

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 26, 2016

PRESENT: COUNCILLORS: MOUTSOULAS, SINEWITZ, WALSH, MANNING-MARTIN, CHAREST, TURCO, GRAVEL, GOULD, AND MCGINN

ABSENT: COUNCILLORS: SASLAW AND GARABEDIAN

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Peter M. McGinn.

Salute to the American Flag.

P356-16 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of May 12, 2016. (Unanimous)

COUNCILLOR MCGINN - 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.

P357-16 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Various Appointments. (Unanimous)

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO SPEAK REGARDING ITEM 7-B)

P358-16 COUNCILLOR GOULD – MOVE TO approve the appointment of Ronald J. Shah, 5 Stuart Road, Peabody, MA, as Local Building Inspector for a one-year term to expire on December 31, 2016. (Carried 9-0; Councillor Saslaw and Councillor Garabedian absent)

(MAYOR BETTENCOURT INTRODUCED ATTORNEY JULIE A. PICARDI TO THE CITY COUNCIL.)

P359-16 COUNCILLOR GOULD – MOVE TO approve the appointment of Julie A. Picardi, Esquire, 22 Benevento Circle, Peabody, MA, to the Board of Appeals (Alternate Member) for a two-year term to expire December 31, 2016. (Carried 9-0; Councillor Saslaw and Councillor Garabedian absent)

P360-16 COUNCILLOR GOULD – MOVE TO approve the appointment of Daniel P. Sencabaugh, 5 Briarwood Avenue, Peabody, MA, to the Board of Appeals for a five-year term to expire on December 31, 2017. (Carried 9-0; Councillor Saslaw and Councillor Garabedian absent)

HEARINGS

P361-16 COUNCILLOR MOUTSOULAS – MOVE TO approve the Junk Dealer License (Renewal for 2016) to Precision Estate Sales, LLC, 26 Howley Street, subject to a restriction that outside sales be held once a month, and subject to all papers being in order. (Unanimous)

The City Council reconvened the recessed public hearing on the Special Permit application from Maria Torres, 79 Aborn Street, Peabody, MA. Ms. Maria Torres appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P362-16 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Maria Torres, 79 Aborn Street, Peabody, MA, for a Special Permit to operate a catering business at 10 Lowell Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which 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 9-0, Councillor Saslaw and Councillor Garabedian absent)

A public hearing was duly held on the Special Permit application from DMC Auto Detail, Inc., 25 Perkins Street, Peabody, MA. Mr. Jonathan Silva appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P363-16 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from DMC Auto Detail, Inc., 25 Perkins Street, Peabody, MA, for a Special Permit to operate an auto detailing business at 23 Upton Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which 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 9-0; Councillor Saslaw and Councillor Garabedian absent)

A public hearing was duly held on the Special Permit application from Cellco Partnership d/b/a Verizon Wireless, c/o McLane Middleton, PA, 900 Elm Street, Manchester, NH. Attorney Christopher Swiniarski appeared to speak on behalf of the application. No one appeared to speak in favor. Ms. Kathleen O'Leary, 34 Coolidge Avenue, Peabody, MA; Mr. John McGinn, 16 Pumping Station Road, Peabody, MA; Ms. Marie Opidee, 10 Pumping Station Road, Peabody, MA; Mr. Ralph Fratus, 20 Myles Road, Peabody, MA; Mr. Jon Swanson, 9 Welcome Street, Peabody, MA; Mr. Craig Masone, 6 Rainbow Circle, Peabody, MA; and Mr. Timothy Hartney, 25 Coolidge Road, Peabody, MA, appeared to speak in opposition.

P364-16 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, late communication Item 1 from Mr. John McGinn, 16 Pumping Station Road, regarding Photographs. (Unanimous)

P365-16 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, late communication Item 2 from Attorney Christopher Swiniarski on behalf of Cellco Partnership d/b/a Verizon Wireless, regarding Special Permit application; 38 Coolidge Avenue. (Unanimous)

P366-16 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 3 from Councillor Jon Turco, regarding Weston Town Crier newspaper article. (Unanimous)

P367-16 COUNCILLOR TURCO – MOVE TO recess the public hearing on the application from Cellco Partnership d/b/a Verizon Wireless, c/o McLane Middleton, PA, 900 Elm Street, Manchester, NH, until Thursday, July 14, 2016. (Carried 9-0; Councillor Saslaw and Councillor Garabedian absent)

P368-16 A public hearing was duly held on the Special Permit application from Jermaine Anderson, 123 Killam Hill Road, Boxford, MA. Mr. Jermaine Anderson appeared to speak on behalf of the application. Ms. Julie Daigle, Business Liaison, appeared to speak on behalf of the City. No one appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in opposition.

P369-16 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 4 from Sharon Cameron, Director, Health & Human Services Department, regarding Special Permit application; 147 Summit Street, Unit 6. (Unanimous)

P370-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 5 from Mr. Jermaine Anderson, 123 Killam Hill Road, Boxford, regarding Photographs; Special Permit application; 147 Summit Street, Unit 6. (Unanimous)

P371-16 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Jermaine Anderson, 123 Killam Hill Road, Boxford, MA, for a Special Permit to hold a kennel license at 147 Summit Street, Unit 6, Peabody, MA, as filed in accordance with Sections 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 conditions:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which 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. No more than 20 dogs to be housed overnight;
2. No more than 50 dogs on the premises at any time;
3. Any time a dog is on the property an employee must be present;
4. Dog waste is to be removed from the property on a weekly basis;
5. The outside dog play area shall be fenced and constructed in a manner as to prevent any person from placing their hand or any object through the fence;
6. Hours of operation shall be Monday through Friday 7:00 a.m. to 6:00 p.m.; Saturday and Sunday 8:00 a.m. to 10:00 a.m. and 3:00 p.m. to 5:00 p.m. or by appointment only;
7. A Kennel License shall be obtained by the applicant through the City Clerk;
8. Any interior areas used to board animals must have floors and walls constructed of impervious and easily cleanable materials and maintained in a sanitary condition;
9. Exterior grounds must be maintained in a sanitary condition;
10. Applicant came must ensure that solid waste is properly stored and disposed of in such a manner as to prevent the attraction of pests and the development of nuisance odors;
11. Applicant must develop written policies and procedures for response to nuisance complaints pertaining to odor and noise;
12. Applicant must develop written policies and procedures for sanitizing kennel boarding areas and equipment and for storing pet food in a manner so as not to attract pests; and
13. Applicant must maintain documentation demonstrating that all animals are properly vaccinated as a condition of enrollment.

(Carried 9-0, Councillor Saslaw and Councillor Garabedian absent)

A public hearing was duly held on the Special Permit application from Farhad & Farid, Inc., c/o Rezzaqul Chowdhury, President, 99 Florence Street, Malden, MA. Attorney Thomas Truax, Mr. Rezzaqul Chowdhury and Mr. Anthony Cogliano appeared to speak on behalf of the application. No one appeared to speak in favor. Mr. Timothy Hartney, 25 Coolidge Avenue, Peabody, MA; Ms. Ann Trainor, 140 Lynnfield Street, Peabody, MA; Mr. Barry Osborne, 3 Calas Circle, Peabody, MA; Mr. Russell Donovan, 12 Quail Road, Peabody, MA; Miss Jalal, 124 Lynnfield Street, Peabody, MA; Ms. Patel, 145A Summit Street, Peabody, MA; and Mr. Patel, 145A Summit Street, Peabody, MA, appeared to speak in opposition.

P372-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 6 from Miss Jalal, 124 Lynnfield Street, regarding Petition to Special Permit application; 139 Lynnfield Street, Unit 100. (Unanimous)

P373-16 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Farhad & Farid, Inc., c/o Rezzaqul Chowdhury, President, 99 Florence Street, Malden, MA, for a Special Permit to operate a convenience store at 139 Lynnfield Street, Unit 100, Peabody, MA, as filed in accordance with Sections 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 conditions:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically, 6.1.2 which 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. Hours of operation shall be from 6:00 a.m. to 10:00 p.m. Monday through Sunday;
2. No deliveries before 7:00 a.m. or after 6:00 p.m.;
3. Shrubs will be placed along the Lynnfield Street property line of 139 Lynnfield Street in an effort to block the headlights of vehicles;
4. No neon signs in the front facing windows along Lynnfield Street with the exception of one "Open" sign;
5. No lit signs on the front facade with the exception of the entry light at the front entrance of the establishment;
6. A minimum of two (2) covered trash barrels located at the front entrance;
7. A "No parking" sign will be placed on Lynnfield Street along the frontage of the store location;
8. There will be no beer, wine or liquor;
9. All signs will be turned off when closed;
10. Deliveries will be made on the restaurant side of the store; and
11. No Keno at this location.

(Carried 9-0; Councillor Saslaw and Councillor Garabedian absent)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS AND RESOLUTIONS

P374-16 COUNCILLOR MOUTSOULAS – MOVE TO advertise for a “No turn on red” sign at the corner of Wallis Street and Tremont Street. (Unanimous)

P375-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-A communication from David Terenzoni, Acting Director, Public Services Department, regarding Council Motion. (Unanimous)

P376-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-B communication from Lisa Young, Director of Land and Environment, Aggregate Industries, regarding 2015 Annual Report correction and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

P377-16 COUNCILLOR CHAREST (Co-motion with Councillor Manning-Martin) – MOVE TO request a handicapped sign for 1 Ethel Avenue, and that an ordinance be drafted and advertised on the same. (Unanimous)

P378-16 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department paint arrows on the ground at the end of the Columbus Road with a white line in the middle. (Unanimous)

P379-16 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, to receive the Special Permit application from Craigpond Properties, LLC, 131-131 ½ Lynnfield Street, Peabody, MA and be referred back to the Building Inspector for further review to determine if the application is properly before the City Council. (Unanimous)

P380-16 COUNCILLOR TURCO – MOVE TO receive and approve the following Block Party, subject to all papers being in order:

Our Lady of Help, 61 Northend Street – August 26, 27, 28, 2016
Laurie Nerich and Julie Moran, Alexandra Street & Travis Terrace – July 3, 2016
(Unanimous)

P381-16 COUNCILLOR GRAVEL (Co-motion with Councillor McGinn) – MOVE TO request that the Public Services Department recommend a solution for the barrel issue at 85 Lynnfield Street and to refer to the Municipal Safety Committee. (Unanimous)

P382-16 COUNCILLOR GRAVEL (Co-motion with Councillor Turco) – MOVE TO request that the Public Services Department remove the two signs on Bartholomew Street across from Orchard Street, which refer to "raised" and "grooved" pavement. (Unanimous)

P383-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-G communication from Karen Sawyer Conard, Director of Community Development, and Albert Talarico, Building Commissioner, regarding Proposed Zoning Amendments, and to refer to the Industrial & Community Development Committee. (Unanimous)

P384-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-H communication from Karen Sawyer Conard, Director of Community Development; Robert Langley, Director of Engineering; and William Paulitz, City Engineer, regarding Complete Streets Policy, and to refer to the Industrial & Community Development Committee. (Unanimous)

P385-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-I communication from Peabody Downtown Action Team regarding Downtown Parking-recommendations for changes to parking, fees, and fines, and to refer to the Industrial & Community Development Committee. (Unanimous)

P386-16 COUNCILLOR GOULD (Co-motion with Councillor Turco) – MOVE TO request that the Park, Recreation & Forest Department provide the City Council with an update on the Brown's Pond tot lot makeover. (Unanimous)

P387-16 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from St. Vasilios Greek Orthodox Church, 5 Paleologos Street, regarding Banner request, subject to all papers being in order. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P388-16 COUNCILLOR CHAREST – MOVE TO receive a communication from His Honor the Mayor regarding MBTA Bus Route Forest Street. (Unanimous)

P389-16 COUNCILLOR SINEWITZ – MOVE TO receive and approve late communication Item 7 from His Honor the Mayor regarding Appointment of Chief Steve Pasdon as Emergency Management Director for a term to expire December 31, 2016. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P390-16 COUNCILLOR GRAVEL – MOVE TO receive a communication from James W. Freeman, Retirement Board Pension Administrator, regarding Local option for Retirement Board Members Stipend and to refer to the Finance Committee. (Unanimous)

P391-16 COUNCILLOR GOULD – MOVE TO receive a communication from Timothy Spanos, City Clerk, regarding Downtown Traffic Control Agreement Ordinance and to refer to the Industrial & Community Development Committee. (Unanimous)

P392-16 COUNCILLOR GRAVEL– MOVE TO receive and approve, a communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit #39-2000, Michael Ramirez, 194 Washington Street, subject to the following conditions, and subject to all papers being in order:

CONDITIONS:

1. Hours of operation shall be Monday through Friday 8:00 a.m. to 7:00 p.m., Saturday 8:00 a.m. to 7:00 p.m., and Sunday 8:00 a.m. to 4:00 p.m.; and
2. All Truck deliveries shall take place at 195 Washington Street.

(Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P393-16 COUNCILLOR GOULD – MOVE TO receive and approve Use of the Wiggin Auditorium – Peabody High School Mock Trial – April 4th and 5th, 2017, subject to all papers being in order. (Unanimous)

P394-16 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2016), subject to all papers being in order:

GameStop, 300 Andover Street
Golden Link, 515 Lowell Street
(Unanimous)

P395-16 COUNCILLOR WALSH – MOVE TO receive and approve Taxi/Limousine Driver License - Michael Annese, License #01, subject to all papers being in order. (Unanimous)

P396-16 COUNCILLOR GRAVEL – MOVE TO receive Entertainment License (New) Azorean Brotherhood of the Divine Holy Ghost, Inc., 20 Howley Street, and to set up a public hearing. (Unanimous)

P397-16 COUNCILLOR WALSH – MOVE TO receive and approve Taxicab License (Transfer) Tri City Services, 55R Walnut Street – License #1, subject to all papers being in order. (Unanimous)

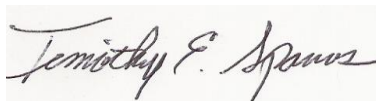
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 3, 2016

RETURNED BY HIS HONOR THE MAYOR, JUNE 3, 2016



ATTEST
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: MBTA Bus Route Forest Street

His Honor the Mayor re: Various Appointments

David Terenzoni, Acting Public Service Director, re: Council Motion

Lisa Young, Director of Land and Environment, Aggregate Industries re: 2015 Annual Report correction

James W. Freeman, Retirement Board Pension Administrator, re: Local option for Retirement Board Members Stipend

Timothy Spanos, City Clerk re: Downtown Traffic Control Agreement Ordinance

Craigpond Properties, LLC, 131-131 ½ Lynnfield Street, re: Special Permit application.

St. Vasilios Greek Orthodox Church, 5 Paleologos Street, re: Banner request.

Karen Sawyer Conard, Director of Community Development and Albert Talarico, Building Commissioner, re: Proposed Zoning Amendments

Karen Sawyer Conard, Director of Community Development, Robert Langley, Director of Engineering and William Paulitz, City Engineer, re: Complete Streets Policy

Peabody Downtown Action Team, re: Downtown Parking-recommendations for changes to parking, fees and fines

Albert Talarico, Building Commissioner, re: Transfer of Special Permit #39-2000, Michael Ramirez, 194 Washington Street

BLOCK PARTY:

Our Lady of Help, 61 Northend Street –August 26, 27, 28, 2016

Laurie Nerich and Julie Moran, Alexandra Street & Travis Terrace –July 3

USE OF THE WIGGIN AUDITORIUM:

Peabody High School Mock Trial – April 4 & 5, 2017

JUNK DEALER LICENSE: (Renewal for 2016)

GameStop, 300 Andover Street

Golden Link, 515 Lowell Street

TAXI/LIMOUSINE DRIVER LICENSE:

Michael Annese, License #01

ENTERTAINMENT LICENSE: (New)

Azorean Brotherhood of the Divine Holy Ghost Inc., 20 Howley Street

TAXICAB LICENSE: (Transfer)

Tri City Services, 55R Walnut Street - License #1