

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Planning Board
DATE: August 17, 2021
LOCATION: Council Chamber, 191 Cabot Street (with remote access options)
MEMBERS PRESENT: Chairperson Ellen Hutchinson, Sarah Bartley, Derek Beckwith, Ellen Flannery, Wayne Miller, Rodney Sinclair, Brendan Sweeney, Andrea Toulouse
MEMBERS ABSENT: Vice-Chair Alexander Craft
OTHERS PRESENT: Assistant Planning Director Emily Hutchings; Planning Director Darlene Wynne; Associate Planner Chelsea Zakas
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 hybrid in-person and remote meeting.

Subdivision Approval Not Required Plans

a. 5 Netherton Avenue

Applicant Roger Smith presents the proposed plan. Hutchinson reviews the criteria for a Subdivision Approval Not Required (SANR) Plan and notes that the road is not a public way, so the matter of whether the private way qualifies and allows approval as an SANR plan must be proven. She asks Mr. Smith to describe why he believes his land meets the criteria under M.G.L. Chapter 41, Section 81L. Mr. Smith cites a deed from 1988 states that the private way is to be treated as a public way; members look over documentation and note that how the private way is treated for the purposes of a deed restriction is different from how a municipality must consider the private way. Hutchinson says that the Planning Department's research establishes that the subdivision approval stated the private way would remain unpaved and private, with no provision for city funds for maintenance. Hutchings says that under that criteria, the language of a deed does not necessarily mean subdivision control law regulations are satisfied. Members discuss the timing of the deed and the Subdivision Control Act, with reference to SANR plans, and consider that the plan likely needs to go through the subdivision approval process.

Mr. Smith asks about the approval process, and Hutchinson states that if the applicant is applying to the Board for a certain type of approval, the proposed development has to satisfy relevant laws. Hutchinson states that he may have to pursue another avenue for approval of the plan, as the Board is having difficulty determining whether the application satisfies the criteria for an SANR plan. Mr. Smith argues that his surveyor told him that the plan meets the criteria. Hutchings suggests that the Board is able to continue the item to the September meeting, if Mr. Smith would like to have the surveyor or engineer who completed the plan attend and state why he believes the plan meets the criteria. Hutchinson notes the engineer should focus on M.G.L. chapter 41 section 81L, and how the subdivision meets the requirements of the Subdivision Approval Not Required plan regulations therein. Mr. Smith agrees to have the item continued to

the September Planning Board meeting. Sinclair asks whether Mr. Smith would like to include his legal counsel in the meeting, and the Board confirms that Mr. Smith may reach out to the Planning Department for a conversation or with any questions regarding the application and criteria for approval.

Flannery: Motion to continue the item to the September 22, 2021 meeting. Miller seconds. Motion passes 8-0.

Flannery: Motion to recess for public hearing. Beckwith seconds. Motion passes 8-0.

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

Hutchings reads the public notice.

Attorney Tom Alexander, at Alexander & Femino, for the applicant, reviews the project. Atty. Alexander updates the Board on changes made by the applicant to satisfy the recommendations of the Design Review Board (DRB), as noted in the last meeting. Atty. Alexander states that the only DRB-recommended change that has not been completed is the extension of the stone wall on Everett Street, which has not been done due to its potential hindrance of Unit 2's access to their garage. He refers to photographs illustrating how an extended stone wall is such a hindrance. Atty. Alexander also states that the applicant and the new condominium owners have received positive feedback on the design and appearance of the building from the public as well as from professionals having looked at the plan, including architects and builders.

Hutchinson asks that the Board go through each change and review them individually. She highlights that there were 12 proposed changes.

- 1) Building change 1: Remove the gable detail panels. The DRB recommended denying the change; the gable panels have been restored in accordance with the previous plan and the applicant has withdrawn his request.
- 2) Building change 2: Remove the horizontal banding between first and second floor. The DRB recommended denying the change; it has been restored and the applicant has withdrawn his request.
- 3) Building change 3: Use Nantucket dormer window instead of regular dormer window on the Everett Street side. Hutchinson notes that the DRB recommended approving this change; she states that whether the Board accepts their recommendation is up to them and that each design recommendation is up for discussion amongst the Board. Beckwith asks the applicant when exactly he chose to change their design proposal. Applicant Joe Skomurski states that during the building process, they made this change in order to make the building water-tight and that the previously proposed dormer window was a design flaw. Beckwith asks how the builder would handle this type of scenario if it is a common issue with complex building projects. Mr. Skomurski says that they made the change quickly to get the project done on time. Mr. Alexander asserts that the window is

symmetrical and is in keeping with what was already approved on the other side of the building.

Hutchinson asks if any members of the public wish to speak on the matter.

Anthony Brewster, 718 Hale Street, Unit 2: Mr. Brewster states that the building looks symmetrical and aesthetically pleasing and would not want it to be changed now. He says neighbors have been friendly and pleased with its appearance and is an improvement over the parking lot.

Kevin Fitzpatrick, 718 Hale Street, Unit 1: Mr. Fitzpatrick says that the design changes help make the interior more symmetrical versus the originally proposed framing format.

Hutchings reads a letter submitted by Sandra Cook, 23 Broadway, and Chair of the DRB. Ms. Cook's letter states she is writing as an individual and as Chair of the DRB, not on behalf of any other members of the DRB. Ms. Cook's letter describes the DRB's initial concern with the changes, and continues to state that the developer appears to have made a sincere effort to restore the building to what was originally approved and comply with the DRB's recommendations. She states that she believes that with regard to the one DRB recommendation that wasn't followed – the stone wall – the DRB may have made a mistake and that she doesn't believe extending the stone wall is appropriate.

Hutchings reads a letter from Caroline Mason, 583 Hale Street, and member of the DRB. Ms. Mason's letter states she is writing as an individual member of the DRB [and therefore not speaking for the DRB members], and states her appreciation for the Board's attention to the case and the precedent it will set for future development.

- 4) Building change 4: Change deck railing to solid cedar shakes instead of wood slat balusters. The DRB recommended approving this change, as confirmed by Flannery. There being no public comments, the Board moves on to the next line item. Atty. Alexander reviews the change and how it keeps with the shingle style of the house and provides additional privacy. Hutchinson asks if the reasoning for the wood slat balusters was to break up the shingle-style house. Atty. Alexander states he is not certain, but notes that the current residents like the change.
- 5) Landscape change 1: Remove plantings along southern perimeter. The DRB recommended denying the change and restoring the plantings. The applicant has made the requested changes and withdrawn his request.
- 6) Landscape change 2: Add one honey locust tree and modifying the low plantings and stone wall at the southwest corner of the property. Mr. Skomurski and Atty. Alexander explain that this change, stating the addition provides symmetry to the property. The DRB recommended approving this change. Beckwith says that he wants to be sure that it won't block the site line for traffic at the intersection. Atty. Alexander states that it does not due to its location and height. Miller emphasizes the importance of increasing

indigenous tree populations and asks if the tree species is indigenous or invasive. Mr. Skomurski states he is uncertain, but does not believe it to be invasive.

Hutchinson asks if any members of the public wish to speak on the matter.

Peter Johnson, 677 Hale Street: Speaking about the tree in the corner, the low plantings, and the extension of the wall further into the driveway, Mr. Johnson states that, with concern for children meeting the school bus at that intersection, he feels that the changes to landscaping are good changes. He states he also feels that the wall extension is not necessary for safety.

- 7) Landscape change 3: Remove the bluestone path on the Hale Street side. The DRB recommended approving this change. Atty. Alexander explains that originally the bluestone pathway was designed when the first floor was considered for commercial use; now that the first floor is a residential unit, it was deemed unnecessary.

Hutchinson asks if any members of the public wish to speak on the matter.

Anthony Brewster, 718 Hale Street, Unit 2: Mr. Brewster notes that the bluestone path would have been on his portion of the property, and it is his opinion that the landscaping on the Hale Street side is currently more pleasing, as the retained plantings emphasize the door on Hale Street, and the additional grass reduces stormwater runoff.

- 8) Landscape change 4: Replace Arborvitae with Bradford pear trees on east perimeter of the property. The DRB recommended approving this change. Mr. Skomurski describes how the needs changed when the plan altered from mixed-use to residential, that their reason for this change was to add privacy for and from neighbors. They chose the Bradford pear trees as no additional maples could be found due to the pandemic, and that the pear trees grow quickly and they will provide privacy.

Miller asks the applicant to speak to the fact that the pear trees are deciduous, versus the arborvitae, which would have been evergreens. Atty. Alexander confirms that and notes that the pear trees are significantly taller, whereas the approved arborvitae would only have been five feet in height. Flannery confirms that there would have been 20 arborvitae, and the proposed change includes five pear trees.

Hutchinson asks if any members of the public wish to speak on the matter.

Kevin Fitzpatrick, 718 Hale Street, Unit 1: Mr. Fitzpatrick presents a digital image of the pear trees as they are planted now.

The Board discusses the height, growth rate and spacing of the trees with the applicant, and how the different species compare. Beckwith asks the cost difference between 20 arborvitae and 5 Bradford pear trees; Atty. Alexander states that he just had some arborvitae installed, and reviews the costs to confirm that the pear trees are significantly more expensive.

- 9) Landscape change 5: Change bluestone walkway on northern portion of the site to paver walkway. The DRB recommended approving this change. Atty. Alexander reviews the change and how the change matches the material of the patio. There being no comments or questions from the Board or the public, the Board moves on.
- 10) Landscape change 6: Modify the stone wall along the back of the property and to add six rose bushes, shifting the maple trees slightly east. The DRB recommended approving this change.

Hutchinson asks if any members of the public wish to speak on the matter.

Kevin Fitzpatrick, 718 Hale Street, Unit 1: Mr. Fitzpatrick says that he feels it makes sense to leave the landscaping as it was changed to allow for snow storage.

- 11) Landscape change 7: Modify the species of low-lying plants at northwest corner. The DRB recommended approving this change. There being no comments or questions from the Board or the public, the Board moves on.
- 12) Landscape change 8: Remove plantings bordering the sidewalk in front of garage bay of Unit 2. The DRB recommended the condition that the applicant extend the stone wall along Everett Street. Atty. Alexander asks the Board not to require this condition, emphasizing the negative impact the condition would have on the owners of Unit 2 and noting DRB Chair Cook's letter to the Board recommending against the stone wall extension. Flannery, as the Board's representative to the DRB, states that the DRB recommended the addition of the stone wall based on the photographs presented to the DRB showing cars parked illegally, partly on the sidewalk along Everett Street.

Beckwith states that the driveway configuration was discussed during the Board's review of the previous modification, and expresses his concern that the applicant is requesting that a feature that was previously proposed to be removed. Hutchings clarifies that the proposed length of the stone wall, as noted in the DRB's recommendation, was suggested based on eyeballing, which ended up being inaccurate. Beckwith states that an extension of the wall was still proposed in the previous modification. Atty. Alexander clarifies that no wall was ever proposed for that portion of the lot, but some additional plantings were, albeit not extending the length that was recommended by the DRB. Atty. Alexander acknowledges the need for additional communication between the designer, the builder, and the Board.

Beckwith asks about the curb cut and how it might impact pedestrian safety. Atty. Alexander states that the building complies with zoning, including setbacks. Miller states that he doesn't have an issue with any of the changes, but states his frustration is with the applicant's approach to the process and coming to the Board for approval after construction completion. He notes that significant time could have been saved if the applicant had requested a modification in advance. Atty. Alexander acknowledges this and states that additionally, the Board has seen multiple modifications in recent years,

and notes that time might be saved if building inspectors receive some training regarding the Planning Board's process and Site Plan Review.

Hutchinson asks if any members of the public wish to speak on the matter. Hearing none, she asks Hutchings if any letters or recommendations have been submitted by other departments or boards/commissions. Hutchings states that no additional letters or recommendations have been received beyond the letter of recommendation from the DRB, as modification is exterior design-focused.

Hutchinson asks if any members of the public wish to speak prior to the Board closing the public hearing.

Peter Johnson, 677 Hale Street: Mr. Johnson states that he appreciates the effort the Board has put into this application, and the amount of time taken by the Board.

There being no further comments or questions from the Board or the public, Hutchinson welcomes a motion to close the public hearing.

Beckwith: Motion to close the public hearing. Toulouse seconds. Motion passes 8-0.

Hutchinson recommends addressing the proposed modification by individual item. Hutchings asks if the Board should consider a single motion, and Hutchinson confirms that the Board would like to address the items individually.

Flannery: Motion to approve building change 3, the use of the Nantucket dormer. Miller seconds. Motion passes 7-1 (Beckwith opposed).

Flannery: Motion to approve building change 4, the deck rail with cedar shakes replacing wood slat balusters. Sweeney seconds. Upon Hutchinson asking if there is discussion on the motion, Beckwith states that this was a clear disregard of what the builder was supposed to do. Motion passes 6-2 (Beckwith and Hutchinson opposed).

Flannery: Motion to approve landscape change 2, adding one honey locust tree and modifying the low plantings and stone wall at the southwest corner of the property. Miller seconds. Motion passes 8-0.

Flannery: Motion to approve landscape change 3, removal of the bluestone path on the Hale Street side. Toulouse seconds. Motion passes 6-2 (Beckwith and Hutchinson opposed).

Flannery: Motion to approve landscape change 4, replacing the Arborvitae with Bradford pear trees on east perimeter of the property. Sinclair seconds. Motion passes 5-3 (Beckwith, Flannery, and Hutchinson opposed).

Flannery: Motion to approve landscape change 5, changing the bluestone walkway on northern portion of the site to paver walkway. Toulouse seconds. Motion passes 6-2 (Beckwith and Hutchinson opposed).

Flannery: Motion to approve landscape change 6, shift the maple trees on the northern perimeter of the site slightly east, modify the stone wall along the back of the property and to add six rose bushes to facilitate snow removal, as noted on the as-built plan. Miller seconds. Beckwith states that he has a concern with the change, as it was significant and the developer had previously argued that there was sufficient snow storage space on the site. Bartley states that she agrees it was a significant change, which was one of the reasons to consider the modification at a public hearing, but she does not want to make the developer move the wall to what was originally approved. Motion passes 6-2 (Beckwith and Hutchinson opposed).

Flannery: Motion to approve landscape change 7, modifying the species of low-lying plants at northwest corner from Shamrock and Liriope Spicata to Lilly Turf. Miller seconds. Motion passes 7-1 (Hutchinson opposed).

Flannery: Motion to approve landscape change 8, removing the plantings bordering the sidewalk in front of garage bay of Unit 2. Sinclair seconds. Hutchinson and Miller ask for clarification on the vote and the DRB's recommended condition. Hutchings states that the Board is voting on the proposed change, and may choose whether to incorporate the DRB's condition. Beckwith confirms that the motion on the table is to approve the changes without addressing the extension of the wall, as proposed by the DRB. Motion passes 6-2 (Beckwith and Hutchinson opposed).

Sinclair thanks the applicant for returning to the Planning Board and DRB to have the changes approved, and for acting in good faith. He states he understands the complexities of development, and recommends that if the applicant returns for another project, he bring the architect to each meeting so that the person responsible for the design is present and understands the process. Flannery suggests that in the future, applicant should reach out to the Planning Department with any concerns or questions about the process, prior to making design changes.

Hutchinson suggests the Board move into Executive Session.

Flannery: Motion to enter Executive Session, pursuant to Massachusetts General Law Chapter 30A, Section 21(a) (3) so we may discuss pending litigation in the matter of 133 Brimbal LLC v. Members of the Planning Board, et al., Land Court Civil Action No. 21 MISC 000274.

The purpose of the executive session is to discuss strategy with respect to this litigation. As Chair, I declare that an executive session is necessary because an

open meeting may have a detrimental effect on Planning Board's litigation position. Beckwith seconds. Hutchinson takes a roll-call vote. Motion passes 8-0.

Executive Session (hybrid meeting via nonpublic Google meet link)

133 Brimbal LLC v. Ellen Hutchinson, Alexander Craft, Sarah Bartley, Derek Beckwith, Ellen Flannery, Wayne Miller, Andrea Toulouse, Rodney Sinclair, and Brendan Sweeney, as they are Members of the Planning Board, et al., Land Court Civil Action No. 21 MISC 000274, pursuant to Massachusetts General Laws ch. 30A, section 21(a)(3) (open meeting law exemption regarding discussing litigation strategy when an open meeting may have a detrimental effect on the litigating position of the public body and chair so declares during the public session).

Beckwith: Motion to resume regular meeting. Sinclair seconds. Motion passes 8-0.

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

Applicants Mike Smith and Ben Garry of Old Planters Brewing Co., are attending the meeting virtually to discuss their request. Mr. Smith reviews the application and states that, per the Board's directive, they submitted their application to the Parking & Traffic Commission (P&TC), which reviewed the application and voted to recommend the Planning Board approve the application with three conditions. Hutchings states that the only part of the application that has changed since the previous meeting is the fact that the applicant has been before the P&TC, who submitted a letter of recommendation to the Board. The Board needs to determine if the modification is major or minor in nature. If it is found to be minor, the Board can take action this evening; if it is not minor, the Board will set a public hearing to review the application. Hutchinson notes that this application is for a modification to a Special Permit, and associated special findings must be made to approve the modification.

Hutchinson requests that the applicant review the criteria (findings) for issuing a Special Permit and speak to how the proposed modification meets those criteria. Mr. Smith reviews the application and criteria. He states that they are proposing to move three parking spots from on-site to street parking, and remove curb cuts, and that he believes changing the driveway and adding street parking is appropriate for that use. Per the second criterion, he states that he does not believe the proposal, by providing more street parking, would negatively impact property values in any way. Per the second criterion, he states that no additional traffic is being created; the parking is simply being moved from on-site to street parking. Per the fourth and sixth criteria, the city facilities are appropriate and city services would not be affected; they would work with the City to fill in the curb cuts, and then they would simply be part of the sidewalk. Per the fifth criterion, Mr. Smith states he hasn't heard from any abutting property owners, and that it would actually benefit them by providing additional public parking. Mr. Garry notes that they have used the on-site space as outdoor seating for over a year, and this is simply making the change permanent beyond the pandemic.

Beckwith asks the applicants to provide some background on the goals for the property and need to change the parking arrangement. Mr. Garry replies that with the COVID-19 pandemic,

outdoor seating is important for immune-compromised people, and the outdoor space also helps them compete as a relevant business with outdoor seating. Mr. Garry reviews the hours of operation and the goal to make the space more permanent, and changing the parking arrangement would enable that. Mr. Smith notes he submitted a rendering of the plan for the July meeting; Hutchings presents this rendering on screen. Mr. Smith describes the schematic.

Beckwith asks if there have been any concerns or complaints about the outdoor seating in the last year. Mr. Garry states that no, while there have been one or two comments related to the music being played indoors, there have been no comments related to the outdoor dining. Mr. Smith and Mr. Garry state that in later hours of operation, customers typically move inside, and if there are any concerns about the music they close the garage bay windows.

Miller asks where the employees park. Mr. Garry says that during the day when the brewery is not open, employees may use the on-site parking spaces, and during business hours, employees use street parking. Mr. Garry states that the on-site parking spaces are rarely used. Miller asks if they have any obligation to arrange for off-site parking for employees, and Mr. Smith states no, that that was one of the purposes of the original Special Permit. Mr. Smith notes the parking requirements of the Ordinance and what is required versus what is being requested. Miller reviews a condition of the original Special Permit stating that the applicant will arrange for off-site parking for employees while the business is owned to members of the public, and asks if Mr. Garry and Mr. Smith are aware of and complying with this condition. Miller states that it sounds like they are not in compliance with this condition. Mr. Smith and Mr. Garry state that if they have not complied and it has been an oversight, as their understanding of this condition is that they ensure that their employees do not use the parking designated for customers when the brewery is open. Board members discuss the condition and how it was meant to be interpreted. Sinclair asks if they should ask the P&TC about the condition, as they recommended the condition. Hutchinson reads the condition and states she believes the condition requires affirmative action on the part of the applicant. Hutchings states that, based on the actions taken since the approval of the original Special Permit, she believes they are in compliance, and that the Planning Department and other staff have not determined any issues associated with the parking plan. Mr. Garry asks if any issues have arisen related to their parking situation in the past. Hutchinson cites her concern about parking on Rantoul Street. Beckwith suggests that an employee parking program might be needed. Miller suggests that the applicant has not been complying with the condition due to misunderstanding it. Sinclair states that the P&TC has reviewed this application and would have considered whether the applicant has been meeting the conditions previously required, and asks if the Planning Board should rely upon that review. Hutchinson states that the Board may consider the all conditions recommended by other boards and commissions, and reviews the P&TC's recommendation to the Board.

Hutchinson asks if there are any further questions or comments for the applicants. Sweeney asks for clarification on the relief that is being requested, and Mr. Smith reviews the plan and the relief that is needed, and notes that they will be shifting parking spaces to on-street but will actually be adding one parking space. He and Mr. Garry emphasizes that they are acting in good

faith regarding employee parking and want to ensure they remain in compliance with any conditions. Hutchinson recognizes Planning Director Darlene Wynne, who reviews the parking requirements in the Ordinance and states that based on the fact that a downtown employee parking program was not available at the time the Special Permit was issued, she believes the intent of the condition was simply that employees would not park in front of the facility, which the applicant has held to. She says that there is now an employee parking program that the business owners can participate in. Toulouse states that the Board is just trying to understand the situation to have all the information necessary to make a decision. Mr. Smith reviews how he reviews parking with his employees and emphasizes the intent to remain in compliance with any conditions.

Hutchinson asks the Board members if they consider this to be a minor modification. Miller asks if the outdoor dining is relevant, and Hutchings states that the Special Permit is solely related to the parking. Beckwith notes that the Board will not see any additional information on the outdoor dining space, and Hutchinson clarifies that the parking needs, and not the outdoor dining creation, is before the Board.

Flannery: Motion to determine the Modification to Special Permit #168-18 is minor in nature. Seconded by Sinclair. Miller confirms that determining the Modification to be minor means that no public hearing will be required for the Board to make a finding and decision. Sweeney summarizes the points being considered and states he believes the Modification is minor. Motion passes 8-0.

Flannery states the Board has made the following findings with respect to Modification of Special Permit #168-18, pursuant to Section 300-98 of the Beverly Zoning Ordinance:

- a. That the specific site is an appropriate location for the proposed use and that the character of the adjoining uses will not be adversely affected. The Board finds the change in parking is appropriate.
- b. That no factual evidence is found that property values in the district will be adversely affected by such use. The Board has heard no evidence to the contrary.
- c. That no undue traffic and no nuisance or unreasonable hazard will result. The Board finds the additional parallel parking does not create such.
- d. That adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use. The Board finds there being permanent curbs and parking, with minimal need for City maintenance.
- e. That there are no valid objections from abutting property owners based on demonstrable fact. The Board finds that no complaints regarding the parking have been made.
- f. That adequate and appropriate City services are or will be available for the proposed use. The Board finds support in that City services won't be necessary to address the parking.

Flannery: Therefore motions that conditions a, b, c, d, e, and f are satisfactory and moves to approve Modification to the Special Permit granting relief from the 10 required parking spaces, subject to compliance with any and all conditions set forth in the

Parking & Traffic Commission letter dated August 16, 2021, and subject to the conditions recommended by the Parking & Traffic Commission as incorporated in the original 2018 approval of the Special Permit. Miller seconds.

Miller asks if there is a parking space on-site for handicap parking, as conditioned. He also asks that the Board strike the condition noted in the 2018 letter from the P&TC, and the Board determines that the new letter from the P&TC supersedes any conditions of the previous letter. The Board reviews appropriate conditions for employee parking. A discussion ensues about changing the conditions from the 2018 Parking and Traffic Commission letter and including the conditions from the 2021 Parking and Traffic Commission letter, and adding a condition to clarify the intent of employee parking.

Flannery amends her motion: that conditions a, b, c, d, e, and f are satisfactory and moves to approve Modification to Special Permit #168-18, granting relief from the 10 required parking spaces, subject to compliance with any and all conditions set forth in the Parking & Traffic Commission letter dated August 16, 2021, subject to the condition that the project proponent will ensure that all employees are informed that parking spaces contiguous to the project site are not to be utilized by employees while the taproom is open to the public. Motion passes 8-0.

Modification to Site Plan Review #55-99 – 85 Sam Fonzo Drive – CM&B Inc., c/o Hancock Associates

Charlie Wear, engineer from Hancock Associates and representative to the applicant, presents the project. Mr. Wear reviews the proposed modification, and states that the site has recently been purchased, and that the site will remain office space. He describes several minor, maintenance-focused improvements to the site, and notes the primary reason for presenting to the Board is to request approval to close the second driveway to the site. Mr. Wear reviews that the site has more than sufficient parking, and that neither the Engineering Department nor the Fire Department have any concerns. Mr. Wear reviews the other proposed changes to the site, including a new fence on the northern perimeter of the site, the addition of an enclosed dumpster, added plantings, and improvements to the patio area next to the building. Hutchings shares a letter from the Engineering Department regarding this proposal.

Miller asks if there is currently any fencing on the site, and Mr. Wear reviews where fencing currently exists. Len Cubellis from CM&B, present via telephone, confirms the location of existing fencing. Miller asks about recycling on the site, and Mr. Cubellis confirms the business has a recycling program. Miller asks about the excess of parking, and Mr. Wear confirms there is an excess of 17 parking spaces by current zoning. Miller states that there are a significant number of changes, and Mr. Wear notes that they are all quite small. Hutchings states that many of the improvements are actually repairs, and the primary item that requires Planning Board review is closing the second egress point.

Beckwith asks the number of employees and the size of the building, and the purpose of closing the second egress point. Mr. Wear states that they want to direct employees and clients to the front of the building, which is next to the primary egress point.

Beckwith: Motion to determine the Modification to Site Plan Review #55-99 to be minor in nature. Flannery seconds. Motion passes 8-0.

Beckwith: Motion to approve the Modification to Site Plan Review #55-99, incorporating the conditions outlined by the City Engineer in an email to the Planning Board dated August 17th, 2021, and incorporating the letters received from the Conservation Commission email dated August 11th, 2021, and the Fire Department dated August 12th, 2021. Seconded by Mr. Miller. Motion passes 8-0.

Other / New Business

Endorsement of Definitive Subdivision Plan and Waiver of Frontage for 75 Livingstone Avenue without the Requirement of a Covenant or a Performance Bond – Paul R. LaPenna, Michael C. LaPenna, Nancy J. Hadley, Marie J. Hadley and Joanne Holehouse, c/o Alexander & Femino

Atty. Tom Alexander speaks representing the applicant, who is requesting that the Board endorse the approved plan following the completion of the 20-day appeal period. Atty. Alexander states the applicant requests the Board endorse the plan without requiring a covenant or a performance bond, as all roadway improvements are existing and complete.

Beckwith: Motion to endorse the Definitive Subdivision Plan for 75 Livingstone Avenue and waive the requirement of a covenant or performance bond. Flannery seconds. Motion passes 8-0.

Set Public Hearings

a. Site Plan Review #152-21 – 572R Essex Street – The Trustees of Reservations, c/o Elizabeth Keary Soule

Flannery: Motion to schedule this public hearing for the next Planning Board meeting on September 22, 2021. Beckwith seconds. Motion passes 8-0.

Presentation: Associate Planner Chelsea Zakas, Introduction to Open Space & Recreation Plan Update

Associate Planner Chelsea Zakas gives a presentation describing the Plan update. Board members ask for a link to the presentation and the plan so that they may be able to review and make notes. Hutchinson asks if Zakas can return after the Board has reviewed the materials, and Zakas confirms that she can. Hutchings states she will coordinate with Zakas to provide the Board with information about the Plan and the update.

Other / New business

**Request to Withdraw Special Permit Application #180-21 – 143 Brimbal Avenue –
Glovsky & Glovsky**

Attorney Miranda Siemasko has submitted a request to withdraw Special Permit Application #180-21, for 143 Brimbal Avenue, without prejudice.

Beckwith: Motion to approve the withdrawal of Special Permit Application #180-21 for 143 Brimbal Avenue, without prejudice. Flannery seconds. Motion passes 8-0.

Update on zoning changes that may be considered during Fall 2021

Hutchings updates the Board on the Planning Department's zoning activities, noting that the rezoning of the Bass River District continues to be a priority as noted in PlanBeverly, Beverly's 2020 Master Plan. She states that the Planning Department is continuing to work with the Mayor's Office and the Sustainability Office, and that the review process for proposed zoning is anticipated this fall.

Approval of Minutes:

a. July 20, 2021

Beckwith: Motion to table the approval of minutes from the July 20, 2021 notes for the next meeting. Toulouse seconds. The motion carries 8-0.

Adjournment

Beckwith: Motion to adjourn at 11:10 p.m. Toulouse seconds. The motion carries 8-0.

The next regular meeting of the Beverly Planning Board will take place on September 22, 2021 held in the Council Chambers, 191 Cabot Street.