

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 8, 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.

P324-14 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the last regular meeting of April 29, 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

P325-14 COUNCILLOR SASLAW - MOVE TO continue the public hearing on the application from Michael Weiss, 0 Forest Street, Peabody, MA, until the next regular meeting on Thursday, May 22, 2014. (Unanimous)

A public hearing was duly held on Petition 2014-001 filed by Verizon New England, Inc., 20 Shattuck Road, Andover, MA. Appearing to speak on behalf of the application was Mr. Everett Bryant. No one appeared to speak in favor. No one appeared to speak in opposition.

P326-14 COUNCILLOR OSBORNE – MOVE TO approve Petition 2014-001 filed by Verizon New England, Inc., 20 Shattuck Road, Andover, MA, to place one joint-owned pole #570-1.5 on Fifth Street approximately 77 feet westerly from existing pole 570-1, Peabody, MA, subject to all papers being in order. (Carried 11-0)

A public hearing was duly held on the application from Howard Clickstein and David Clickstein, 21 Dexter Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. David Clickstein. No one appeared to speak in favor. No one appeared to speak in opposition.

P327-14 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody that the application from Howard Clickstein and David Clickstein, 21 Dexter Street, Peabody, MA, for a Special Permit to operate a barber shop at 144 Lynnfield Street, Peabody, MA, as filed in accordance with Sections 1.5, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons:

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. (Carried 10-0; Councillor McGinn voting present)

(COUNCILLOR MCGINN RECUSED HIMSELF FROM THE FOLLOWING PUBLIC HEARING)

The City Council reconvened the recessed public hearing on the Zoning Amendment for various parcels on Little's Lane regarding rezone from R2 to B-C. No one appeared to speak in favor. No one appeared to speak in opposition.

P328-14 COUNCILLOR SINEWITZ – BE IT ORDERED by the City Council of the City of Peabody that the following the proposed amendment to the Peabody Zoning Map as petitioned by several property owners on Little's Lane be adopted as read:

SECTION ONE: BE IT ORDAINED by the City Council of the City of Peabody that the Zoning Map of the City of Peabody entitled, City of Peabody Zoning Map Adopted April 28, 2011, is hereby amended as follows:

By redesignating the following properties from Residential R-2 to BC Central Business:

<u>ADDRESS</u>	<u>MAP</u>	<u>PARCEL</u>
0 Little's Lane	085	098
0 Little's Lane	085	099
3 Little's Lane	085	113A
5 Little's Lane	085	112
6 Little's Lane	085	096A
8 Little's Lane	085	097
9 Little's Lane	085	111
11 Little's Lane	085	600-607
13 Little's Lane	085	109
15 Little's Lane	085	109A
16 Little's Lane	085	100
10 Elliott Place (17 Little's Lane)	085	108

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.

(Failed 8-2; Councillors Sinewitz and Driscoll in favor; Councillor McGinn absent)

P329-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney John Keilty, 40 Lowell Street, regarding Request to continue from Total Outdoor Corp., 100 Cummings Center, Beverly, MA. (Unanimous)

P330-14 COUNCILLOR SASLAW - MOVE TO continue the public hearing on the application from Total Outdoor Corp., 100 Cummings Center, Beverly, MA, until the next regular meeting on Thursday, May 22, 2014. (Unanimous)

A public hearing was duly held on the application from Juan Carrion, 89 Endicott Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney David Ankeles. No one appeared to speak in favor. No one appeared to speak in opposition.

P331-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Juan Carrion, 6 Oak Street, regarding Site plan. (Unanimous)

P332-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-I communication from Blair Haney, Assistant Director of Planning, Community Development Department, regarding Special Permit memo; 6 Oak Street. (Unanimous)

P333-14 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Juan Carrion, 89 Endicott Street, Peabody, MA, for a Special Permit to convert an existing two-family dwelling to a four-family dwelling at 6 Oak Street, Peabody, MA, as filed in accordance with Sections 4.2, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and conditions:

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.

CONDITIONS:

1. There shall be a maximum of four (4) dwelling units in a single structure on the lot;
2. Architectural detail shown on drawing A2-A south and north elevations above the front façade of the east portion of the structure included to blend that portion of the structure with the main portion of the structure in residential appearance shall be retained and final design of such detail shall be approved by the construction review committee and planning board as a function of site plan review;
3. No sign or apparatus, including, but not limited to, antennas or satellite receiving devices, shall be placed on any roof or any façade of the structure where visible from the street;
4. No window air conditioners or similar apparatus shall be installed in the windows in front façade of the structure;
5. Landscaping shall be established and maintained on the lot in front of the front façade of the structure and such landscaping shall include shrubs as defined in the zoning ordinance and a diagram illustrating such landscaping shall be provided and shall be approved by the construction review committee and planning board as a function of site plan review;
6. The applicant shall cover the cost of two (2) street trees in front of the lot on Oak St by participating in the City of Peabody's Adopt-A-Tree program;
7. All trash and recycling shall be contained in the rear of the lot not visible from the street and such trash and recycling storage location shall be indicated on the final version of the site plan and shall be approved by the construction review committee and planning board as a function of site plan review;
8. Any commercial vehicle or similar contractor vehicle shall be parked in the rear of the lot not visible from the street and such commercial vehicle or similar contractor vehicle parking shall be indicated on the final version of the site plan and shall be approved by the construction review committee and planning board as a function of site plan review;
9. The sidewalk at the driveway and in the front of the proposed new door entry shall be repaired in a manner such that ADA requirements are satisfied; and
10. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.

(Carried 11-0)

P334-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-E communication from Lucia DelNegro, Conservation Agent, regarding Special Permit application; All Pro landscaping, 190 Rear Newbury Street. (Unanimous)

P335-14 COUNCILLOR SASLAW – MOVE TO continue the public hearing on the application from All Pro Landscaping Co., Inc., 190 Rear Newbury Street, until the regular meeting of Thursday, June 12, 2014; and to refer to the Conservation Commission. (Unanimous)

A public hearing was duly held on the application from 255 Andover Street, LLC, 253-255 Andover Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty. No one appeared to speak in favor. Mr. George Smith, 83 Bartholomew Street, Peabody, MA, appeared to speak in opposition.

P336-14 COUNCILLOR MOUTSOULAS – MOVE TO continue the public hearing on the application from 255 Andover Street, LLC, 253-255 Andover Street, until the next regular meeting of May 22, 2014. (Unanimous)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE **MAY 8, 2014**

P337-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met this evening prior to this meeting; present, including myself, were Councillor Gould sitting in for Councillor Sinewitz, Councillor Walsh, Councillor Garabedian, and Councillor Moutsoulas. We had a few items on the agenda. On the agenda was the proposed ordinance for director of facilities submitted by Mayor Bettencourt. He was unable to attend tonight so he asked that we refer this matter to a later date, which we did. The next item was temporary play structures on public streets and sidewalks. We also referred that matter for a later date as well and we kept that in committee in deference to Committee Member Gravel who wanted to be present. Next was a gift of land to the City from Stephen Montibello care of Jacque A. Moore regarding lot 36 on Pulsifer Avenue, lot 28 On Nichols Street. That was a gift of land to the city from Ms. Jacque Moore and Councillor Walsh made the following motion. (Report received)

P338-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - MOVE TO accept the gift of land from Jacque A. Moore for two parcels of land at no fee for Map 106, Lot 36 on Pulsifer Avenue and Map 106, Lot 28 on Nichols Street. (Unanimous)

P339-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – MOVE TO send a letter of thanks to Ms. Jacque A. Moore for her gift of land to the City of Peabody and to wish her the best of health. (Unanimous)

P340-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee - The next item on the agenda was presented by attorney John Keilty regarding an easement restriction to Order of Conditions Town Line Acres subdivision and the following motion was made by Councillor Walsh. (Report received)

P341-14 COUNCILLOR MANNING-MARTIN – Reporting for the Legal Affairs Committee – MOVE THAT the Order of Conditions for Town Line Acres subdivision be referred to the Conservation Commission for review and comment. (Unanimous)

PUBLIC SERVICES COMMITTEE
MAY 8, 2014

P342-14 COUNCILLOR GOULD – Reporting for the Public Services Committee – The Public Services Committee met. In attendance was myself, Councillor Garabedian, Councillor Manning-Martin, Councillor Moutsoulas, and Councillor Walsh. There was a request from the Peabody School Committee regarding naming of street for new Higgins Middle School after Jim Liacos. At the request of the School Committee that was sent back to their subcommittee. Next, as a result of a motion of Councillor Walsh, we had a discussion on creating a city composting site for grass clippings. In attendance was DPS director Mr. Robert Langley, who gave us a snapshot of the current situation. Councillor Walsh spoke about the ability to leaving clippings at curbside for pickup on a regular basis. Mr. Langley offered to have his group review this. Councillor Walsh also suggested Mr. Langley please look at what Salem does. Councillor Manning-Martin spoke about providing citizens with the opportunity to purchase a compost bin, possibly at discount rates. Councillor Manning continues to be out front about going green. We asked Mr. Langley to come back in a couple of months. Tim will schedule that in a subcommittee meeting. Next, as a result of a motion by Councillor Manning-Martin, we had discussion regarding the enforcement of Special Permit restrictions and code enforcement issues that include City Council and other boards and commissions. Councillor Manning-Martin spoke about the current situation with Special Permits regarding how Special Permit applications sometimes push the limit on the permit and circumvent the City Council by going to various city boards to stretch limits of the City Council's authority, not intentionally, but that's what actually is happening. Councillor Manning-Martin would like to set up some type of mechanism to keep the City Council abreast of what revisions may be occurring. Councillor Garabedian agreed with Councillor Manning that it is a problem we have to get our hands around it. Councillor Walsh also spoke in favor of that. Councillor Manning-Martin suggested we keep this in Committee and invites the chairs or heads of all relevant boards or commissions, i.e., Community Development, Licensing Board, fire, police, Board of Appeals, and Health Department and request that they come to our May 22nd meeting. Tim will make that notification and also follow up with phone calls to see that they do attend because it's vitally important that we get this going. Next was a discussion by Councillor Walsh concerning building maintenance and operations with analysis of all city buildings. Councillor Walsh spoke about the obvious physical needs of our buildings, such as the boarded up window/door at Proctor Street fire station. Councillor Walsh suggested we start with the Fire Department buildings and request that the Chief come before us to discuss the buildings at our next regular meeting of May 22nd. After that we will go from there to other facilities across the city. (Report received)

P343-14 COUNCILLOR GOULD – Reporting for the Public Services Committee – MOVE TO request that the Fire Chief appear before the City Council at our next regular meeting of Thursday, May 22, 2014, to discuss maintenance and operations of all Fire Department buildings. (Unanimous)

MOTIONS, ORDERS & RESOLUTIONS

P344-14 COUNCILLOR MCGINN – MOVE TO receive the communication from Mario J. Regis and Janice M. Regis, 21 Hingston Street, Peabody, MA requesting to purchase a portion of a paper street known as Lincoln Street, and to refer to the Legal Affairs Committee. Further request the application be sent to various City departments for comment. (Unanimous)

P345-14 COUNCILLOR GRAVEL -MOVE TO request an update from the Community Development Department regarding the interior renovations to City Hall. (Unanimous)

P346-14 COUNCILLOR GRAVEL -MOVE TO request an update from His Honor the Mayor regarding the replacement of the sound system in the Frank L. Wiggin Auditorium. (Unanimous)

P347-14 COUNCILLOR GRAVEL - MOVE TO request His Honor the Mayor create an advisory committee regarding the Senior Open for the purpose of involving members of the City Council and others to ensure that before things gets too much steam that the City understands what is being expected of it in that undertaking. (Unanimous)

P348-14 COUNCILLOR GRAVEL - MOVE TO request that His Honor the Mayor and Public Services Department provide a list to the City Council of the proposed street and sidewalk repairs that are going to be undertaken in this current fiscal year. (Unanimous)

P349-14 COUNCILLOR GRAVEL: "The George Peabody Legacy awards will be held next Thursday in the Frank L. Wiggin Auditorium.")

P350-14 COUNCILLOR GRAVEL: "I would like to commend Councillor Anne Manning-Martin and the Green Peabody people for a successful Greenfest.")

P351-14 COUNCILLOR GOULD: "The Pride in Peabody Cleanup is being held next Saturday morning from 9:00 to 11:30 meeting out front at City Hall at 8:30.")

P352-14 COUNCILLOR WALSH (Co-motion with Councillor Moutsoulas) - MOVE TO request that the Public Services Department notify all other utilities with services on Gardner Street of their plans for the water main project and for the other utilities to submit any of their plans for updates that they may have planned so that these could be conducted simultaneously with the water project. (Unanimous)

P353-14 COUNCILLOR WALSH (Co-motion with Councillor Driscoll) – WHEREAS, an emergency conditions exists affecting the health, safety and welfare of our firefighters, THEREFORE, MOVE TO request that the Fire Department perform the necessary repairs to the Prospect Street fire station, specifically the boarded up section of the firehouse which needs to be addressed and corrected.

(Emergency Preamble - Carried 11-0)

(Motion to adopt - Carried 11-0)

P354-14 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-B communication from Chabad of Peabody, 83 Pine Street, regarding Banner request, subject to all papers being in order. (Unanimous)

P355-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-D communication from Lucia DelNegro, Conservation Agent, regarding Special Permit application; Michael Weiss, 0 Forest Street; and refer to the public hearing. (Unanimous)

P356-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-H communication from Bosun's Marine, 205 Newbury Street, regarding Site plan. (Unanimous)

P357-14 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-F communication from Concerned Citizens of Ward 3 and Taxpayers regarding Complaint, Wayside, 58R Pulaski Street; to refer to the Committee of the Whole; and to request the presence of the Police Department, Community Development Department and the Building Inspector at said meeting. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P358-14 COUNCILLOR MCGINN – MOVE TO receive and approve a communication from Calvary Baptist Church, 4 Chestnut Street, regarding Banner request, subject to all papers being in order. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P359-14 COUNCILLOR GRAVEL – MOVE TO receive Junk Dealers License (Amendment) – Precision Estate Sales, LLC, 26 Howley Street, Peabody, MA, and to set up a public hearing. (Unanimous)

P360-14 COUNCILLOR – MOVE TO receive and approve Entertainment License (Renewal for 2014) The Peabody Coffee House, Inc., 59 Walnut Street, Peabody, MA, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 15, 2014
RETURNED BY HIS HONOR THE MAYOR, MAY 15, 2014



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Calvary Baptist Church, 4 Chestnut Street re: Banner request

Chabad of Peabody, 83 Pine Street re: Banner request

Mario J. Regis, 21 Hingston Street re: Purchase city owned land request

Lucia DelNegro, Conservation Agent re: Special permit application: Michael Weiss, 0 Forest Street

Lucia DelNegro, Conservation Agent re: Special permit application; All Pro Landscaping, 190 Rear Newbury Street

Concerned Citizens of Ward 3 and Taxpayers re: Complaint, Wayside, 58R Pulaski Street

Juan Carrion, 6 Oak Street re: Site plan

Bosun's Marine, 205 Newbury Street re: Site plan

Blair Haney, Asst. Director of Planning, Community Development Department re: Special permit memo; 6 Oak Street

JUNK DEALER LICENSE: (Amendment)

Precision Estate Sales, LLC, 26 Howley Street

ENTERTAINMENT LICENSE: (Renewal for 2014)

The Peabody Coffee House, Inc., 59 Walnut Street