

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**FEBRUARY 26, 2015**

PRESENT: COUNCILLORS: MOUTSOULAS, GOULD, GARABEDIAN, SASLAW, GRAVEL, MCGINN, MANNING-MARTIN, OSBORNE, DRISCOLL, SINEWITZ, AND WALSH

ABSENT: NONE

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Thomas P. Walsh.

Salute to the American Flag.

P112-15 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of February 12, 2015. (Unanimous)

**HEARINGS**

A public hearing was duly held on the application from Wlodek Matczak, 4 Kenney Road, Middleton, MA. Appearing to speak on behalf of the application was Mr. Wlodek Matczak. No one appeared to speak in favor. Mr. Emmanuel Picanso, 7 Tracey Street, Peabody, MA, appeared to speak in opposition.

P113-15 COUNCILLOR MOUTSOULAS – MOVE TO recess the public hearing on the application from Wlodek Matczak, 4 Kenney Road, Middleton, MA, until Thursday, March 12, 2015. (Unanimous)

A public hearing was duly held on the application from Group 1 Automotive, Inc., 800 Gessner Road, Houston, TX. Appearing to speak on behalf of the application was Attorney Athan Vontzalides. No one appeared to speak in favor. No one appeared to speak in opposition.

P114-15 COUNCILLOR DRISCOLL – BE IT ORDERED by the City Council of the City of Peabody that the application from Group 1 Automotive, Inc., 800 Gessner Road, Houston, TX, for a Special Permit to construct two additions to the existing dealership building at 252 Andover Street, Peabody, MA, as filed in accordance with Sections 1.5, 4.2.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following condition:

Reason: Owing to the fact that the use as approved satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

Condition:

- 1) That the Special Permit is contingent upon approval by the Zoning Board of Appeals and Conservation Commission.

(Carried 11-0)

A public hearing was duly held on the application from Vignalli, LLC d/b/a Stonewood Tavern, 139 Lynnfield Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney David Ankeles and Mr. Sal Palumbo. Mr. Russell Donovan, 12 Quail Road, Peabody, MA; and Mr. Jon Turco, 161 Lynnfield Street, Peabody, MA, appeared to speak in favor. Mr. Richard Medina, 1B Laurel Street, Peabody, MA, appeared to speak in opposition.

P115-15 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Ms. Ann Trainor, 140 Lynnfield Street, regarding Stonewood Tavern. (Unanimous)

P116-15 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, late communication Item 2 from Chief Thomas Griffin, Police Department, regarding Stonewood Tavern. (Unanimous)

P117-15 COUNCILLOR OSBORNE – MOVE TO approve the application from Vignalli, LLC d/b/a Stonewood Tavern, 139 Lynnfield Street, Peabody, MA, to amend their current Entertainment License by amending both function room conditions and restaurant section conditions at said 139 Lynnfield Street, Peabody, MA, as follows:

**FUNCTION ROOM CONDITIONS:**

- 1) Stonewood will provide a police detail on Friday and Saturday nights and all nights when there is activity in both the function room and the restaurant section. Detail officer must be an officer from an accredited police department with Peabody Police getting first opportunity for details. The detail officer must be present in the parking lot until the businesses in the shopping center are closed and after entertainment ends;
- 2) If function room was booked, public entertainment can move to the bar section of the restaurant. Live music on the restaurant side is limited to not more than four pieces, which includes the vocals. Upon request from the City, management must be able to provide information that public entertainment was contracted prior to the function being booked being contracted for a private function;
- 3) Sound level controlled by Stonewood manager on duty and only Stonewood management is responsible for the sound level of the band and any violation of this requirement could lead to a show cause hearing.
- 4) Bands providing live entertainment are restricted to seven members;
- 5) All advertisement for restaurant and/or function room to mention "Stonewood" only;
- 6) Private functions can sell tickets to functions, if for fund-raising purposes only. Stonewood may charge entities for show bands, comedy shows, plays, dinner shows, etc.;
- 7) Soundproof doors located within the function room providing access to the front of the building to be used as an emergency exit only and to remain closed;
- 8) Stonewood manager on duty is responsible for all activities outside the restaurant at all times and monitor on a regular basis and control noise levels at all times;
- 9) The Peabody Police Department will provide the City Council with a copy of all reports from police response to calls at Stonewood;

**RESTAURANT SECTION CONDITIONS:**

- 10) Public entertainment on Thursday and Sunday only. Sunday license required by mayor's office;
  - 11) In the restaurant section bands providing live entertainment are restricted to four members, including vocals. Entertainment in the restaurant section is subject to all applicable conditions, as stated above;
  - 12) This Entertainment License is not transferable.
  - 13) The City Council's 6-day Entertainment License shall include live music from all genres, TV, DJ, comedy, children's entertainment, clowns, magic shows, etc., karaoke, charity and fund-raising events, trivia, dinner shows and instructional classes, for example, paint nights, etc.
  - 14) Entertainment in the function room, not associated with a private function, is allowed on Thursday, Friday and Saturday nights and the following holidays, if they do not occur on a Sunday: Valentine's Day, St. Patrick's Day, Easter, Cinco de Mayo; Mother's Day, Father's Day, the night before Thanksgiving, and New Year's Eve."
  - 15) Follow-up sound studies every six months will be undertaken to monitor the effectiveness of the soundproof doors and other measures that are being taken.
- (Carried 10-1; Councillor Manning-Martin opposed)

**REPORTS OF COMMITTEE**

**INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE  
FEBRUARY 26, 2015**

P118-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We opened up our Industrial & Community Development subcommittee meeting and the discussion focused on rental of rooms. Councillor Sinewitz did a nice job. He gave us descriptions of various phrases used in our zoning such as: Dwelling, family, FALA, rooming house, accessory use. We had a

testimonial from Captain Anthony Carli from the Everett fire department who opened our eyes with a number of issues that exist today that he's experienced in the city of Everett. We also had testimonial from two residents who spoke of their current conditions living next-door to single-family homes that are rented out, some of them to people that may be conducting some shady business. We heard from our Building Commissioner Paul Kolodziej who gave us an opinion about the current situation. We also heard from Mr. Donovan about how our zoning exists. We had two motions co-motions out of subcommittee by Councillor McGinn and Councillor Sinewitz. (Report received)

P119-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE THAT the City Solicitor and Community Development Department provide definitions to the following terms, as defined under Mass. General Law:

1. Accessory use;
2. Dwelling;
3. Rooming house;
4. Lodging House;
5. Roommate;
6. Apartment;
7. Housekeeping Unit;
8. Rooming Unit; and
9. Family.

(Unanimous)

P120-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee - MOVE THAT the City Solicitor, Community Development Department, and the Building Commissioner provide input to the City Council on city and/or Massachusetts regulations to the extent they exist on nontraditional hotel establishments, such as those promoted by interest-based services such as AIR-BNB. (Unanimous)

P121-15 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee - MOVE TO request that the Building Commissioner investigate 5 Hoover Avenue and 14 Margaret Road regarding the current situation discussed in Committee regarding renting of rooms. (Unanimous)

## **HUMAN SERVICES COMMITTEE**

### **FEBRUARY 26, 2015**

P122-15 COUCILLOR SINEWITZ – Reporting for the Human Services Committee – Human Services Committee met at 7:00 o'clock tonight and it was a very interesting, eye-opening discussion about how the Haven from Hunger serves people in need. The gist of the meeting was how we can better serve the community of people in need because the Haven only serves Monday, Tuesday, Thursday, Friday. We also had Carolyn Wynn from the Council on Aging and they came up with a couple of suggestions such as possibly bringing some prepared food for Saturday, but talked about a slight money issue. I don't think it's a big money issue. But if we could get three, four hours on a Saturday and the senior center can afford to provide them with food, it would be great to break up that weekend when people aren't getting food. So we left the discussion in Committee. There will be further discussions and I hope we can accomplish something there. (Report received)

## **PUBLIC SERVICES COMMITTEE**

### **FEBRUARY 26, 2015**

P123-15 COUNCILLOR MANNING-MARTIN – Reporting for the Public Services Committee - The Public Services Committee met this evening with myself as chair; also in attendance voting members Councillors: Gravel, Moutsoulas, Saslaw, and Sinewitz. In addition, the entire council joined for this meeting as well. The topic of discussion was snow removal. Joining us in attendance were Mayor Ted Bettencourt; Bob Langley, the director or of DPW; and also Dave Terenzoni of DPW. Overall the City Council complimented the hard work of the mayor and DPW for their work over the last several weeks with the snow removal. The mayor estimated that we are over budget on snow removal by approximately \$1 million. The mayor shared that he met with Lieutenant Governor Karyn Polito to discuss the possibility

of the city being reimbursed by 75 percent, if Governor Baker and Lieutenant Governor Polito are successful in their effort to secure federal reimbursement, to have these last storms and the snow accumulation declared a federal disaster. This money would cover the storms beginning January 26th to February 22nd to include costs incurred by overtime, towing, potholes, and overall snow cleanup. The application needs to be sent in by March 6th and the mayor's office is diligently working on that application. The mayor thanked the National Guard, fire fighters, and citizens for their help with snow removal around the fire hydrants. The mayor announced that the City's pothole line is up and running as is a pothole crew already out working on filling potholes created from all the plowing after all the snow. Storm drains are also of concern and the DPW has already started working on clearing storm drains as well. DPW will be focusing on increasing the visibility on the corners of streets, which have been blocked by high piles of snow. The areas they will be working on this week are Wilson Square, Lynn Street, Lynnfield Street, Goodale, Lowell Street, and they will continue to be clearing out the schools this week. Mr. Langley explained that he will continue with a systematic approach to prioritize areas in need of snow removal. It's important that people know that there is a concern regarding the blue lights that have been flashing since January 26th. They have been on so long that they will burn out and they are running into some malfunctions. So the mayor believes that the blue lights will be shut off tomorrow, but the parking ban will still be in effect. It's important for people to know that the parking ban will still be in effect and we'll try to get the word out to everybody to that effect. There was a lot of discussion about lessons learned, things we got right, and things we could do better, but overall this was a positive discussion commending the hard work of the mayor, the DPW, the patience of all the citizens and the goodwill of neighbors helping each other out, digging out fire hydrants and drains. With the rain coming we ask that the citizens continue to help out with clearing the drains and we thank everyone for their patience and understanding with the removal of the mountains of snow that we have never seen before upwards of 8 feet. The DPW will be back at work tonight. (Report received)

#### **MOTIONS, ORDERS AND RESOLUTIONS**

P124-15 COUNCILLOR SINEWITZ - MOVE TO request that the Community Development Department investigate the status of lots of land at the end of Squanto Road. One of them I know has a gas line that goes through it, but the one next to it is vacant and a resident is inquiring into the reason that land can't be purchased. (Unanimous)

(COUNCILLOR SINEWITZ REQUESTED THAT THE AD HOC COMMITTEE ON CRYSTAL LAKE SCHEDULE A MEETING FOR THURSDAY, APRIL 2, 2015)

P125-15 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from Patricia Schaffer Davis, Director of Finance, regarding Motion P28-15 fuel prices. (Unanimous)

P126-15 COUNCILLOR SINEWITZ (Co-motion with Councillor Osborne) - MOVE TO request that the Building Commissioner contact the homeowner at 5 Quarry Terrace that is renting rooms via Airbnb and make a finding with respect to a business use in a residential zoned area. (Unanimous)

#### **COMMUNICATIONS FROM HIS HONOR THE MAYOR**

None.

#### **COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P127-15 COUNCILLOR DRISCOLL – MOVE TO receive and approve a communication from The Preschool at Temple Beth Shalom, 489 Lowell Street, regarding Banner, subject to all papers being in order. (Unanimous)

P128-15 COUNCILLOR GOULD - MOVE TO receive a communication from Department of Local Services regarding Letter to local officials from the Lt. Governor. (Unanimous)

P129-15 COUNCILLOR DRISCOLL – MOVE TO receive a communication from Attorney Athan Vontzalides on behalf of Group 1 Automotive, 252 Andover Street, regarding Site plan. (Unanimous)

P130-15 COUNCILLOR DRISCOLL – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding Completed council motions. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P131-15 COUNCILLOR DRISCOLL - MOVE TO receive and approve Taxi/Limousine Driver Licenses (Renewal for 2015) Susan Cresoe – License 151, subject to all papers being in order. (Unanimous)

P132-15 COUNCILLOR DRISCOLL - MOVE TO receive and approve the following Entertainment License (Renewal for 2015), subject to all papers being in order:

Carrabba's Italian Grill, 1 Newbury Street  
The Cheesecake Factory, Inc., 210 Andover Street  
(Unanimous)

P133-15 COUNCILLOR DRISCOLL – MOVE TO receive Class 2 Motor Vehicle License (New) Jacob's Place, LLC, 649-R Lowell Street, and to set up a public hearing. (Unanimous)

P134-15 COUNCILLOR DRISCOLL – MOVE TO receive Class 2 Motor Vehicle License (New) Christopher Marchese d/b/a Turnpike Automotive, 128 Newbury Street, and to set up a public hearing. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 6, 2015  
RETURNED BY HIS HONOR THE MAYOR, MARCH 6, 2015



ATTEST  
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

Patricia Schaffer Davis, Director of Finance re: Motion P28-15 fuel prices  
The Preschool at Temple Beth Shalom, 489 Lowell Street re: Banner  
Department of Local Services re: Letter to local officials from the Lt. Governor  
Atty. Athan Vontzalides on behalf of Group 1 Automotive, 252 Andover Street re: Site plan  
Robert Langley, Director, Public Services Department re: Completed council motions

**TAXI/LIMOUSINE DRIVER LICENSE:**

Susan Cresoe – License 151

**ENTERTAINMENT LICENSE:** (Renewal for 2015)

Carrabba's Italian Grill, 1 Newbury Street  
The Cheesecake Factory, Inc., 210 Andover Street

**CLASS 2 MOTOR VEHICLE LICENSE:** (New)

Jacob's Place, LLC, 649-R Lowell Street

**CLASS 2 MOTOR VEHICLE LICENSE:** (New)

Christopher Marchese d/b/a Turnpike Automotive, 128 Newbury Street