

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

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

Call to Order

Craft calls the meeting to order at 7:03 p.m. and reads a prepared statement introducing the meeting, the authority to hold a remote meeting, public access and public participation, and meeting ground rules. Craft takes roll call attendance. Craft welcomes Brendan Sweeney, the newest member of the Planning Board. Craft notes that Chairperson Hutchinson is currently not present but will join later in the meeting.

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

b. 176R Hale Street – Robert H Guida

Robert Guida, the applicant, describes the lot, stating that the existing parcel is not buildable, and that the neighbors and abutters would like to divide the property and merge the created lots with their existing lots, adding to their respective properties but not creating any new buildable lots.

Flannery asks Hutchings if the plan meets the standards for the ANR plan. Hutchings reviews the staff report for the item and confirms that the plan meets the standards.

Flannery: Moves to endorse the plan at 176R Hale Street as a Subdivision Approval Not Required Plan. Seconded by Toulouse. Craft takes a roll call vote. The motion carries 8-0.

a. 38 Standley Street – Waring School Inc. (to be heard with Item 2)

and

2. OSRD Waiver Request – 38 Standley Street – Waring School Inc.

Bob Griffin, representing the applicant, describes the area, highlighting the city-owned parcels adjacent to the site, and the space for two potential building lots. Griffin reports that the plan has

taken Conservation Commission concerns into consideration and expects to obtain approval. Griffin adds that there are no historic sites at this parcel. Miller asks if there are any easements across this property. Griffin replies that the City controls the adjacent lot, so there is plenty of access to the open spaces, but there are no easements across this property. Beckwith asks Griffin to comment on potential disruption to wetlands that would result from construction within the 100-Foot Buffer Zone. Griffin states that this plan setup is typical for the 100-Foot Buffer and the applicant expects to gain approval from the Conservation Commission, and that no construction will occur within the 25-foot and 50-foot no-build zones. Craft asks about the plans for leveling the grade leading up to the garage on lot 2. Griffin comments that there will be minimal grading for the garage, and that the rest of the lot has consistent grade for building conditions. Miller asks about the driveway on lot 3, and Griffin comments that the proposed driveway is to provide more parking and a turnaround area, and the plan also proposes mitigation for potential runoff caused by this design.

Flannery asks about stormwater management. Griffin replies that the plan is to take stormwater runoff and put it into dry wells as is common, and there are no anticipated concerns with drainage or runoff. In response to Flannery's question concerning the deed restriction as is required for such a waiver, Griffin replies that the Waring School is currently reviewing proposed language, which will then be submitted to the City for consideration. Hutchings notes the Board has discretion whether or not to proceed with a vote without proposed language in the deed restriction. Sinclair asks about the timeframe for the applicant's request with the Conservation Commission. Griffin replies that the process takes about 3-4 months but notes that the applicant is comfortable if the Planning Board chooses to continue the item if necessary. Miller notes that continuing the item would also allow him to go review the site, which he would like to do.

Flannery: Moves to continue the item to the March 30, 2021 meeting. Seconded by Sinclair. Craft takes a roll-call vote. The motion carries 8-0.

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

Hutchings reads the public notice. Michael Aveni, representing the applicant, reviews the plan and notes that the Conservation Commission had expressed concern over the previously proposed location for additional parking, and that an alternative parking plan is being proposed. Aveni presents the new plan with adjusted parking accommodations, describing the number of parking spaces that will be lost due to the modification, the number of spaces required by the Ordinance to manage the additional industrial area, and how additional parking spaces will be constructed on a separate area of the site if needed.

Beckwith asks about the jurisdiction of the land, as the additional parking is proposed where a different building was previously proposed. Aveni confirms that the applicant has control of the land where additional parking is being proposed. Sinclair asks about Conservation Commission approval requirements, and Aveni clarifies that the current (revised) plan does not require Conservation Commission approval. Aveni notes that the proposed plan was reviewed by the

Parking and Traffic Commission last week, and that the Commission recommended approval. In response to a question from Sweeney, Aveni clarifies where the additional parking spaces are proposed on the site.

Miller asks if the applicant has considered semi-permeable parking or space for charging for electrical vehicles. Aveni comments that as the need appears for charging stations, they will address it as they have done at their other locations, and semi-permeable parking is a challenge as it is often damaged by plows, but adds that the applicant could consider it if necessary in the future. Craft welcomes any questions from members of the public and from the Board. Hearing none, Craft calls for motions to close the public hearing, and then for the site plan and special permit.

Beckwith: Moves to close the public hearing. Seconded by Flannery. Craft takes a roll-call vote. The motion carries 8-0.

Flannery: Moves to approve the modification to Site Plan Review #111-13 – 48 Dunham Ridge (50 Dunham Road) – Cummings Properties LLC, to include all previously approved conditions. Seconded by Miller. Craft takes a roll-call vote. The motion carries 8-0.

Flannery: Moves to approve the modification to Special Permit #138-14 – 50 (52) Dunham Road – Cummings Properties LLC, including in the decision the letter from the Parking and Traffic Commission dated March 3, 2021 and the letter from the Beverly Fire Department dated February 12, 2021 and incorporating all conditions recommended therein. Seconded by Beckwith. Craft takes a roll-call vote. The motion carries 8-0.

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

Ellen Hutchinson joins the meeting. Hutchings reads the public notice.

Flannery: Moves to go into public hearing. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

Atty. Miranda Siemasko, representing the applicant, explains the request for the Planning Board to accept the proposed modification to the SGOD plan decision, noting that there are no proposed changes to the previously approved development, but the only change that will be made is how the land will be recorded. Siemasko clarifies that the request is for approval of a minor modification and a review of the site plan, which will not be changed, is not required. In response to Miller's question about procedure, Hutchinson outlines the actions which the Board needs to take on this item.

1. Grant or deny a Waiver of Frontage for Lot C;
2. Approve or deny a Definitive Subdivision Plan;

3. Make a finding as to whether or not the proposed lot division expands the scope and nature of the original SGOD approval; and
4. If the proposed plan is found not to expand the scope and nature of the original approval, and therefore constitutes a minor modification to the SGOD plan, approve or deny the modification.

Siemasko describes how the subdivision of land is necessary due to the phasing and financial organization of the project. The Board recognizes how phasing is integral to the project's funding. The Board further discusses the criteria of what constitutes a minor modification and the best procedure for moving forward with this project. Hutchinson outlines the description of what constitutes a minor modification to an SGOD project that is included in the Ordinance, and the Board discusses the language. In response to Hutchinson's question, Siemasko clarifies that the minor modification is for the division on the division of the parcels and is not related to the frontage.

Hutchinson welcomes questions from the public. Hearing none, Hutchinson welcomes a motion.

Beckwith: Moves to close the public hearing. Seconded by Miller. Hutchinson takes a roll-call vote. The motion carries 9-0.

Beckwith: Moves to grant a Waiver of Frontage for 108 Sohier Road – Anchor Point LLC, for Lot C. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

Beckwith: Moves that the Board approve the Definitive Subdivision Plan for 108 Sohier Road presented by Anchor Point LLC. Seconded by Flannery. Hutchinson takes a roll-call vote. The motion carries 9-0.

Beckwith: Moves that the Board make the finding that the Definitive Subdivision Plan and Waiver of Frontage does not expand the scope and nature of the Smart Growth Overlay District plan and therefore constitutes a minor modification to the plan and decision. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

Beckwith: Moves that the Board approve the minor modification to the Smart Growth Overlay District plan and decision. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

5. Address Expiration of Bond and Request for Extension: OSRD #2-10 – 875 & 875-1/2 Hale Street (n/k/a West Beach Lane) – Montrose School Park, LLC

The applicant is not present, although Hutchings notes that the Board can still consider the item if determined appropriate and if there are no questions for the applicant. Hutchings comments that the Planning Department and the applicant have been having problems reaching each other, but notes that this bond has expired. The Board discusses whether the bond can be renewed or must be reissued.

Beckwith: Moves to either renew the performance bond in the amount of \$12,430 issued as a revocable letter of credit from Salem Five dated December 14, 2020 or if needed, require the applicant to obtain a performance bond in the amount of \$12,430. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

Flannery: Moves to extend the deadline for the construction completion for the subdivision to May 4, 2021. Seconded by Beckwith. Hutchinson takes a roll-call vote. The motion carries 9-0.

6. Set Public Hearing: Solar Installations on Municipal Property

- a. **Special Permit #176-21 & Site Plan Review# 147-21 – 4 McPherson Drive, proposed solar canopy over existing parking lot – Kearsarge Beverly, LLC c/o Dan Voss**
- b. **Special Permit #177-21 & Site Plan Review# 148-21 – 10 & 11 Pond Street, proposed solar canopy over existing parking lot – Kearsarge Beverly, LLC c/o Dan Voss**
- c. **Site Plan Review # 149-21 – 502 Cabot Street, proposed solar canopy over existing parking lot – Kearsarge Beverly, LLC c/o Dan Voss**
- d. **Site Plan Review # 150-21 – 100 Sohier Road, proposed solar canopy over existing parking lot – Kearsarge Beverly, LLC c/o Dan Voss**

All applications being managed by the same applicant and as part of the same project, Hutchings recommends hearing the aforementioned applications together.

Flannery: Moves to set the Public Hearing for the March 30, 2021 meeting. Seconded by Miller. Hutchings suggests adding that the motion would include a late request for a Special Permit (#178-21) for 100 Sohier Road. Flannery amends the motion as recommended. Seconded by Miller. Hutchinson takes a roll-call vote. The motion carries 9-0.

7. Set Public Hearing: Waiver of Frontage and Definitive Plan – 9 Gary Avenue – Ann L. Trask & Nancy Saliewicz

Beckwith: Moves to set the Public Hearing for the March 30, 2021 meeting. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

8. Approval of Minutes: February 8, 2021

The Board reviews the minutes for the February 9, 2021 meeting and offers minor edits.

Beckwith: Moves to approve the revised minutes from the February 9, 2021 meeting. Seconded by Craft. Hutchinson takes a roll call vote. The motion carries 7-0-2 Toulouse and Sweeney abstaining.

9. Other / New business

Brendan Sweeney provides further introduction and the Board welcomes him to his first official meeting.

Adjournment

Hutchinson moves to adjourn at 9:12 p.m. The motion carries 9-0.