

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Planning Board
DATE: October 12, 2021
LOCATION: Remote via Google Meet
MEMBERS PRESENT: Chairperson Ellen Hutchinson, Vice-Chair Alexander Craft, Sarah Bartley, Ellen Flannery, Wayne Miller, Brendan Sweeney, Derek Beckwith, Andrea Toulouse
MEMBERS ABSENT: Rodney Sinclair
OTHERS PRESENT: Assistant Planning Director Emily Hutchings
RECORDER: Stacia Chamberlain

Call to Order

Chairperson Hutchinson calls the meeting to order at 7:01 pm and reads a prepared statement introducing the meeting and noting the authority to hold a hybrid in-person and remote meeting.

Sarah Bartley entered the meeting at 7:03pm.

Subdivision Approval Not Required Plans

None

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.

Beckwith: Motion to move into public hearings. Flannery seconds. Motion passes 8-0.

The applicant's attorney, Atty. Miranda Siemasko is on the call to review the application and the project. Atty. Siemasko describes the nature of the client's business operations and needs as a high-end rug manufacturer and retailer. She states that the business complements the location as the zoning district is designated as IR (Restricted Industrial). She argues that the proposal makes better use of the building than the use by the current tenant, based on the building's zoning district. She says that the current plans comply with parking requirements, and the Zoning Board of Appeals approved the building addition and its proposed use this past month. Atty. Siemasko states the project received a unanimous (positive) recommendation from the Design Review Board as well.

Project architect Thad Siemasko is present to describe the proposed schematics, and Atty. Siemasko shares her screen, with images and illustrations of the existing property and the project proposal. There being some technical difficulties and version discrepancies, project engineer Bob Griffin of Griffin Engineering shares his screen for the Board while Mr. Siemasko discusses the project. He also presents and discusses site landscaping. Mr. Griffin then adds more comments describing the schematics from the perspective of project engineer.

Hutchinson asks the Board if there are any questions about the site and what has already been reviewed before they move forward to the topic of parking. Miller asks about how recycling and trash will be managed. Julie Arcari Cook, CEO of Landry & Arcari Rugs and Carpeting, reviews waste procedures and how materials are recycled where possible. Miller asks how the building will meet the use's energy needs and what will be done to minimize emissions in compliance with the City's Climate Action Plan; Miller asks if they will be changing the HVAC system from gas or oil to electric. Mr. Siemasko states that due to the change in use and the improvements to the building, including insulation and lighting fixtures, the energy use would not exceed the energy use of the previous tenants; he and Ms. Cook describe how they are utilizing new building materials and their design to reduce heat and energy loss. Miller recommends they take advantage of renewable energy resources, as the City will be offering resources for businesses to do so. He also suggests that they look into having electric vehicle charging stations on site.

Bartley asks about parking use, allotment, and estimated parking needs. Ms. Siemasko answers that this will be discussed further in the next part of their presentation. Craft asks about pickup orders if there are many online orders, as clients may expect of their business. Beckwith asks about the reduction of square footage compared with the previously proposed schematic. Mr. Siemasko reviews how pickup will occur and provides an overview of how the proposal has changed from the plan that was previously submitted. Beckwith asks about the potential for a memorial and a commemorative display on this site to recognize the history of the building as it served U.S. military veterans, and asks if they have ideas as to where to put a historic site memorial. Mr. Siemasko states that such a memorial would be front and center, as it is shown on the landscape plan. Hutchinson asks how parking is allocated based on building use, and reviews the use of the space in various portions of the building with Mr. Siemasko. Hutchinson asks how the Vittori Rocci Post will be used for the first few years and how the space will be changed. Atty. Siemasko reviews how the applicant and the Vittori Rocci Post would share the property for a period of two years while construction on the new addition is underway, and states that the building will not be used for retail while the Vittori Rocci Post remains in the building.

Rebecca Brown of GPI presents the traffic study done on behalf of the applicant. Ms. Brown discusses their data, stating that it supports the fact that traffic generation will not significantly affect the traffic flow on Brimbale Avenue. Ms. Brown reviews the discussion and conditions proposed by the Parking & Traffic Commission, and how the proposal was considered by the Zoning Board of Appeals. Ms. Brown reviews how the parking needs will be met or exceeded at all times, including when the Vittori Rocci Post is still using the building. She reviews how deliveries and pick-up by trucks will occur and how trucks will adequately be able to navigate the site and adjacent roundabouts. Bartley comments that in the long term, there appears to be more parking and paved area than necessary. Atty. Siemasko states that the existing site is fully paved, and that the proposal will not add any newly paved areas. Atty. Siemasko returns to Hutchinson's previous question and describes the square footage for the various portions of the building and respective uses, and how the square footage changed from the initial proposal to what is currently being considered by the Board. Atty. Siemasko also notes that the property will be the main storage facility for the business, which is a critical part of the business. Hutchinson

and Atty. Siemasko review the nature of storage versus retail spaces for rug and carpeting facilities.

Hutchinson asks about the vehicle queue at the site. Ms. Brown reviews how vehicles will queue at the site and what is currently occurring at both 143 and 133 Brimbal Avenue in terms of turning and vehicle queues, and states that the traffic generated at the site will not create a delay at 133 Brimbal Avenue by more than a second. Craft asks for additional clarification on what will occur and impacts as vehicles turn into the property off the roundabout. Ms. Brown reviews how traffic will be sufficiently managed at the roundabout. Atty. Siemasko notes that the building was recently used as a COVID-19 vaccination site, and that traffic was managed sufficiently during that period. Craft asks if deliveries were factored into traffic studies; Ms. Brown confirms that they were, and reviews the anticipated number and time of deliveries. Jeff Arcari and Julie Arcari Cook review deliveries and how they will be managed onsite.

Following the conclusion of the applicant's presentation, Hutchinson asks if any members of the public have comments or questions.

Atty. William H. Sheehan, attorney with MacLean Holloway Doherty & Sheehan, P.C., 8 Essex Center Drive, Peabody, MA, representing 133 Brimbal LLC (owner of the abutting property at 133 Brimbal Avenue) is recognized. Atty. Sheehan states that his client's biggest concern is for parking, and states his confusion with portions of the parking study. Atty. Sheehan argues that with reason the site worked well as a vaccination site was due to the use of 133 Brimbal Avenue as a point of entry. He argues that the existing uses of 133 and 143 Brimbal Avenue are complementary with regard to parking, and that the building is a nonconforming building on a nonconforming lot, which is too large for the site. He argues that by the City's Zoning Ordinance, the parking is not compliant based on the blend of retail and storage in the building, as the areas used as storage will also be used as retail space. Atty. Sheehan requests that the Planning Board deny the Site Plan Review or continue the review until the applicant has complied with one of the Parking & Traffic Commission's proposed conditions of approval, that the applicant provide evidence in writing from MassDOT that State permits are not required for the project.

Hutchinson invites Atty. Siemasko to respond to Atty. Sheehan's assertions. Atty. Siemasko confirms that the storage areas demarcated on the plans will be used as storage and will not be accessible to the public. Atty. Siemasko returns to the building plans and reviews the areas to be used as retail versus storage or manufacturing area. She further describes how the areas have been demarcated and how parking is therefore calculated. Atty. Siemasko shows photos of the existing Landry & Arcari facility in Salem, and how space is needed for storage. Jeff Arcari further describes how the rugs need to be stored. Atty. Siemasko and Mr. Arcari further describe how the rugs are manufactured and show the current manufacturing space in Salem. Julie Arcari Cook further describes the need for storage space.

Hutchinson asks Atty. Siemasko to respond to Atty. Sheehan's argument that the parking is not compliant. Atty. Siemasko reviews the Ordinance as it applies to the proposed project, and states

that the Building Inspector has reviewed the proposal and concurs that the parking is compliant with the Zoning Ordinance. Hutchinson asks Atty. Sheehan if he would like to respond. Atty. Sheehan argues that both the change in use and the increase in the size of the building means that the parking is not compliant, and reviews the locations of parking spaces.

Hutchinson asks Atty. Sheehan for the specific statutes in the Beverly Zoning Ordinance that he is referred to during his arguments, so the Planning Board can share them with the Solicitor's Office if it is determined necessary. Atty. Siemasko states that her understanding of the Planning Board's role in tonight's proceedings may be different from Atty. Sheehan's and that the proposal observes existing nonconforming setbacks and has not increased them, nor are any paved areas being increased. She notes that the applicant has received a Special Permit and a Finding from the Zoning Board of Appeals, allowing the continuation of the existing nonconformities. Hutchings states that this project has been reviewed by Building Inspector Steve Frederickson, whose role is to review such applications with regard to the Beverly Zoning Ordinance and determine whether the project complies with the Ordinance. Hutchings continues that Mr. Frederickson has reviewed the application and has stated that he has no concerns. Beckwith asks if the Zoning Board of Appeals or the Parking & Traffic Commission have heard these arguments [from Atty. Sheehan]. Atty. Siemasko states that Atty. Sheehan raised this issue during the hearing with the Zoning Board of Appeals, although it was not raised during the Parking & Traffic Commission meeting. Atty. Sheehan states that he was unaware of the Parking & Traffic Commission meeting.

Hutchinson asks if any other members of the public would like to ask questions or comment. Hearing none, Hutchinson notes that Craft had a question. Craft states that the project has already been through the Zoning Board of Appeals, and asks Atty. Siemasko if the application has passed the 20-day appeals window with regard to the Zoning Board's determination. Atty. Siemasko states that the appeals window has not yet ended, and that she believes it ends on October 20, 2021. Hutchinson asks if any other members of the public would like to ask questions or comment. Hearing none, Hutchinson asks if there are any further questions from Board members. Hearing none, Hutchinson asks if there is any reason not to close the public hearing. Craft asserts that he is unsure if the appeals window for the Zoning Board's decision has any impact on the Planning Board's ability to make a decision on the matter. Hutchings clarifies that the Board is within its rights to make a decision tonight. Atty. Siemasko states that she concurs with Hutchings. Atty. Siemasko argues that the application stands on its merits and meets the requirements for Site Plan Review, and states that the applicant requests a vote.

Hutchinson asks Hutchings to share letters and recommendations from other departments and various city Boards, Commissions, and Committees as they have been submitted. Hutchings reviews letters and comments submitted by the Design Review Board, Parking & Traffic Commission, Commissioner of Public Health, and the Engineering Department; she notes that other departments have cited no concerns or comments about the project.

Hutchinson asks for a motion to close the public hearing.

Beckwith: Motion to close the public hearing. Miller seconds. Hutchinson takes a roll-call vote. Motion passes 8-0.

Hutchinson asks for a motion on the matter.

Flannery: Motion to approve Site Plan #151-21 with 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 10/8/21 and revised 10/12/21, with conditions as follows:
 - a) That there will be no deliveries by WB-40 vehicles or larger between 7:00am and 9:00am and between 4:00pm and 6:00pm.
 - b) That the applicant provide evidence in writing from MassDOT that State permits are not required for the project.
- 4) Subject to compliance with the letter from the Commissioner (Director) of Public Health dated 7/14/21, incorporated herein and attached hereto.
- 5) Incorporating the comments and subject to compliance with the conditions established by the Engineering Department, as follows:
 - a) Reviewed for stormwater. Plans are consistent with discussions held at Project Team Meeting as well as conference calls w/ Griffin Eng. Site has overall reduction in impervious area and has consistent drainage patterns with existing site. This plan is approved conditionally pending the outcome of the Parking and Traffic Meeting slated for October 2021. Engineering has reviewed the traffic counts and report, but will refrain from comment with the understanding that P&T will review in October.
 - b) The Engineering Department notes that all construction and site related activities create disturbances that require erosion control measures. Applicable erosion control permits are required to be filed with the Engineering Department. Permits are based upon actual area of disturbance, and it is required that the Engineer of Record determine the actual land disturbance created by regrading, and parking lot

rehabilitation. This calculation will determine the appropriate erosion control permit to be applied for.

- c) Existing utility services are proposed to be reused. If for any reason these services need to be repaired, replaced, or upgraded, applicable permit fees will be due to the Engineering Department prior to commencement. Copies of the sewer service lateral CC TV inspections are to be provided to the Engineering Department.
- d) The Engineering Dept. advises the applicant that the Engineering Rules and Regulations have been updated. This project is subject to those changes. Please review this document, available on the City website. If there are any questions, please ask prior to commencement. Failure to comply with these regulations will result in potential fines

Beckwith seconds. Hutchinson takes a roll-call vote. Motion passes 8-0.

Set Public Hearings

- a. **None at this time**

Approval of Minutes

- a. **September 22, 2021 (open session)**

Board members review the minutes and have offered their comments and corrections.

Craft: Motion to approve the minutes from the open session on September 22, 2021 as amended. Bartley seconds. Hutchinson takes a roll-call vote. The motion carries 6-0, with Beckwith and Toulouse abstaining.

- b. **September 22, 2021 (executive session)**

Board members review the minutes and have offered their comments and corrections.

Craft: Motion to approve the minutes from the executive session on September 22, 2021. Flannery seconds. Hutchinson takes a roll-call vote. The motion carries 6-0, with Beckwith and Toulouse abstaining.

Other / New business

- a. **Discussion on Meetings in November**

Members discuss the two meetings scheduled in November, and request that the second November meeting, scheduled for November 23, 2021, be cancelled.

Adjournment

Craft: Motion to adjourn at 9:45p.m. Bartley seconds. The motion carries 8-0.

The next regular meeting of the Beverly Planning Board will take place on November 9th, 2021 and will be held virtually via Google Hangouts.