

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 27, 2014

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

ABSENT: NONE.

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Robert E. Driscoll.

Salute to the American Flag.

P196-14 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of March 13, 2014. (Unanimous)

COUNCILLOR DRISCOLL - OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND BEING TAPED BY PEABODY ACCESS TV, AND ALSO BEING RECORDED BY OUR CITY COUNCIL STENOGRAPHER.

HEARINGS

P197-14 COUNCILLOR SASLAW - MOVE THAT the application from Lee Maserian, 19 Park Street, Melrose, MA, for property at 128 Newbury Street, Peabody, MA, be allowed to be withdrawn, without prejudice. (Unanimous)

(COUNCILLOR MCGINN RECUSED HIMSELF FROM THE FOLLOWING PUBLIC HEARING)

A public hearing was duly held on the Zoning Amendment for various parcels on Little's Lane regarding rezone from R2 to B-C. Attorney John Regan appeared to speak on behalf of the Zoning Amendment. No one appeared to speak in favor. No one appeared to speak in opposition.

(COUNCIL PRESIDENT DRISCOLL STEPPED DOWN AND COUNCILLOR MANNING-MARTIN TOOK THE CHAIR)

P198-14 COUNCILLOR DRISCOLL – MOVE TO recess the Zoning Amendment for various parcels on Little's Lane regarding rezone from R2 to B-C. (Carried 10-0; Councillor McGinn absent)

P199-14 COUNCILLOR GRAVEL – MOVE TO request that the Community Development Department provide a written recommendation regarding Zoning Amendment for various parcels on Little's Lane to the City Council before the next regular meeting. (Unanimous)

(MS. MELISSA GUEVIN APPEARED BEFORE THE CITY COUNCIL TO DISCUSS THE 6-MONTH REVIEW OF SPECIAL PERMIT - THE DOGMOTHER, LLC, 558 LOWELL STREET)

P200-14 COUNCILLOR SASLAW – MOVE TO approve the 6-month review of Special Permit – The Dogmother, LLC, 558 Lowell Street, Peabody, MA. (Unanimous)

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
MARCH 27, 2014

P201-14 COUNCILLOR OSBORNE – Reporting for the Industrial & Community Development Committee – The Industrial & Community Development Committee met this evening. Present was myself as Chairman, Councillor Saslaw, Councillor Gravel, Councillor Moutsoulas and Councillor McGinn. The first order of business was the Zoning Map Amendment for several parcels of land on Little's Lane from R-2 to B-C. Councillor McGinn recused himself from this portion of the meeting and was replaced by Councillor Gould. This came from a motion from the public hearing that was held at our last meeting where a request was made to the Community Development

Department to suggest an alternative to resolve this matter before us that would find a consensus to satisfy both the neighborhood and the business seeking the change. I did have an opportunity to speak with Ms. Sawyer when she called me today and to City Solicitor Smerczynski and in their opinion there was no alternative solution or recommendation which would not put the city at risk, so it was decided at the meeting that since the public hearing was open and not closed that we would just move forward with the public hearing at the full council level with no recommendation from Community Development. The other order of business was on a motion from Councillor Saslaw for a moratorium on future billboards via a change in the Zoning Ordinance. With very little debate Councillor Saslaw made the following motion. (Report received)

P202-14 COUNCILLOR OSBORNE – Reporting for the Industrial & Community Development Committee - MOVE TO amend Section 11.6.2 of the Zoning Ordinance to enact a moratorium on the acceptance of Special Permit applications for billboards, and to forward the matter to the Planning Board in accordance with Chapter 40A of the Massachusetts General Laws to begin the zoning amendment process. (Carried 11-0)

P203-14 COUNCILLOR OSBORNE – Reporting for the Industrial & Community Development Committee – MOVE TO advertise the Zoning Amendment to Section 11.6.2 and to refer to the Planning Board for a recommendation. (Unanimous)

P204-14 COUNCILLOR OSBORNE – Reporting for the Industrial & Community Development Committee - MOVE TO refer Section 11 entitled Billboards to the Industrial & Community Development Committee to discuss all aspects of the ordinance to ensure that all requirements and intentions of the City Council, when the ordinance was first adopted, are in the ordinance. (Unanimous)

COMMITTEE OF THE WHOLE **MARCH 27, 2014**

P205-14 COUNCILLOR DRISCOLL – Reporting for the Committee of the Whole - The Committee of the Whole went into Executive Session and had discussion on numerous points. The following motions were made. (Report received)

P206-14 COUNCILLOR DRISCOLL - MOVE TO allow the City Solicitor to resolve the pending litigation with Total Outdoor Corporation. (Unanimous)

P207-14 COUNCILLOR DRISCOLL – Reporting for the Committee of the Whole – MOVE THAT all discussion regarding Total Outdoor Corp., 532 Lowell Street, Peabody, MA, be conducted in Executive Session. This motion vacates a prior City Council order. (Unanimous)

P208-14 COUNCILLOR DRISCOLL – Reporting for the Committee of the Whole – MOVE TO release Executive Session minutes from February 9, 2012, and June 28, 2012. (Unanimous)

MOTIONS, ORDERS & RESOLUTIONS

P209-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds from parking meter revenue to parking meter maintenance – equipment - \$5,000.00 and to refer to the Finance Committee. (Unanimous)

P210-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Chief Robert M. St. Pierre, Police Department, regarding Letter of commendation to Officer Matthew Stark and to send a communication of gratitude to Officer Stark congratulating him on his commendation. (Unanimous)

P211-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Robert Langley, Director, Public Services Department, regarding Howley Street bridge. (Unanimous)

P212-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-H communication from Laurie A. Nadeau, 8 Sutton Street, regarding Special Permit application and to refer to the Building Inspector for disposition. The use is not allowed in the zoning district. (Unanimous)

P213-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-L communication from Peabody/Lynn Elks 1409, 40 Oak Street, regarding Site plan. (Unanimous)

P214-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-M communication from Juan Carlton, 6 Oak Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P215-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-P communication from Karen Sawyer, Director, Community Development Department, regarding Road closure request from the Peabody Downtown Association and to approve Motion P-158-14, subject to the conditions as set forth in Item 8-P. (Carried 11-0)

P216-14 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Add Standard & Poor's top 100 stocks to list of available stocks for investment and to refer to the Finance Committee. (Unanimous)

P217-14 COUNCILLOR GRAVEL (Co-motion with Councillor Moutsoulas) - MOVE TO request that the Public Services Department repair the sidewalk at 69 Endicott Street to make it handicapped accessible so that residents from the immediately adjoining buildings who have needs can pass on this sidewalk. It's in horrible shape. (Unanimous)

P218-14 COUNCILLOR WALSH - MOVE TO refer to the Public Services Committee the issue of our building maintenance operations with an analysis of all city buildings. Particular emphasis should be given to our public safety buildings and our water treatment facility. (Unanimous)

P219-14 COUNCILLOR WALSH - MOVE TO refer to the Public Services Committee the matter of creating a grass clippings composting site in the City of Peabody. (Unanimous)

(COUNCILLOR GOULD INFORMED THE CITY COUNCIL THAT THE MAYOR'S OFFICE HAS BEEN IN DISCUSSION WITH THE CITY OF SALEM TO CREATE AN ANNUAL SOFTBALL GAME/BARBECUE TO BENEFIT A LOCAL CHARITY)

P220-14 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-I communication from Michael Weiss, 0 Forest Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P221-14 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-O communication from Howard & David Clickstein, 144 Lynnfield Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P222-14 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-E communication from Robert Langley, Director, Public Services Department, regarding St. Adelaide's Church traffic light. (Unanimous)

P223-14 COUNCILLOR SINEWITZ (Co-motion with Councillor Walsh) – MOVE TO request that the Police Department provide a police presence at St. Adelaide's Church on Good Friday and Easter Sunday. (Unanimous)

P224-14 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from Paul Kolodziej, Building Commissioner, regarding Special Permit transfer 29-2007 North Shore Motor Werks, 468 Lowell Street, subject to all papers being in order. (Unanimous)

P225-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-B communication from Lucia DelNegro, Conservation Commission, regarding Special Permit application for 267 Forest Street. (Unanimous)

P226-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-G communication from Mass Outdoor Advertising board regarding Change of hearing, 55 Newbury Street. (Unanimous)

P227-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-N communication from WR Auto Repair, Inc., 134 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P228-14 COUNCILLOR MOUTSOULAS – MOVE TO request His Honor the Mayor “call in your engineers from the state and federal government” for a connector road from Route 128 to Salem. (Carried 9-2; Councillors Gravel and Manning-Martin opposed)

P229-14 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-I communication from Michael Weiss, 0 Forest Street, regarding Special Permit application and to refer to the Building Inspector. I do not believe this property is in the DDD zoning district and the application has not been signed by the Building Inspector. (Unanimous)

RECONSIDERATION BY COUNCILLOR OSBORNE – Immediate reconsideration of Motion P229-14 hoping same shall not prevail. (Carried 11-0)

P230-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-K communication from Peabody Alpha Realty, LLC, 130 Newbury Street, regarding Site plan modification. (Unanimous)

P231-14 COUNCILLOR MANNING-MARTIN: Our 3rd Annual Greenfest is scheduled for Saturday, May 3rd, 2014, from 9:00 a.m. to 1:00 p.m., at the Brown School. We will have paper shredding, electronic recycling and a lot of other exhibits that are very exciting. (Matter of the Record)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P232-14 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding Removal handicap parking sign from 8 Proctor Street. (Unanimous)

P233-14 COUNCILLOR SASLAW – MOVE TO receive a communication from 255 Andover Street, LLC, 253/255 Andover Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P234-14 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve Entertainment License (Renewal for 2014) Oliveira’s Steak House, 72-74 Walnut Street, subject to all papers being in order. (Unanimous)

P235-14 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Brian Gaffney – License 148	John Sutherland, Jr. – License 149
Kilton A. Joyce – License 150	Kyle Crosman – License 151
Clifford Gately – License 152	(Unanimous)

P236-14 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2014), subject to all papers being in order:

A-1 Restaurant Trader, 119R Foster Street
 Mandracchia Trading Co., Inc., 147 Summit
 Street Newbury Comics, Inc., 210 Andover Street
 Martoni & James Ltd., 215 Newbury Street
 Long’s Jewelers, Ltd., 35 Cross Street
 GameStop 6409, 210 Andover Street

(Unanimous)

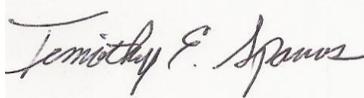
P237-14 COUNCILLOR GRAVEL – MOVE TO receive Class 3 Motor Vehicle License (Transfer) Naises, Inc., 0 Corwin Street and to set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:25 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 8, 2014

RETURNED BY HIS HONOR THE MAYOR, APRIL 8, 2014



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds from parking meter revenue to parking meter maintenance-equipment - \$5,000.00

His Honor the Mayor re: Add Standard & Poor's top 100 stocks to list of available stocks for investment

Paul Kolodziej, Building Commissioner re: Special permit transfer #29-2007 North Shore Motor Werks, 468 Lowell Street

Lucia DelNegro, Conservation Commission re: Special Permit application for 267 Forest Street

Chief Robert M. St. Pierre, Police Department re: Letter of commendation to Officer Matthew Stark

Robert Langley, Director, Public Services Department re: Removal handicap parking sign from 8 Proctor Street

Robert Langley, Director, Public Services Department re: St. Adelaide's Church traffic light

Robert Langley, Director, Public Services Department re: Howley Street bridge

Mass Outdoor Advertising board re: Change of hearing, 55 Newbury Street

Laurie A. Nadeau, 8 Sutton Street re: Special permit application

Michael Weiss, 0 Forest Street re: Special permit application

255 Andover St, LLC, 253/255 Andover Street re: Special permit application

Peabody Alpha Realty LLC, 130 Newbury Street re: Site plan modification

Peabody/Lynn Elks 1409, 40 Oak Street re: Site plan

Juan Carlton, 6 Oak Street re: Special permit application

WR Auto Repair, Inc., 134 Newbury Street re: Special permit application

Howard & David Clickstein, 144 Lynnfield Street re: Special permit application

Karen Sawyer, Director, Community Development Department re: Road closure request from the Peabody Downtown Association

ENTERTAINMENT LICENSE: (Renewal for 2014)

Oliveira's Steak House, 72-74 Walnut Street

TAXI/LIMOUSINE DRIVER LICENSE:

Brian Gaffney – License 148

John Sutherland, Jr. – License 149

Kilton A. Joyce – License 150

Kyle Crosman – License 151

Clifford Gately – License 152

JUNK DEALER LICENSE: (Renewal for 2014)

A-1 Restaurant Trader, 119R Foster Street

Mandrachia Trading Co., Inc., 147 Summit Street

Newbury Comics, Inc., 210 Andover Street

Martoni & James Ltd., 215 Newbury Street

Long's Jewelers, Ltd., 35 Cross Street

GameStop 6409, 210 Andover Street

CLASS 3 MOTOR VEHICLE LICENSE: (Transfer)

Naises, Inc., 0 Corwin Street