

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Planning Board
DATE: September 22, 2021
LOCATION: Remote via Google Meet
MEMBERS PRESENT: Chairperson Ellen Hutchinson, Vice-Chair Alexander Craft, Sarah Bartley, Ellen Flannery, Wayne Miller, Rodney Sinclair, Brendan Sweeney
MEMBERS ABSENT: Derek Beckwith, Andrea Toulouse
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.

Subdivision Approval Not Required Plans

a. 5 Netherton Avenue – Roger Smith (continued)

Atty. Tom Alexander is present to represent the applicant, but has technical difficulties. The Board continues to the next item on the agenda, to return to this application when Atty. Alexander is ready to address the Board.

b. 0 Sylvan Avenue – Robert and Joan Martino

There being no one present to represent the applicants, Hutchinson welcomes a motion to postpone this topic until the next meeting.

Flannery: Motion to postpone this topic to the next meeting on October 12, 2021. Craft seconds. Motion passes 7-0.

Definitive Subdivision Plan – 133 & 143 Brimbal Avenue: Vote on: “Motion to rescind, nullify and void each of the following: (1) the decision of the Beverly Planning Board dated April 26, 2021, and filed with the Beverly City Clerk on both April 27, 2021, and April 28, 2021; (2) the decision of the Beverly Planning Board dated May 7, 2021, and filed with the Beverly City Clerk on May 10, 2021; and (3) the Beverly Planning Board certificate made pursuant to G.L. c. 41, sec. 81X, dated April 29, 2021, and filed with the Beverly City Clerk on May 12, 2021.”

Hutchinson states the motion required and summarizes the purpose of the motion. Hutchinson states that this motion is based on the fact that after the Board’s April 21, 2021 meeting, counsel for the owner of 143 Brimbal Avenue (Vittori-Rocci Post) informed the Board that the owner of 133 Brimbal Avenue did not authorize the request for endorsement of the subdivision plan that the Board approved at its April 21, 2021 meeting and requested that the Board rescind its decision. The Board believes that its 9-0 vote at its June 22, 2021 meeting to “rescind the decision to endorse the plan [at issue] pursuant to ch. 41, section 81W” sufficiently already

addressed this issue. However, in order to remove any question, this further motion should be made.

Flannery: Motion to rescind, nullify and void each of the following: (1) the decision of the Beverly Planning Board dated April 26, 2021, and filed with the Beverly City Clerk on both April 27, 2021, and April 28, 2021; (2) the decision of the Beverly Planning Board dated May 7, 2021, and filed with the Beverly City Clerk on May 10, 2021; and (3) the Beverly Planning Board certificate made pursuant to G.L. c. 41, sec. 81X, dated April 29, 2021, and filed with the Beverly City Clerk on May 12, 2021. Craft seconds. Motion passes 7-0.

Subdivision Approval Not Required Plans (continued)

a. 5 Netherton Avenue – Roger Smith (continued)

Atty. Tom Alexander confirms he is ready to address the Board. Hutchings presents the schematic on screen. Atty. Alexander details how the Plan meets the standard for a subdivision, as it meets square footage requirements and has sufficient frontage on a road that is part of a subdivision that was previously approved and endorsed by the Planning Board. Hutchinson welcomes a motion.

Craft: Motion to endorse the Subdivision ANR as it meets the three standards under Massachusetts General Law chapter 41 section 81L. Sinclair seconds. Motion passes 7-0.

Flannery: Motion to recess for public hearing. Sinclair seconds. Motion passes 7-0.

Public Hearing

a. Site Plan Review #151-21 – 143 Brimbal Avenue – 143 Brimbal Avenue LLC, c/o Glovsky & Glovsky LLC – updated application with new legal notice

Hutchings reads the public notice.

Atty. Miranda Siemasko representing the applicant is present to discuss the subject. She requests that the Board postpone this topic to the October 12, 2021 meeting.

Flannery: Motion to continue the public hearing for this Site Plan Review until October 12, 2021. Sweeney seconds. Motion passes 7-0.

b. Site Plan Review #152-21 – 572R Essex Street – The Trustees of Reservations, c/o Elizabeth Keary Soule – 28:14

Hutchings reads the public notice.

Ms. Soule and her colleague Jared Bowers, both from the Trustees of Reservations, are present to discuss the proposed development of a cultural learning center at the Trustees of Reservations property at Long Hill. She presents the proposed schematic to the Board and reviews the different aspects of the proposed work.

Miller asks whether the new plantings will be native plantings; Ms. Soule clarifies that all the plants included will be pollinator plants. Miller asks if the Trustees are planning to make systems upgrades and use renewable energy resources for the updates to the farm house building. Ms. Soule says that they are not able to install such systems at this time but would have preferred to do so. Miller asks about whether there is a need to buffer neighboring properties from noise from construction and events. Mr. Bowers clarifies that Long Hill end all events by 10pm and they have not received complaints.

Flannery asks about parking spaces. Ms. Soule states that the lot currently holds 20-25 spaces and they are planning to expand it to hold 40 total spaces. Hutchinson asks what is being given up in exchange for the additional parking. Ms. Soule shows on the schematic that the parking area will expand into an adjacent open field. Sinclair asks for more details on the horticultural learning center as well as the renovation schedule. Ms. Soule states they hope to begin renovations in November and work through the winter, with a goal of completing improvements in May 2022. Mr. Bowers discusses programming for horticultural education. Hutchinson asks about the existing square footage in the farm house and the proposed addition. Ms. Soule answers that there will be a reduction of square footage on the second floor and an addition to the square footage on the first floor.

Hutchings shares with the Board several letters sent by other city departments and/or committees, all of which recommend approval of the application (some with conditions).

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

Flannery: Motion to close the public hearing. Craft seconds. Motion passes 7-0.

Miller asks Hutchinson if she feels that a site visit is warranted due to the scope of the project. Hutchinson states that she feels that the project is not major in scope, and that a site visit is unnecessary. Flannery states her agreement with Hutchinson. Miller concurs. Ms. Soule invites the Board members for individual site visits if there is interest.

Hutchinson welcomes a motion on this site plan application.

Craft: Motion to approve Site Plan #152-21 – 572R Essex Street – The Trustees of Reservations, with the following conditions:

- 1) Work shall conform to the project plans as named herein, attached and incorporated hereto.
- 2) 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

- 3) Subject to compliance with the recommendation and conditions from the Parking & Traffic Commission, submitted via a letter dated 9/17/21, with conditions as follows:
 - a) That the applicant will install appropriate bicycle parking. Long Hill project managers shall work with the Beverly Bike Committee to ensure appropriate bicycle parking space and equipment is employed at the site in order to best accommodate anticipated usage.
 - b) All new roadways and circulation will accommodate adequate bus turning to ensure safe passage along interior roadways and entering/exiting the site from Essex Street.
- 4) Subject to compliance with the letter from the Commissioner of Public Health dated 9/16/21, incorporated herein and attached hereto.
- 5) The applicant shall submit to the Engineering Department a campus-wide analysis of stormwater management, current project erosion control/area of disturbance calculation, prior to commencement of any construction or earthwork related activities.

Flannery seconds. Motion passes 7-0.

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

Craft: Motion to exit public hearings. Flannery seconds. Motion passes 7-0.

Request to Accept Hickory Hill Way Cart Path Restoration and Plan: OSRD Site Plan #10-17 and Definitive Subdivision Plan – Hickory Hill Way (20, 30, and 40 Webster Avenue) – Griffin Engineering Group, LLC

Bob Griffin of Griffin Engineering is present to discuss the project and shares the project schematic on screen. He summarizes that the Conservation Commission is satisfied with the completed restoration work.

Craft asks Mr. Griffin for clarity about the removal of site erosion control material. Mr. Griffin states that the materials have been removed. Miller asks about a damaged stone wall; Mr. Griffin clarifies that the damage to this wall was not caused by contractors or during construction and so has not been repaired during this restoration, and the appearance remains slightly damaged.

Flannery: Motion to accept the Hickory Hill Way Cart Path Restoration and Plan: OSRD Site Plan #10-17 and Definitive Subdivision Plan – Hickory Hill Way (20, 30, and 40 Webster Avenue). Sinclair seconds. Motion passes 7-0.

Set Public Hearings

a. None at this time

Hutchinson states that the applicants for the Subdivision Approval Not Required Plan for 0 Sylvan Avenue are now present, and welcomes a motion to review the subject at this meeting rather than waiting until the October 2021 meeting.

Craft: Motion to rescind the Planning Board's previous determination to postpone the Subdivision Approval Not Required Plan for 0 Sylvan Ave to the October 12, 2021 meeting, and to consider the matter at this evening's meeting. Miller seconds. Motion passes 7-0.

i. 0 Sylvan Avenue – Robert and Joan Martino

Ms. Martino is present to discuss the plan. Flannery asks that the Board notice that there is a clerical error of the name of the owner on the surveyor's schematic and Ms. Martino states that the plan to be signed will have the corrected name. Hutchinson reviews how the plan meets the criteria for a Subdivision Approval Not Required Plan, and welcomes a motion.

Flannery: Motion to grant Subdivision Approval Not Required Plans for 0 Sylvan Avenue, submitted by Robert and Joan Martino, as it meets the three standards under Massachusetts General Law chapter 41 section 81L. Bartley seconds. Motion passes 7-0.

Approval of Minutes

a. July 20, 2021

Flannery: Motion to approve the minutes from July 20, 2021, as amended. Craft seconds. The motion carries 7-0.

b. August 17, 2021

Flannery: Motion to approve the minutes from August 17, 2021, as amended. Craft seconds. The motion carries 7-0.

Other / New business

a. Discussion on whether to continue with remote or in-person meetings through 2021

Hutchinson welcomes comments from Board members. Hutchings says that meetings can be held in person, hybrid, or remote. Board members review their preferences, and Hutchings notes that holding meetings either in person or fully remote is technically more feasible than hybrid meetings. The general consensus is to continue virtual meetings through the end of the year, and to revisit the subject in December. Hutchings confirms that no motion is required to continue with remote meetings through December 2021.

Flannery notes that the Planning Board currently has two meetings scheduled for November, two weeks apart, and asks whether the Board could amend the schedule to hold only one meeting in November. Hutchings confirms that the Board could cancel one meeting and/or reschedule a meeting. Hutchinson confirms that the November schedule will be reviewed and acted on at the October 21, 2021 meeting.

Hutchinson states that the Board will now move into Executive Session. Hutchinson reads the Executive Session Notice, and asks for a motion to move into Executive Session. Hutchings clarifies that the Board will not reconvene after the Executive Session.

Flannery: Motion to enter Executive Session, pursuant to M.G.L. chapter 30A, Section 21(a)(7) in order to comply with the legal requirement that the Board approve the minutes of the executive session held on August 17, 2021 under ch. 30A, section 21(a)(3) regarding litigation strategy in the matter of 133 Brimbal LLC v. Ellen Hutchinson, et al., as they are Members of the Planning Board, et al., Land Court Civil Action No. 21 MISC 000274.. Miller seconds. The motion carries 7-0.

The Planning Board moved into Executive Session at 8:38 p.m. and, there being no additional business to review outside of Executive Session, adjourned the meeting at the end of Executive Session.

The next regular meeting of the Beverly Planning Board will take place on October 12, 2021 held virtually via Google Hangouts.