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2019 JUN 11 P 4: 10

City of Everett

PLANNING BOARD
484 BROADWAY
EVERETT, MA 02149

Frederick Cafasso-*Chairman*
Nancy Koury
Anthony Medeiros
Leo Pizzano, Jr.
Michael O'Connor



Speaker George Keverian Room
3rd Floor - City Hall
2nd & 4th Mondays
7:00 pm

Jeannie Vitukevich - Clerk

MINUTES Planning Board Meeting May 28, 2019

- I. **Roll Call of Members:** Nancy Koury, Anthony Medeiros, Michael O'Connor and Leo Pizzano, Jr. were present. Frederick Cafasso was absent. The meeting was called to order at 7:05 pm.

Representing the Planning Department: Clerk Jeannie Vitukevich, Michael Vivaldi, Matt Lattanzi and James Soper were also present.

II. Public Hearing

1. **Site Plan & Special Permit – 30 Beacham Street – 30 Beacham St., LLC**

Present in Interest – Paul Delory, Esq., representative
Andrew Delory, Esq., representative
Andreas Tsitos, applicant & owner
Roy Tiano, P.E, Engineering Alliance, Inc.
Scott Fitzgerald, construction advisor
Mark Major, AIA of BMY Architects

P. Delory recognized there was not a full complement of the Planning Board, then, P. Delory requested to continue the public hearing to the next regularly scheduled meeting.

N. Koury made a motion to continue the Site Plan & Special Permit for 30 Beacham Street to Monday, June 10, 2019. A. Medeiros seconded the motion. All members were in favor of the motion; motion carried 4-0-0.

2. **Special Permit – Inclusionary Zoning – 30 Beacham Street – 30 Beacham St LLC**

Present in Interest – Paul Delory, Esq., representative
Andrew Delory, Esq., representative
Andreas Tsitos, applicant & owner

Roy Tiano, P.E Engineering Alliance, Inc.
Scott Fitzgerald, representative
Mark Major, AIA

P. Delory recognized there was not a full complement of the Planning Board this evening, then, P. Delory requested to continue the public hearing to the next regularly scheduled meeting.

A. Medeiros made a motion to continue the Special Permit for Inclusionary Zoning at 30 Beacham Street to Monday, June 10, 2019. M. O'Connor seconded the motion. All members were in favor of the motion; motion carried 4-0-0.

III. Old Business - None.

IV. New Business –

- Request to Waive Site Plan Review – DPV Transportation – 373 Second Street
Present in Interest - David O'Neil, Legal representative
Jose Perez, CEO, DPV Transportation
Daniel Perez, President, DPV Transportation

D. O'Neil presented the applicant's request to waive Site Plan Review; giving some background that the the Board of Appeals granted – Section 6 Finding – Special Permit in February 2019, since then, the applicant was tasked to acting upon that Special Permit to obtain their Occupancy Permit. The site is the former General Steel Scaffolding Company. Then, the prior use was industrial in scope, delivered the raw materials, then the finished product was transported / distributed to their customers. The current use is a contracted vendor with Encore Boston Harbor as a 24 / 7 shuttle service for its customers. The contract is a 36-month contract with Encore and their lease of the property is 36-months as well without the option to renew. The request for waiver is based upon their operations that they request to have to make significant site improvements as they are a just a 'tenant' for a limited time. They will make the property better than it was previously, they will resurface the gravel parking lot. They have 21 MA RMV registered vehicles and all will be taxed by the Everett Assessor Dept. with approximately \$500,000 collected per year. Their bus operations will include light maintenance of the vehicles, generally, although the buses will be out 'on the road' 24 / 7 and 365 day per year, with the exception when they need maintenance work. When the business begins operation, there will be zero buses on-site. When they have their Occupancy Certificate, there could be 1-2 vehicles on site. This not the typical business plan, they are contracted with the EBH and need to be ready when the casino opens, they need to keep the cars off the road as much as possible. To be functional, the casino needs the shuttle service to be effective to transport their customers as efficiently as possible. There are mechanisms in place to make certain this is a safe and compliant building, the Building Department will oversee the safety of their operations through the building code. The perception that the applicant is 'doing what they want' is not correct, they want to comply with the City's Ordinance(s).

Once the buses are on the road, the vehicle driver changes will be made out on the road. There is a necessity in the community they operate properly.

M. Vivaldi made a few comments regarding the reasons why the tenant should file Site Plan application and supporting plans. D. O'Neil responded that when the end of their lease expires, they will be on their way to their next property. No one will be living here, there will be no retail operations, too.

J. Perez explained they also serve 'Boston Scientific Corp.' and for this reason many of their buses reside in Marlborough, MA. DPV Transportation will fuel their vehicles in area gasoline stations, no gasoline will be stored on the property. There will be three (3) shifts, the first shift is 6:00 am to 6:00 pm, then 6:00 pm to 12:00 am and then third shift will be 12:00 am to 6:00 am.

N. Koury questioned the City staff if a temporary occupancy were to be granted, how would this work. What exactly is involved with a temporary occupancy? J. Soper responded that this new business is considered a 'change of use' and the building code requires any 'Change of use' to obtain a 'Building Permit', the previous owner /use was classified as a factory use with assembly to become a 'storage use with vehicle repairs' and the Building Department must review the business / building as to update to make life-safety improvements. J. Soper recommends the operator 'Cease and Desist' the building and then make the life-safety improvements so to prevent a disaster / dangerous situation and then make their Site improvements.

M. O'Connor questioned the timeline of the applicants, why is the applicant just now coming to the Planning Board in May 2019 to obtain a 'Waiver of Site Plan Review'? Why has it taken all these many past months to realize a Site Plan permit will be needed? The applicant responded they have had some misfortune of contractors not responding and some negligence on their part.

N. Koury made a motion to deny the request of DPV Transportation for the Board to waive Site Plan Review at 373 Second Street as for the reasons stated above. A. Medeiros seconded the motion. Three members were in favor of the motion, one member objected to the motion and voted 'No'. Motion carried 3-1-0.

V. Approval of Meeting Minutes -

M. Vivaldi explained to the Board that he needed more time to review the minutes of May 13, 2019. The Planning Board voted to table the meeting minutes of May 13, 2019.

VI. Director's Updates –

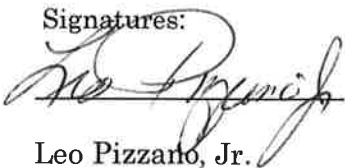
VII. Adjourn –

L. Pizzano made a motion to adjourn the Planning Board meeting. A. Medeiros seconded the motion and all members were in favor.

The Board adjourned at 8:05 pm.

Approved by Planning Board: June 30, 2019

Signatures:



Leo Pizzano, Jr.
Acting Chairman
Everett Planning Board



Michael Vivaldi, AICP
Senior Planner
Department of Planning and Development

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