the main home on the property. He states that there has been some re-surveying in the area by a neighbor to provide more accurate floodplain information.

Beckwith asks how the proposed setbacks vary from homes that were developed as part of the original subdivision. Atty. Alexander states that the proposed setbacks are similar to historic setbacks, and that the Zoning Board of Appeals approved the variance for setbacks on this property. Beckwith asks how many new buildings in the neighborhood don't conform with existing regulations. Atty. Alexander states he does not know. Beckwith confirms there are no waivers attached to this application, and Atty. Alexander confirms this. Mr. Iltis says that one of his neighbors successfully sought a zoning variance for their property for a front setback.

***\*\*Wayne Miller joins the meeting at 7:25pm\*\****

Hutchinson asks for clarification on the size of the lots, and Atty. Alexander provides clarification. Hutchinson asks Atty. Alexander if the Board should be concerned with the Conservation Commission's comments about the property's proximity to wetlands, streams, and the 100-foot buffer, and that the client has not submitted plans showing vegetated wetlands. Atty. Alexander replies that they will be presenting before the Conservation Commission soon to come to an understanding of this issue. Hutchinson asks if the concerns of the Conservation Commission should also concern the Planning Board in their decision tonight; Atty. Alexander replies that they are seeking a decision related to the building frontage, and that the Planning Board is not ruling on the location of the house, but the waiver of frontage. Hutchinson replies that she understands but she is concerned that they have not designated where the wetlands are located in their current plan. Atty. Alexander replies that this application creates a bit of a chicken-and-egg situation with the Conservation Commission and Planning Board, but that the path they are taking, applying first to the Planning Board and then to the Conservation Commission, is not uncommon.

Flannery asks what would happen to the proposal if the Planning Board votes to approve the application and the Conservation Commission votes against the application. Atty. Alexander replies that if the Conservation Commission states they can't build the house, then they can't build the house. However, the applicant is not here to determine if the building can be built, but rather for a waiver of frontage requirements, which is appropriate for the Planning Board to address.

Beckwith asks if they have a drawing that shows wetlands in their plan; Atty. Alexander says that they do not, as that would be something to be completed later in the process. Beckwith asks

why they are not showing those or buffers and information with regard to the wetlands and no-build areas. Atty. Alexander responds that typically that information is provided in the context of larger developments, and that in this case no new roads are proposed. As no new roads or utilities are being proposed, they are simply looking for a decision on a frontage plan.

Bartley asks about the proposed parking, whether it complies with the Ordinance, and where it is located. Atty. Alexander and Mr. Iltis respond and show where the parking would be located, and state that it would comply.

Hutchinson states that this is a public hearing and invites members of the public to ask questions or make comments. No members of the public voice opinions.

Hutchinson asks how members would like to proceed. The Board and Atty. Alexander discuss decision-making protocol involving the Planning Board, Zoning Board of Appeals, and Conservation Commission and the timing of board/commission review. Craft asks if it would be appropriate for the Planning Board to make a condition of approval that any changes to the plan due to the Conservation Commission's review would require the applicant to return to the Planning Board. Hutchings responds that the Board is not reviewing the location of the house, just the Definitive Subdivision Plan and the Waiver of Frontage; the Zoning Board has made a ruling of the location of the house. Hutchings states that conditions could be related to the Waiver of Frontage and Definitive Subdivision Plan, and that if there are concerns then the Board could request additional information.

Beckwith says he is hesitant to make a decision without seeing information with environmental indicators and data included, and asks how difficult acquiring that information might be. Hutchings replies that typically this additional information is provided by different people, such as engineers or wetlands scientists, and is shown on different plans or sheets within a plan. Beckwith notes that he understands the costs, but that the Board is working in an environmentally tenuous time, and he would like to see the information.

Miller concurs with Beckwith, and suggests a site visit in lieu of environmental plans. Flannery suggests they continue this topic to the February meeting to allow Board members the opportunity to visit the site and review the property further. Atty. Alexander asks if they would be satisfied with further environmental data, including the wetlands boundaries and buffer zones; Beckwith and Hutchinson concur that they would. Atty. Alexander says that they will get that data and requests that they continue this topic to the February 15, 2022, meeting; if additional time is needed they will request a further extension to March 2022.

**Flannery:** Moves to continue this subject to the February 15, 2022 meeting. Beckwith seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**Public Hearing: Waiver of Frontage and Definitive Subdivision Plan – 19 Simon Street – Watts Street LLC**

Hutchings reads the public notice. Attorney Tom Alexander, representative of the client, discusses the details for the proposal and provides a schematic on-screen. He invites questions from the Board.

Craft asks Atty. Alexander to detail the waivers his client is requesting. George Zambouras, the

engineer on the project, is on the call and provides an overview of the requested waivers.

Beckwith asks if there is a stormwater analysis with this project proposal; Mr. Zambouras replies that they have submitted a stormwater report with the application. Beckwith asks where the parking is located and if the additional parking was addressed in the stormwater report; Mr. Zambouras reviews where the parking is located, noting that the site will not create additional paved area. Atty. Alexander confirms that they did submit this information with the application. Hutchings also confirms this information, noting where in the application the stormwater report is located, and states that the City Engineer reviewed the plans and report, and then followed up with recommending several standard conditions. Atty. Alexander states they are satisfied with the conditions recommended by the Engineering Department.

Beckwith asks for additional information about waivers for street trees. Mr. Zambouras reviews issues with the street width and sidewalk width. Miller asks if this building design is the same as the existing buildings. Atty. Alexander replies that this building is designed to be very similar and would be considered infill development. Miller notes that the property owner owns three homes/parcels on that side of the street, and asks if they would consider re-greening any of those properties. Atty. Alexander and Mr. Zambouras note there is not much room, but review where landscaping would occur.

Hutchinson asks for clarification regarding the proposed subdivision and the division of lots. Atty. Alexander, Hutchinson, and Toulouse discuss the legal needs for the subdivision and the need for a Variance and a Waiver of Frontage.

Hutchinson asks where the parking is located, and Atty. Alexander reviews the parking spaces available for the three adjacent properties owned by the applicant. Atty. Alexander notes that the Zoning Board of Appeals (ZBA) incorporated the parking plan into their decision. Flannery asks Atty. Alexander to clarify the number of parking spaces behind each building, and he does so, stating the properties are now subject to the ZBA's decision, which now runs with the property. Miller asks for further clarification on the existing and proposed locations of parking; Atty. Alexander and Mr. Zambouras review the plan. Hutchinson asks about the relief granted by the ZBA, and Atty. Alexander reviews the setbacks, lot size, and frontage. Beckwith asks if a tree could be added if the house were moved back, and Atty. Alexander states that the house would not fit with the neighborhood; he states that landscaping, including a tree in the front yard, is included in the plan approved by the ZBA and incorporated into their decision. Mr. Zambouras reviews the type of tree that could fit on the property. Miller asks about the proposed HVAC system and carbon footprint of the building, referencing the city's climate action plan. Atty. Alexander states he is not prepared to address those questions.

Hutchinson invites the public to ask questions and/or make comments. No members of the public voice comments or questions. Hutchinson asks Board members about next steps, and Miller and Flannery support closing the public hearing and voting on the application.

**Flannery:** Motion to close the public hearing. Miller seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**Flannery:** Motion to grant the waivers requested under Article IV Design Standards, including the following:

- Section 375-14.B(5): Requiring property lines at street intersections to be rounded or cut back to provide for a radius of not less than 30 feet, where existing intersections are shown to be constructed with 90-degree corners.
- Section 375-14.C: Requiring a 50' Right-of-Way and a 32' paved roadway width, where a 40' Right-of-Way and 25.8' pavement width exist.
- Section 375-22: Requiring sidewalks, grass plots and trees be constructed as shown in a typical street cross-section diagram, where a 6.5' sidewalk exists with no grass plots, with no street trees shown on the plan.
- Section 375-23: Requiring that all utilities be placed underground, where existing utilities are above-ground.

Craft seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**Flannery:** Motion to grant the waivers requested under Article V Required Improvements for Approved Subdivisions, including the following:

- Section 375-26.B.(3)&(4): Requiring underground telephone and electric lines, where overhead services are proposed because the existing street was constructed with overhead utilities.
- Section 374-26.C: Requiring roadway drainage and catch basins to be installed at a 250 foot minimum spacing, where the existing street was constructed without roadway drainage or catch basins.
- Section 375-29: Requiring grass plots, where the existing street was constructed without any grass plots.
- Section 375-30.A: Requiring two street trees to be installed per lot, where the proposed plan includes no street trees.

Craft seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**Craft:** Motion to approve a Waiver for Frontage for 19 Simon Street, having made the following findings that the Waiver is in the public interest and that the Waiver is not inconsistent with the intent of the Subdivision Control Law. Flannery seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**Craft:** Motion to approve the Definitive Subdivision Plan for 19 Simon Street, Watts Street LLC, with the following conditions:

1. The conditions of this approval and any waivers of subdivision rules & regulations shall be set forth on the plan to which the conditions or waivers apply OR shall be set forth in a separate instrument (such as this decision letter) which shall be referenced on the plan. This shall occur prior to plan endorsement by the Board.

2. Work shall conform to the project plans as named herein, attached and incorporated hereto.
3. Any requests for changes or modifications to the approved project or conditions set forth herein shall be submitted to the Planning Board for review and approval.
4. Subject to compliance with the standard conditions set forth in the Board of Health comment letter dated 12/24/2021, incorporated herein and attached hereto.
5. Incorporating the comments and subject to compliance with the conditions established by the Engineering Department, as follows:
  - 1) If rear parking lot is to be paved, underground infiltration system shall be sized to appropriately handle runoff from all impervious area as well as roof leaders. System shall be designed by manufacturer with submittal provided to City Engineering Department for review, prior to ordering of materials. All materials must meet manufacturer's specifications. Applicant's design Engineer shall confirm proposed materials meet specifications. System shall be designed with full access manhole capable of entry for maintenance purposes. System shall be designed with 1 isolator row and 2 infiltration rows. Maintenance shall be performed in accordance with Manufacturer's specifications.
  - 2) Commencement of work under this permit is acknowledgment by all involved parties that they understand and will abide by all current Engineering Department Rules and Regulations. Failure to abide may result in cease and desist orders and/or additional fees and fines. This document can be found here on the City's Website:  
<https://www.beverlyma.gov/DocumentCenter/View/1848/Master-Rules-and-Regulations-PDF>
  - 3) Stormwater Mitigation – Construction shall be such that pre-existing and newly constructed structures, and/or impervious surfaces shall not displace or direct stormwater in any fashion off the subject property. Any activity that directs water onto surrounding privately owned, or municipally owned property will be in violation of City of Beverly Engineering Department Rules and Regulations.
  - 4) Erosion Control – During Construction phase activities, excavation, and earth work shall be done in compliance with erosion control rules and regulations. Open areas of disturbance and soil/material stockpiles shall be protected from waterborne and windborne erosion and shall not have any negative impact on surrounding privately owned or municipally owned property.
6. In reference to condition #1 on the aforementioned letter from the Board of Health, dated 12/24/2021, a copy of the service program for pest control

services shall be sent to the Board of Health and the Planning Department for approval prior to the issuance of a building permit.

7. In reference to comments made by the Beverly Fire Department, the building shall include a sprinkler system.

Flannery seconds. Beckwith asks about why the Design Review Board (DRB) has not provided input on the Definitive Subdivision Plan, stating his concern about a neighborhood where every building looks alike. Hutchings reviews the purview of the DRB and what projects they review. There being no other questions, Hutchinson takes a roll-call vote. The motion carries 8-0.

**Request to Endorse Acceptance Plan and Release Performance Bond: OSRD Site Plan #8-15 – 11-15 Sunnycrest Avenue (Sunnycrest Circle) – Griffin Engineering Group, LLC**  
Bob Griffin, of Griffin Engineering, is on the call to discuss the project and request. He reviews the request and states that the construction is complete.

**Beckwith:** Motion to endorse the Acceptance Plan and release Performance Bond. Flannery seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**Flannery:** Motion to move out of public hearing and resume the regular meeting. Craft seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**Request to Release Covenant and Accept Performance Bond: OSRD Site Plan #11-18 and Definitive Subdivision Plan – Off Thaxton Road and Grover Street (i.e. Thaxton Heights) – John R. Keilty, Esq.**

Atty. John Keilty is on the call to discuss the project and request. Hutchings notes that the applicant is addressing the conditions required for the project that are due this time. The Board reviews the protected open space and its ownership and management.

**Flannery:** Motion to endorse the release of the Covenant and accept the Performance Bond. Beckwith seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

### **Set Public Hearings**

- a. **None at this time**

### **Election of 2022 Officers: Chairperson and Vice-Chairperson**

#### **1. Election of Chairperson**

Being the current Chair, Hutchinson turns the management of this motion to Craft. Craft states that he is open to accepting nominations for the role of Chairperson.

**Flannery:** Motion to endorse Ellen Hutchinson to remain as Board Chairperson. Beckwith seconds. Craft takes a roll-call vote. The motion carries 8-0.

Craft returns the management of the meeting to Hutchinson.

#### **2. Election of Vice-Chairperson**

Hutchinson states that she is open to accepting nominations for the role of Vice-Chairperson.

**Beckwith:** Motion to endorse Alexander Craft to remain as Board Vice-Chairperson. Toulouse seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**\*\*Joseph Grenier being present on call to discuss the project, members welcome the applicant to present to the Board his project proposal and for a discussion.\*\***

**Revisited: Subdivision Approval Not Required Plans**

a. **10 Peabody Avenue – Joseph and Kerri Grenier**

Joseph Grenier is on the call to discuss the application. Hutchinson asks for confirmation that the lots all meet the requirements for frontage after lot division. Mr. Grenier confirms that according to the engineer, they do.

**Flannery:** Moves to endorse the Subdivision Approval Not Required Plan at 10 Peabody Avenue. Miller seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**Approval of Minutes**

a. **December 14, 2021**

Board members review the minutes and have offered no comments or corrections.

**Beckwith:** Motion to approve the minutes from the meeting on December 14, 2021. Miller seconds. Hutchinson takes a roll-call vote. The motion carries 8-0.

**Other / New business**

a. **None at this time**

**Adjournment**

**Beckwith:** Motion to adjourn at 9:19 p.m. Craft seconds. The motion carries 8-0.

The next regular meeting of the Beverly Planning Board will take place on Tuesday, February 15, 2022, at 7:00 PM, and will be held virtually via Google Meet.