

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Planning Board
SUBCOMMITTEE:
DATE: February 9, 2021
LOCATION: Remotely held meeting through Google Hangouts Meet
MEMBERS PRESENT: Chairperson Ellen Hutchinson, Sarah Bartley,
Derek Beckwith, Ellen Flannery, Wayne Miller,
Rodney Sinclair
MEMBERS ABSENT: Andrea Toulouse, Vice-Chair Alexander Craft
OTHERS PRESENT: Planning Director Darlene Wynne, Assistant Planning
Director Emily Hutchings
RECORDER: Sarah Scott-Nelson

Call to Order

The Board troubleshoots Google Meet access issues. Chairperson Ellen Hutchinson calls the meeting to order at 7:13 p.m. Hutchinson reads the virtual meeting guidelines and notes that the meeting is being held in accordance with temporary Open Meeting Law adjustments due to the State of Emergency associated with the COVID-19 outbreak. Hutchinson takes roll and confirms member access.

Supporting materials that have been provided to members of this body are available from the Planning Department. The public is encouraged to follow along using the posted agenda.

1. Subdivision Approval Not Required Plans: 6 & 8 Woodland Road – Northeast Hospital Corporation – Edmund Lydon

Jennifer DeCarlo, representing the applicant, explains that 8 Woodland Road's driveway was found to be encroaching on 6 Woodland Road when the Northeast Hospital Corporation was in the process of selling their property. The Northeast Hospital Corporation is selling a small portion of land at 6 Woodland Road to the owners of 8 Woodland Road, so the driveway will no longer encroach. The portion of the property being transferred does not include any frontage. Flannery asks if this project meets the three standard criteria for ANR plans. The Chair affirms that it meets these three criteria as it is along a public way, meets the minimum frontage requirement, and the Board determines that vital access to the lot exists. Hearing no questions from the board, Hutchinson calls for a motion.

Flannery: Moves to endorse the plan for 6 & 8 Woodland Road, Northeast Hospital Corporation, as a Subdivision Approval Not Required plan. Seconded by Beckwith. Hutchinson takes a roll call vote. The motion carries 6-0.

2. Establish Performance Bond & Release Covenant: Hickory Hill Way – Hickory Hill LLC

Bob Griffin, representing the applicant, explains that the road for the project is almost complete and the developer would like the covenant to be released in order to build on the established lots. He states the applicant will submit a letter of credit to secure the finishing of the road, and will then proceed with the construction of the dwellings. Griffin confirms that the Engineering Department has approved the dollar value of the remaining work.

Hearing no questions from the Board, Hutchinson calls for a motion.

Flannery: Moves to release the Form G Covenant dated May 11, 2018 and replace it with the Form F Performance Bond dated February 4, 2021, a financial surety in the form of a letter of credit dated February 5, 2021 from Haverhill Bank for the amount of \$126,501. Seconded by Beckwith. Hutchinson takes a roll call vote. The motion carries 6-0.

3. Release of Covenant: 122 Livingstone Avenue – 122 Livingstone LLC

Rob Wise, representing the applicant, states that the applicant seeks to release the prior owners from the previously approved covenant and transfer the performance bond to the new owner. Hearing no questions from the Board, Hutchinson calls for a motion.

Flannery: Moves to release the Form F Performance Bond dated May 7, 2020 and accept the amended Form F Performance Bond executed and signed by Roberto Miranda, as manager of 122 Livingstone LLC and financial surety in the form of \$18,474 by license or permit bond issued by NGM Insurance Company. Seconded by Beckwith. Hutchinson takes a roll call vote. The motion carries 6-0.

Wise comments that the Registry of Deeds requests that a majority of the Board sign the release. Hutchings replies that the Board has submitted a letter to the Registry of Deeds requesting that either Hutchinson as the Chair, or Wynne as the Planning Director, can sign the release. Wynne confirms that the Registry of Deeds will accept the form signed by Hutchinson.

4. Request for Modification: Site Plan Review #111-13 – 48 Dunham Ridge – 50 Dunham Road; Special Permit Application #138-14 – 50 (52) Dunham Road – Cummings Properties LLC

Michael Aveni, representing the applicant, requests that the Board consider a modification to SPR #111-13, to allow a portion of the first floor of the parking structure to be used as a laboratory space, and a modification to Special Permit #138-14, to provide additional relief from parking requirements due to the addition of industrial space and reduction of parking spaces in the existing parking structure. Aveni states that he and the applicant believe the modifications are minor in nature. Aveni states that 34 parking spaces would be required to support the industrial space, and that adding the industrial space eliminates an additional 42 parking spaces that currently exist in the parking structure. The applicant recently appeared before the Parking and Traffic Commission to review the modification and propose that, if needed in the future, the applicant would use an area on the northeast corner of the site, currently used for storage, to

create a reserve parking area. Aveni stated the applicant's agreement to the Parking and Traffic Commission's condition to assess whether the reserve parking area would be needed once existing parking is at 75% capacity.

Beckwith asks if the Conservation Commission has been consulted about the plan for the reserve parking area. Aveni responds that the intent is to wait to consult the Conservation Commission until the aforementioned parking assessment, to be completed when existing parking is at 75% capacity, has been completed and then only if the assessment determines additional parking is needed. If no additional parking is needed, the reserve parking area will not be used. Beckwith expresses that this series of minor modifications makes him inclined to consider this proposal as a major modification. Aveni replies that the applicant is hoping that the reserve parking space will not need to be used, but will come to the Conservation Commission if there is a clear need for the additional parking. Beckwith expresses his concern that the project seems very speculative and suggests that the applicant approach the Conservation Commission and ask for a letter of response for the potential plan.

Beckwith asks about how this project will affect pedestrian traffic in the parking garage and facility. Aveni describes the pedestrian access from all points of the parking garage.

Steve Drohosky of Cummings Properties mentions that the applicant's current request is only to modify the use of part of the existing parking structure, and that parking elsewhere on site does not need to be approved tonight. Flannery replies that this project does involve an approval of parking because the need for parking spaces changes with repurposing this section of the building. Drohosky assures the Board that the applicant is monitoring parking needs and is optimistic that additional parking will not be necessary. Flannery expresses her concern about the required number of parking spaces that are required by zoning laws, which this project fails to meet. Sinclair asks if the applicant is taking any steps to promote car-sharing or other traffic-reducing options. Drohosky affirms that the applicant has worked with the TMA to approve bike routes and to limit single passenger commuting. Miller asks if this building will continue to use solar panels. Drohosky replies that nothing will be removed from the building and that the applicant is considering adding more solar panels as the buildings are filled and when Cummings Properties better understands potential tenant needs.

Miller comments that because this project has involved extensive conversations with the Parking and Traffic Commission, and because it may require extensive conversations with the Conservation Commission, he does not consider this a minor modification. Flannery asks Hutchinson, Hutchings, and Wynne about the Special Permit procedure and how it would impact the construction of the reserve parking area. Hutchings replies that this is the requested modification to the Special Permit to allow additional relief for a reduced number of parking spaces, and that the parking spaces in the reserve parking area would not be constructed unless deemed necessary when Cummings Properties completes a parking analysis when they are at 75% capacity.

Bartley asks if the Board has ever received a similar request for a change in use from a parking structure to industrial space, which has been deemed minor in nature. No examples are identified. Bartley comments that this leads her to consider this is not a minor modification.

Sinclair asks the applicant about why the change is taking place and whether there are other spaces where the applicant could include this industrial space. Drohosky replies that the applicant is attempting to use this space in a way which would meet high-demand needs in the current market for spaces, and that more high-bay industrial space would bring more businesses to Beverly. Miller comments that while he has no problem with the project itself, he does not consider it a minor modification. Hutchinson comments that she is not convinced that this project is minor due to the need to make up additional parking spaces.

Beckwith: Moves to determine the modification to Site Plan #111-13 – 48 Dunham Ridge and Special Permit Application #138-14 – 50 Dunham Road by Cummings Properties be deemed major in nature. Seconded by Sinclair. Miller asks whether the Board can procedurally deem a project “major” or only “not minor”. The Board discusses the proper protocol for the motion. Beckwith withdraws the motion.

Flannery: Moves to determine the modification to Site Plan #111-13 – 48 Dunham Ridge (50 Dunham Road) is minor in nature. Seconded by Sinclair. Hutchinson takes a roll call vote. The motion fails 2-4, with Flannery and Hutchinson voting yes.

Flannery: Moves to determine the modification to Special Permit #138-14 – 50 (52) Dunham Road is minor in nature. Seconded by Miller. Hutchinson takes a roll call vote. The motion fails 0-6.

Beckwith: Moves to set the public hearing for the modification for March 9, 2021. Seconded by Flannery. Hutchinson takes a roll call vote. The motion carries 6-0.

5. Set Public Hearing: Definitive Subdivision Plan and Waiver of Frontage –108 Sohier Road – Anchor Point LLC – c/o Glovsky & Glovsky

Hutchinson asks is anyone is present representing the applicant and hears no representatives present.

Flannery: Moves to set a public hearing for March 9, 2021. Seconded by Sinclair. Hutchinson takes a roll call vote. The motion carries 6-0.

6. Approval of Minutes: January 20, 2021

Beckwith, Bartley and Flannery note that they have sent corrections – including only scriveners and grammatical errors – to Hutchings.

Flannery: Moves to adopt the minutes as amended. Seconded by Beckwith. Hutchinson takes a roll call vote. The motion carries 6-0.

7. Other / New business

Beckwith requests that the excel spreadsheet for Inclusionary Housing Fee discussed at the last meeting be emailed out to the Board. Hutchings will send the spreadsheet to the Board.

Adjournment

Flannery: Moves to adjourn at 8:27 p.m. Seconded by Miller. Hutchinson takes a roll call vote. The motion carries 6-0.

The next regular meeting of the Beverly Planning Board Commission is Tuesday, March 9, 2021 held virtual over Google Meet.