

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Planning Board
DATE: July 20, 2021
LOCATION: Council Chamber, 191 Cabot Street (with remote access options)
MEMBERS PRESENT: Chairperson Ellen Hutchinson, Vice-Chair Alexander Craft, Sarah Bartley, Derek Beckwith, Ellen Flannery, Wayne Miller, Rodney Sinclair (remote), Brendan Sweeney, Andrea Toulouse
MEMBERS ABSENT: None
OTHERS PRESENT: Assistant Planning Director Emily Hutchings
RECORDER: Sarah Scott-Nelson

Call to Order

Hutchinson calls the meeting to order at 7:01 p.m. and reads a prepared statement introducing the meeting, the authority to hold a hybrid in-person and remote meeting. Hutchinson takes roll call attendance.

Subdivision Approval Not Required Plans

44 Pickman Road – Harold and Zelda Kaplan

Hutchings states that the applicant was unable to attend and stated that although they would prefer that the Board consider the plan at this meeting, they understand if the Board needs to continue the subject to the next meeting. Hutchings notes the straightforward nature of the application, and that whether to consider the subject or continue it to the next meeting is at the Board's discretion. Hutchinson notes that the applicant is looking to subdivide the property and meets the frontage requirements.

Flannery: Moves to endorse the Subdivision Approval Not Required Plans for 44 Pickman Road with applicants Harold and Zelda Kaplan. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

Public Hearing: Special Permit #180-21 and Site Plan Review #151-21 – 143 Brimbal Avenue, construction of 3-story addition, with related site improvements, with the change in use from social club/ meeting hall to retail establishment and warehouse and fabrication headquarters for a rugs and carpeting business – 143 Brimbal Avenue LLC, c/o Glovsky & Glovsky LLC

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

Hutchings reads the legal notice. Hutchinson notes that the applicant was unable to attend and has requested to continue the hearing to the September 22, 2021 meeting.

Flannery: Moves to continue the hearing for the Special Permit #180-21 and Site Plan Review #151-21 at 143 Brimbal Avenue to the September 22, 2021 meeting. Seconded by Toulouse. Hutchinson takes a roll-call vote. The motion carries 9-0.

Public Hearing: Waiver of Frontage and Definitive Subdivision Plan – 75 Livingstone Avenue – Paul R. LaPenna, Michael C. LaPenna, Nancy J. Hadley, Marie J. Hadley and Joanne Holehouse

Hutchings reads the legal notice. Atty. Tom Alexander, representing the applicant, explains the application and describes the property, noting that it has frontage on two streets. Alexander confirms that the property is set back even with the neighboring property.

Hutchinson asks if any members of the public would like to comment on the application. Hearing none, she asks for a motion to close the public hearing.

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

Craft: Moves that the Planning Board approve the Waiver of Frontage at 75 Livingstone Avenue, applicants Paul R. LaPenna, Michael C. LaPenna, Nancy J. Hadley, Marie J. Hadley and Joanne Holehouse, taking into consideration the Zoning Board of Appeals' conditions for the related variance. Seconded by Toulouse. Hutchinson takes a roll-call vote. The motion carries 9-0.

Hutchinson reads the letter from the Board of Health, stating standard conditions for approval, and asks if additional clarification should be included regarding when a pest control plan should be submitted.

Craft: Moves that the Planning Board approve the Define Subdivision Plan for 75 Livingstone Avenue, taking into consideration all the conditions from the Zoning Board of Appeals in their determination, and subject to the following conditions: (1) compliance with any and all conditions in a letter from William Burke, Board of Health, dated 7/14/21, and (2) in reference to condition #1 on the aforementioned letter from William Burke, a copy of the service program for pest control services shall be sent to the Board of Health and the Planning Department prior to the issuance of a building or demolition permit, whichever comes first. Seconded by Flannery. Hutchinson takes a roll-call vote. The motion carries 9-0.

Modification to Site Plan Review #142-19 – 175 Elliott Street – Kaestle Boos Associates

Architect David McKinley from Kaestle Boos Associates explains the proposed modification, noting that the City would like to add paved area to the southeast portion of the site for parking and increased impound area. McKinley summarizes the landscape changes and states that one of

the benefits of this change is that the City can increase the amount of solar canopy on the site. Beckwith asks about the reasoning for the increase in pavement at this point in the process. Police Chief John LeLacheur states how City officials were able to walk the site and evaluate existing spaces, and describes the additional benefits that the modification would create in terms of parking spaces, impound area, and solar panels that can only be placed over asphalt per state law. Beckwith asks about the environmental impact of paving area that were previously grass. Hutchings states that the project requires an RDA Minor Modification with the Conservation Commission, but that the environmental impact would minimal because the area was previously paved. Beckwith confirms that although there is a removal of grass on the plan, there is in fact no net increase in pavement due to the existing nature of the site.

Miller comments that the change would bring a positive environmental impact due to the addition of solar and renewable energy. Chief LeLacheur further describes the reasoning for the additional pavement and benefit of increased solar canopy installation. McKinley summarizes the landscape changes, and Hutchings confirms that although there is a reduction in green space, there is no reduction in trees and plantings, and that the reorganization of plantings benefits pedestrian traffic. Hutchinson asks if there is a clear need for the additional parking spaces, or if the primary goal of the additional paved area is to facilitate solar. McKinley states the answer is both, and that the existing parking area is strictly for Police use. Mayor Michael Cahill reviews the parking plan and solar installation plan. He describes the importance of solar to ensure the building has net-zero energy use, how the proposed modification has multiple benefits, and why this modification is necessary. Upon request by Hutchinson, McKinley reviews the use of the impound area. Miller emphasizes the importance and benefit of the additional solar on the site.

Miller: Moves that the Planning Board determine the proposed modification is minor in nature. Seconded by Sinclair. Hutchinson takes a roll-call vote. The motion carries 9-0.

Sinclair: Moves to approve the Minor Modification for SPR #142-19 as presented. Seconded by Beckwith. Hutchinson takes a roll-call vote. The motion carries 9-0.

Modification to Special Permit #168-18 – 232 Rantoul Street – NOMSG Properties LLC

Michael Smith for the applicant explains the requested modification to change the parking plan, describing what was previously approved and what changes are being proposed. Smith describes the desire to turn existing parking spaces into a deck for outdoor dining and instead use existing and proposed on-street spaces. Beckwith asks if the proposed outdoor dining area has already been used for outdoor dining during the COVID-19 pandemic. Smith states yes they have. Beckwith asks how parking was required during that period. Smith states that no official relief was provided, but cars have been parking in the proposed parking spaces and that people rarely park in the existing on-site parking spaces.

Miller asks if the application has been seen by the Parking & Traffic Commission (P&TC). Hutchings states that it has not, but the Planning Board could refer the matter to the P&TC. Hutchings explains how staff has been continuing to review the proposal and the Solicitor's Office and Building Department have recently provided comments. Miller states he believes the

matter should be referred to the P&TC. Hutchinson confirms what is being proposed in the modification, and asks Hutchings if the spaces in front of the building can be used even with curb cuts. Hutchings confirms that this is permitted. Hutchinson states her agreement with Miller and confirms the P&TC meeting schedule.

Craft: Moves that the modification to Special Permit #168-18 at 232 Rantoul Street and NOMSG Properties LLC be referred to Parking and Traffic so they can provide their expertise on allowing parking along the curb and the proposed changes that the applicant has provided. Seconded by Flannery. Hutchinson takes a roll-call vote. The motion carries 9-0.

Sinclair: Moves to continue modification to Special Permit #168-18 at 232 Rantoul Street and NOMSG Properties LLC to the August 17, 2021 meeting. Seconded by Flannery. Hutchinson takes a roll-call vote. The motion carries 9-0.

Modification to Site Plan Review #146-19 – 0 Everett Street/718 Hale Street – 0 Everett Street LLC

Atty. Tom Alexander, representing the applicant, explains the history of this application, including its redesign to be 100% residential. Atty. Alexander states that the two condominiums have been built and that the applicant is returning to request approval of changes to the architectural details on the building and to the landscape. Atty. Alexander states that the Design Review Board (DRB) has already considered the modification application and provided a recommendation to the Planning Board. He reviews the proposed changes to the plan, noting which changes the DRB recommends approving, and which changes the DRB recommends returning to what was previously approved.

Miller raises the issue that the change from arborvitae to Pear trees may have been a poor choice because they have a foul odor, prevent lawn from growing under, and have frail branches and limbs. Hutchinson expresses her concern with repeated after-the-fact modifications on this project, rather than beforehand requests for approval on this site. Other Board members agree and express their frustration. The Board discusses the changes in further detail, asking for clarification from Atty. Alexander. Board members ask what leverage the City has to hold the applicant to the conditions of approval, because the two condominiums are already built and residents have moved in. Hutchings states that the Building Inspector issued a conditional occupancy permit that can be rescinded if the applicant does not comply with the Board's conditions of approval.

Sinclair states that although he has concern, the proposed changes appear minor in nature suggests moving forward with the project, but keeping the developer's tendency toward after-the-fact approvals in mind for projects going forward. The Board further reviews the changes. Miller states that although there are several small changes, taken as a whole they are more impactful.

Craft: Moves to determine the proposed modification of Site Plan Review #146-19 for 0 Everett Street/718 Hale Street, for 0 Everett Street LLC, is minor in nature.

Seconded by Miller. Hutchinson takes a roll-call vote. The motion fails 2-7 (Craft and Sinclair voting in favor).

Craft: Moves to set the public hearing for modification of Site Plan Review #146-19 for 0 Everett Street/718 Hale Street at 0 Everett Street LLC to be schedule for August 17, 2021. Seconded by Miller. Hutchinson takes a roll-call vote. The motion carries 9-0.

Modification Request: Parking & Traffic Commission Recommendation to the Planning Board to modify a condition to Site Plan Review #113-14 and Special Permit #139-14: North Shore Crossing – 140 Brimbal Avenue

Atty. Tom Alexander, representing the applicant, explains that the parking study that would have been completed six months after full occupancy of the shopping plaza was not completed due to COVID-19 and its impacts on traffic. He states that the applicant brought the subject to the Parking & Traffic Commission, who issued a modified recommendation to conduct one main parking study. Bartley asks when the proposed traffic and parking study will take place, and Atty. Alexander clarifies that the parking study will take place in September and October of 2021. Hutchings clarifies that there was an error in the staff report regarding the proposed amended condition, and asks the Board to refer to the Parking and Traffic Commission's letter for the correct revised condition.

Flannery: Moves that the Planning Board find that the modification request on Site Plan Review #113-14 and Special Permit #139-14, for North Shore Crossing at 140 Brimbal Avenue is minor. Seconded by Beckwith. Hutchinson takes a roll-call vote. The motion carries 9-0.

Flannery: Moves to approve the modification request to Site Plan Review #113-14 and Special Permit #139-14 to reflect the new condition shown on the Parking and Traffic Commission letter dated July 13, 2021 stating that the applicant shall conduct a single traffic impact review one year following the issuance of a Certificate of Occupancy for the project, and present its findings to the Commission. The scope of the review will include all study locations identified in the applicant's original study. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

Review letter to Director of Public Health regarding pest control plans and management

Hutchinson briefly reviews the history of the topic, first raised by Councilor Ames. Hutchinson reads the letter to the Beverly Director of Public Health, drafted by Hutchings, for discussion by the Board. The Board offers minor edits. Hutchings confirms she will incorporate the edits and send the letter to the Health Director.

Approval of Minutes (as available): May 25, 2021

May 25, 2021

The Board reviews the minutes and offers edits.

Craft: Moves to accept the minutes from the May 25, 2021 meeting as amended. Seconded by Toulouse. Hutchinson takes a roll-call vote. The motion carries 9-0.

June 1, 2021

The Board reviews the minutes and offers edits.

Flannery: Moves to accept the minutes from the June 1, 2021 meeting as amended. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

June 7, 2021 and June 22, 2021

The Board reviews the minutes and offers edits.

Flannery: Moves to accept the minutes from the June 7, 2021 meeting and the June 22, 2021 meeting as amended. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

Adjournment

Toulouse: Moves to adjourn at 10:00 p.m. Seconded by Craft. Hutchinson takes a roll-call vote. The motion carries 9-0.

The next regular meeting of the Beverly Planning Board will take place on August 17, 2021 held in the Council Chambers, 191 Cabot Street.